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Transmitted via email to: wamchair@nyassembly.gov and
financechair@nysenate.gov

January 28, 2022

Re: Testimony for the February 1, 2022 Joint Legislative Budget Hearing for
Environmental Conservation

Dear Joint Legislative Budget Committee,

When my great-great-grandfather, William G. Sears, was discharged from the Civil War he purchased a hundred acres of land in Delanson, New York. He cleared the fields with oxen, built his home and barns by hand and then raised a family on his dairy farm. In the early 1900's his granddaughter, my grandmother Florence Sears Liss, drove the horse drawn cart filled with milk jugs and cheese down Youngs Road every morning to meet the Schenectady train. When she was 18 years old she taught at School House No. 2 located on the northeast corner of the family farm. The school house clock now hangs in the kitchen of our original homestead and the school bell is still used to call us in from the barns.

Rural New Yorkers are hardy folk. Many have been here for generations. We survive by raising strong families, abiding by the weather conditions and living with the land. We rely on those that have been our neighbors and family for as long as we can remember. Five generations of my family have been born and died in this home. I love the land under my feet and as far as my eyes can see.

This is why I am fed up with developers of solar, wind and battery energy facilities who provide underserved volunteer planning boards with erroneous application documentation that misrepresents their projects and the impact on the environment. On the surface their documents appear to be in order, but given due diligence their applications are frequently found to be non-compliant with local zoning ordinances, local energy laws and the State Environmental Quality Review Act ("SEQRA").

Predatory Solar, Wind and Battery Development

Based upon more than two years of attending planning board meetings across New York State it appears that sophisticated deep pocketed international solar and wind

developers think we're a bunch of upstate rubes who will believe any cock and bull story. Some of these developers submit their US Securities and Exchange Commission Form D indicating that they are in the real estate industry, NOT the energy industry. Yet they present themselves to rural boards as experts in the energy industry or specialists in solar development. This may be seen as a misrepresentation of qualifications and it may explain some developer's inaccurate site plans and inadequate decommissioning agreements.

For the past two years I've reviewed solar, wind and battery energy applications that consistently fail to comply with local law. In more than one instance project site plans failed to provide a scale, omitted the nearest house, omitted the north arrow and included an unrelated parcel. Developer's lack of compliance and absence of ethics prevents a full and robust review of energy projects. These half baked plans are a financial drain on underserved planning boards that lack the expertise to review energy projects and may open the door to impropriety and costly legal action.

State Environmental Quality Review Act Enforcement

In one town a solar developer's Full Environmental Assessment Form ("FEAF") Section E.1.b. stated that less than 22,000 sq.ft. of mature growth trees, a habitat for the endangered long eared bat, would be cleared for the 65 acre Projects. This complies with our local solar law. SEQRA began July 2018 and ended June 2019. While SEQRA was in effect satellite images of the proposed Project site show that greater than 10 acres of old growth forest may have been removed. The beginnings of stormwater erosion may be seen. The developer's Archeological Report submitted to the State Office of Parks, Recreation and Historic Preservation reflected trees being cleared and even included photos of stacks of tree trunks waiting to be hauled off site.

SEQRA Law 617.3(a) states that the Project sponsor may not commence alteration to an action until SEQRA has been complied with. When concerned citizens informed the town of logging trucks, reports of clear cutting and provided satellite images the board attorney responded that the property owner was brush hogging.

It appears developers have little concern about complying with state law and that towns may have little concern for enforcing the laws. When I contacted my regional DEC office I was informed that while they write SEQRA they have no authority to enforce SEQRA. To provide robust environmental conservation the taxpayers need methods to report environmental violations to state entities who have the ability to enforce the law. Anything less is a waste of time and money

while it permits developers to disregard environmental conservation. Please give the DEC jurisdiction to enforce SEQRA and help the taxpayers preserve the environment.

Track Number of Acres Removed

In 2021 I submitted Freedom of Information requests to NYSERDA, the Department of Environmental Conservation and to Ag & Markets asking for their records documenting the number of acres of agricultural land, grassland and forest that have been removed for solar, wind and battery projects. This information is captured in the Full Environmental Assessment Form. Developers submit the FEAF document to NYSERDA and the DEC. Depending upon the project the FEAF may also be submitted to Agriculture and Markets. All three agencies informed me that they do not track the number of acres of agricultural land, grassland and forest removed. During a follow-up phone call with the DEC I learned that they have some information, but it is not comprehensive and it is not up to date.

We cannot determine what is gained by constructing land intensive solar, wind and battery energy resources when we don't know how many acres of carbon capturing forest are removed to construct them. Without accurate and transparent information documenting how many acres of agricultural lands, grasslands and forest may be removed within one town, one county or one region to achieve the Administration's clean energy goals we cannot determine the full cost of renewable energy on our environment or our budget. Please give state entities the jurisdiction to track acres of soil, grass and trees removed.

Conclusion

Without enforceable regulations combined with accurate tracking of acres of agricultural land, grassland and forest removed then New York States net zero goal may be nothing more than a tax free transfer of wealth to out of state developers.

Thank you for your time and consideration.

Respectfully,
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