

**July 19, 2021**

**Via Electronic Mail**

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

The Sierra Club, Riverkeeper, Project Drawdown, 350Brooklyn, 350 NYC, the PEAK Coalition, WE ACT for Environmental Justice, Peoples Climate Movement- New York, Adirondack Council, New York Communities for Change, New York Energy Democracy Alliance, Sane Energy Project, Environmental Advocates NY, and Food and Water Watch offer the following comments regarding the Tier 4 Step Two Bid Awards.

With the recent passage of the Accelerated Renewable Energy Growth and Community Benefit Act (Accelerated Renewables Act), and the new Office of Renewable Energy Siting (ORES), barriers that have stifled in-state renewable development are coming down. The impact of these developments is demonstrated by the recent ORES permitting of two large-scale solar projects, Morris Ridge Solar and Riverhead Solar and the election of numerous projects to opt into the new ORES siting process.

New York's Tier 4 solicitation provides an opportunity to connect this new renewable generation to the areas of the State that need it most. Increasing the renewable energy deliverable into the New York City area, where many of the state's oldest and dirtiest generating units are located in dense, high-load areas, is critical to ensure that those units can be retired to protect public health and stay on track for the state's 70% clean electricity by 2030 goal.

We are heartened by the overwhelming competitive response to New York's Tier 4 solicitation from developers and wish to share the following principles that environmental and climate justice advocates would like to see prioritized in awarding projects in Tier 4.

**Prioritizing economic and job-creation benefits for New York and New Yorkers:**

We encourage New York to support projects that transmit *in-state* renewables into Zone J in order to maximize economic benefits to New York State.

**Upholding high-road labor standards:**

New local renewable energy projects must include labor standards such as project labor agreements and community workforce agreements, prevailing wage, labor peace agreements, apprenticeship programs and local hire guidelines to guarantee good, union, career-track jobs for local community members. We urge NYSERDA to recognize the multiple co-benefits of awarding projects that include these standards. This represents an opportunity for robust economic and workforce development across the state.

**Care for New York's Environment:**

All of the Tier 4 proposals utilize crossings of major waterways like the Hudson River. Given the historic contamination of many of New York's rivers and the possibility of the resuspension of legacy pollutants, in lieu of long term clean-up efforts, New York state should select projects that minimize water crossings where possible. It is especially important to prioritize projects that avoid using long stretches of river bottom as cable right-of-ways to avoid harm to sensitive habitats and endangered species. Ideally, the state should select transmission routes that take advantage of existing right-of-ways that avoid major disturbance to wetlands, headwater streams and other critical habitats. If using existing right-of-ways are not practicable and water crossings are unavoidable, the state should mandate that transmission developers use horizontal directional drilling to mitigate harm.

**Attention to the rights of Indigenous Peoples, domestically and abroad:**

New York State should prioritize bids that do not involve generation and/or transmission resources whose past or present development is the subject of ongoing contestation by any Indigenous nations. Where such resources exist in Canada, New York should give similar consideration to Canadian First Nations. In keeping with the UN Declaration on the Rights of Indigenous Peoples, consideration of First Nations/Native American concerns should not homogenize these peoples, and stated opposition by any First Nation/Native American Nation should be overcome before projects are awarded.

**Prioritizing interconnection that will facilitate the retirement of fossil fuel fired resources in Zone J:**

Awarded projects should be interconnected into Zone J in locations that enable accelerated retirement of existing fossil fuel generation or obviate the need for new fossil fuel generation. Environmental justice communities have developed historical health disparities and vulnerabilities from air pollution from fossil-fuel energy infrastructure such as peaker plants, which are disproportionately sited in environmental justice communities. Peaker plants are a prime example of how low-income communities and communities of color bear the brunt of a host of energy and industrial infrastructure that poses significant public health and environmental hazards. Peaker plants often operate on days when air quality is already poor, exacerbating the impact of their harmful emissions. For years, many grassroots organizations have fought the siting and re-permitting of these polluting peakers. Replacing peaker plants with renewable and clean energy alternatives offers a major opportunity to improve public health in New York City. It is also a critical first step to achieving New York State's newly mandated zero-emissions electricity sector by 2040 under the New York State Climate Leadership and Community Protection Act.

**Maximizing awarded projects that adhere to the above principles:**

Sierra Club and (partners) support awarding multiple projects to maximize megawatt hours of renewable energy and megawatts of renewable transmission capacity. This will help deconstruct the tale of two grids that has long been a problem in New York, provide significant greenhouse gas emission reduction benefits, improve air quality as fracked gas and oil generating units in

New York can be retired, and spur economic growth across New York. Additionally, increasing the interconnection of Zones J & K with the rest of New York State will increase the resiliency and flexibility of the grid to take advantage of the imminent increase in offshore wind generation downstate, and to increase grid reliability.

We appreciate the opportunity to share the above principles to ensure that Tier 4 projects play a vital role in enhancing environmental justice, economic development, public health, and greenhouse gas emissions reductions.

CC: NYSERDA and NYPSC

Thank you for your consideration,

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