Follow us on FB: @noglenmegasolar

Rural NY for Sale

The assault on rural farmland in Glen and rural New York by Industrial Scale Solar resulting from New York State Legislation, Incentives, and Section 94-C

GlenFARMLand
April 2022

The Town of Glen, nestled in Montgomery County, New York, is home to two nationally recognized historic districts, acres of rolling farmland with beautiful views of the Mohawk Valley surrounded by the majestic Adirondack and Catskill Mountains, thousands of dairy cows, and fifty plus Amish families.

Not surprisingly, it was of great concern, when in mid-2020 Town residents started to become aware, via coffee shop chatter, that a sixth of the Town's valuable agricultural land was being pursued for a 250 MW industrial solar installation, by Houston-based ConnectGEN, LLC.

Residents' displeasure soon gave way to feelings of betrayal as it was learned that the company had been actively courting partners in the town since 2019 and that the company had been awarded a **$440 million** contract by New York's Energy Research & Development Authority (NYSERDA) to generate power several times greater than the town would ever need.

Of even greater concern, ConnectGEN has yet to build a power plant of any kind, anywhere, as of the date of this writing.

GlenFARMLand is a grassroots community-based organization dedicated to bringing light to this irresponsible proposal and the equally irresponsible actions of NYSERDA in committing ratepayer funds to such an endeavor.

Glen FARMLand
Families Allied for Responsible Management of Land
Keep Glen Green
Follow us on FB: @noglenmegasolar

@GlenFARMLand

Glen FARMLand
Families Allied for Responsible Management of Land
Keep Glen Green
Follow us on FB: @noglenmegasolar

FOR GlenFARMLand
Bonnie Couture
Rosalie Farina
Stephen Helmin
Ilene Wagner
Susan Whiteman

Table of Contents

Executive Summary

Glen, NY is an agricultural community of some 2500 people. The Town's Comprehensive Plan – the document that towns in New York use to plan the future development of the community — notes that 88% of the Town's approximately 25,000 acres consist of prime agricultural soil and soils of statewide importance.[1]

Houston, Texas-based ConnectGEN's proposal for Mill Point Solar 1 will commit 2000+ acres of quality farmland – about 10% of the Town's total land mass – to an industrial scale electric generating facility at a significant cost to the economic, social, and agricultural well-being of the Town of Glen. The proposal is the direct result of the New York State Energy Research and Development Authority's (NYSERDA) Awards process for new energy-generation facilities that also produce renewable energy certificates (RECs).

Climate change is real. It must be addressed. Failure to do so will lead to economic and environmental hardship, as well as extended threats to health and survival. New York State's proscribed fashion of dealing with climate change, however, is flawed. Denuding huge tracts of farmland in an uneconomic pursuit to blanket those same farmlands with solar panels is a recipe for a new environmental disaster and woefully underexplored economic and social disruption.

Like government-sponsored energy initiatives of the past, NYSERDA's awards process has had unintended and unforeseen consequences. One only has to look to government sponsorship of the oil & gas industry, coupled with the sharp increase in greenhouse gasses created and exacerbated by that industry, to see the folly of government intervention in energy policy.

A more recent example is the deregulation of supply for long distance, electric, and gas in New York State. Many 3rd party suppliers took advantage of New York consumers and we all were forcibly introduced to new terms like "spoofing" and

[1] https://www.co.montgomery.ny.us/web/municipal/glen/documents/ComprehensivePlan_July2000.pdf, p.16

"slamming" and other deceptive practices that resulted in NY consumers paying prices higher than the traditional utility companies offered.

Guard rails protecting the vast majority of NY's fertile farmlands are virtually non-existent in NYSERDA's solicitations. In a world where climate change is pushing NY's farmland to the forefront of national agricultural productivity, we see time and again that out-of-state solar developers are choosing to develop on these irreplaceable and valuable lands. They make no apologies about it – it's a less expensive option for lease or purchase and for construction of their industrial-scale generating facilities. The primary motivating factor for these companies is greed, not green.

Economic considerations are at the forefront of NYSERDA's decision-making, as well. ConnectGEN was awarded their Mill Point Solar project as a part of NYSERDA's 2020 Tier 1 awards. The scoring regimen that year provided no points encouraging developers to undertake environmental or agricultural protections. Instead, 70% of the award score was based on price and 30% on factors that would increase productivity or general income.[2]

Sacrificing tens of thousands of acres of farmland and disrupting New York's agricultural economy is poor public policy. This travesty is extended by New York's willingness to participate in a wealth transfer from New York's utility customers and taxpayers to out-of-state corporations with spotty reputations and little record of accomplishment.

The negative impacts to New York's farmlands, in general, and Glen's, in particular, are astounding. The cumulative impacts to New York's resiliency and self-sufficiency, in terms of food production, are ominous. Climate change is driving the United States' fertile zone northward, meaning that not only New Yorkers, but the country as a whole, will look to New York to increase its output of fruit, meats, and, of course, dairy.

If our farmlands are set aside for 40 years (or forever, which seems more likely), future food security is put at risk. Further, "If we continue to degrade the soil at the rate we are now, the world could run out of topsoil in about 60 years," according to the UN.[3] Taking land out of production exacerbates the problem. With increased longevity, and even a moderately increasing birth rate, there will be many more mouths to feed in a generation than there are now. It is foolish for New York to trade a strategic and

[2] RESRFP20-1, https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pt000000P00roEAB , pp 13 -14

[3] https://www.theguardian.com/us-news/2019/may/30/topsoil-farming-agriculture-food-toxic-america

diversified asset like its agricultural industry, for a nascent technology that uses the land so inefficiently.

As with most industries (except perhaps solar generation), farming supports jobs in the greater community. Farmers need supplies, materials, and vehicles. Farmworkers and their employers spend money at local grocery stores, restaurants, and fuel stations. To trade down to a technology, at industrial scale, that ties up thousands of acres, provides no jobs, and permanently alters the economy of an entire community is nonsensical.

In Glen and much of Montgomery County, we are privileged to have a large Amish population who also support the local businesses. Farmland is essential to the existence of Amish communities. New farmland is required as the families grow. If an area is bereft of farmland because it has been dedicated to industrial solar, the Amish will have no choice but to relocate. Many of our Amish families are already considering this option.

Glen Country Store, 2009

[4] Glen and Montgomery County are not just rich in agricultural potential, however. In their initial workups for the required Visual Impact Assessment, ConnectGEN identified 340+ historical, cultural, and aesthetic resources that would have to be considered for negative impact by the Mill Point 1 project alone. Area Historians' review has increased the above number significantly. The Visual Impact Area is the site to two nationally-recognized Historic Districts. This is only fitting for a County that was the site of multiple Revolutionary War battles.

Mitigations for each of these resources has not yet been communicated to the public. It is difficult to imagine that effective mitigation can be accomplished in the face of such a large inventory of resources.

ConnectGEN is based in Texas, the home of many of the largest oil & gas conglomerates. ConnectGEN's financial lineage is highly interwoven with the Texas

[4] By Doug Kerr from Upstate New York - 071909 706, CC BY-SA 2.0, https://commons.wikimedia.org/w/index.php?curid=11522176

energy industry. In the winter of 2020-2021, Texas failed its residents. Texans died because they could not get power or heat. It was, therefore, chilling for many of us to hear ConnectGEN representatives blame "the winter" for their inability to complete the required reviews, resulting in a delay in their application submission.

ConnectGEN's 2020 proposal for the 250 MW MIll Point facility was followed up with a subsequent 75/100 MW proposal in 2021. To date, ConnectGEN has failed to make an application to ORES, despite their initial planned date of late Summer 2021.

Similarly, ConnectGEN's transparency has fallen short of expected standards. Among these misses:

- A transcript of the first set of Q&A from the April 2021 virtual meeting disappeared from their website after just a few months.
- Months after its submission, ConnectGEN failed to reveal their bid for Mill Point 2, despite repeated questions from the public.
- Many Town residents who submitted their names & email to ConnectGEN for further information, report never having received any communication from ConnectGEN, not even a confirmation email.

Unfortunately, these misses seem consistent with ConnectGEN's efforts in Shasta County, CA, where the Fountain Wind project they were pursuing was rejected, in part, because of exaggerated claims regarding local participation and their input into the project's final design.

In a more recent development, ConnectGEN's South Ripley project application in NY's Southern Tier has been rejected twice. It is clear that ConnectGEN's inadequate transparency, questionable competence, and lack of commitment to New York State make them a doubtful partner.

Like all companies looking to site themselves in open farming rural areas, ConnectGEN has touted all the financial advantages that would accrue to the Town and its residents. A closer examination shows that those claims are unfounded.

The company has stated that they will be investing $300 million on their way to a $440 million gross. Most of this investment will not be realized by the Town or the vast majority of its citizenry. A few landowners may see a substantial benefit, but most will see a decrease in the value of their holdings and a diminution of their way of life.

Studies in New England indicate that housing values in proximity to even moderately-sized solar farms can see a significant decrease. Unsurprisingly, the

University of Rhode Island study further found that the closest homes – those within a tenth of a mile – lost 7% of their value.[5]

Additionally, farmers will see an increase in operational costs. Those who lease land will see higher lease rates resulting from the competition of solar developers and all farmers will be subject to higher prices from suppliers as the volume of their custom decreases.

Lastly, financial incentives to the community, such as PILOTs, have been significantly devalued in NY's planning for renewable energy. Government-sponsored tax reductions for developers and companies seldom lead to reduced taxes for communities, but NY's valuation policies have further exacerbated this truism. In 2021, the State Office of Real Property Tax Services (ORPTS) provided solar and wind developers with an unprecedented boon for figuring the valuation of their properties, requiring a methodology that the New York State Assessors Association notes "has not been accepted in New York State as a proper valuation tool for utility property."

