

NYS Legislature Budget Hearings

RE: Comment: Reject Budget changes to the Real Property Tax Law 487 and Section 575-b

February 15, 2023

Dear New York State Legislature,

Please accept my comments for the Local Government portion of the New York State Joint Legislative Budget Hearing. I submit this comment, asking the legislature to reject changes proposed in the governor's budget (Real Property Tax Law 487 and Section 575-b): These are not in the interest of local municipalities and their residents.

Many of the new laws enacted over the past few years pertaining to the streamlining of the siting process of large-scale renewable energy projects, have had a detrimental impact on towns across the state. Accelerated siting has served to erode the protection of local home rule authority and has undermined SEQRA in order to site industrial solar and wind projects.

The Climate Justice Working Group established under CLCPA frequently discusses disadvantaged communities but no one in this group seems concerned to represent rural New York. Without direct, participatory knowledge of these communities, CJWG will do more harm than good. Upstate New York has already substantially decarbonized, enjoying 90% zero-emissions energy, thanks to the St. Lawrence and Niagara hydro and the nuclear power plants on Lake Ontario. Yet New York's rural areas are being obliged to power the downstate region as well, and put at the mercy of ORES and unscrupulous developers seeking cheap land, big incentives, and little regulatory oversight.

As you know, there are few permanent jobs on solar and wind farms. After temporary construction work is completed, solar installations may support one job per thousand acres, and wind facilities even fewer. The proposed Alle-Catt project in western New York occupies 30,000 acres and will support 13 permanent jobs. These projects sacrifice farmland, fragment wildlife habitat, last about 20 years, and generate nothing most of the time. Alle-Catt may have a capacity factor of 25%, meaning, on average, it will generate about 86 megaWatts.

For grid-scale projects such as those sited under Article 10 and Section 94-c, PILOT payments don't make up for the environmental and economic damage. The state has acknowledged that these massive projects will not in themselves decarbonize the downstate region: further substantial investments in transmission infrastructure, storage, and a reliance on dispatchable backup capacity--- i.e., more gas power plants – will be needed.

No large economy is powered by solar and wind. We don't need HG Wells's time machine or Madame Sosostri's crystal ball to learn what happens if we follow Governor

Hochul's and the Climate Action Council's energy plans. California ran this experiment twenty years ago. California shut down its San Onofre nuclear plant and has spent billions to develop what amounts, relatively, to six times New York's solar and wind capacity. California boasts Moss Landing, the largest lithium-ion battery in the world. And the sun shines on California twice as much as it does on New York: we need to install two solar panels for every one deployed there. California has desert on which to site solar installations while New York must cover its green fields and farmland with glass, silicon, and aluminum. But even so, California has been unable to significantly cut fossil-fuel combustion. With a waiver from the EPA, California is building new gas plants. Pacific Electric and Gas customers pay about 80% more per kilowatt-hour than the national average, according to the energy institute at UC Berkeley. California imports coal-fired electricity from Utah and Wyoming and the lights go out in California when those neighbors don't deliver. Apparently, looking at energy import projections in the state's scoping plan, and the fact that CHPE is not obliged to send energy when Canada needs it, this is also where New York is headed.

The solar and wind energy system appraisal models that New York State is currently using already discount the value of the real property improvements that are made within towns when large-scale solar and wind projects are constructed. This discounted tax assessment model puts local municipalities at a disadvantage. Governor Hochul's budget proposal would give the Office of Real Property Tax Services' (ORPTS) the sole voice in determining how large-scale renewable energy projects will be assessed, as it takes away the ability for local authority to value real property, in such cases. Already, state law undermines local authority and thorough environmental review through accelerated siting, 94-c. This proposal appears to be an egregious attempt at further government overreach.

In particular, (see page 70) proposed legislation from the Governor would impact the assessment models, costing municipalities a good deal of tax revenue and, in turn, increasing out-of-state developer interest in building such facilities in New York. This proposal appears to backdate the new subdivision 1-a and the addition of "appraisal models" and "discount rates" to the list of items already exempt from rulemaking processes. This legislation seems to remove these items from possible litigation under SAPA (the State Administrative Procedures Act). By backdating the effective date of the legislation, this would appear to be an attempt to legislatively conclude the lawsuits brought by several Towns in Schoharie County in 2022 by excluding these items from SAPA.

The residents of upstate New York are a vulnerable population with, apparently, few in Albany willing to stand up for them. Still, I ask that the governor's proposed revision in industrial solar and wind assessment is rejected.

Thank you for your consideration.

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