

**Wind Power & SEQR**

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**SEQR**

- Only game in town
- Review process not a permit
- Need for a discretionary permit is the trigger
- Possible Triggers
  - Zoning or site plan approval
  - Environmental permits from DEC
  - Funding from state agency/authority
  - Funding from local authority

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## Selecting a Lead Agency

- **Candidates for the lead agency role**
  - Local Municipal Agencies
  - Industrial Development Agency
  - DEC
  - NYSERDA
  - DPS
  - DOT

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## Interested Agencies

- Local & County Agencies
- AG & Markets
- State Office Parks & Recreation
- Dept. of Public Service
- Adirondack Park Agency
- Dept. of State – Coastal Zone
- Independent System Operator
- US Fish & Wildlife Service
- Corps of Engineers
- Federal Aviation Administration

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## Being the Lead Agency

- **Lead the environmental review**
  - Determine significance
  - Scoping
  - Adequacy of draft EIS
  - Set public comment period
  - Determine need for a public hearing

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### Choosing the Lead Agency?

- Need a discretionary permit/approval
- Selected by agreement
- Local land use decision
- SEQR does not change the jurisdiction between agencies
- Consider an inter-municipal agreement

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### Being an Involved Agency

- Review draft EIS and submit comments
- Participate in Scoping
- Participate at hearing on draft EIS
- Review final EIS

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### Determining Significance

- Type I or Unlisted?
- EIS or Negative Declaration?
  - Expanded EAF's
  - Need studies to support determination
- Consult with involved agencies, interested agencies & local groups
- Need to consider all aspects of the project to avoid segmentation
- Recommend EIS except for small projects

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## Scoping the Draft EIS

- Optional but strongly encourage
- Allows all parties opportunity for input
- Circulate draft scope and hold a public meeting
- Avoid the “Wimpy” syndrome – “I’ll gladly pay you Thursday...”

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## Local Issues in Wind Development

- Zoning
- Setbacks
- Visual
- Noise
- Aviation lighting
- Property Values
- Community Character
- Jobs
- Agriculture / Open Space
- Shadow flicker
- Ice Throw
- EMF
- Stray Voltage
- Adequacy of roads/bridges
- Decommissioning
- Tax revenues
- Emergency Services
- Cumulative impact

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## State Issues for Wind Development

- Wetlands
- Stream Protection
- Habitat loss
- Stormwater
- Visual Impact
- Agriculture / Open Space
- Birds & Bats
- Habitat fragmentation
- Pre-construction data collection
- Post construction data collection
- Historic & archaeological resources

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## EIS Preparation & Acceptance

- Applicant prepares draft for Lead Agency review
- Consult with resource agencies & local experts
- Goal is adequate not perfect
- If not adequate must identify, in writing, the areas where deficient

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## Review of Draft EIS

- 30 day minimum - recommend 45+
- Public Hearing - optional under SEQR
- Looking for substantive issues
- Not a plebiscite

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## Alternatives & Mitigation

- Goal is to avoid or reduce impacts
- Asking company to look at a site in next county probably not reasonable
- Reduction in number of turbines may be reasonable
- Relocation of turbines may be reasonable

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### Final EIS

- Usually prepared by applicant & submitted to Lead Agency for review
- Final EIS becomes the Lead Agency's document
- Respond to substantive comments and make changes to draft EIS

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### SEQR Findings

- Lead agency and each involved agency make their own findings
- Don't have to agree
- Primarily based on jurisdiction
- Establish siting criteria & performance standards
- Not an "all or nothing" decision but must be based on the record

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### Tips for Success

- Avoid co-lead agencies
- Avoid breaking projects along political boundaries
- Find an experienced consultant
- "Gut Feeling" not sufficient
- Conduct an open process

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## The Web

- Good information & bad information available
- Always consider the source
- Look for sites that are hosted by government agencies & universities
- See NYSERDA Toolkit for more information

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## For More Information

- Websites
  - NYSERDA <http://www.powernaturally.org/>
  - NYS Wind Map <http://truewind.teamcamelot.com/NY/start.html>
  - National Wind Coordinating Committee <http://www.nationalwind.org/>
  - National Wind Technology Center <http://www.nrel.gov/wind/>

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## For More Information

- Dept. of State <http://www.dos.state.ny.us>
- DEC SEQR information <http://www.dec.state.ny.us/website/dcs/seqr/>
- Agriculture & Markets <http://www.agmkt.state.ny.us/AP/agservices/constructWind.html>

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