Glen's agricultural lands and rural character are not only threatened, but this project would destroy the following community-determined goals and objectives found in the Town's Comprehensive Plan:

- ➔ *Preserve and Enhance the Town's Farming Operations and Agricultural Lands*
- ➔ *Preserve the Natural Environment*
- ➔ *Enhance and Encourage preservation of the Town's Historic Character*
- ➔ *Promote Local and Regional Tourism*
- ➔ *Preserve the Town's Rural Character and Open Spaces*
- ➔ *Maintain and Enhance the Aesthetics of the Town*
- ➔ *Enhance the Recreational and Cultural Opportunities in the Town*

It is clear that the proposed project is not appropriate and does not fit the overall community desires in the Town of Glen. ConnectGEN's Mill Point Solar 1 & 2 should not proceed.

[5] https://www.providencejournal.com/story/news/2020/10/01/study-solar-farms-reduce-home-values/114176156/

The ConnectGEN proposal for “Mill Point Solar”

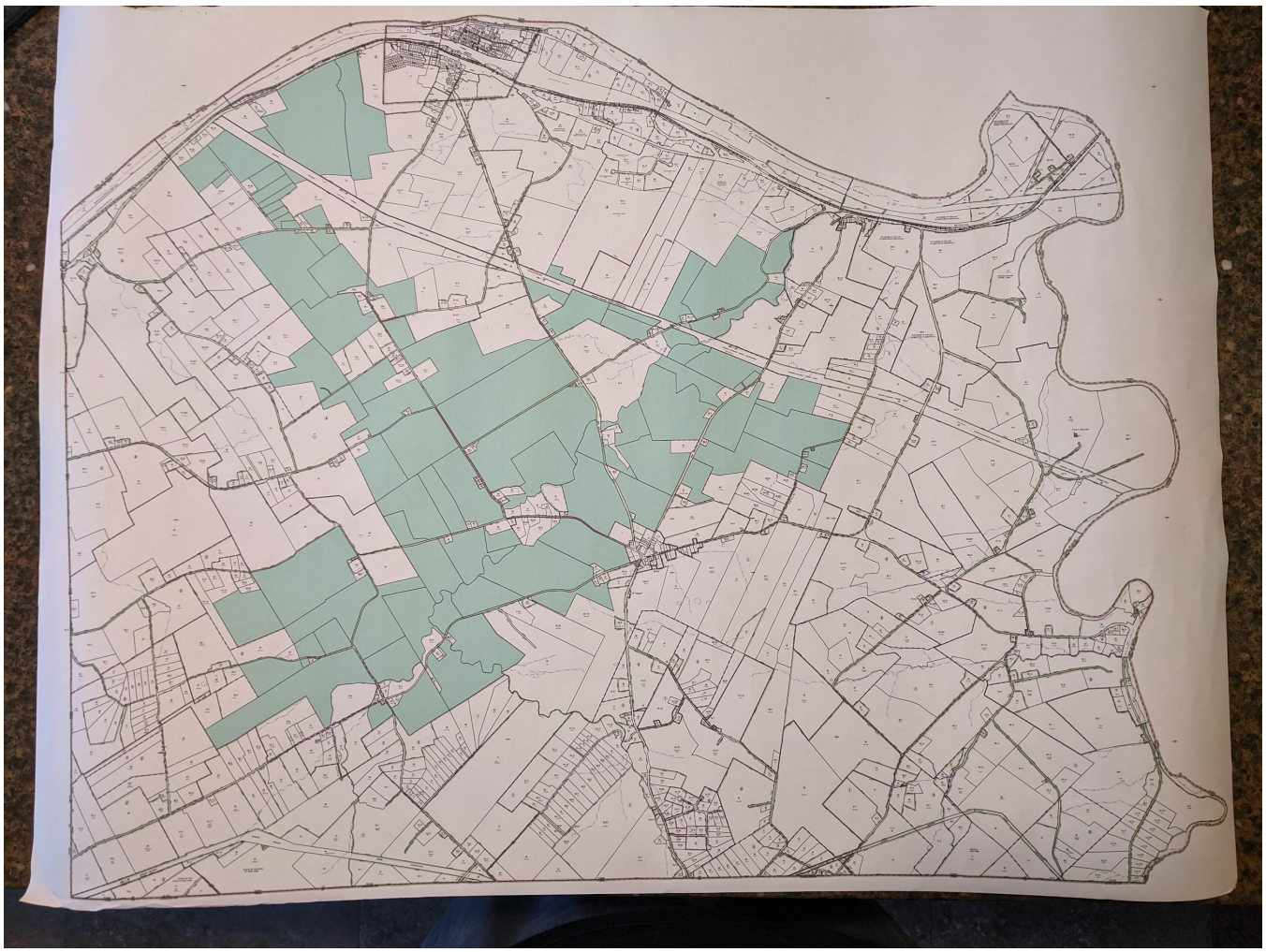


Figure 1: Map of the Town of Glen, indicating (in light green) the properties initially proposed by ConnectGEN in early 2020.

History of the Proposal

Energy is the lifeblood of all human endeavor.

Once mankind figured out that the product of their labors could be multiplied many times by the introduction of some energy outside what they could harness from their own bodies, energy, and access to it, has been a core point of attention and conflict in every society.

The strategic energy resource of the 20th century was oil. In the United States, the thirst for oil and the energy it provides led the government to encourage its use and production by providing tax breaks and other preferential treatment to producers, refiners, and importers – many of which still exist today.

In this century, we have learned the all-too-potent effects of the proliferation of gas- and oil-powered facilities: climate change. So, humankind is once again searching for an energy source that will enable great productivity, but avoid the harmful effects of oil.

Once again, the government is stepping forward to incentivize and give preferential treatment to a new energy source. New York does this in two ways: 1, it requires our electric utility companies to purchase Renewable Energy certificates (RECs) and 2, it pays other companies a premium to produce those certificates by generating electricity using renewable resources such as wind, solar, and hydro.

For some companies, getting paid to create RECs by generating electricity *and* then being able to sell the electricity they produce by solely doing the latter, seemed a pretty good deal. As a result, startups like ConnectGEN, established companies, finance houses, and others came flocking to New York to take advantage of the artificial market.

The ConnectGEN proposal

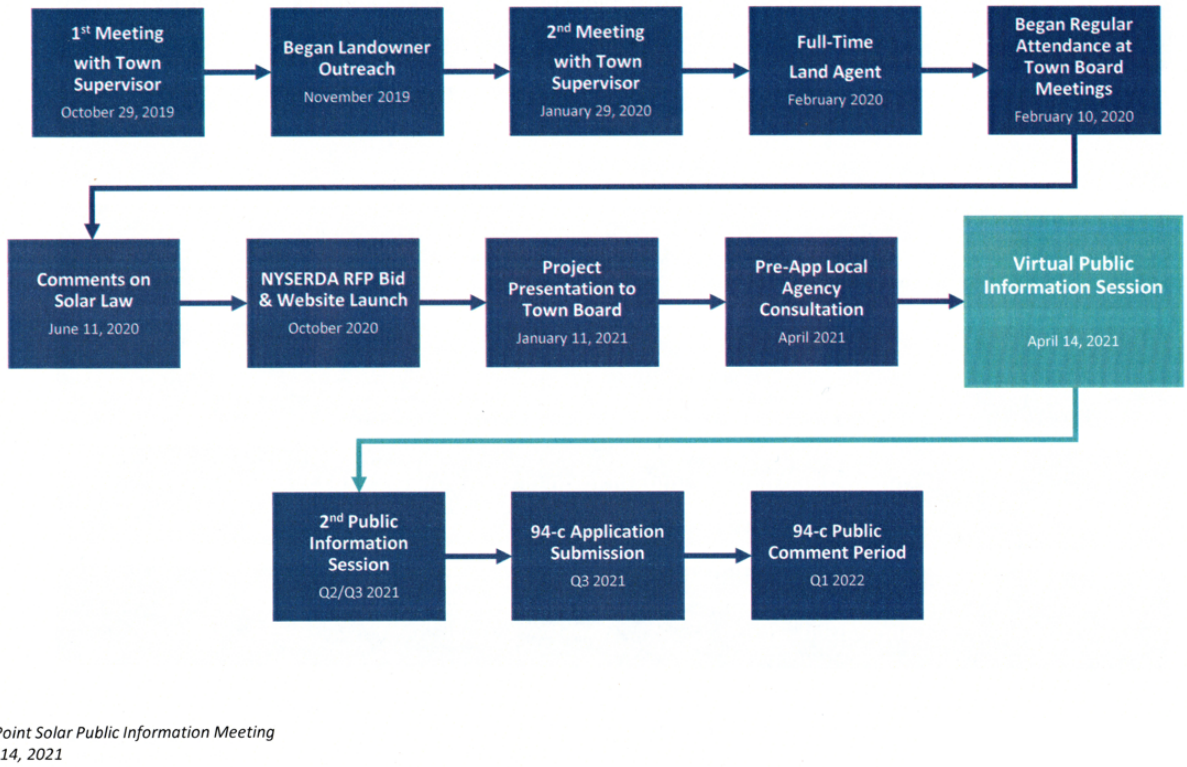


Figure 2. ConnectGEN's Public Engagement summary as of April 2021

The figure above is from ConnetGEN's virtual public information meeting in Spring of 2021. It was revealed, for the first time, that ConnectGEN had already been active in the Town of Glen for some 18 months, meeting with the Town Supervisor in October of 2019, with immediate outreach to landowners following. All during the pandemic, a mystery man wearing a distinctive gaiter, would greet the Supervisor after each Board meeting, but never addressed the Board during public comment. He was the land agent for ConnectGEN.

During this time, the Town Board was engaged in a combative interaction with the Town's Planning Board. The Planning Board created an updated solar law. The majority of the Town Board kept sending it back to the Planning Board for more work – primarily because they thought the Planning Board was being too restrictive. In the end, the Town Board took the proposed law, held a public hearing in the middle of the pandemic, and passed one of the least restrictive laws in the County.

