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**MEMORANDUM IN OPPOSITION OF
S.8889 (Hinchey) / A.9328-A (Lupardo)
In relation to requiring mitigation payment funds
from major renewable energy development to be
used for farmland protection programs**

May 2022

The Alliance for Clean Energy New York (ACE NY) opposes S.8889/A.9328-A. This bill would collect a new fee for renewable development on viable agricultural lands to fund farmland protection programs.

This approach would assess an additional fee for solar development on viable agricultural lands. The State has already taken a number of actions to address this rising concern. The State's existing contracting process already has a powerful incentive that encourages solar projects to avoid locating on the best agricultural soils and assesses a mitigation fee if they do not. The current mitigation fee has proven to be effective at incentivizing project developers to avoid prime soils (as well as develop comprehensive agricultural co-location plans). According to the New York Energy Research Development Authority (NYSERDA), recent results reveal the current mitigation program is working. Prior to implementation in 2021, on average, 40 percent of a solar projects' preliminary facility footprint overlapped with prime agricultural soils. By 2021, the overlap had dropped significantly to an average of 22 percent.

The State also has two working groups active on on-farm solar development; the Agricultural Technical Working Group¹ is currently working on a scorecard that will incentivize developers to steer away from using New York's best farmland, and the Farmland Protection Working Group (FPWG)² is a coordinated effort among state agencies to recommend strategies to minimize the impact of siting on productive agricultural soils on working farms and will deliver its interim recommendations to the legislature soon.

Renewable energy is a public good that should not be discouraged with additional fees that are not assessed on other commercial developments. Also, farmers are willing landowners who choose to host solar arrays and will earn a long-term stable revenue stream allowing them to reinvest their farm business.

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

¹ <https://www.nyatwg.com/who-we-are>

² <https://agriculture.ny.gov/land-and-water/farmland-protection-working-group>