



**Office of Renewable
Energy Siting**

Executive Law 94-c Process Overview

2023 Hudson River Symposium

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Climate Leadership and Community Protection Act (CLCPA)

- Enacted on June 18, 2019, New York's Climate Leadership and Community Protection Act (CLCPA) establishes requirements and objectives for the advancement of renewable energy technology in New York State to combat climate change:
 - Minimum of 70% of Statewide electrical generation be produced by renewable systems by 2030;
 - Statewide electrical demand system will generate zero emissions by 2040;
 - Procurement of at least nine gigawatts of offshore wind electricity generation by 2035, six gigawatts of solar photovoltaic generation by 2035, and support of three gigawatts of statewide energy storage capacity by 2030 (currently).

Accelerated Renewable Energy Growth and Community Benefit Act

- Enacted on April 3, 2020, the Accelerated Renewable Energy Growth and Community Benefit Act supports the State's ambitious climate, energy, and environmental justice goals in the CLCPA.
- Establishes first-of-its-kind Office of Renewable Energy Siting with a new renewable energy permitting framework at Executive Law § 94-c which:
 - Consolidates the environmental review and siting of all large-scale renewable energy projects.
 - Provides a single forum to ensure that siting decisions are predictable, responsible, and delivered in a timely manner, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors, and providing opportunities for input from local communities.



Eligible Facilities Under Executive Law § 94-c

- Any renewable energy system with a nameplate generating capacity of 25 megawatts or more including:
 - Co-located battery energy storage system
 - Electric transmission facilities less than 10 miles in length
- Any renewable energy system with a nameplate generating capacity of at least 20 megawatts but less than 25 megawatts may “opt-in.”
- Any existing project applications meeting the above thresholds in the initial stages of the Article 10 review process may elect to transfer into Executive Law § 94-c.



Application Review Process / Timeframes

- Determine application completeness / incompleteness (60 days)
- Issue draft siting permit or notice of intent to deny for public comment (60 days following completeness determination)
- Provide public comment period on draft siting permit or notice of intent to deny (minimum 60 days from issuance of draft siting permit or notice of intent to deny)
- Mandatory public comment hearing on draft siting permit or notice of intent to deny (at least 60 days after issuance of draft siting permit or notice of intent to deny)



Application Review Process / Timeframes Continued

- Issues Determination Procedure – Municipal Statement(s) of Compliance With Local Laws and Regulations; Applicant’s Statement of Issues; Petitions for Party Status by Host Municipalities and Community Intervenors; Applicant’s and Staff’s Responsive Brief (15 days)
- Adjudicatory Hearing – on Substantive and Significant fact issues (if required, as determined by ALJ)
- Issue Final Decision on Permit
 - Decision to approve or deny required within one year of date of application completeness (not filing)
 - Shorter (6-month) period for repurposed sites



ORES Regulations at 19 NYCRR Part 900

Regulations became effective on March 3, 2021, within one year as required by Executive Law § 94-c(3)(b) and (g).

- Mandatory pre-application procedures (19 NYCRR 900-1.3)
- Application requirements and review procedures, including for application completeness review and local agency and intervenor funding (19 NYCRR subparts 900-2, 900-4 and 900-5)
- Uniform Standards and Conditions (19 NYCRR subpart 900-6)
- Adjudicatory hearing procedures for substantive and significant issues (19 NYCRR subpart 900-8)
- Pre-construction and post-construction compliance requirements (19 NYCRR subpart 900-10)
- Enforcement provisions (19 NYCRR subpart 900-12)

Pre-Application Procedures (§ 900-1.3)

- Consultation with Local Agencies § 900-1.3(a)
- Meeting with Community Members § 900-1.3(b)
- Wetland Delineation § 900-1.3(e)
- Water Resources and Aquatic Ecology § 900-1.3(f)
- NYS Threatened or Endangered Species § 900-1.3(g)
- Archaeological Resources Consultation § 900-1.3(h)



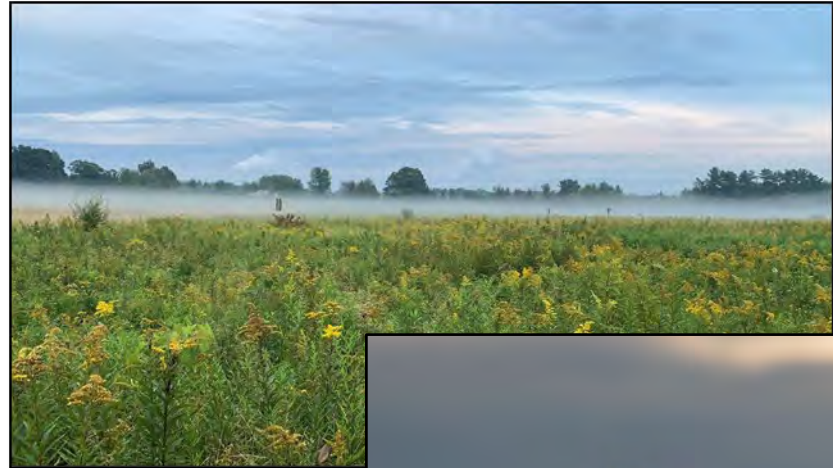
Pre-Application Procedures: Wetland and Stream Delineation Timeline § 900-1.3(e) and(f)

- Wetland and Stream delineation
 - Federal, State and locally regulated wetlands on the facility site and within one hundred (100) feet of areas to be disturbed by construction
- Wetland and Stream Delineation Report submitted to Office & NYSDEC
 - Site visit conducted by the Office to assess wetland/stream boundaries
- Jurisdictional Determination (within 60 days of Wetland and Stream Delineation Report)