As can be seen from ConnectGEN's graphic, ConnectGEN provided comments on the Solar Law in June of 2020. Anyone can make comments on pending legislation

and ConnectGEN certainly had that right. While the majority of townsfolk who commented on the law did so during the public hearing, ConnectGEN's comments weren't heard by the public, as they were submitted directly to the Board. Even during a second public hearing on August 9, 2021, demanded by members of the public due to the first one being undertaken during a lockdown, ConnectGEN's comments were not revealed. Town Board members, aware of the comments, downplayed them and indicated that they were technical in nature. While this interaction was legal, it kept a great deal of the townspeople in the dark about ConnectGEN's proposal and their input into the Solar Law. That, of course, delayed the formation of community groups like ours, that happen to consist primarily of residents of the very town the Board members were elected to serve.

Most Glen residents became aware of the project when they received an invitation to the virtual public information session in March of 2021. There had been passing mentions in the Board's minutes of interest by ConnectGEN, but those had been in reference to a much smaller proposal than ConnectGEN's eventual offering. The April 2021 virtual information session was well-attended, even in a community that does not have universal access to high-speed internet and where many elderly or religious people choose not to use the Internet. The public and, eventually, the Town Board, prevailed upon ConnectGEN to schedule more hearings. There have been subsequent hearings in August and November. On each occasion, the map changes a little and some new details emerge, but the project remains essentially the same. Perhaps, the most important thing to note, is that there is no new swelling of support for the project as a result of the information sessions.

Following the meeting, ConnectGEN took nearly two months to post the video of the meeting and the Q&A (Questions 1 - 65) from the April meeting. ConnectGEN had solicited additional questions, to which answers were posted just before the August information session. Inexplicably, ConnectGEN removed the live meeting Q & A at the time the additional Q & A were posted. The transcript of those first 65 questions remains absent from their site as of April 22, 2022.[6]

The figure also illustrates ConnectGEN's planned timeframe for submission of application to the Office of Renewable Energy Siting (ORES). We are relieved to note that ConnectGEN has not been able to adhere to their planned timeline. There have been a series of delays and updated application dates that have been subsequently missed. While reasons are not always provided, and we are willing to credit GlenFARMLand's activism as being a partial cause, one reason proffered by ConnectGEN was worrisome.

[6] https://www.millpointsolar.com/materials/ , accessed April 22, 2022. While there is a document titled " April 2021 Public Information Meeting Live Questions and Answers," it is an exact duplicate of the "April 2021 MPS Public Information Meeting Transcript."

In January of 2022, ConnectGEN pushed the date of application back from 1st Quarter 2022 to Summer 2022. Their reason? The winter had interfered with their survey work.[7] Most New Yorkers would find it very disturbing to hear that a 2000-acre industrial electrical installation was being entrusted to a company that was incapable of dealing with a normal upstate winter.

The Energy Industry Has Not Prioritized the Public Good in the Past

At a "petroleum conference from 1959 called the 'Energy and Man' symposium, held at Columbia University in New York. .... a famous scientist, Edward Teller (who helped invent the hydrogen bomb), [was] warning the industry executives and others assembled of global warming."

"'Whenever you burn conventional fuel,' Teller explained, 'you create carbon dioxide... Its presence in the atmosphere causes a greenhouse effect.' If the world kept using fossil fuels, the ice caps would begin to melt, raising sea levels. Eventually, 'all the coastal cities would be covered,' he warned."[8]

The article goes on to say not only did "big oil" extensively study the issue of climate change wrought by burning fossil fuel,but that the studies revealed the now familiar time frame for the consequences that the world is facing today. They did nothing to protect the earth's environment or the people of the planet. Quite the contrary, big oil concealed the facts to protect their large profits.

"Exxon had a secretive research program too. In 1981, one of its managers, Roger Cohen, sent an internal memo observing that the company's long-term business plans could" produce effects which will indeed be catastrophic (at least for a substantial fraction of the earth's population).

"The next year, Exxon completed a comprehensive, 40-page internal report on climate change, which predicted almost exactly the amount of global warming we've seen, as well as sea level rise, drought and more. According to the front page of the report, it was "given wide circulation to Exxon management" but was "not to be distributed externally.

"And Exxon did keep it secret: We know of the report's existence only because investigative journalists at Inside Climate News uncovered it in 2015."[9]

[7] Statement by Jessica Klami of Young/Sommer, ConnectGEN counsel, at 1/20/2022 Planning Board meeting as witnessed by I. Wagner
[8] "What Big Oil knew about climate change, in its own words." Down To Earth, 29 Oct. 2021, p. NA. Gale General OneFile, https://link.gale.com/apps/doc/A680610039/ITOF. Accessed 9 Jan. 2022.
[9] Ibid.

There is one essential piece that is not fully recognized in ConnectGEN's timeline. It is the 2020 NYSERDA Tier 1 Awards, the mechanism used by the New York State Energy Research and Development Authority (NYSERDA) to funnel so much of New York's ratepayer funds to electric plant developers. NYSERDA offered its Request for Proposals (RFP) on July 21st, 2020.[10]

Per ConnectGEN's timeline, it was October of 2020 when, in the rural, farming town of Glen, New York State's Energy Research and Development Authority awarded ConnectGEN the opportunity to build and operate a 250 MW utility solar farm on prime farmland. (ConnectGEN is proposing an additional 75-100 MW installation in Glen.)

ConnectGEN is backed with oil money through Quantum Energy Partners. It is ironic and tragic that oil companies and their associated investment firms, whose wealth was derived from deceiving the world population and launching disinformation campaigns aimed at obscuring the true cause of climate change, are looking to profit from oil's replacement. *This is like a firebug starting a fire and then expecting to be paid handsomely for putting it out*.

At this critical moment when governments are in the process of moving to a renewable power source, companies like ConnectGEN and their backers are snickering in their beards that they have pulled another fast one over the eye of the nation. Using ratepayers' monies to underwrite big oil's continued monopoly on energy is unconscionable. We should not be so naive as to think the renamed oil companies will do anything different than they have for the past eighty years which is to put profits over people and the planet we live on.

Government Sponsorship

As with the oil industry in the 20th century, the government sees a role for itself as an advocate and patron for the adoption of an energy source – this time good ol' Sol,

10 https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts/2020-Solicitation-Resources, accessed March 3, 2022.

but with updated technology and distribution networks. Once again, however, human kind may find that the rush to implementation will create new and unforeseen deleterious effects.

CLCPA

The Climate Leadership and Community Protection Act (CLCPA) is described by New York State's climate.ny.gov as follows:

> On July 18, 2019, the Climate Leadership and Community Protection Act (Climate Act) was signed into law. New York State's Climate Act is among the most ambitious climate laws in the world and requires New York to reduce economy-wide greenhouse gas emissions 40 Percent by 2030 and no less than 85 percent by 2050 from 1990 levels. The law creates a Climate Action Council charged with developing a scoping plan of recommendations to meet these targets and place New York on a path toward carbon neutrality.

Politically, the CLCPA checked several boxes. It provided the appearance of responsiveness to the very valid public concerns about climate change. It prioritized the most popular proposed solution regarding control of climate change: electrification through solar and wind generation. Lastly, it demonized the oil & gas industry, not only for that industry's well-known excesses in unfairly dealing with governments and individual landowners and its well-documented contributions to climate change, but for its role as a source of poor health outcomes due to the siting, with government regulator's help, of toxic generation facilities in poor and underserved neighborhoods.

However, the CLCPA targets failed to address conservation, increased energy consumption and natural population growth. Further, New York State has exacerbated the environmental damage accruing from implementation of the CLCPA in three ways: Closing non-polluting plants, outsourcing the fair and equitable treatment of its rural citizenry to external profit-driven organizations, and failing to fully recognize New York's strongest renewable asset: hydropower.

The CLCPA calls for the creation of a Climate Action Plan. In December of 2021, a year and a half after its inception, the Climate Action Council released their plan. New York State residents have until June 10, 2022 to comment. GlenFARMLand encourages all New Yorkers to read the plan and submit comments. According to climate.ny.gov, the Council will be holding "at least six public hearings across the

State, both in-person and virtual."[11] As late as 3/11/2022, no public hearings had been scheduled. Since then, the Council has scheduled and conducted several in-person and virtual public hearings..

Climate Action Council

The New York State Climate Action Council (Council) is a 22-member committee that will prepare a Scoping Plan to achieve the State's bold clean energy and climate agenda.

Climate Action Council Members

Co-Chairs

- Doreen Harris, President and CEO, New York State Energy Research and Development Authority
- Basil Seggos, Commissioner, New York State Department of Environmental Conservation

State Agencies & Authorities

- Richard Ball, Commissioner, New York State Department of Agriculture and Markets
- Marie Therese Dominguez, Commissioner, New York State Department of Transportation
- Thomas Falcone, CEO, Long Island Power Authority
- Hope Knight, Acting Commissioner and President & CEO-designate of Empire State Development
- Justin Driscoll, Acting President and Chief Executive Officer, New York Power Authority
- Roberta Reardon, Commissioner, New York State Department of Labor
- Rory Christian, CEO and Chair, New York State Public Service Commission
- Robert J. Rodriguez, Acting Secretary of State, New York State Department of State
- RuthAnne Visnauskas, Commissioner and CEO, New York State Homes and Community Renewal
- Mary T. Bassett, Acting Commissioner, New York State Department of Health

Council Appointees

- Donna L. DeCarolis, President, National Fuel Gas Distribution Corporation
- Gavin Donohue, President and CEO, Independent Power Producers of New York
- Dennis Elsenbeck,President, Viridi Parente
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association
- Bob Howarth, Professor, Ecology and Environmental Biology at Cornell
- Peter Iwanowicz, Executive Director, Environmental Advocates NY
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- Raya Salter, Lead Policy Organizer, NY Renews
- Paul Shepson, Dean, School of Marine and Atmospheric Sciences at Stony Brook University

Figure 3. Climate Action Council Roster, Feb,. 2022

New York's Climate Action Council is led by two entities, the Department of Environmental Conservation (DEC) and the New York State Energy Research and Development Authority (NYSERDA). The former is a constitutionally-created department of New York State government. The latter is a state authority or "public benefit corporation." Legislators often use the construct of a public benefit corporation to free government entities from the constraints normally associated with traditionally-constituted agencies.

