

WHITE PAPER / **NEW YORK STATE RENEWABLE PERMITTING**

STAKEHOLDER MANAGEMENT FACILITATES RENEWABLE PERMITTING PROCESSES

by **Christopher Marshall, PMP**

As the energy policy in New York state pivots from fossil fuels to renewable energy, developers will need to bolster their stakeholder management strategies to advance projects. Taking a robust, collaborative approach to public involvement at the onset of a project's life span can increase prospects for benefiting from a swift permitting process.



Dramatic changes in the New York state energy policy are transitioning the state's economy away from fossil fuels to one powered by renewable energy. A new law enacted in 2019 requires utilities to supply 70% of the state's electricity from renewable sources by 2030. In 2018, just 26.4% came from renewables, according to the nonprofit corporation that runs the state's power grid.

The new law establishes the nation's most aggressive targets for carbon emission reductions and is intended to transform the state's power generation system over the next 30 years. To meet these ambitious goals, the state will need to invest heavily in both wind, solar and battery energy storage.



Despite the currently friendly regulatory environment for renewables, individual developers have faced an uphill battle getting individual projects approved. Proposals for all new or modified New York electric generating facilities of 25 megawatts or greater have required permitting approval through the Article 10 process.

By providing a unified approach to siting, the Article 10 process minimized a developer's need to apply for multiple state and local permits separately. Designed to be transparent and provide opportunities for stakeholder participation, it can also take several years to complete. The 2020-2021 New York state fiscal budget included funding for the Accelerated Renewable Energy Growth and Community Benefit Act, which creates a new Office of Renewable Energy Siting to administer Article 10 applications and expedite the renewable development process. While this will benefit renewable developers in New York state, this new effort does not replace the need for stakeholder outreach.

While the Office of Renewable Energy Siting rules are still being defined, developers can expect more staffing and more uniform criteria, both of which can simplify the process and shorten approval times. The new office

will take input from local entities and other stakeholders before approving any development. The office will also be able to override burdensome local regulations that may conflict with New York's clean energy goals. The result should be a more navigable process that still requires a stakeholder management strategy.

VALUE OF A STAKEHOLDER MANAGEMENT STRATEGY

Many renewable developers lack personal Article 10 experience or the in-house resources to prepare, submit and successfully navigate the regulatory process to obtain the required permits. Developers often look to environmental consultants and attorneys to write and submit applications on their behalf. Regardless of how thorough or complete these applications may be, they must win the hearts and minds of local stakeholders to achieve regulatory approval.

Influenced by Article 10 and increased environmental advocacy, these stakeholders today are more empowered than ever. While most developers recognize the importance of engaging with them, many underestimate how the timing and substance of that engagement can impact the success and speed of permit approvals. To advance their projects,

developers must create and implement a robust stakeholder management strategy that details when, where and how they will solicit feedback and involve stakeholders in the siting and design processes.

Successful engagement and outreach strategies that are tailored to specific projects tend to include multiple stakeholder touch points that allow a wide range of voices the chance to interact with the project team. Otherwise, stakeholders whose ideas about a development differ from the developer’s may become unanticipated opponents. In best-case scenarios, outreach begins as soon as the project is developed and before a location is selected. If stakeholder management waits until the time a project is publicly announced via a regulatory filing, the chance to build a coalition of stakeholders to move a project through the process quickly and efficiently may already be lost.

BENEFITS OF COLLABORATION

Finding supportive stakeholders will likely grow even more challenging as more large-scale renewable generation facilities come online and renewable energy developers face an increasingly limited number of suitable sites available for development. These suitable sites will likely be more expensive to procure.

Consider the large swaths of vacant land adjacent to existing transmission substations, for example. Most of these substations are sited outside the immediate vicinity of dense development. Wind and solar development on the adjacent land would be consistent with the current utility use. These are also obvious interconnection locations.

In these situations, stakeholder management can leave little margin for error. A proactive collaborative approach is likely necessary to overcome obstacles and achieve stakeholder support.

The International Association of Public Participation (IAP2) has identified five objectives of public participation and created a spectrum that reflects the level of stakeholder outreach each requires. Developers should consider using these tactics, even with stakeholders who present themselves as opponents of a project.

LEVEL 1: Inform. Developers understand the importance of informing stakeholders about upcoming projects. At the most basic level of one-way communication, developers can explain the factors leading to a proposed project and its expected outcomes. This level of effort is not

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to see that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to see that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

FIGURE 1: Spectrum of public participation. Source: International Association for Public Participation.

appropriate for many renewable development projects, as stakeholders do not like to be told what project is right for their community.

LEVEL 2: Consult. Most developers also take the next step and solicit stakeholder feedback on their proposal, which they can consider when refining the project. This input can be collected through comment cards at open houses, meetings with municipal leaders and other stakeholders, and feedback hotlines or websites. This approach allows developers to listen to and acknowledge stakeholder concerns and respectfully correct misconceptions, when necessary.

LEVEL 3: Involve. While two-way communication is important, it alone does not always lead to proposals that communities support, much less guide through the regulatory process. Achieving that level of support typically requires greater public involvement. This means interacting with stakeholders on an ongoing basis throughout project development so that their concerns are understood and reflected in the alternatives developed. A developer may work with town supervisors and abutting landowners on the location for access or a way to minimize agricultural impacts as part of a project.

LEVEL 4: Collaborate. True collaboration calls for stakeholders to serve as partners in decision-making. This requires not only giving a community the information necessary to be comfortable with a project and soliciting feedback, but involving the community in the development of alternatives and selection of the preferred choice, to the extent possible.

LEVEL 5: Empower. Empowering stakeholders to make decisions would not be appropriate for many developers given the importance of land acquisition and permitting requirements that will limit the ability to cede the siting process to interested stakeholders.

Developers who have used these stakeholder management strategies and tactics understand that they cannot eliminate all challenges. Stakeholder-preferred alternative locations, for example, may be more difficult to construct or interconnect, and may offer little site control. These and other challenges should be

discussed and documented as part of a collaborative process so regulators can see that no stone has gone unturned. This stakeholder input can also inform project modifications.

Collaborating with community stakeholders also offers benefits. It has the potential to create project advocates that may not otherwise exist. These stakeholders are important, even in states like New York that embrace renewable energy development, because they can help to counter opposition.

Without supportive stakeholders who take ownership of a project, vocal opposition — even from a small minority — can derail a project. Passionate disagreement can cast a shadow on a project and increase public perception that it will negatively impact a community. When a renewable energy committee, municipal leadership or another community group has been active in a project, the group is more likely to advocate for the benefits of these projects in open forums and in the regulatory arena.

THE BOTTOM LINE: BE PREPARED

While the addition of the Renewable Energy Siting office in New York is a positive step for renewable developers, stakeholder outreach remains a critical part of successfully navigating the permitting process. Public engagement is still vitally important to fully vet additions to the electric grid to protect the state, the power grid and municipalities impacted by renewable development. Developers who take a robust, collaborative approach to public involvement at the onset of a project's life span will often realize the benefits of a swift permitting process that helps communities reach renewable goals quicker.

BIOGRAPHY

CHRISTOPHER MARSHALL, PMP, is a section manager for stakeholder management for Burns & McDonnell. In this role, he manages public outreach programs for internal and external real estate, communications, project management, engineering and construction teams on large-scale construction projects. Through his work with impacted stakeholders, he seeks to avoid delays and promote a positive image on projects that might otherwise face significant public opposition.