



MEMORANDUM OF OPPOSITION

[S.1793-C \(Hinckey\)](#) / [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

February 2024

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 Section 94-c.

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 to rate payers 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, Interim Executive Director, at (c) 518-698-3211. All of ACE NY's memos on legislation are available at <https://www.aceny.org/legislative-actions>.