

EMINENT DOMAIN

Eminent domain represents the ultimate infringement upon private property rights. As such, the use of eminent domain must be limited and occur only in a way in which maximum deference is accorded to the owner or property. We continue to believe that property rights are among the human rights essential to the preservation of individual freedom.

POLICIES:

1. We believe that all parties should be fully informed before eminent domain procedures are instituted. Furthermore, we believe eminent domain should be used only as a procedure of last resort and all eminent domain procedures should be strictly adhered to.
2. We recommend that when farmland, in an agricultural district, is taken by eminent domain, the value should be placed on other factors including the economic importance to the farmer. The land should be purchased by the condemning agency at the full, independently appraised market value with prime consideration being given to the severance loss. Payment should be received upon transfer of title.
3. We recommend that when eminent domain is invoked, a seller should be given the option of complete buyout if partial purchase would leave the property economically nonviable.
4. We believe that agricultural use of land should be given equal priority to any other use of land and farmland should be subject to an agricultural impact statement prior to eminent domain proceedings.
5. We urge that land, previously condemned by eminent domain but no longer of use for the specific purpose for which eminent domain was invoked, should be returned to the present owner of the lot of which it was a part at the owners' option.
6. We recommend that the New York State Department of Environmental Conservation should not be allowed to use eminent domain or third parties in acquiring lands for the state.
7. We recommend that utilities and natural gas pipeline projects be prohibited from acquiring agricultural land by eminent domain. If eminent domain proceedings are recommended, the following criteria must be satisfied:
 - a. The utility must demonstrate actual and immediate need.
 - b. All alternative routes have been considered.
 - c. A legally binding agreement must state that the farmer and his successors retain the right to use the land for agricultural purposes.
8. We are opposed to the use of eminent domain or mandatory conservation easements to acquire lands to be used for recreational uses, farming or for aesthetic and material enjoyment.
9. We strongly oppose the use of eminent domain to site solid waste management facilities on or contiguous to productive agricultural lands, both in and outside of agricultural districts, or where negative agricultural impacts will result.
10. We support the creation of an appeals process, whereby any project, which enforces the right of eminent domain, can be required to assess the impact of such action on the landowner's entire holdings.
11. We support legislation that would give the New York State Department of Agriculture and Markets expanded oversight over the siting and land reclamation of all pipelines and

utility rights-of-way that affect all viable agricultural lands, not just agricultural district properties.

12. We are opposed to the use of eminent domain by a non-elected body such as a county industrial development agency.
13. We oppose the use of eminent domain for transferring land to entities that will provide higher tax revenue or greater economic development benefits.
14. We oppose the taking of property by eminent domain for private for-profit entities.
15. We support a state law or constitutional amendment which restricts the use of eminent domain to prohibit it from being used for economic development.
16. We strongly support requiring an agricultural and economic impact statement when any land within an agricultural district may potentially be taken under eminent domain.
17. Eminent domain should not be allowed to be exercised on lands protected for forever-agricultural use under New York State's Purchase of Development Rights Program.
18. We oppose the use of eminent domain to place transmission lines on private property and the future threat of placing renewable energy, like wind and solar, on private property and farmland (the RAPID Act).

ENERGY

Renewable Energy

POLICIES:

We Support:

1. The development of energy from hydroelectric power and methane sources.
2. We recommend an aggressive promotion program to generate public support for the use of biofuels and support legislation to stimulate its use, including tax incentives to encourage the development of an ethanol and biodiesel industry in New York State.
3. The research and development of hydrogen power through fuel cells.
4. Including wood products in the definition of renewable fuels in New York State, and the continued use of solid fuel, such as wood and grain, as a renewable source of heat and energy.
5. New York State allowing developers to site wind towers and commercial solar projects on state land.
6. Biofuels and encourage the state and federal government to financially support research, investment and industry development of this opportunity.
7. State or regional efforts to pool carbon sequestering practices for carbon credit contracts from multi-farm operations.
8. Changing state law to allow the New York State Energy Research and Development Authority to offer renewable energy production incentives to landowners regardless of their grid connection status that ultimately provide a net benefit to rate payers.
9. The Public Service Commission require New York State utility companies to purchase all farm alternative energy, such as anaerobic digestion, wind, solar, and hydro, at a premium rate.
10. New York's net metering program should be enhanced to assure that on-farm anaerobic digesters receive the full market rate for all power produced, unreduced by various utility charges.

