NEW YORK
STATE
SENATE
ALBANY, NEW YORK 12247

April 2, 2026

Hon. Zeryai Hagos
Executive Director
New York State Office of Renewable Energy Siting and Electric Transmission (ORES)
1220 Washington Ave
Albany, NY 12242

CC: Michelle Phillips, Secretary to the Public Service Commission

Re: Request for Information Concerning Renewable Energy Development on Protected Lands

Dear Director Hagos:

We welcome this opportunity to follow up on a recent request from our colleagues in the Assembly Republican conference, as well as on behalf of residents, local governments, and environmental stakeholders throughout the regions we represent and across the state, to raise similar concerns regarding project approvals that appear to conflict with established environmental standards, particularly in relation to the siting of solar facilities on productive farmland and development near sensitive wildlife habitats.

We fully agree that these concerns are not isolated and warrant careful review. Consequently, we write to request comprehensive information and clarification regarding renewable energy projects currently under review, pending approval, or anticipated for approval by the New York State Office of Renewable Energy Siting and Electric Transmission (ORES), particularly those with the potential to affect protected lands, environmentally sensitive areas, and regulated agricultural resources across New York State.

Given the breadth of ORES authority, including its ability to supersede determinations made by the New York State Department of Environmental Conservation (DEC) as well as local zoning and land-use laws, it is essential that its actions reflect a high standard of transparency, consistency, and adherence to established environmental protections and home rule doctrines.

To that end, we respectfully request disclosure of all wind, solar, and battery energy storage projects that meet one or more of the following criteria:

- Projects located on, within, or adjacent to wetlands, including those associated with or connected to the Great Lakes basin;
- Projects sited on designated or protected farmland, including lands enrolled in state or federal agricultural preservation programs;
- Projects located in proximity to migratory bird corridors, critical habitats, or other protected wildlife areas where development may impact species protected under state or federal law;
- Projects that, while avoiding direct placement on protected lands, rely on associated infrastructures, such as access roads, substations, transmission lines, or drainage alterations, that may nevertheless adversely affect wetlands, farmland, or wildlife habitats.

In addition, we request the following materials and explanations:

- A complete inventory of all ORES-jurisdiction projects situated on or near wetlands, grasslands, protected lands, agricultural districts, or migratory wildlife areas;
- All applicable criteria, guidance documents, and internal policies used by ORES when evaluating environmental impacts, particularly in cases where DEC recommendations are modified, overridden, or deemed advisory in nature;
- Documentation of any instances in which ORES has approved or is considering approval of projects that are inconsistent with DEC environmental findings or local land-use regulations;
- A detailed explanation of how ORES defines, measures, and evaluates indirect environmental impacts, including those resulting from ancillary infrastructure not physically located on protected lands;
- Documentation of any instances in which ORES has approved a project that did not receive approval or support from the municipality in which it was sited;
- An accounting of how many acres of farmland contain ORES-jurisdiction projects;
- A description of any oversight, review, or accountability mechanisms in place to ensure that ORES decisions align with New York State's environmental protection goals and statutory framework.

Let us be clear: this request is not intended to oppose energy development. New York State must continue to advance innovation and diversify its energy portfolio responsibly. However, these efforts must not come at the expense of the very natural and agricultural resources that our environmental laws are designed to protect, or at the will of the citizens who will live next door to these projects.

Ensuring that renewable energy development proceeds in a manner consistent with environmental stewardship, transparency, and public trust is of paramount importance. We appreciate your prompt attention to this matter and look forward to your response.

Sincerely,

Senator Tom O'Mara
58th District

Robert G. Ortt
Senate Minority Leader
62nd District

Senator Patricia Canzoneri-Fitzpatrick
9th District

Senator Mario Mattera
2nd District

Senator Pam Helming
54th District

Senator Anthony Palumbo
1st District

Senator Mark Walczyk
49th District

Senator George Borrello
57th District

Senator Alexis Weik
8th District

Senator Jake Ashby
43rd District

Senator Dean Murray
3rd District

Senator Joseph Griffo
53rd District

Senator Steve Rhoads
5th District

Senator Patrick Gallivan
60th District

Senator Peter Oberacker
51st District

Senator Daniel G. Stec
45th District