



Board on Electric Generation Siting and the Environment

Rory M. Christian
Chair

Basil Seggos
Mary T. Bassett, MD, MPH
Richard L. Kauffman
Hope Knight
Members

For Immediate Release: 08/09/22

Contact:

James Denn | James.Denn@dps.ny.gov | (518) 474-7080

www.dps.ny.gov/SitingBoard

<https://twitter.com/#!/NYSSitingBoard>

Robert Rosenthal
General Counsel
Michelle L. Phillips
Secretary

22074/17-F-0598

Siting Board Denies Solar Farm Application

Siting Board Determines Project Would Not Comply with Wetlands Requirements

Project in St. Lawrence County Would Have Impacted Threatened and Endangered Species

ALBANY — The New York State Board on Electric Generation Siting and the Environment (Siting Board) today denied approval to North Side Energy Center, LLC (North Side) to build and operate a 180-megawatt solar farm in the towns of Brasher, Massena, and Norfolk in St. Lawrence County. The Siting Board's decision follows a detailed review of the environmental impact the project would have had on the siting area.

"While New York fully and strongly supports and encourages the construction of appropriately sited renewable energy projects, North Side in its application and case failed to adequately address the significant adverse impacts to freshwater wetlands on the site, putting it in conflict with existing Siting Board and Department of Environmental Conservation precedents," **said Siting Board Chair Rory M. Christian.** "Our overall actions-to-date demonstrates our commitment to developing solar. We will continue to focus our energies and resources in developing environmentally compatible and acceptable projects."

Considering the number of renewable energy projects currently under development, the denial of the North Side application will not have an impact New York's unprecedented drive to build renewable energy projects in the State. On June 2, 2022, for example, Governor Kathy Hochul announced that the New York State Energy Research and Development Authority awarded 22 large-scale solar and energy storage projects that will deliver enough clean, affordable energy to power more than 620,000 New York average-sized homes for at least 20 years. As the State's largest land-based renewable energy procurements to date, the projects announced in June will spur over \$2.7 billion in private investment and create over 3,000 short- and long-term jobs across the State.

Those awards accelerate progress to exceed New York's goal to obtain 70 percent of the State's electricity from renewable sources by 2030 on the path to a zero-emission grid by 2040 as required by Climate Leadership and Community Protection Act. The renewable energy project awards announced by Governor Hochul will strengthen the State's current pipeline of renewables to power over 66 percent of New York's electricity from renewable sources.

The North Side project area consisted of approximately 2,235 acres of leased land. The project was to be sited in rural areas in each of the three towns, which is comprised of agricultural and forested land and includes 37 wetland areas and 11 regulated streams. The wetlands total 1,504 acres, or 67 percent — more than two-thirds — of the project area. The project components were proposed to be located on approximately 1,200 to 1,400 acres of the 2,235 acres making up the project area, and were estimated to impact more than 500 acres of wetlands. In addition, seven threatened or endangered species were documented in the project area.

To date, the Siting Board has approved 17 renewable energy projects since 2018. North Side is the first renewable energy project rejected by the Siting Board. Additionally, the recently created New York State Office of Renewable Energy Siting has approved five renewable energy projects to date. North Side was expected to begin commercial operation in the fourth quarter of 2023.

After a thorough and complete review of the project and its impacts, the Siting Board denied the application because the adverse environmental impacts associated with construction and operation of the project, specifically impacts to wetlands and threatened and endangered species, have not been minimized or avoided to the maximum extent practicable, as required by law. In addition, the project developer was unable to demonstrate it would comply with applicable State environmental laws related to wetlands and threatened and endangered species.

It's important to note that significant efforts by State agency parties were made throughout the review process to have the developer change the project to reduce the impacts on wetlands and endangered species, including by reducing the size of the project. The developer can seek rehearing and appeal the Siting Board's decision or file a new application.

The presence of several threatened and endangered species, as well as species of special concern in the project area, is not disputed by North Side. The species observed on the site include:

- **Endangered:** Short-Eared owls and Golden Eagles;
- **Threatened:** Blanding's Turtles, Northern Harriers, Sedge Wrens, Upland Sandpipers, and Bald Eagles;
- **Species of Special Concern:** Vesper Sparrows, Grasshopper Sparrows.

North Side's formal application to the Siting Board was deemed compliant July 9, 2021. The 24 parties to the proceeding included several State agencies, the three local municipalities, St. Lawrence County, as well as labor groups. The Siting Board held on-the-record virtual public statement hearings and compiled an extensive evidentiary record containing expert and factual testimony.

New York State's Nation-Leading Climate Plan

New York State's nation-leading climate agenda is the most aggressive climate and clean energy initiative in the nation, calling for an orderly and just transition to clean energy that creates jobs and continues fostering a green economy as New York State recovers from the COVID-19 pandemic. Enshrined into law through the Climate Leadership and Community Protection Act, New York is on a path to achieve its mandated goal of a zero-emission electricity sector by 2040, including 70 percent renewable energy generation by 2030, and to reach economy wide carbon neutrality. It builds on New York's unprecedented investments to ramp-up clean energy including over \$35 billion in 120 large-scale renewable and transmission projects across the state, \$6.8 billion to reduce buildings emissions, \$1.8 billion to scale up solar, more than \$1 billion for clean transportation initiatives, and over \$1.6 billion in NY Green Bank commitments. Combined, these investments are supporting nearly 158,000 jobs in New York's clean energy sector in 2020, a 2,100 percent growth in the distributed

solar sector since 2011 and a commitment to develop 9,000 megawatts of offshore wind by 2035. Under the Climate Act, New York will build on this progress and reduce greenhouse gas emissions by 85 percent from 1990 levels by 2050, while ensuring that at least 35 percent with a goal of 40 percent of the benefits of clean energy investments are directed to disadvantaged communities, and advance progress towards the state's 2025 energy efficiency target of reducing on-site energy consumption by 185 trillion BTUs of end-use energy savings.

Today's decision may be obtained by going to the Documents section at www.dps.ny.gov and entering Case Number 17-F-0598 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Documents may also be obtained from the Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.