



119 Washington Avenue, Suite 103
Albany, NY 12210
518.432.1405
info@aceny.org | www.aceny.org

MEMORANDUM OF OPPOSITION

S.1793-C (Hinchey) / A.3117-C (Lupardo)

In relation to the design of uniform standards and conditions relating to the construction and operation of major renewable energy facilities and the review of applications for permits to develop such facilities

June 2023

The Alliance for Clean Energy New York opposes S.1793-C/A.3117-C, a bill relating to renewable energy development on farmland, the review of permit applications to develop renewable energy projects and amending the regulations of the Office of Renewable Energy Siting (ORES). In some cases, the changes are redundant with current rules, and in other cases would unfairly and unnecessarily restrict solar projects.

Agriculture and renewable energy can and should work together, particularly as we attempt to mitigate the worst effects of climate change, which not only threatens our food and energy systems, but every aspect of human society. ACE NY and its members are engaging with agencies on various fronts, including serving on the NYS Agricultural Technical Working Group and participating in the NYS Farmland Protection Working Group. In New York, all solar projects must adhere to the NYS Dept. of Agriculture and Markets mitigation guidelines for solar projects on agricultural land, protecting topsoil and preventing permanent farmland loss. The guidelines protect agricultural soils and are an important part of obtaining permits under Article 10 and Section 94-c.

To achieve 70% renewables by 2030, the uppermost projection for solar power's contribution toward this goal is approximately 18.9 GWs (18,900 MWs) – that includes both utility-scale solar and distributed solar¹. Roughly 14 GWs of this solar would be sited on land, which translates to 77,000 acres, based on 5.5 acres per MW. To put that number in perspective, New York has approximately 7 million acres of farmland. To be clear, the 77,000 acres is an over-estimate – it reflects an implausible, exaggerated scenario of building all that solar on farmland, which is not what is being proposed. A significant portion of the 14 GW is going on land that is not farmland. But even at that overestimation, it is still only 1.1 percent of NY's farmland.

NYSERDA's procurement process encourages developers to avoid prime agriculture soils. If the projects do not completely avoid these soils, companies must pay a mitigation fee. Since this modification was made projects have decreased their projects' footprint on prime agriculture soils. This is a powerful incentive for project developers to avoid prime soils, pursue agricultural co-location plans, and has proven to be effective. Despite this incentive structure, the bill imposes an additional farmland conservation fee that fails to incorporate the existing sensitivities in siting solar projects and may make projects more expensive in the long term.

Solar projects are always and only built on land owned by willing landowners, who are often farmers that seek additional income to stay in farming or supplement their revenues. Solar projects offer farmers a steady revenue stream for decades, allowing their farm enterprise to continue in production. Solar projects can be designed as a form of medium-term conservation with strategies to improve soil health, protect pollinators and other species, and reduce runoff and erosion. Renewable energy projects contribute to the local economy through job creation, tax payments, and Host Community Benefits Agreements.

For the above reasons, the Alliance for Clean Energy New York opposes this legislation. For more information contact Deb Peck Kelleher, Deputy Director, at (c) 518-698-3211. All of ACE NY's memos on legislation are available at <https://www.aceny.org/legislative-actions>.

¹ New York State Climate Action Council Scoping Plan; Integration Analysis Technical Supplement, Section I, Annex 2: Key Drivers and Outputs