

**NYS Senate Minority Conference's Energy Roundtable focused on Solar, Wind and ORES
Onondaga Town Hall September 29th**

Presentation by Janet Glocker

Good afternoon, my name is Janet Glocker. I am grateful to Senators O'Mara and Walczyk for convening this Round Table; I anticipate an important and robust discussion. I also appreciate the opportunity to meet colleagues from Stop Energy Sprawl whom I've previously seen on zoom meetings and at a few SES functions.

I live in the town of Rush, NY. We are the smallest town in Monroe County, just south of Lake Ontario. Rush is south of Rochester and is bordered on our west by the Genesee River. We are primarily rural and agricultural- 19,600 acres of which 50% is farmed. Soils in Rush are characterized as 60% prime farmland, 7.8% prime if drained, 12.5% soils of statewide importance; only 19.6% is not prime farmland,

Our local solar law was intended to support renewable energy by permitting 150 acres for solar development at the request of our small farmers and the town's intent to do our share with respect to climate change. But, our local law has strict regulation as to size, setbacks, processes to protect neighbors and our Seneca heritage.

Horseshoe Solar is planned as a 180MW solar installation on both sides of the Genesee River. Invenergy is the installer, headquartered in Chicago but largely owned by a Canadian pension fund. Horseshoe plans the build 8.4MW (name plate) in Rush. We all know that with Great Lakes cloud coverage and the earth's curvature, were lucky if 20%, or 1.68 MW will be produced. Please remember this number- less than 2MW!

Horseshoe started in Caledonia, across the Genesee River with the POI in Caledonia. Farmers farming both sides of the Genesee invited Horseshoe to come across the River into Rush. So, Horseshoe will occupy about 40 acres of prime farmland in Rush on land owned by mega farmers/land developers who do not live in Rush.

Horseshoe started as an Article 10 proposal but shifted to ORES and was granted a permit on December 9, 2022. During the Article 10 process, when we had NYS Constitutionally protected Home Rule there were substantially more opportunities for entities to question the Invenergy plan, engineers from DPS warned Invenergy about horizontal directional drilling, karst soil, the "swiss cheese, limestone material" that underlies much of Rush. We use springs and wells in the part of Rush near Horseshoe. The attorney for Residents United to Save our Hometown posed the prescient question- what happens with horizontal directional drilling under the Genesee River if Rush residents' wells and springs are affected?

The plan was to drill 7 holes under the Genesee. After hitting an aquifer in early February and having holes fill with water, new holes had to be drilled- a 42.8% failure rate. Six residences, immediately across the river from the drilling site had their springs and well water affected. We are so grateful that Senatore Helming and Assemblywoman Bailey directed ORES representatives to come for a tour and speak with the residents. Huge water totes are still visible.

Presently, ORES is asking Invenergy for a monitoring plan for the HDD holes- are they now water- free? Invenergy asked for and received additional time to present a plan.

Six homes, damaged springs and wells, water totes still visible. Not knowing what is happening underground, now or in the future, would you buy one of these houses? All this for less than 2MW.

There are many sources that record that blue states have higher utility costs than red states. And “affordability” is an issue in the coming election. Both Hochul and Blackman talk about utility rates constantly. The Empire Center lists NY’s energy costs at 30 cents per kilowatt hours compared to the average American who pays \$ 18 cents per kilowatt hour. NYers pay more for electricity than 48 other states; only Hawaii and California residents pay more.

Let’s look at the effect of Horseshoe on the residents of Rush, who skew older in age, many of fixed incomes.

IDAs are supposed to grant subsidies to promote job creation. Monroe County’s IDA, COMIDA, gave Invenergy \$19 million in subsidies. In the COMIDA application, Invenergy wrote “Large scale renewable energy systems are not financially viable absent financial assistance from IDAs. Absent significant assistance on the remaining sales tax cost, real property taxes, and mortgage recording tax, this project is not financially viable.” The proposal already notes that it is exempt from sales taxes on production equipment.

So, follow the money! Because Monroe County will collect less taxes to give this subsidy to Horseshoe, my Monroe County property tax may go up. The subsidy reduces the school taxes paid by Invenergy so my school taxes may go up. The County shares revenue with the town so my town property tax may go up. I simply don’t know what happens to our local volunteer fire district costs but this volunteer fire district will be a first responder if there is an incident in Rush. And, of course, my NYS income taxes have to pay for state activities associated with the CLCPA. And I am paying \$30 cents per kilowatt hour for my electricity.

There are no planned full-time employees associated with Horseshoe Solar in Rush. What was Monroe County’s IDA thinking? All this for less than 2MW?

For centuries, 200 generations of Senecas, my town's first residents, used the Genesee River to travel north and south. They used Honeoye Creek to travel east. Honeoye Creek intersects the Genesee River at a place called Golah. The State Office of Historical Preservation (SHPO) identified the rich, alluvial soils along the Genesee and particularly at Golah as one of western NY's most culturally rich areas. It is quite simply **sacred land**.

Indeed, a bone found there in 2020 during the archaeological evaluation was described by Seneca experts as human; Invenergy's expert identified it as either a bear or a heron bone. SHPO chose to ignore the Seneca expert but the bone was released and buried properly at the Tonawanda Reservation.

Finding human remains at Golah is not new. In the 1960's, 46 human graves were excavated at Golah with the bones and funeral materials now at the Rochester Museum and Science Center. The graves were found between 1.5 and 2 feet deep. Thousands of steel beams will be pounded into the ground to support the solar panels- what will they destroy? Five feet deep trenches will be dug for wires and cables to attach panels to the substation. What human materials will that destroy? Have you ever heard of cemeteries being disturbed in this way before? My Seneca friend noted that Golah is not Forest Lawn with graves neatly lined up. SHPO did not even acknowledge receipt of the archaeological cultural report filed with Article 10 and SHPO.

If you wonder, like I do, how these people can sleep at night, you'll appreciate the illogical pronouncement made by SHPO that because Invenergy agreed not to put panels on the previous site of the Canawaugus Reservation, they had given up enough and so Invenergy could proceed at Golah.

A new substation is potentially to be built at Golah by Niagara Mohawk. But utilities must undergo careful cultural investigations. DPS staff has ordered Niagara Mohawk to consider locating the proposed substation at another site, detail their consultation with the Nations, "provide a step by step narrative explaining how avoidance of human remains could be avoided? How exhumation and reburial would be achieved, how reburial location would be selected."

We do this for substations, but not for solar panels? All this for less than 2MW?

I will conclude by reminding all of us that Invenergy will dump the less than 2MW back into the ground while documenting the Renewable Energy Credits produced so that NYC buildings and companies can avoid minimal retrofits by substituting RECs.

Mr. Kosinski asked us to briefly note what we would discuss if we were to be a part of this Round Table. In the interest of time and deference to the others, I will not opine on state-owned land that could have been used by Invenergy in Rush, or the DEC's consideration of reclassifying solar panels as "universal waste". I called every county in NYS, except the 5

boroughs, to ask about recycling. What about these very extensive permit times? What about the situation at Alle Catt where turbines have been constructed but the builder, Invenergy again, has NOT met the noise conditions? There is so much that is wrong in NYS with the CLCPA, RAPID, the concept of Renewable Energy Zones!