The Board listing of the Climate Action Council[12] (*left*) is a who's who of State Agency heads from State to Health to Agriculture as well as industry insiders who have a vested interest in the plan's results. In addition to a smattering of academics and the state's leading environmental lobbying organization, the Council includes industry groups for solar developers and power producers, and a battery manufacturer. **Conspicuously missing from the appointees are representatives of the Ag Industry** or even the legislatively-mandated (but apparently not recently staffed) Office of Rural Affairs. This is conspicuous because it is the rural areas of the State that will be most negatively impacted by the CLCPA and, more directly, from those agencies charged with its implementation. **Figure 3. Climate Action Council Roster, Feb,. 2022**

[11] Climate Action Council Draft Scoping Plan (ny.gov), accessed on Feb. 20, 2022

[12] https://climate.ny.gov/Our-Climate-Act/Climate-Action-Council, accessed Feb, 20, 2022

That said, even this lopsided Council recognizes, in the Draft Scoping Plan released in December 2021, that "Not only are natural and working lands critical for carbon sequestration, *avoiding conversion of such lands* [emphasis added] eliminates the prospect of additional GHG [greenhouse gas] release."[13] *So why is the government decrying conversion of working lands on one hand and subsidizing it on the other?*

The agencies, with joint chairmanship of the Climate Action Council, are NYSERDA and the Department of Environmental Conservation. The agency that enables much of the work that NYSERDA is able to do is the Department of Public Service, which regulates public utilities and mandates certain dollars from utility customers be shunted to NYSERDA. Lastly, and of great concern to GlenFARMLand, is a newly-constituted division of the Department of State, the Office of Renewable Energy Siting or ORES (pronounced "Oh Rezz"). It is ORES that will decide if ConnectGEN can build their proposed facility.[14]

For the purposes of this white paper, we take a more detailed look at NYSERDA, the Tier 1 Awards, and the Office of Renewable Energy siting and its enabled legislation, section 94-C.

NYSERDA

Buoyed by the massive spending of the CLCPA, the Renewable Energy Standard, and other legislative initiatives and the unprecedented financial and cultural support for New York's energy goals, NYSERDA has lost its way in achieving its mission of supporting the overall well-being of the people of the State of New York.

NYSERDA has morphed from an agency instituted to find better and more effective ways to generate, conserve, and utilize energy to a financial clearinghouse spending billions of taxpayer and ratepayer dollars to external entities to implement energy projects. Part of these monies is targeted towards homeowner and small business energy improvements, but the greatest portion is aligned towards large-scale and industrial-scale energy projects.

NYSERDA, along with its subsidiary, the "Green Bank," have spent, or committed to spend, tens of billions of ratepayer dollars on large-scale and industrial scale "renewables" projects. Most of these awards and subsidies are provided to out-of-state companies leading to a net impoverishment of New Yorkers to the benefit of external entities. Even worse, New York's leading technology in renewable

[13] New York State Climate Action CouncilDraft Scoping Plan, December 2021, p. 272

[14] The legislation that created ORES is known as "The Accelerated Renewable Energy Growth & Community Benefits Act."

energy generation, hydropower, is inexplicably minimized. NYSERDA's 2020 Tier 1 Awards included only a single hydropower facility. Of the 56 projects in their 2021 solicitation, only two are hydroelectric projects, and both are simply extensions of existing facilities.[15] On a typical day, hydroelectric power contributes 25% or more of the power used by New Yorkers. By comparison, solar production is so miniscule – even during daylight hours – that it is seldom differentiated from methane, refuse, wood burning or other bottom-tier technologies. In fact, Lighthouse Solar NY points out that "**Solar panels generally produce about 40-60% less energy** during the

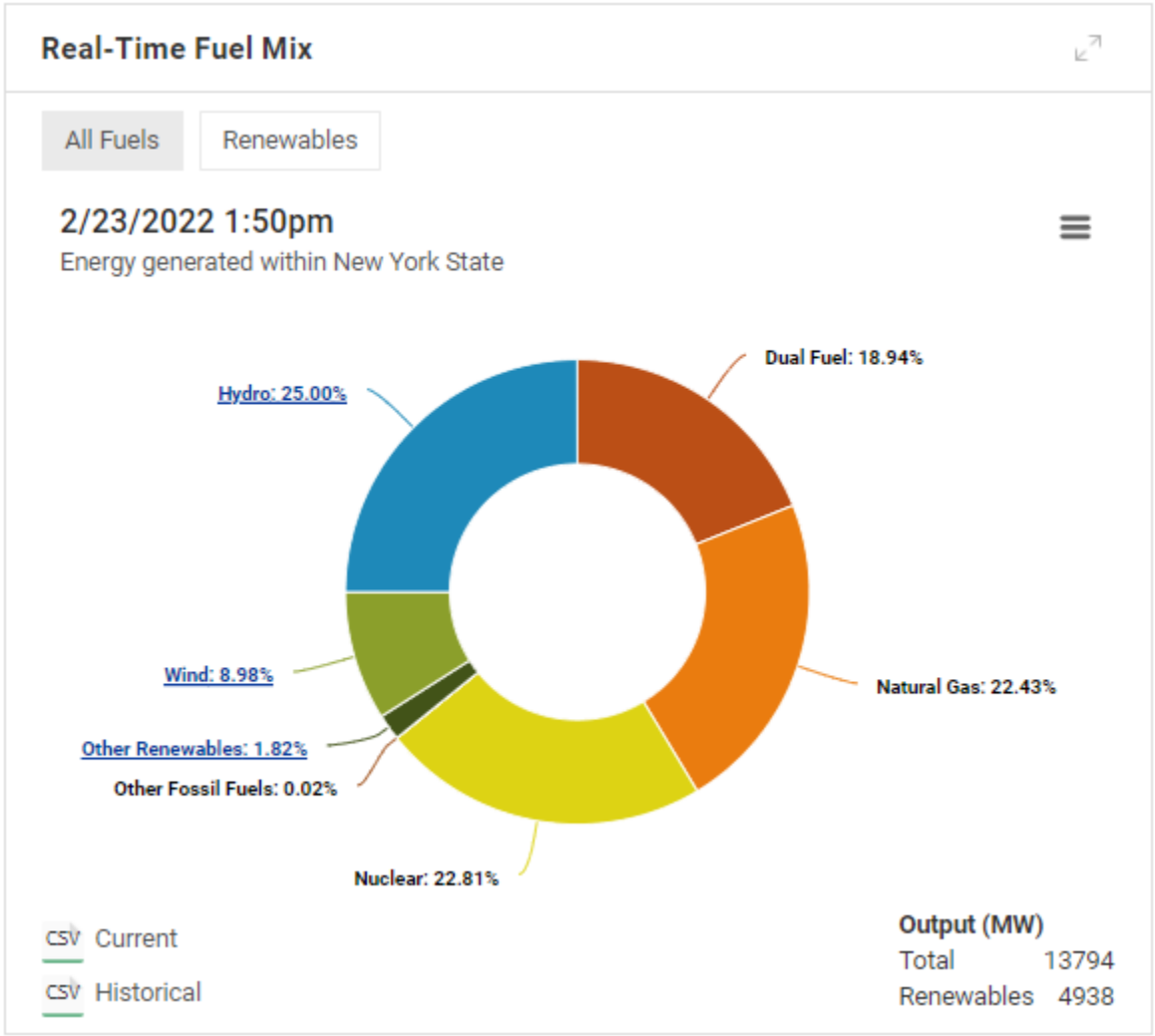


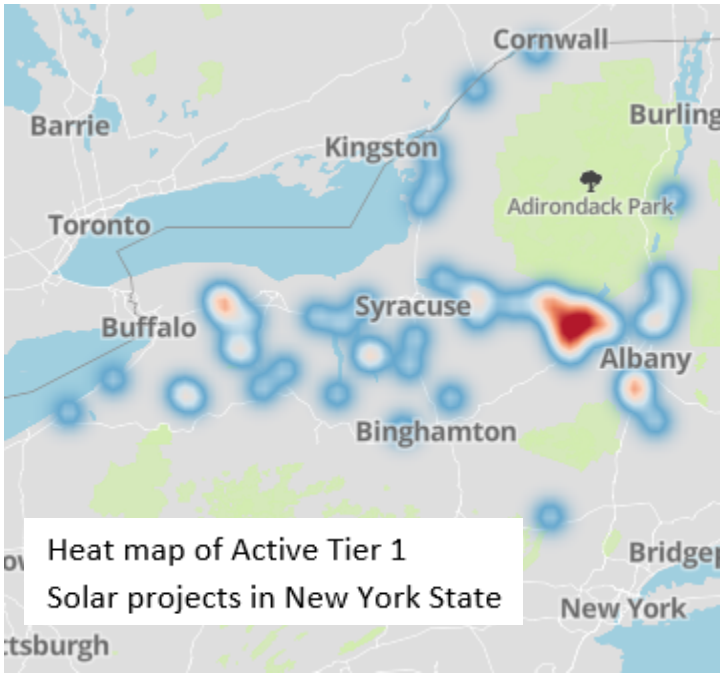
Figure 4. *Fuel mix for electric generation on February 23rd, 2022 at 1:50 PM (Source: https://www.nyiso.com/real-time-dashboard)*

15 https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts/Map

months of December and January than they do during the months of July and August. This means that solar power generation is significantly less during the winter than it is during the summer."[16]

Rural NY is for sale

NYSERDA makes no bones about it. When asked at the November 29, 2021 NYS Assembly public hearing on climate change expenditures by state entities, NYSERDA Vice President for Policy and Regulatory Affairs, John WIlliams, said that price was a "primary driver" in awarding Tier 1 contracts to developers[17]. This is further substantiated when examining the evaluation criteria for NYSERDA's 2020 Tier 1 Awards: 70% of the score will be based on price and the remaining 30% on Project Viability (beyond the minimum Viability Thresholds); Incremental Economic Benefits to New York State; and Operational Flexibility and Peak Coincidence.[18] There is no consideration of the impact to farmland and rural communities. NYSERDA is literally selling out NY's farmland.