11. Public policies to upgrade the distribution of electrical infrastructure in rural areas.
12. The development of systems and/or regulations through the Public Service Commission to enable farms and other businesses which generate power greater than needed for their own operations and operators of electrical distribution networks to work closely together to equitably share costs for required investments to interconnect to the utility system at a reasonable cost.
13. Preserving the authority of local town and county governments to control the real property tax assessments and the collection of real property taxes as it relates to commercial wind development projects.
14. That the percentage of a local feeder line's rated capacity, that an anaerobic digester can produce, be increased from the current 20%.
15. To conserve our natural (water) resources, we support the use of geothermal technology providing that all such systems are self-contained, closed-loop systems.
16. The renewable energy credits, created by the generation of power from biogas, should be assigned to the on-farm anaerobic digester for sale onto the marketplace.
17. Net metering should not be eliminated unless a better system becomes available that would be beneficial to holding down electric rates and allow those willing to invest in renewable generation the opportunity to do so.
18. Solar and wind project developers should be required to obtain, maintain, and pay for a bond to cover the cost of decommissioning and site restoration. The bond should be reviewed every five years and adjusted to reflect inflation and changes in the cost of accomplishing the decommissioning and restoration.
19. Any solar array which has a majority of its production used for the agricultural enterprise should qualify as exempt from agricultural assessment conversion penalties.
20. Major upgrades to the power grid using smart grid technology.
21. The establishment of a state-funded program that will provide compensation for the value of methane destroyed by generating renewable energy from anaerobic digesters, which would complement the current net metering or Value of Distributed Resources programs.
22. A requirement where land rezoned as commercial or industrial for a solar array is automatically rezoned as agricultural when the solar panels are removed.
23. Incentives for the expansion of on-farm renewable gas production.
24. Prioritizing and incentives for placing solar on non-agricultural lands, such as brownfields and previously disturbed industrial sites.
25. The collaboration of farm organization leaders, solar developers, and solar development associations to develop a "Best Management Solar Siting Practices Guide" for large-scale solar projects greater than 10 acres and/or 25 MW, on agricultural lands. Concepts to include:
 - a. Minimize and mitigate siting on actively farmed farmland, particularly for class 1-4 soils.
 - b. Commit to following New York State Department of Agriculture and Markets guidelines when siting solar installations on any farmland.
 - c. Develop practical agricultural co-utilization projects with farmers involved in project design, ensuring active farming in between and around panels for the lifetime of the project.
 - d. Be receptive to and cultivate projects that involve multiple landowners to maximize the use of lands not actively cultivated.

- e. Identify, in collaboration with landowners, specific tracks of land that are not actively farmed and engage developers to utilize those sites rather than productive farmland.
- 26. A prohibition on the use of any government incentives for solar development on prime soils and soils of statewide significance and prime farmland if drained. This includes direct and indirect government subsidies, tax credits and property tax breaks. Agricultural lands should receive the same or higher protections than wetlands receive for solar installations.
- 27. A prime soil mitigation fee when prime soils are present when siting a commercial utility energy production facility.
 - a. The fee shall be awarded back to the township where these sites are, for agricultural land improvement. It is recommended that the mitigation fee be assessed on a sliding scale relative to the percentage of the project situated on prime soils.
 - b. The mitigation should consist of practices that promote soil health, reduce soil erosion, and improve water filtration capacity, farmland preservation, purchase of development rights and conservation easements.
 - c. Perpetuation of mitigation for the entirety of the alternative energy contract should be ensured within the decommissioning bond.
 - d. All costs of mitigation should be the responsibility of the project originator and not subsidized by funds intended for agricultural operators.
- 28. Solar Development Companies, or their contractors, should be required to remove all project infrastructure, regardless of depth of the infrastructure, during decommissioning and site restoration. "New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects- Construction Mitigation for Agricultural Lands" should be changed to reflect removal of ALL infrastructure, regardless of depth of infrastructure.
- 29. Solar Development Companies (or their contractors) should provide funding to local municipalities where a solar and wind project is constructed, to hire an independent Agricultural Monitor (AM), selected by the town, to oversee the construction, restoration and follow-up monitoring of solar projects for any solar project.
- 30. In addition to current soil condition requirements, "New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects- Construction Mitigation for Agricultural Lands" should also require documentation of soil depth prior to construction for remediation after decommissioning. Topsoil depth should be noted. Upon decommissioning and restoration of the project, soil depth should be restored to pre-project conditions and topsoil depth should be restored to pre-project conditions.
- 31. Monitoring the previous solar project site and its restoration for a minimum of two calendar years after completion of the restoration of the site. This is important to allow for monitoring of drainage pattern changes, soil fertility changes and other factors that may have decreased the value and yield potential of the project site.
- 32. The local municipalities where a solar project is located should be provided a copy of the decommissioning plan, any subsequent updates, and any ownership changes for their records within 30 days, prior to commencement of construction of the solar project. The landowner, where a solar project is located, should receive a copy of any decommissioning plan and subsequent updates.

