

Important Senate and Assembly Bills to Watch

NYS Senate Senator Michelle Hinchey, Chair of the Senate Agriculture Committee, has submitted two bills of importance in protecting NYS agriculture. Both of Senator Hinchey's bills have companion bills in the Assembly.

Senate S7677 / Assembly A9109 is the first cumulative attempt to measure the effect of large renewable energy installations on agricultural acreage by modifying the language of ORES, 94-c,

... to the maximum extent practicable, avoid, minimize and mitigate agricultural impacts of active agricultural lands

(e) In its review of an application for a permit to develop a major renewable energy facility, the office [ORES], in consultation with the department of agriculture and markets shall ensure that a critical mass of farmland within the designated region is not threatened, ensuring that no more than five percent of prime soils within a regional economic development council region shall have solar developed and ensure that solar development shall not greatly hinder the amount of farmland within New York state and/or be a potential threat to New York's food security.

More detailed information on S7677/A9109 is available at:

<https://www.nysenate.gov/legislation/bills/2021/s7677>

STATE OF NEW YORK

7677

IN SENATE

January 6, 2022

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the executive law, 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; and requires the office of renewable energy siting to establish or amend rules and regulations pertaining to renewable energy siting facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 3 of section 94-c of the executive law, as added by section 4 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

2 (c) The uniform standards and conditions established pursuant to this section shall be designed to avoid or minimize, to the maximum extent 3 practicable, any potential significant adverse environmental impacts 4 and, to the maximum extent practicable, avoid, minimize, and mitigate 5 agricultural impacts to active agricultural lands related to the siting, 6 design, construction and operation of a major renewable energy facility. 7 Such uniform standards and conditions shall apply to those environmental 8 impacts the office determines are common to each type of major renewable 9 energy facility.

10 § 2. Paragraphs (e), (f), (g), (h), and (i) of subdivision 3 of section 94-c of the executive law are relettered paragraphs (f), (g), 11 (h), (i), and (j) and a new paragraph (e) is added to read as follows:

12 (e) In its review of an application for a permit to develop a major 13 renewable energy facility, the office, in consultation with the depart- 14 ment of agriculture and markets shall ensure that a critical mass of 15 farmland within the designated region is not threatened, ensuring that 16 no more than five percent of prime soils within a regional economic 17 development council region shall have solar developed and ensure that 18 solar development shall not greatly hinder the amount of farmland within 19 New York state and/or be a potential threat to New York's food security. 20 21 22 23

Finally, the cumulative effects of large scale solar and wind on farmland is getting much needed attention!

STATE OF NEW YORK

7696

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, in relation to prohibiting development of build-ready sites on viable agricultural land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of paragraph (a) and paragraph (b) of
2 subdivision 1 of section 1902 of the public authorities law, as added by
3 section 6 of part JJJ of chapter 58 of the laws of 2020, are amended to
4 read as follows:

5 Locate, identify and assess sites within the state that appear suit-
6 able for the development of build-ready sites with a priority given to
7 previously developed sites, provided that viable agricultural land shall
8 not be deemed suitable for the development of a build-ready site. Such
9 assessment may include but need not be limited to the following consid-
10 erations:

11 (b) In making such assessment the authority shall give priority to
12 previously developed sites, existing or abandoned commercial sites,
13 including without limitation brownfields, landfills, former commercial
14 or industrial sites, dormant electric generating sites, or otherwise
15 underutilized sites, provided that the authority shall not deem any
16 viable agricultural land to be an otherwise underutilized site for the
17 purposes of this section;

18 § 2. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 3, 2020; provided,
20 however, that the amendments to section 1902 of the public authorities
21 law, made by section one of this act, shall not affect the repeal of
22 such section and shall be deemed to be repealed therewith.

Senate S7122 / Assembly A7696 also protects agricultural land by removing it from NYSERDA's Build Ready acreage for renewable energy projects.

The Bill constrains the NYS Energy Research and Development Authority in how "build-ready sites" are identified and prepared for renewable energy installations. NYSERDA has been directed to rapidly advance new Build-Ready projects, prioritizing the development of existing or abandoned commercial sites, brownfields, landfills, former industrial sites, and other abandoned or underutilized sites for renewable energy projects.

The bill instructs NYSERDA to:

Locate, identify and assess sites within the state that appear suitable for the development of build-ready sites with a priority given to previously developed sites, provided that viable agricultural land shall not be deemed suitable for the development of a build-ready site. In making such assessment the authority shall give priority to previously developed sites, existing or abandoned commercial sites, including without limitation brownfields, landfills, former commercial or industrial sites, dormant electric generating sites, or otherwise underutilized sites, provided that the authority shall not deem any viable agricultural land to be an otherwise underutilized site.

More detailed information on S7122/A7696 is available at: <https://www.nysenate.gov/legislation/bills/2021/S7122>