Heat map of Active Tier 1 Solar projects in New York State

It's also clear that any recognition of the concerns of rural communities by NYSERDA is lip service only. During the same November Assembly Hearing, Williams testified in an answer to Assemblyman Angelo Santabarbara that NYSERDA needs to "work with these [proposed host] communities to understand how these may change the character of these communities..." However, the response to an inquiry from GlenFARMLand Co-Chair Bonnie Couture, by one of Williams' staff members, indicated no interest in finding out more about our community nor did it seek to understand the potential impact of the project on Glen.[19]

---

[16] https://www.lighthousesolarny.com/blog/2017/february/the-seasonality-of-solar-energy-production/

[17] https://nystateassembly.granicus.com/MediaPlayer.php?view_id=8&clip_id=6463 @ 2:19:00 - 2:21:00, accessed Feb. 24, 2020.

[18] RESRFP20-1, https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pt000000P00roEAB , pp 13 -14

[19] See Attachment A-2

The response (Attachment A-2) was cookie-cutter and failed to include the most basic sentence that all such correspondence should: "If you have any additional questions, please feel free to contact me." The lack of such a sentence is telling. The subtext is that there is *no room for dialog or a pursuit of understanding how these projects may change the character of our communities*.

ORES & Section 94-C

The Office of Renewable Energy Siting (ORES) was placed in the Department of State as a result of modifications to New York State Executive Law that were slipped into the 2020 budget process. Section 94-C creates the Office and sets out the terms by which it should operate. "94-C" has become the watchword for describing NY's process for siting industrial-scale wind & solar power plants.

The fact that 94-C was brought into being during the budget process is, at best, unfortunate, at worst, devious. 94-C was an attempt to replace the Article 10 process to enable renewables developers to get from application to production more quickly.

Alexander Fields opines in a 2020 article that "Article 10's detailed and onerous requirements are tailored to fossil-fuel projects, which have far greater negative environmental impacts and require a more time-intensive environmental review process.[20]

The second half of that quote represents a widespread assumption that renewable projects are inherently less environmentally-impactful than previous energy generation technologies. This erroneous assumption is a major driver of the issue that GlenFARMLand is facing with the ConnectGEN proposal: namely, that blanketing thousands of acres of farmland with solar panels has no deleterious environmental impact. Where Article 10 non-renewable facilities could span a few dozen acres, the facilities envisioned by NYSERDA and set to be permitted by ORES will span thousands of acres each. This is especially egregious in that Section 94-C significantly degrades the test to be met by the siting agency to be able to override local law.

Section 94-C required the new agency, ORES, to promulgate regulations and conduct public hearings. ORES did as it was instructed and conducted several hearings. Of the seven hearings conducted, only two were in-person hearings, one in Albany and the other in Stonybrook on Long Island. Due to the pandemic, the others were virtual.

[20] A. Fields, "Will Section 94-C Enable Renewable Energy Project Siting and Help New York State Achieve Its Energy Targets?", cjel, vol. 46, no. 1, Dec. 2020.

The hearings were conducted over a two-week period from November 17th, 2020 - November 30th, 2020[21]. The condensed schedule and timing that bookended the busy Thanksgiving holiday undeniably suppressed public comment and meaningful public interaction. Some of the virtual hearings were given names like "Rochester," "Buffalo," and "Clayton." No public hearings were even given names in the Eastern Mohawk Valley or the Southern Tier, two of the areas hardest-hit by solar developers. Regardless, many rural community residents do not have ready access or familiarity with the internet and many elderly or religious people choose not to use it. The proffered call-in option, like the internet option, required pre-registration by Noon on the hearing date[22], failing to mirror the general accessibility of in-person public hearings. It is clear that the lack of in-person hearings on such an impactful set of regulations was insufficient, but it sadly only mirrored the paltry time and effort expended by NY's Legislature to place Section 94-C into law.

Piling On

Energy industry voices and lobbyists prevailed and continue to prevail on New York State to enable the spigots of finance dollars to run ever more freely into the pockets of developers in this young and lightly regulated industry.

In addition to the already significant investments by New York State in Solar & Wind developers, it was determined that financing for these primarily out-of-state companies had to become easier to get. So, in July 2020, pursuant to Public Service Commission Order earlier that year, new NYSERDA Tier 1 awardees were granted a great boon[23]. They would be guaranteed a level value for each Renewable Energy Certificate (REC) they produced, called an "**Index REC Strike Price**." Previous to that, solar installations were paid by NYSERDA for producing the REC, but were subject to price volatility as to what they might receive for those RECs when they were put on the market. The guarantee for these prices comes from NYSERDA and is supported by fees to ratepayers, through our utility bills.

A year later, the industry was presented with yet another boon, this time on the back of host communities. Much of the oft-repeated rationale for the ConnectGEN project and similar projects is in regard to the amount of tax money that the project will bring in. ConnectGEN stated in their live Q&A in April 2021 that they were estimating

---

[21] https://ores.ny.gov/events-0, accessed 4/26/2022.

[22] https://ores.ny.gov/event/clayton-public-hearing , accessed 3/4/2022.

[23] https://www.barclaydamon.com/alerts/psc-to-nyserda-offer-renewable-developers-rec-bidding-flexibility-to-meet-governors-clean-energy-standard , accessed March 3, 2022.

"$30 million in increased revenue in the form of tax payments" to the Town, School District, County.[24] It appears, however, that they weren't happy about it.

The lobbying group, Alliance for Clean Energy, to which ConnectGEN has claimed membership, was among the entities invited to provide input into yet another piece of legislation passed as part of budget packages. In 2021, the Legislature directed NY's "State Department of Taxation and Finance [DTF] to develop a standard appraisal methodology for solar and wind energy systems with a nameplate capacity equal to or greater than one megawatt.[25]"

The Department's Office of Real Property Tax Services (ORPTS) chose a methodology very advantageous to developers and never before used for generation facilities. In fact, the New York State Assessors Association derided the decision, stating, "The discounted cash flow methodology has not been accepted in New York State as a proper valuation tool for utility property, such as power plants, hydroelectric dams, poles, wires, or fiber optics."[26]

It is yet to be seen what the impact of the new methodology will be to ConnectGEN's estimates of tax liabilities, but it will likely be much lower than the amounts quoted by the company & NYSERDA. In the Town of Sharon, Assessor Dave Jones calculated the valuation of a 50MW facility in his town and compared it to the valuation that had already been established by the Town. Under the new methodology, expected property taxes on the plant are reduced from $2.9 million to less than $500 thousand.[27]

The new methodology could also place existing PILOT agreements in jeopardy. Under NYS real Property Tax Law, taxing authorities may contract a PILOT with wind and solar facilities and the "contract may require annual payments in an amount **not to exceed the amounts which would otherwise be payable** [emphasis added]."[28] This essentially caps any PILOT agreement to the amount provided by the newly-legislated methodology. PILOTs for solar and wind facilities have become so useless that Glen Town Assessor Stella Gittle declared, "These companies are already getting a huge exemption with the state model, so there is no reason to give them another one by doing PILOT agreements."[29]

---

[24] https://drive.google.com/file/d/1G6L4xUMWrjgTyshYQU4zwezKJkn-T3oX/view?usp=sharing , Question 10.
[25] https://www.tax.ny.gov/research/property/renewable-appraisal.htm
[26] https://nyassessor.org/nysaa-news
[27] https://www.cobleskilltimesjournal.com/article.asp?id=105759
[28] RPTL §487. 9 (a)
[29] https://www.recordernews.com/news/local-news/198598

Profit Incentives

The Profit Motive: Greed, not Green

The New York State Energy Research & Development Authority (NYSERDA) has issued dozens of awards to primarily out-of-state developers[30] for guaranteed purchase of billions of dollars of Renewable Energy Credits (RECs) at very advantageous pricing for the developers. Unsurprisingly, these uneconomic incentives have attracted companies from Texas to Florida and beyond whose primary motivation is not to conserve or protect the environment, but to leverage the political environment for as much money as they can.

NYSERDA's primary vehicle for soliciting and awarding these contracts has been the Tier 1 Renewables Contract. This is a competitive process in which developers commit to a certain level of production and identify a price for the Renewable Energy Certificates (RECs) associated with each MWh of solar energy they produce.

NYSERDA offers two pricing models, a fixed REC price and an Index REC strike price. Under the first model, NYSERDA pays operators directly for each MWh produced at the price bid. In addition to that, the company is able to receive an additional amount based on the market price for the RECs they produce. Since the market price fluctuates, the amount that the developer will receive in total for their production also fluctuates.

Financiers are not known to have a great deal of happiness for fluctuating revenue and developers were concerned that they were unable to get the financing they needed in order to build. Additionally, the Public Service Commission and NYSERDA were doubtful that NY's extremely ambitious generative goals could be met with the perceived funding issue, so they attempted to resolve the issue with the Index REC strike price.

The revenue stream bid by developers for the Index REC has more complex calculations from the State side, but has the upside of iron-clad predictable revenue for developers. In the words of Derek Reiman, ConnectGEN's Vice President of Development, at a recent Mill Point Solar information session, the Index REC strike price is a "guaranteed price." To this end, he stated that his company will receive $22 million a year for the contract with NYSERDA for a 250 MW nameplate facility for a total of $440 million.. This is entirely consistent with the data provided by NYSERDA through data.ny.gov wherein ConnectGEN's Mill Point Solar installation has

[30] In an analysis of companies with active Tier 1 projects as of October 2021, GlenFARMLand found that 16 of the 23 companies were headquartered out of state. Of these, only 4 had set up New York-based offices.

committed some 497,130 Megawatt-hours (MWh) at an Index REC Strike Price of $44.55 per MWh. Multiplying these numbers yields $22,147,142.00 a year, which is consistent with Mr. Reiman's statement.

