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ELECTRICITY

Local renewable fights threaten 100% clean power — analysts

Miranda Willson, E&E News reporter Published: Wednesday, March 10, 2021

More than 100 cities, counties and states around the country have enacted ordinances restricting renewable energy projects, according to a new report.

The trend — documented in an [analysis](#) from Columbia Law School's Sabin Center for Climate Change Law — could impede ambitions to reach 100% clean power, analysts say.

The ordinances include quotas on the number of permitted wind turbines, height limits on turbines, and outright bans or moratoriums on solar or wind farms, said the [report](#) from the Sabin Center.

Many of the measures are zoning restrictions, such as stringent setbacks that require projects to be sited a certain distance from other properties — limits that ultimately make renewable energy development difficult or impossible, the report said. Some of the laws were crafted to block a particular proposal and succeeded at doing so.

While the report does not discuss whether the measures could hamper President Biden's clean energy plans, local and state opposition could impede his administration's goal of 100% carbon-free electricity nationwide by 2035, said Samantha Gross, director of the energy security and climate initiative at the Brookings Institution, who was not involved in the analysis.

Most analysts say that a massive build-out of solar and wind farms, as well as transmission lines, will be necessary to achieve that 2035 target.

"Given that we are going to have to build a lot of renewable generation and transmission, we need to think about how to get the public onboard — these concerns aren't going to go away on their own," Gross said in an email.

The authors did not make specific recommendations about local ordinances or particular projects. But the states included in the analysis show that resistance from neighbors and local residents to renewable energy proposals is happening nationwide, said Hillary Aidun, a climate law fellow at the Sabin Center and a coordinating editor of the report.

In some — but not all — cases, pro-fossil-fuel groups have started or supported opposition campaigns that led to restrictive new ordinances or project cancellations.

That was the case with the Wind Catcher project, a proposed 2,000-megawatt wind farm in Oklahoma that faced opposition from groups including Americans for Prosperity, a conservative political action committee funded by the Koch brothers, the report said. The multistate project

ultimately did not move forward after the Public Utility Commission of Texas rejected an application from project developer American Electric Power Co., citing risks to ratepayers ([Energywire](#), July 27, 2018).

Those who are in favor of renewable proposals are often less likely to speak out, Aidun said.

"We've found that although local opponents are often well organized and resourced, there are also often people in communities who would welcome renewable energy facilities, either because they're concerned about climate change or are interested in the benefits that renewable energy could bring to local residents," she said.

One ally of renewable energy projects in some states has been farmers. In some cases, farmers have supported projects because of the opportunity to boost their income through leases with project developers, she said.

Aidun has provided legal representation to farmers, community groups and others who support renewable energy projects in their communities through the Renewable Energy Legal Defense Initiative, a joint project of the Sabin Center and the law firm Arnold & Porter.

"We often see this false dichotomy between renewable energy and agriculture, because a lot of these facilities are sited on farmland," she said. "The farmers I work with see this as a way to support them and their family and to support local agriculture."

The New York model

Despite the challenges that can impede large-scale solar or wind projects, the report also identifies policies that can make it easier to build renewable energy.

Last year, for example, New York passed the Accelerated Renewable Energy Growth and Community Benefit Act, which created a new framework to expedite the siting of solar and wind projects, the report said.

The law created the Office of Renewable Energy Siting, which aims to override or challenge local ordinances that are "unreasonably burdensome" in light of the state's clean energy targets and the environmental benefits of projects.

That could be a game changer for building solar, wind and transmission projects, said Cullen Howe, a senior attorney at the Natural Resources Defense Council in New York.

"It seems to me that striking down a law that says, 'You can't have any solar here ever,' would be a law that would likely not withstand," said Howe.

New York's approach has had critics, however. Elected officials and community groups in rural upstate New York, where many projects would be located, have said that large wind farms can be eyesores that negatively affect property values and ecological resources ([Energywire](#), April 3, 2020).

The state's renewable energy goals are also more ambitious than in many other places, with the Empire State aiming to obtain 70% of its electricity from renewable resources by 2030. Nonetheless, New York's siting policy for renewables could serve as a model for states dealing with local restrictions hindering efforts to reach clean energy goals, Howe said.

"The hope is that this new process will speed up the development of these projects, and we'll get them built and interconnected in time for us to meet those very ambitious goals," he said.

Some environmental groups say that the transition to decarbonization should not be limited to utility-scale projects in order to minimize potential conflicts. The Center for Biological Diversity, for example, is focused on moving beyond the "flawed utility-centric paradigm" and supporting acceleration of community solar and energy justice strategies, said Jean Su, the organization's energy justice director.

"Fundamentally, there need not be a conflict between reaching 100% renewables and protecting our lands and communities," Su said in a statement.

While more renewable energy of some kind will be needed to decarbonize the power grid, that doesn't mean local concerns should be ignored, or that solar and wind is appropriate for all locations, said Gross of the Brookings Institution. But her own research on siting challenges has found that local concerns can sometimes be assuaged through consultation with communities and transparency, Gross said.

One solution the Biden administration could consider is to develop renewable energy corridors deemed acceptable for solar and wind and fast-track proposals in those areas, Gross said. That could increase public acceptance of renewables, limit ecological impacts and speed up permitting, she added.

"I hope one of the things we put some work into is thinking about where we want these facilities to go and where we don't," Gross said.