

Offshore wind farm plans draw criticism

Supervisors, bird groups object to costs, siting work

BY MARK HARRINGTON

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Elements of New York's extensive plan for renewable energy are coming under fire this week, including from conservation groups worried about bird impacts and Long Island supervisors concerned costs will hit downstate ratepayers harder.

In a lawsuit filed in state Supreme Court in Albany on Tuesday, the American Bird Conservancy and 12 other entities filed suit against New York state and its Office of Renewable Energy Siting, among others, charging they failed to comply with the state Environmental Quality Review Act in devising new siting regulations for green-energy projects through the state's Accelerated Renewable Energy Growth and Community Benefit Act.

The groups, in a statement, accused the agency and the state of taking "critical shortcuts" in the environmental and public review process for recently approved and sited projects. It charged that the shortcuts resulted in regula-

tions that provide "far too little protection for at-risk birds."

They said the state act offered protections for "too few wildlife species," while "ignoring" many industry best practices for protecting birds.

The groups said their input during public comment sessions was also "overwhelmingly ignored."

Rich Azzopardi, a spokesman for Gov. Andrew M. Cuomo, said in response to the lawsuit, "Apparently, bureaucracy, red tape and inefficiency will always have its (sic) defenders."

Nathan Stone, a spokesman for the siting agency, said the office is "aware of the litigation and will not comment on it at this time."

The group noted that wind turbines, while providing carbon-free energy, kill more than 500,000 birds in the United States each year, while new transmission lines result in untold bird collisions and electrocutions. The suit seeks a ruling vacating the new regulations and injunctions preventing the siting agency from "taking any actions on applications" under the regulations without first complying with the state law.

Steve Holmer, American Bird Conservancy's vice president for policy, said the new state regulations "need to be improved to ensure bird popula-

tions are not harmed. This is especially important given the loss of nearly 3 billion birds, or almost 30%, from North America's bird populations over the past 50 years."

Meanwhile, 10 Suffolk town supervisors have written a letter to the state Public Service Commission taking issue with a March PSC ruling that proposed that downstate ratepayers cover 75% of the cost for needed infrastructure for offshore wind be borne by downstate utilities and their customers.

"Offshore wind infrastructure projects will benefit residents and businesses across New York state," the supervisors noted. They said they "strongly oppose any decision that places the majority of the burden on our residents and urge the commission to reconsider the methodology used to divide the cost of such initiatives."

LIPA and Con Edison have filed objections to the state's proposed cost-sharing plan. The PSC granted their request for a delay in a final decision on the proposal.

On Tuesday, the Association for a Better Long Island and the Long Island Builders Institute wrote to the PSC saying the proposed rule "unfairly burdens" downstate ratepayers.

"Surely it was not the intent of [the] state Climate Leadership



An offshore wind array is seen off Block Island, R.I.

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and Community Protection Act's offshore wind initiative to saddle Long Island, already burdened with high costs, with an unfunded mandate that is part of a greater statewide goal," the developer and builder groups said in their letter.

PSC spokesman James Denn said the supervisors' letter has been submitted as a comment in the proceeding and will be "fully considered as part of our ongoing review." No date has yet been set for a decision.

The supervisors' letter is signed by Babylon Supervisor Rich Schaffer, Huntington Supervisor Chad Luppinacci, Islip Supervisor Angie Carpenter, Smithtown Supervisor Edward Welrheim, Brookhaven Supervisor Edward Romaine, Riverhead Supervisor Yvette Aguiar, Southampton Supervisor Jay Schneiderman, Southold Supervisor Scott Russell, East Hampton Supervisor Peter Van Scoyoc and Shelter Island Supervisor Gerry Siller.

Guilty plea in 2016 MS-13 machete killing

BY NICOLE FULLER

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An alleged MS-13 gang member has pleaded guilty for his role in the machete killing of a Uniondale teenager in the Massapequa Park Preserve in 2016 — the height of a spate of brutal violence on Long Island from the street gang, Nassau prosecutors said Wednesday.

Samuel Ponce, 20, of Hempstead, pleaded guilty to second-degree murder Tuesday before Judge Helene Gugerty in the killing of Bryan Steven Cho Lemus, a perceived enemy of MS-13, on Aug. 23, 2016, the Nassau District Attorney's Office said.

Ponce, also known as "Little

Chickie," faced a maximum sentence of 15 years to life in prison because he was just 15 years old at the time of the killing, according to the district attorney's office. In exchange for his guilty plea, Ponce is expected to be sentenced to 9 years to life in prison at his Aug. 25 sentencing. Prosecutors had recommended a sentence of 11 years to life.

"Bryan Lemus was just 18 years old when he was viciously attacked and violently murdered with machetes by the defendant and multiple MS-13 members," acting Nassau County District Attorney Joyce A. Smith said in a statement. "The Nassau County District Attorney's Office has for years been committed to prose-

cuting the brutal crimes of members of MS-13, to rid gang violence from the streets of Nassau County and secure justice for the victims and their families."

Lemus was walking his dog on Arthur Street in Uniondale when he was lured into the Massapequa Preserve, authorities said. While inside the park, Lemus was allegedly killed with machetes by Ponce and other members of MS-13, officials said.

But Lemus' body was not discovered until nearly three years later, when on May 24, 2019, Nassau police homicide detectives found Lemus' body in a shallow grave during a canvass of the area, officials said.

Lemus was the last MS-13 vic-

tim, among those killed at the height of the gang's violent spree on Long Island in 2016 and 2017, to be found by police. Stanley Gerson Juarez, 22, of Hempstead, was also charged with second-degree murder in Lemus' killing.

Ponce's Mineola-based attorney Dennis Lemke said Wednesday his client, a native of El Salvador, was not a member of MS-13, but did associate with members of the gang. Ponce crossed the border illegally into the United States when he was 13 and after being held by immigration authorities, was released into the custody of his father who was living on Long Island, Lemke said.

On the day of Lemus' killing,



Samuel Ponce in 2019.

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Lemke said Ponce "was home playing video games. They said, 'Come on, let's go for a ride.'"

Lemke added: "When he was brought to the park, he was unaware that they were planning to kill anybody."