The ConnectGEN REC Strike price is significantly lower than the Tier 1 average of $57.16 per MWh. Prior to the awarding of the 2021 contracts, NYSERDA had committed to purchase 4622 MW capacity with a nearly 8.8 million MWh of electrical production. Multiplying $57 * 8.8 million, results in a yearly cost to ratepayers of $501.6 million dollars a year. The contract term in each of these cases is 20 years. This amounts to a **$10 billion dollar transfer payment from New York State ratepayers to Solar Developers over the next 20 years**.

The 72 solar projects identified in NYSERDA's Active Tier 1 Projects as of October 2021 represent only 23 different developers. Nineteen of the projects are associated with a single developer: SunEast Development. SunEast Development is based in Malvern, Pennsylvania with additional listed offices in Old Lyme, Connecticut and Palm Beach Gardens, Florida on their website. Nearly a third of the projects in NYSERDA's active portfolio are being developed by SunEast, yet they do not appear to have corporate offices in New York.

Why is New York committing literally billions of NY taxpayer and ratepayer dollars to be sent out-of-state and out-of-country?

Is this really needed? According to U.S. Energy Information Administration,[31] New Yorkers used less total energy per capita than all but two other states and New York is ranked 5th best in its per capita use of electricity. So, whose problem are we trying to solve?

GlenFARMLand's primary concern is the ConnectGEN project. ConnectGen similarly has avoided the idea of a corporate headquarters in New York. VP Reiman stated in the April 2021 virtual public information session that "Yeah, at this time, **ConnectGen hasn't given any consideration to expanding any kind of regional offices across the country. Right now, our corporate headquarters are located in Houston where our employees go to work on a daily basis, and so, to that end, we have not given any consideration for office expansion at this time."**[32] Not only has NYSERDA created huge incentives for out-of-state developers to come into the State, but they have given them absolutely free reign to export those profits from NYS ratepayers to places that are not as concerned about climate change as New Yorkers. As long as these other states and countries have a sure and profitable revenue stream from NY, they have little incentive to challenge climate change head-on.

---

[31] https://www.eia.gov/beta/states/states/ny/analysis, accessed 2/21/2022

[32] https://drive.google.com/file/d/1G6L4xUMWrjgTyshYQU4zwezKJkn-T3oX/view?usp=sharing, Question 45

Who Is ConnectGEN?

Founded in 2018, ConnectGen describes itself as a renewable energy company focused on greenfield development of high quality wind, solar, and energy storage projects and applying their proven ability to develop, construct, and operate clean energy holdings in North America.

According to their website, ConnectGen is housed in Houston, Texas and was established by the international private equity Firm, Quantum Energy Partners, a global provider of private capital. ConnectGen is a wholly-owned subsidiary of 547 Energy, Quantum Energy's Partners' clean energy platform company.[33] According to 547 Energy, "electric green" is the color of visible light represented by a wavelength of 547 nanometers and was the inspiration for their name. Like ConnectGEN, 547 Energy is a part of Quantum Energy Partners. Quantum Energy Partners does not limit themselves to "green" or "electric," but is a wide spectrum energy investor in fuel production, infrastructure, power & renewables, technology, and structured capital. All three companies are based in Houston, TX , the home of big oil companies like ExxonMobil.

Although ConnectGen touts that their experienced team has developed, built, and operated thousands of megawatts across North America, their current portfolio includes only 139 MW of solar projects in operation. This represents 50% shared ownership of three purchased projects from the defunct Clean Lines Energy Partners. The projects include the 20MW Windhub A project located in Kern County, California, the 103 MW Sunshine Valley project in Nye County, Nevada, and the 154 MW Sunstreams 1 project in Maricopa Valley, Arizona. [34]

According to ConnectGen's New York Solar Portfolio, "In addition to the Portfolio Resources, the ConnectGen management team has previously led the greenfield development and permitting of six utility scale wind farms across New York, four of which are in operation. These six large scale renewable energy projects amount to nearly 1 GW, of which around 700 MW are operational."[35]

This statement leads one to believe that the ConnectGen team has led the above projects, when in fact, these statistics represent the past performance of individual ConnectGen management team members while engaged in former employment

[33] https://www.connectgenllc.com/investors

[34] https://www.connectgenllc.com/our-projects .

35 https://www.nyserda.ny.gov/-/media/Files/Programs/Clean-Energy-Standard/Tier4-Step-2-Bid-Submission-Response/ConnectGen-Solar-Portfolio.pdf

opportunities, many serving in top management positions for Clean Line Energy Partners, which folded in 2017.

Many Town of Glen residents are wary of ConnectGen and the plans they bring to our area for a 250 megawatt solar farm. Eddie Barry, project manager, stated at the April, 2021 virtual Mill Point Solar public information session that, "Since late 2019, ConnectGen has been actively developing this project through public engagement. We've had a combination of stakeholder outreach, attended some Town Board meetings, you know, mailing direct information to local landowners, internet and newspaper advertising, and an ongoing consultation with local stakeholders."[36] These local stakeholders included former Supervisor John Thomas, who met with Mr. Barry in October of 2019, participating landowners, and two Town council members.

The remaining residents of the Town of Glen were introduced to ConnectGen and were apprised of the situation at the January 2021 Town Board meeting, fifteen months later!

As promised, during the April virtual event, two additional Mill Point public informational meetings were held in August and November.

At the November 2021 meeting, ConnectGen was asked a direct question whether they were going to expand their project. They did not disclose that they had submitted a second bid **in August of 2021** for an additional utility solar project. Glen Council Member Rosalie Farina (at the time a Planning Board Member), repeatedly asked if ConnectGEN was planning an expansion and still they chose not to reveal they had initiated a second proposal.

Exactly twenty days later, GlenFARMland learned, through independent research, that **ConnectGen had submitted an additional bid to NYSERDA** for a 75-100 MW solar project, Mill Point 2, neighboring Mill Point 1 in the Town of Glen.[37]

This same lack of public engagement and transparency partly led to ConnectGen's failure to successfully develop the Fountain Wind Project in Shasta, California. From 2019 to 2021, ConnectGen worked tirelessly to obtain a siting permit for a 72 turbine 16MW wind farm, to no avail. During the June 22, 2021 Shasta Planning Commission meeting, ConnectGen officials announced they had conducted extensive community outreach and had made many changes to the project in response to public comments. Members of the audience, including Shasta County Resources Director

[36] https://www.millpointsolar.com/wp-content/uploads/2021/06/April-2021-MPS-Public-Information-Meeting-Transcript-final.pdf , p. 5
[37] https://bi.nyserda.ny.gov/RESRFP21-1-%20Att.%20B/Mill_Point_Solar_2_Attachment_B.pdf

Paul Hellman,[38] begged to differ. A closer look showed that the groups that worked with ConnectGen *were not locals, but persons from outside the area*.[39]

As a result of the above, and other questionable tactics, ConnectGen's initial proposal was rejected by the Shasta County Planning Board in June 2021 and on October 27, 2021, their modified proposal for the Fountain Wind Project was rejected by the Shasta County Board of Supervisors.[40]

Since then, on December 22, 2021, Iberdrola (owner) and Avangrid Renewables (a subsidiary of Avangrid) have reported that the Fountain Wind Project is expected to be commissioned in 2023 and will power approximately 86,000 homes.[10]

Concurrently, a $110 million lawsuit has been filed by a cyber security company in New York City accusing Avangrid and its parent company Iberdrola of bid rigging and racketeering. "The 72 page federal court complaint outlines an elaborate scheme by Iberdrola executives to generate millions of dollars in wasteful equipment expenditures in order to turn a profit from its utility customers in New York, Connecticut, and Maine. The lawsuit further alleges that much of the equipment was never put to use and is instead collecting dust in warehouses across the region."[41]

According to their website, ConnectGen is currently in the process of developing three utility scale solar facilities across New York State. The South Ripley Solar Project and energy storage in Chautauqua County received a 2019 NYSERDA REC contract and the Harvest Hills Solar Project in Cayuga County and Mill Point Solar Project in Montgomery County were awarded REC contracts in 2020. Collectively, these projects are estimated to cover approximately 5600 acres of valuable farmland and have the capability of providing 720 MW of electricity to thousands of downstate homes.

Although Solar energy has a rightful place in New York State's energy portfolio, the nature and size of utility scale solar projects create many challenges for any locality to protect its most important resources. As New York State Senator Borrello stated, "The previous Article 10 permitting process, which provided some meaningful opportunities for communities to be engaged in the siting process, has been discarded. The due diligence that local governments invested in reviewing, vetting, and debating these projects will now, essentially, disappear and with it, any

---

[38] https://anewscafe.com2021/07/16redding/scorched-earth-part-11-the-rejection-of-the-fountain-wind-project-and-who-appealed-the-decision#comments/

[39] https://www.redding.com/story/news/local/2021/08/1/fountain-wind-project-planned/

[40] https://www.wind-watch.org/news/2021/10/27/Shasta-Board-of-supervisors-reject-fountain/

[41] Fendt, Lindsay; *Energy Giants Iberdrola and Avangrid Accused of Bid-Rigging, Racketeering,* Las Cruces Sun News, December 4, 2021.

expectation that most local residents will regard these projects with anything other than mistrust and opposition."[42]

We have significant concerns about ConnectGEN's competence. When they held their initial meeting, they indicated that they would be applying to ORES in late summer or early fall 2021. As of the writing of this document, in Spring of 2022, they have changed that application date numerous times.