33. New York State establishing oversight and regulatory authority within New York State Department of Agriculture and Markets over the siting of solar arrays in rural communities to meet carbon goals and protect farmland.
34. That New York State develop a recycling and removal strategy for end-of-life solar panels and equipment that includes both commercial arrays and smaller units from farms and homes.
35. The inherent property rights of farmland owners to legally use their land for solar energy production without overly burdensome restrictions and regulations.
36. The use of outdoor wood burning stoves and other domestic forms of energy production and recommend that any regulations imposed on outdoor wood boilers should provide a science-based, balanced, practical, market-driven approach to addressing air quality issues. Specifically, any regulations should:
 - a. Provide a grandfathering clause for all existing wood boilers;
 - b. Maintain any emission limits in-line with those established by the Environmental Protection Agency, either by regulation or voluntary adoption;
 - c. Provide for practical setbacks if necessary; and
 - d. Provide for the ongoing adoption of new boilers utilizing gasification and secondary solid boiler technology; and not specify timeframes of use.
37. Incentives for the pipeline transport of on-farm anaerobic digester-produced methane to natural gas facilities where appropriate and cost effective.
38. That the New York State Department of Environmental Conservation Full Environmental Assessment Reviews be accurately completed and free of omissions aligning with New York State Department of Agriculture and Markets' recommendations.
39. That if governments subsidize solar array development, then they should also subsidize the purchase of land for agricultural use at an equal rate.
40. Continued research in biomass and methane digesters for farmers to develop alternative income, improve the environment with green energy, and reduce farmers' electric costs.
41. Community benefits associated with the NY Clean Path be directed only to communities/municipalities being burdened with the liability of the transmission line path and associated battery storage facilities and not to communities that meet state/federal definition of disadvantaged communities.
42. Production amounts on commercial solar arrays should be public information and there should be a severe penalty for underproducing arrays.
43. A one-time county assessment of at least 10% of each commercial renewable energy project on land within the county be submitted directly to the County's Agricultural and Farmland Protection Board by the contractor (as soon as the project has been approved) to be used to fund grants for remaining farmers in the county.
44. That solar companies are permitted to have a clearly displayed non-disclosure agreement (NDAs) in color or bold print within the contract. The NDA should require the farmer to initial that they have read the NDA agreement.

We oppose:

1. Cap and trade legislation due to its cumbersome and inequitable nature.
2. Any ban on the use of propane, wood burning, oil or natural gas appliances.

3. Allowing New York State to develop energy production taxes on renewable energy sources.
4. A mandated standard for “pollinator-friendly” solar arrays, however, we support voluntary standards and incentives.
5. Solar power replacing hydroelectric power over existing power lines.
6. All-electric initiatives for rural areas until such time as:
 - a. The grid is upgraded to support that level of electrical production & consumption.
 - b. Alternatives are incorporated into the system for times of weather emergencies.
 - c. Exemptions are incorporated into the system for vehicles and machines where batteries do not allow a vehicle to carry enough power for the task at hand.
 - d. The costs to do so are not prohibitive to farmers.
7. The Executive Rule superseding local board authority "Home Rule" over local renewable energy projects on agricultural lands especially those in an ag district.