Pre-Application Procedures: Threatened and Endangered Species Timeline § 900-1.3(g)

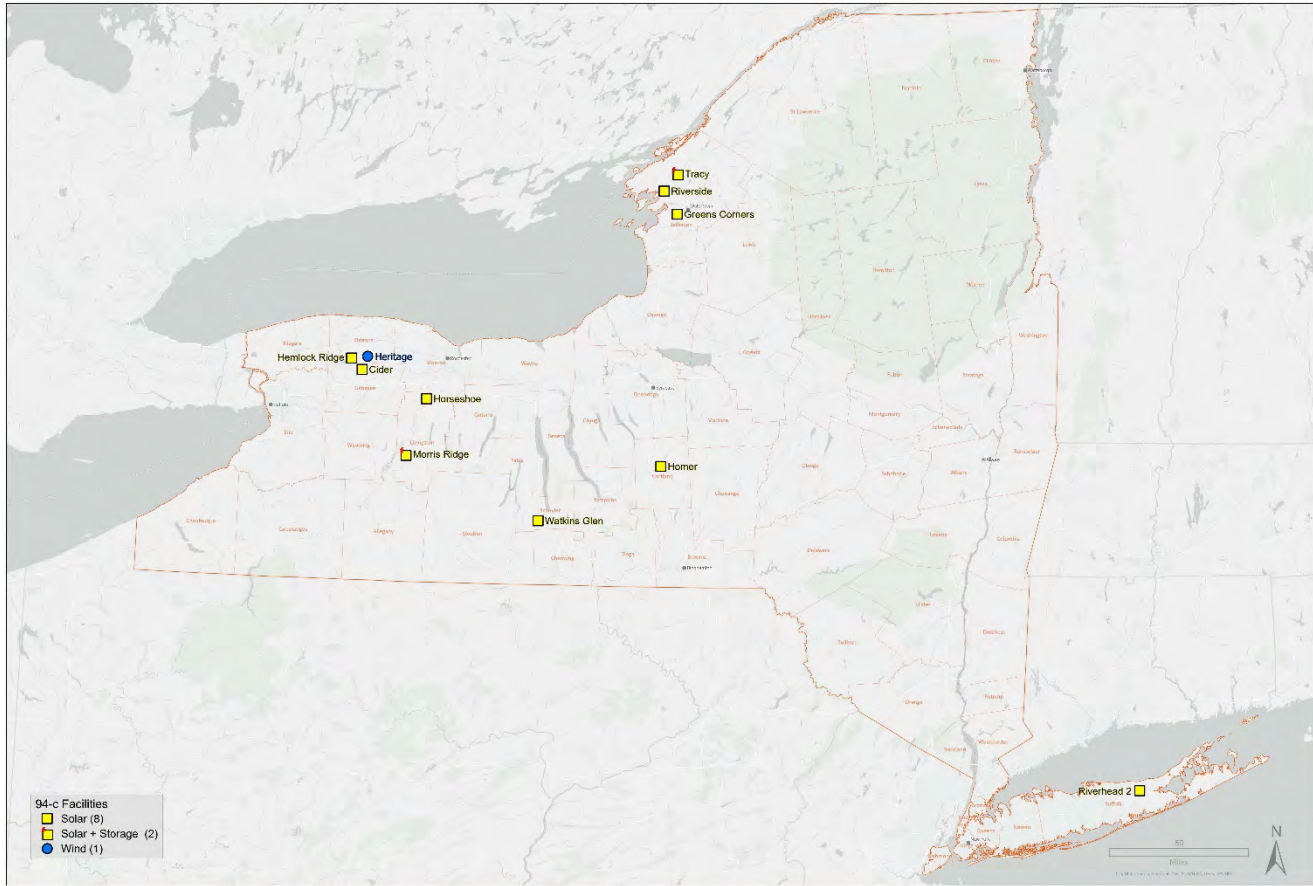
- Wildlife Site Characterization Report (meet 4 weeks after receipt)
 - Habitat Assessments and/or surveys (completed in the appropriate season windows within 1 year)
- Survey reports (within 6 weeks of completion of each survey)
 - ETS sighting memo (within 3 weeks of the completion of each survey)



Pre-Application Procedures: Threatened and Endangered Species Timeline § 900-1.3(g)

- Agencies review survey results (within 30 days of receipt of all survey reports)
- Occupied Habitat Take Conference (within 30 days of receipt of current facility design)
- Jurisdictional Determination Letter (within 30 days of Take Conference)





94-c Facilities - Permitted as of 04/15/2023

ORES – Update and Results

- Met or exceeded all statutory timeframes.
- Issued 11 siting permits (totaling nearly 1.8 gigawatts) since 2021:
 - Majority of these permits were issued around six months of applications being deemed complete. This marks the most rapid pace of renewable energy project approvals in State history.
 - ORES’s decisions for these facilities followed a detailed and transparent review process with robust public participation to ensure the proposed project meets or exceeds the requirements of Executive Law § 94-c and its implementing regulations.
 - In the majority of these permit applications, host municipalities, applicants and ORES Staff often work collaboratively to find solutions and address disputes amicably.
 - ORES expects to see a greater number of projects mature into full siting permit applications in the coming years.

Thank You

- For additional questions, please contact us at: General@ores.ny.gov
- <https://ores.ny.gov/>