- ConnectGEN's record of changing application dates
  - Late summer to fourth quarter
  - To late 1st quarter 2022
  - To late summer 2022
  - To early 2022
  - Back to late summer 2022

Date slippage isn't their only example of incompetence. Their in-person public meetings have not been inspiring. Actual slippage was a real possibility at the November 2021 community outreach at Eion's Hideaway. The entryway was muddy and dangerous, and inaccessible to handicapped persons. It was a cold night, and the heater (which did not adequately heat the location) was so loud that members of the public and the presenters themselves were very difficult to hear. Attendees were forced to make a choice: did we want to be warm or did we want to be heard? Given the company's poor execution of a simple matter like a public meeting, what confidence can residents have in the execution of a mega solar installation? Given their flawed site selection for the meeting, can we be sure they have made a competent site selection for their project?

Glen is home to more modest solar installations. These other sites have continued work throughout the winter, but ConnectGEN didn't work. ConnectGen inadequate planning for the archaeological survey in the winter was flawed and had to be delayed due to winter.

ConnectGEN is a four-year old organization with no discernible record of completed site development as a company. Given the flawed execution and planning, it isn't surprising that they haven't built anything!

Is this the kind of partner we want for Glen and New York State?

---

42 https://www.nysenate.gov/sites/default/files/press-release/attachment/7.1.21_statement_by_senator_borrello_on_lawsuit_against_ores_and_siting_process_f.pdf

Community Impacts

Impacts to Farming

"A Picture is Worth a Thousand Words"

"The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products."

-New York State Constitution Article XIV §4

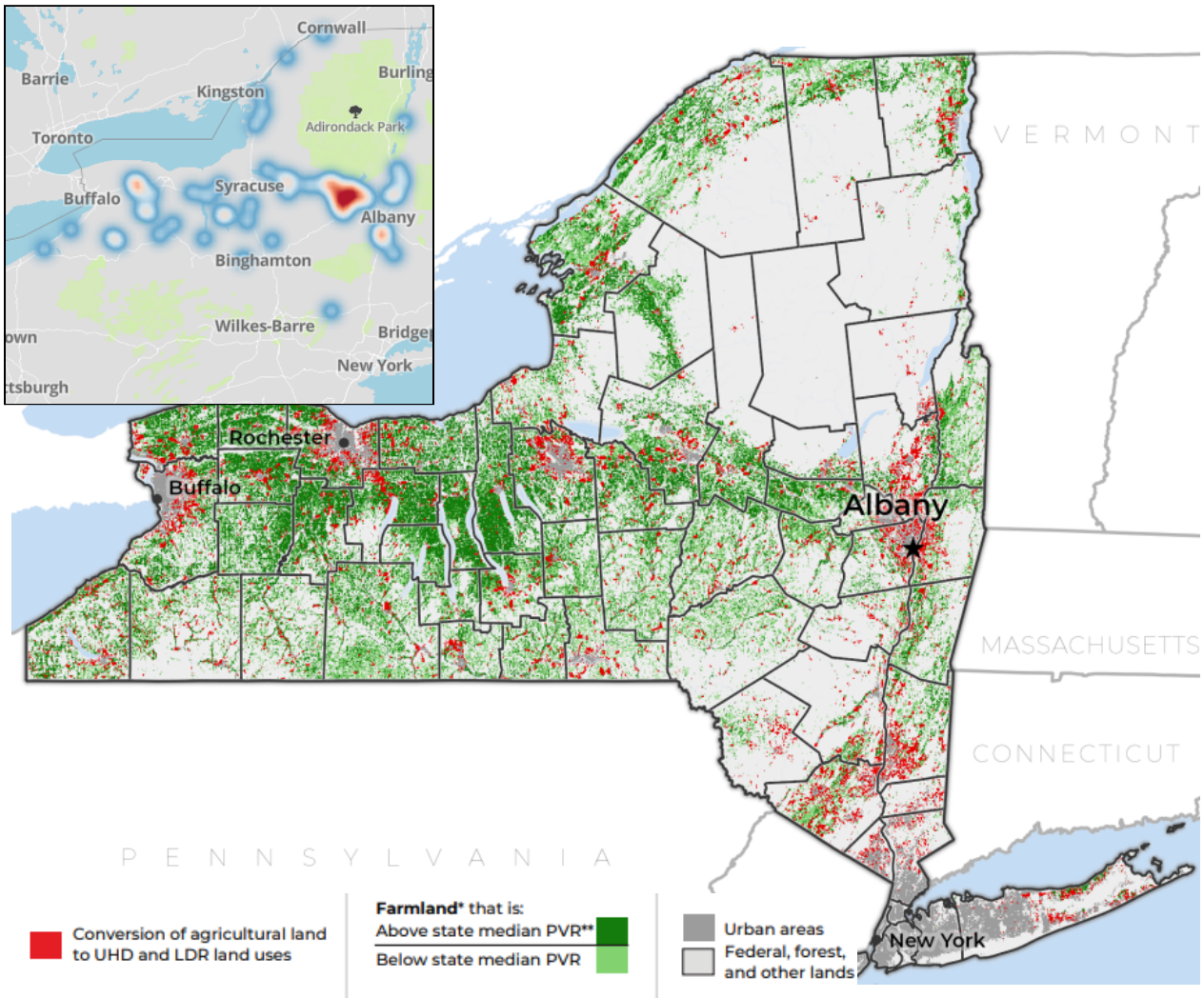


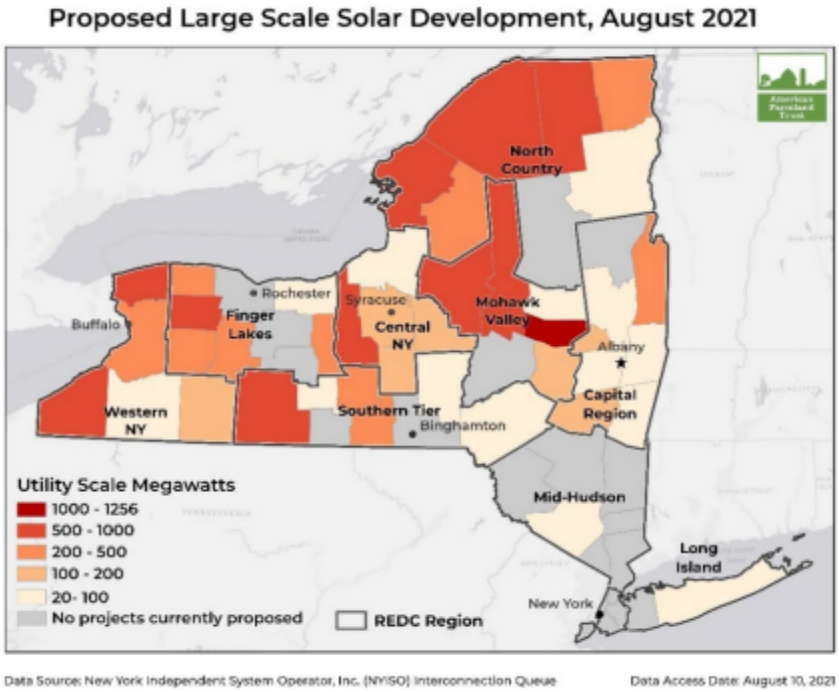
Figure #5. Farmland Conversion 2001 - 2016 from American Farmland Trust's State of the States to Urban High Density (UHD) and Low-Density Residential prior to the Industrial Solar Land Grab. Glen & Montgomery County farmlands are almost entirely rated above AFT's state median PVR (productivity, versatility, and resilience) **Inset:** Heat map of large-scale solar projects in New York State.

But.....

American Farmland Trust's: The State of the States report revealed that between 2001-2016 over a quarter of a million acres of farmland were paved over, fragmented or converted for uses that jeopardize agriculture curtailing sustainable food production, economic opportunities (enough to generate $148 million in annual revenue) and the environmental benefits afforded by well managed farmland.

According to Figure #5, New York is among the states with the highest farmland conversion rate in the nation for both UHD (urban and highly developed) and LDR (low density residential) use from 2001-2016. More importantly, this conversion exemplifies that 128,300 acres of New York's Nationally Significant land and 121,000 acres of New York's prime farmland were relinquished.[43]

Additionally, the above number reflects a high threat of conversion since New York scored in the middle of all states for policies and programs that protect agricultural land from development, promote farm viability, and facilitate the transfer of agricultural land.[44]



REDC Region	% of Total Proposed Large-Scale Solar
North Country	22%
Mohawk Valley	22%
Finger Lakes	17%
Western NY	14%
Southern Tier	9%
Central NY	8%
Capital Region	6%
Mid Hudson	1%
Long Island	<1%

Fig. 6. Proposed large-scale solar development by County and Economic Development Region[45]

