

March 28, 2003

**Via Hand Delivery**

Honorable Janet Hand Deixler  
Secretary  
New York State Public Service Commission  
Three Empire Plaza  
Albany, New York 12233-1350

**Via Electronic Mail Delivery**

Honorable Eleanor Stein  
Administrative Law Judge  
New York State Department of Public Service  
Three Empire State Plaza  
Albany, New York 12233-1350  
Email: eleanor\_stein@dps.state.ny.us

**Re: Case 03-E-0188 - Proceeding on Motion of the Commission Regarding a  
Retail Renewable Portfolio Standard**

Dear Secretary Deixler and Judge Stein:

I write to comment on the above named proceeding on behalf of the Adirondack Council. The Adirondack Council is a privately funded, not-for-profit organization dedicated to protecting and enhancing the natural and human communities of the Adirondack Park through research, education, advocacy, and legal action.

This letter is intended to outline our comments regarding the main issues raised by and associated with this proceeding to the extent that they affect the Adirondack Park and the mission and goals of the Adirondack Council.

The Adirondack Council appreciates that Governor Pataki, during his 2003 State of the State Message, directed the New York State PSC to implement a renewable portfolio standard which will guarantee that within the next ten years at least 25 percent of the electricity bought in New York will come from renewable energy resources. The Adirondack Council applauds the P.C. and the Department of Public Service for instituting this proceeding as a means to accomplish the goal that the Governor has set.

One of the main purposes of this proceeding is to develop and implement a renewable portfolio standard for electric energy in New York State to address an increasing concern with climate effects.

The Adirondack Council supports the responsible use of renewable energy resources as a mean to reduce the effect of climate change on the Adirondack Park, without compromising the Forever Wild character of the Park. Responsible use of renewable resources would be predicated upon avoiding environmental impacts of such use on the Adirondacks. The Park is a special place that should be protected in terms of its ecological integrity and its wild and scenic character.

Our main concern is to preserve and maintain the jurisdiction of the Adirondack Park Agency (APA) with regard to all matters involving the siting of renewable energy facilities in the Adirondack Park. The Agency has jurisdiction over “major public utility uses.” As a result of the expiration of Article 10 of the Public Service Law, the Agency also retains its jurisdiction over all generating facilities located within or partially within the Adirondack Park.

The location of renewable facilities within the State should avoid environmental effects on the Adirondack Park. These include environmental impacts that result from the location and placement of energy infrastructure, transmission lines, and the placement of access roads.

We also would like to comment on the first threshold issue of this proceeding that involves the types of resources that should be considered “renewable” for the purposes of a renewable portfolio standard. The types of resources that would most affect the Adirondacks would be wind, wood, and hydro.

The Park must be protected from the visual impacts of wind facilities located within the Park. The Park also must be protected from visual impact from facilities located outside the Park that can be seen from scenic vista locations within the Park. The placement of wind equipment should minimize bird collisions, by implementing bird-friendly technology, avoiding migration corridors of bird species, and by avoiding Bird Conservation Areas located within the Park.

Wood used for energy production must be obtained only from forests that are managed sustainably and are certified as sustainable forests by independent third parties, using standards and guidelines developed by the Forest Stewardship Council or its equivalent.

Clear-cutting and other inappropriate logging practices can have a devastating effect on forests. Care must be taken that an increase in demand for wood consumption for power generation does not

promote poor forestry practices, such as clear-cutting, large-scale whole-tree chipping operations, or large-scale bio-mass plantations devoted to short-rotation fiber production. Contrary to popular opinion, all of these practices are allowed in the Park but rarely used. Although the Adirondack Park Agency Act includes some minor restrictions on forestry practices, in the year 2000, the APA issued its first permit for major clear-cutting in the Park in almost ten years. The APA does not have adequate data on the extent of intensive timber harvesting activities, including clear-cutting, on sites under 25 acres. We would oppose the use of wood as a resource if its procurement in any way encouraged clear-cutting or other unsustainable intensive harvesting operations in the Adirondack Park.

Water used for hydropower should not result in the placement of additional dams on free-flowing rivers, streams or lakes that are located in the Adirondack Park. Of course, wild, scenic, and recreational rivers must not be dammed. Existing, but unlicensed, hydropower sites located within the Adirondack Park should be reactivated only after a thorough environmental and economic review is conducted, under the auspices of the Federal Energy Regulatory Commission (FERC), and after interested parties participate in a FERC-approved regulatory or settlement process.

Thank you for the opportunity to comment on this matter.

Sincerely,

Radmila P. Miletich  
Legislative Director

cc: John Banta, General Counsel  
Adirondack Park Agency

Bruce Carpenter, Executive Director  
New York Rivers United

David Miller, Executive Director  
Audubon New York

cc: via e-mail to active party list for Case 03-E-0188