

2022 NYSAC Fall Seminar

1 Standing Committee on Agriculture & Rural Affairs
2 Resolution #1

3
4 Resolution in Support of New York State Sharing Agricultural Mitigation
5 Fees with Counties to Support County Agriculture and Farmland Protection
6 Initiatives

7
8 **WHEREAS**, the New York State Energy, Research and Development Authority
9 (NYSERDA) and the New York State Department of Agriculture and Markets (AGM) have
10 entered into a Memorandum of Understanding (MOU) regarding the assessment and
11 collection of an Agricultural Mitigation Fund Payment for certain proposed Solar projects
12 over 30 acres located in an Agricultural District; and

13
14 **WHEREAS**, NYSEDA and AGM have agreed to work with solar project developers to
15 obtain mutually acceptable project modifications to protect agriculture and associated
16 resources from its adverse impacts; and

17
18 **WHEREAS**, NYSEDA's 2020 RFP¹ and future RES Requests for Proposals will
19 include language advising all proposers of the new Agriculture Mitigation Fund
20 Payment requirements and will include the information necessary for proposers to
21 calculate any mitigation costs in the preparation of their bids; and

22
23 **WHEREAS**, the agreements will require payment to an Agriculture Mitigation Fund,
24 in an amount calculated at commercial operation date (COD), at which time the final
25 actual agricultural conversion of mineral soil groups one through four (MSG 1-4)² can be
26 accurately calculated, and the final offsetting value of an implemented co-agricultural
27 measures, if any, considered; and

28
29 **WHEREAS**, solar bid facilities in Agricultural Districts awarded by NYSEDA may be
30 responsible for making an agricultural mitigation payment to a designated fund
31 administered by NYSEDA based on the extent to which the solar project footprint,
32 defined as the Facility Area, overlaps with land classified as MSG 1-4; and

33
34 **WHEREAS**, NYSEDA has agreed to work with AGM to administer the funds received
35 through mitigation payments, however the MOU provides no direction or guidance on
36 how these funds should be spent to mitigate the impacts of the proposed solar projects
37 on farmland and in Agricultural Districts; and

38
39 **WHEREAS**, New York State Association of Counties (NYSAC) supports the need for
40 effective agricultural mitigation at the county level to balance the often-competing goals
41 of expanding renewable solar project development capacity and the protection of

¹ <https://agriculture.ny.gov/land-and-water/tax-credits-and-agricultural-assessments#agricultural-assessment-information>

1 critically important agriculture and farmlands across New York State; and

2 **WHEREAS**, NYSAC supports the protection of important farmland and soils,
3 agriculture district designations, and the implementation of Agriculture and Farmland
4 Protection Plans by counties across New York State.

5
6 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC calls on NYSERDA to share
7 up to 50 percent of the Agriculture Mitigation Fund Payments received with the
8 counties in which solar projects are being proposed and where impacts to existing
9 agricultural districts are occurring; and

10
11 **BE IT FURTHER RESOLVED**, Agriculture Mitigation Fund payments received by
12 NYSERDA and made available to impacted counties shall be used by the respective county
13 to implement farmland protection plans, measures and projects consistent with their
14 approved Agriculture and Farmland Projection Plan (AFPB) with a preference for
15 planning, zoning, and farmland protection efforts in the same municipality/area as where
16 such solar projects are being developed; and

17
18 **BE IT FURTHER RESOLVED**, that any Agricultural Mitigation payments collected
19 by NYSERDA for projects pursuant to either the Article 10 or the 94c review process
20 also be shared with the county in which such project is being developed; and

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22 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of
23 New York State encouraging member counties to enact similar resolutions; and

24 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
25 the Governor of the State of New York, the New York State Legislature, the
26 President/CEO of NYSERDA, the Commissioner of Agriculture and Markets, and all
27 others deemed necessary and proper.