

NYSERDA Round Table Wind Energy – June 15-16, 2009

When I was invited to participate in this Round Table I was asked to present my wind farm siting concerns and recommendations. The only reason I agreed to this panel invitation is that I am very worried about what I see as inadequate wind farm siting oversight on the part of the State.

By way of introduction, my entire professional career before retiring from the position of Regional Director with DEC has been devoted to protecting New York State's environment, and I don't want to see such protections now threatened by uncontrolled wind farm developments. I currently hold Trustee positions with several environmental organizations including the Nature Conservancy. I am an ecologist by profession and support alternative energy initiatives, including wind. At the same time I feel that wind farms should be located in the right places and not the wrong places. Tragically, this is often not what is happening, causing serious environmental threats, especially to some of the State's treasured environmental and unique natural areas. Wind farms sited in the wrong places are also most often at the core of citizen controversy, public outcry and expensive litigation.

Inappropriate siting usually occurs when the State relinquishes lead agency control to local governments, who usually are ill prepared to deal with powerful and well financed developers. Unfortunately this seems to be the accepted State policy. Once lead agency is so delegated there is no assurance that SEQR studies will be properly carried out, or for that matter whether local government will even accept SEQR findings. The only recourse is a costly and very uncertain Art. 78 Court Challenge, uncertain since New York courts favor home rule often at the expense of environmental assessment accuracy. This results in a total breakdown of the entire SEQRA process. Local government lead agency delegation opens a wide door to environmental damages. Then there are the corruption and conflict of interest problems with local officials and wind developers that were recently identified by New York's Attorney General.

State level oversight in the siting of wind farms to minimize adverse environmental impacts is desperately needed. The State is presently facing serious environmental damages unless there is change in the State's lead agency delegation policy. One immediate policy step would be for the State to retain lead agency for wind farm proposals in geographical areas known to be of significant environmental importance. More often wind farm siting issues are not just a local effect. In these cases DEC or the most appropriate State Department should retain lead agency.

It further seems that it would be wise for the State to undertake a statewide inventory to identify environmentally significant areas that should be declared off limits to wind farm development. The Nature Conservancy is currently considering the need for such an inventory. Take the current wind farm proposal for the Town of Cape Vincent on the shore of the St. Lawrence River. If an inventory existed for unsuitable turbine sites across the State, the Cape Vincent site would be quickly listed because of its unique ecological importance. It is important to note that this Coastal Area is one of the most critical

migratory bird corridors in the entire Atlantic flyway, and breeding habitat to several endangered and threatened species.

Such an inventory could be coupled with a temporary wind farm development moratorium, and would apply to those sites deemed environmentally sensitive i.e. coastlines, wilderness and endangered and threatened species areas. The length of such a moratorium would be geared to necessary inventory and environmental assessment time frames. The State of Massachusetts recently passed such moratorium prohibiting wind farm development within 3 miles of the state's coastline to enable the State time to develop a coastline management plan. If Massachusetts can do this, so can New York

I hope these recommended steps and policy changes can be implemented before it's too late. The sad commentary here is that it doesn't have to be this way. With State direction wind farms can still be developed, only developed in the right places. New York has worked too hard and too long to see our critical environmental areas lost because of inadequate State oversight.

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