July 24, 2020

VIA ELECTRONIC DELIVERY

Honorable Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Comments Regarding the Draft Supplemental Generic Environmental Impact Statement for the Climate Leadership and Community Protection Act

Dear Secretary Phillips:


I. Background

The Climate Leadership and Community Protection Act (“CLCPA”), passed by the Legislature and signed by Governor Andrew M. Cuomo in 2019, increased the State’s clean energy mandate from 50% renewable electricity to 70% renewable electricity by 2030 (the “70 by 30” mandate); increases the offshore wind deployment mandate from 2,400 MW by 2030 to 9,000 MW by 2035; and increases the distributed solar energy mandate from 3,000 MW by 2023 to 6,000 MW by 2025. The CLCPA complements a number of New York State policies over the past several years that
have established goals aimed at substantially increasing the use of renewable energy and reducing greenhouse gas (GHG) emissions,\(^1\) especially from the electricity sector.

ACE NY and NYOWA strongly support the CLCPA and are committed to assisting the State in developing the policy strategies to achieve its mandates.

The SGEIS evaluates the environmental impacts associated with the incremental resources needed to comply with the CLCPA and builds upon and incorporates by reference relevant material from four prior Environmental Impact Statements. ACE NY and NYOWA agree that a Supplemental Generic Environmental Impact Statement (SGEIS) is the proper mechanism for examining the potential impacts of implementation of the CLCPA and this SGEIS properly focuses on the incremental impact of achieving seventy percent renewable electricity generation by 2030 vs. the previous target established by the Clean Energy Standard of fifty percent by 2030.

As a foundational matter, it makes sense that this SGEIS builds upon the 2016 SEIS that analyzed New York’s achievement of the 50% renewable electricity goal, the 2018 GEIS regarding the goal of deploying 2,400 MW of offshore wind to contribute to the 50% renewable electricity goal; and the 2020 SGEIS regarding additional offshore wind deployment conducted in response to NYSERDA’s 2020 petition, as well as earlier analyses regarding New York’s Reforming the Energy Vision initiative and establishment of the Clean Energy Fund. We recognize and support that this SGEIS is an addition to New York’s robust body of work developed in response to the State Environmental Quality Review Act (SEQRA) requirements described in the Executive Summary as “prior SEQRA analyses.”

We also support that the scope of this SGEIS includes additional increments of offshore wind, utility scale solar, and distributed solar to correspond to the elements of the CLCPA.

We find that the SGEIS largely aligns with the existing policy framework for achieving renewable electricity mandates as well as the proposed framework for achieving the incremental renewable energy that is required by the CLCPA, as proposed in the *White Paper on Clean Energy Standard Procurements to Implement New York’s Climate Leadership and Community Protection Act* and

---

\(^1\) Draft Supplemental Environmental Impact Statement, Prepared by the NYS Department of Public Service, June 11, 2020, page v.
its Appendix A – Cost Analysis, filed June 18, 2020 in Case 15-E-0302. However, absent from the analysis is an examination of the potential impacts of the proposed Tier 4, which represents a new policy structure for deploying renewable electricity directly to New York City. The SGEIS states “[t]he amount of hydropower imported from sources in Canada is not anticipated to increase significantly under the Proposed Action. Resource areas impacted by hydropower are not anticipated to experience a potentially significant adverse effect from the change in type or scale of impacts associated with the 70 by 30 goal and, therefore, are not analyzed further in this SGEIS.”

This conclusion may no longer hold true in light of the recent proposal by the Public Service Commission (“PSC”) and the New York State Energy and Development Authority (“NYSERDA”) to establish a new Tier 4 for renewable energy delivered into New York City. As proposed, the new Tier 4 would most likely support and incentivize delivery of Canadian hydropower into New York City (i.e. the New York Independent System Operator’s Zone J). While the proposal is proposed at a size of 3,000 megawatts (“MW”), it is unknown what that may mean in terms of additional imported energy from jurisdictions surrounding New York, whether Canada or our neighboring states. This new aspect of the Clean Energy Standard may or may not have significant environmental impacts or economic consequences. Consequently, the SGEIS should address the new proposed Tier 4 and examine the potential impacts associated with its implementation, including potential increase in the importation of Canadian hydropower or other potential impacts.

Thank you for the opportunity to comment on the Draft Supplemental Generic Environmental Impact Statement for the Climate Leadership and Community Protection Act, filed with the Commission in this proceeding on June 11, 2020.

Regards,

Joe Martens, Director, New York Offshore Wind Alliance
Anne Reynolds, Executive Director, Alliance for Clean Energy New York

---

2 Ibid, page 1-11