Utility-Line Siting/Mandates

POLICIES:

We support:

1. That when siting utility rights-of-way, adverse agricultural effects on all farms should be minimized by:
 - a. Judicious routing to help avoid construction and operation through farmsteads, croplands, orchards, and sugar bush operations by the use of existing utility rights-of-way; and
 - b. Utilization of state-of-the-art mitigation practices and full rehabilitation of all agriculture-related lands which are not otherwise avoided.
2. The expansion of electrical transmission systems to allow for the further development of alternative energy in upstate New York, being careful to minimize the impact on prime farmland.
3. That productive farmland or aquaculture/fishing grounds should not be taken by eminent domain for the construction of a utility facility, nor should a facility’s location negatively impact neighboring productive farmland or aquaculture/fishing grounds.
4. That the sale or use of an existing right-of-way, by a utility or an authority to another utility or authority, should be subject to the same rules and regulations as a new right-of-way. The owner of such land should be adequately compensated for the new use.
5. An amendment to the current Dig Safe New York Law 16NYCRR, Part 753 to read: “All utilities will be buried a minimum of forty-eight inches deep and that Dig Safe New York will verify this with a letter to each agricultural property owner who has utilities crossing their property, and that it will relieve any responsibility from the owner if the utilities are disturbed.”
6. New York State to promote new technology power lines along state highways and the Thruway.
7. A mechanism by which all farms would be notified about planned use of pesticides, or other chemicals by utilities and municipalities and have a right of refusal.

8. That high-speed internet/communications/utility lines be installed in compliance with New York State Public Service Standards and, further, that a real property owner or operator of agricultural equipment not be liable for damages caused to those high-speed internet/communications/utility lines when not installed at sufficient heights to comply with the New York State Public Service Standards.
9. New York State legislation that requires notice and a copy of the application to be served on landowners in which any portion of a utility project is to be located and notice to be served on landowners in which any portion of a major utility facility is to be located. This notice must also include a clear explanation of how to file with the Public Service Commission a notice of intent to become a party to the certification proceedings and the time period in which the landowner has to do so. The Public Service Commission shall consider the following factors when determining the effect on agricultural lands during its decision process:
 - a. The economic viability of active farming within the proposed location; and
 - b. Any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed location.
10. That when any entity utilizes temporary flags (markers made out of steel, wire, plastic, and/or fiberglass) to identify the location of buried utilities, these markers must be made of bio-degradable materials. If non-biodegradable markers are used in agricultural fields or pastures the requesting party must remove them within 28 days of placement.

Power Costs/General Policy

POLICIES:

We support:

1. Energy recovery facilities where feasible in the state.
2. The continued use of existing nuclear energy plants provided adequate safeguards are instituted to ensure their safe and environmentally sound use.
3. We support the payment for the protection and guarding of nuclear plants in time of emergency by the National Guard, New York State Police and county sheriffs be made by the State of New York and/or the federal government.
4. That agricultural production and distribution of agricultural products should be given priority for electrical power, gasoline, diesel fuel and natural gas in times of shortage.
5. That the Public Service Commission include an agricultural representative on the commission.
6. Public utilities should be required to investigate all complaints of stray voltage on farms within five working days.
7. Rural electric cooperatives.
8. That New York State should establish a refundable state tax credit for energy used in agriculture production.
9. That the New York Power Authority energy should be made available across Long Island on an equitable basis.
10. A reduction of the influence of utility oversight organizations and strengthen enforcement by the Public Service Commission.
11. That farmers should not be required to pay for compulsory upgrading of electrical lines.
12. Using New York-produced natural gas to power local cogeneration electric plants.

13. The creation of commercially-run natural gas stations for automobile use.
- ~~14.~~ Changing Public Service Commission laws to take into account the size of natural gas services instead of strictly the distance between home heating services.
15. That New York immediately roll back the CES recovery charge that regulators have imposed as a hidden fee on all New York electric users.
16. The use of oil and gas-based fuels for food and agriculture production and processing.
17. That any electrification, efficiency or emissions reduction program including incentives for agricultural machinery equivalent to those available for motor vehicles.
18. Any efforts to upgrade our power grid for more reliable service.

We oppose:

1. Fuel stations requiring/collecting signatures and information for kerosene purchases.
2. A moratorium on new natural gas services and oppose the elimination of natural gas as a fuel source.
3. Any new taxes on fossil fuels in New York State.