[43] www.farmlandinfo.org Smart Solar Siting on Farmland

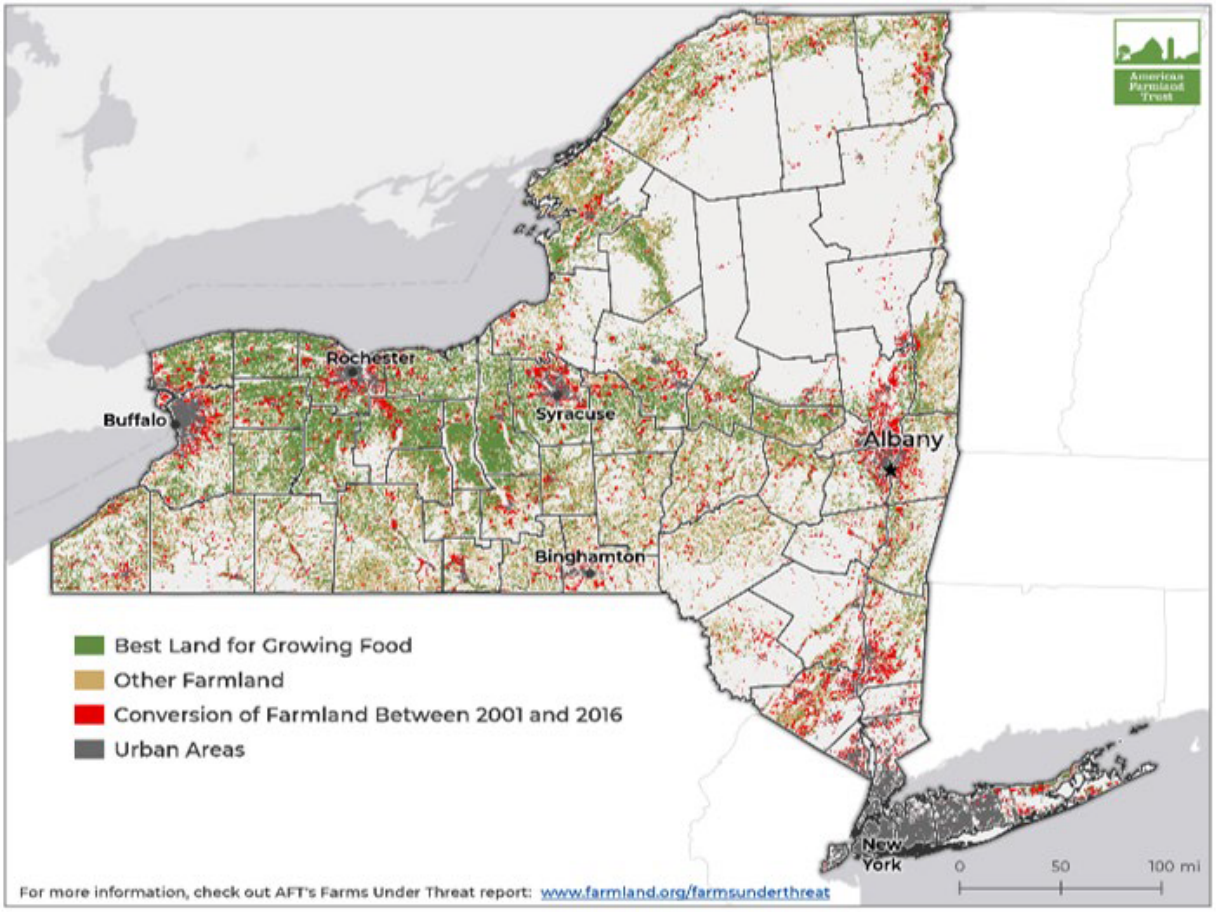
[44] www.farmlandinfo.org Farms Under Threat, New York Agricultural and Conversion Highlight Summary

[45] www.farmlandinfo.org/ Solar Siting on Farmland: Achieving Climate Goals While Strengthening the Future for Farming in New York, American Farmland Trust, 2022, p.11

As Farmland Trust predicted, the threat of conversion is now a reality. The above Figure #6 shows where in New York State large scale solar projects have been granted a permit (and have a degree of control)[46] to continue the process of placing thousands of solar arrays over thousands of valuable agricultural lands.

Additionally, the accompanying table represents the divisional placement of 14.3 GW of these designated solar panels by Regional Economic Development Council Region. As of August 2021, both the Mohawk Valley and the North Region lead the

Figure 7. **Farmland Loss in New York State**



way with over one-fifth of the projects proposed moving forward within their boundaries. Montgomery county alone, with its 50,000 residents is being called upon to produce over a Gigawatt of solar electricity – more than enough electricity to support each of its residents ***ten times over***. **This contest has no winners, only losers!**

[46] Some projects are in the initial stages of the permitting process-all have lease agreements

"The world's population continues to grow, but our soil resources do not. We must ensure that our soil resources are stable and sustainable to feed future generations."[47]

High quality agricultural land is identified in Figure #7[48]. Farmland Trust has used their PVR index which quantifies the productivity, versatility, and resiliency of agricultural land to identify New York's best farmland and New York's Nationally Significant Land, which is the best land for long term production of food and other crops. "Fifty-four percent of New York's agricultural land, or 4,923,800 acres, falls in this category, and it is critical that we protect high PVR land for the long term sustainability of agriculture."[49]

Additionally, a USDA web soil survey, maintained as the single authoritative source of soil survey information, was recently prepared by the Montgomery County Soil and Water Conservation Service.

The results are as follow:

Area of Interest (AOI):	**Mill Point 1 Footprint and contiguous areas[50]**	
Acres in Area of Interest:	**7,355.7**	
Percent of Area of Interest:	**100%**	
Farmland Type	**Number of Acres**	**Percent of AOI:**
Prime	**932.6**	**12.7%**
Prime if Drained	**3,106.1**	**42.2%**
Statewide Importance	**2,206.0**	**30.0%**
Not Prime	**1,110.6**	**15.1%**

AcreValue defines itself as the leading farmland real estate provider of valuation estimates for any parcel using soil, climate, geography, crop history, and other factors sourced from the Soil Survey and developed by the National Resources Conservation

[47] www.nrcs.usda.gov The Time is Right to Talk About Soil Health for Two Very Important Reasons

[48] https://s30428.pcdn.co/wp-content/uploads/sites/2/2022/01/NY-Smart-Solar-Siting-on-Farmland_FINAL-REPORT_1.31.22.pdf , p.7

[49] www.farmland.org/ Farms Under Threat, New York Agricultural and Conversion Highlight Summary

[50] Prepared July, 2021 for GlenFARMLand by Montgomery County Soil & Water Conservation Service

Service. This information is extrapolated to achieve a National Commodity Crop Productivity Index (NCCPI).

Contingent on 1,445,408 parcels, New York State's overall National Commodity Crop Productivity Index is 31 and appertaining to the 62 counties housed in New York State, Montgomery County ranks 11th, with an earned NCCPI of 45.[51]

Additionally, and more importantly, the soil in Montgomery County presents better than any surrounding county comprising the Mohawk Valley Region.

[52]

County	NCCPI rating
Fulton	25
Schoharie	31
Otsego	32
Oneida	38
Herkimer	43
Montgomery	**45**

[51] Prepared August, 2021 for GlenFARMLand by Ag-Analytics Technology Company, Ithaca, New York
[52] Ibid

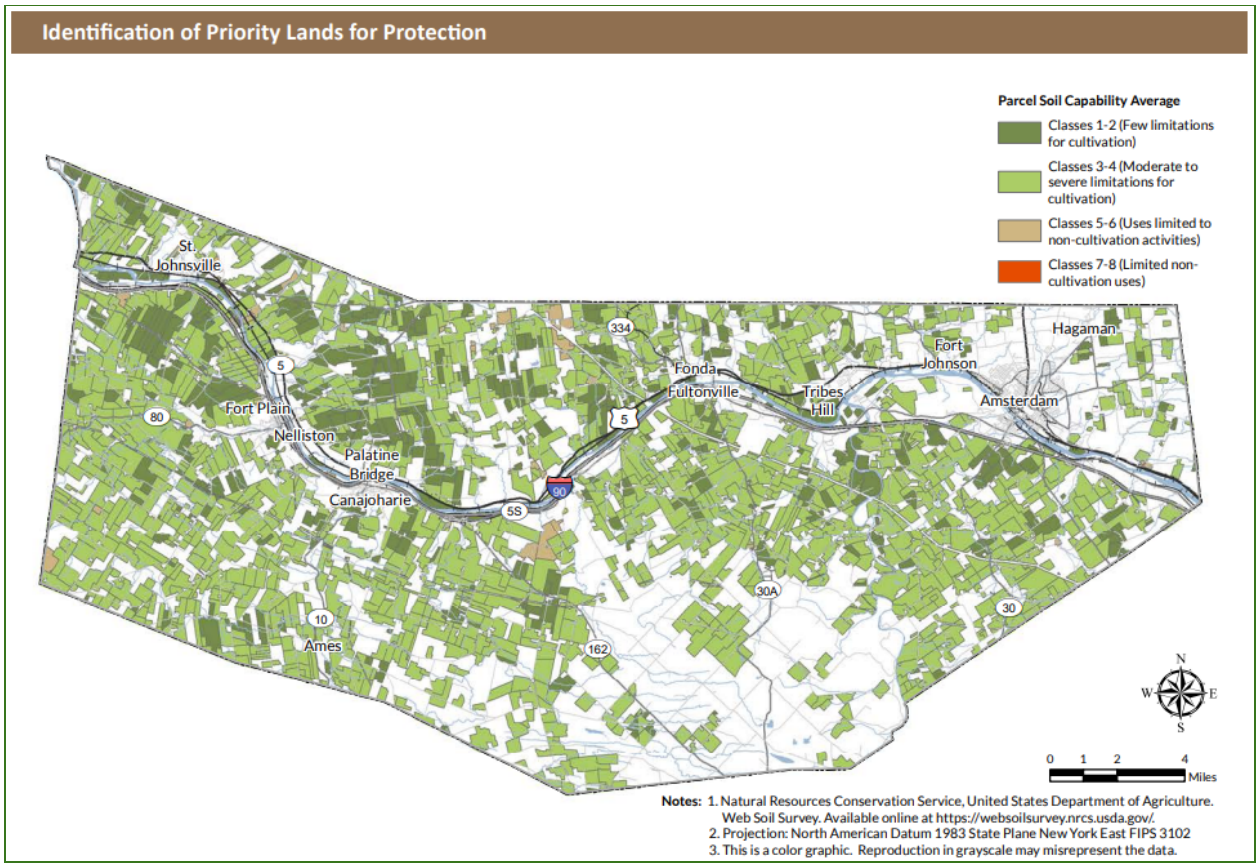


Figure #8 Parcel Soil Capability Analysis of Priority Lands for Protection, Montgomery County Agricultural and Farmland Protection Plan, 2017

Contingent on parcel soil capability, Figure #8 represents Prime Farmland, defined by the United States Department of Agriculture, for Montgomery County, New York. Unfortunately, as pictured, the land best suited to produce food and crops, soil classes 1-4 (green) is scheduled to be blanketed by a 275 MW utility-scale energy facility.

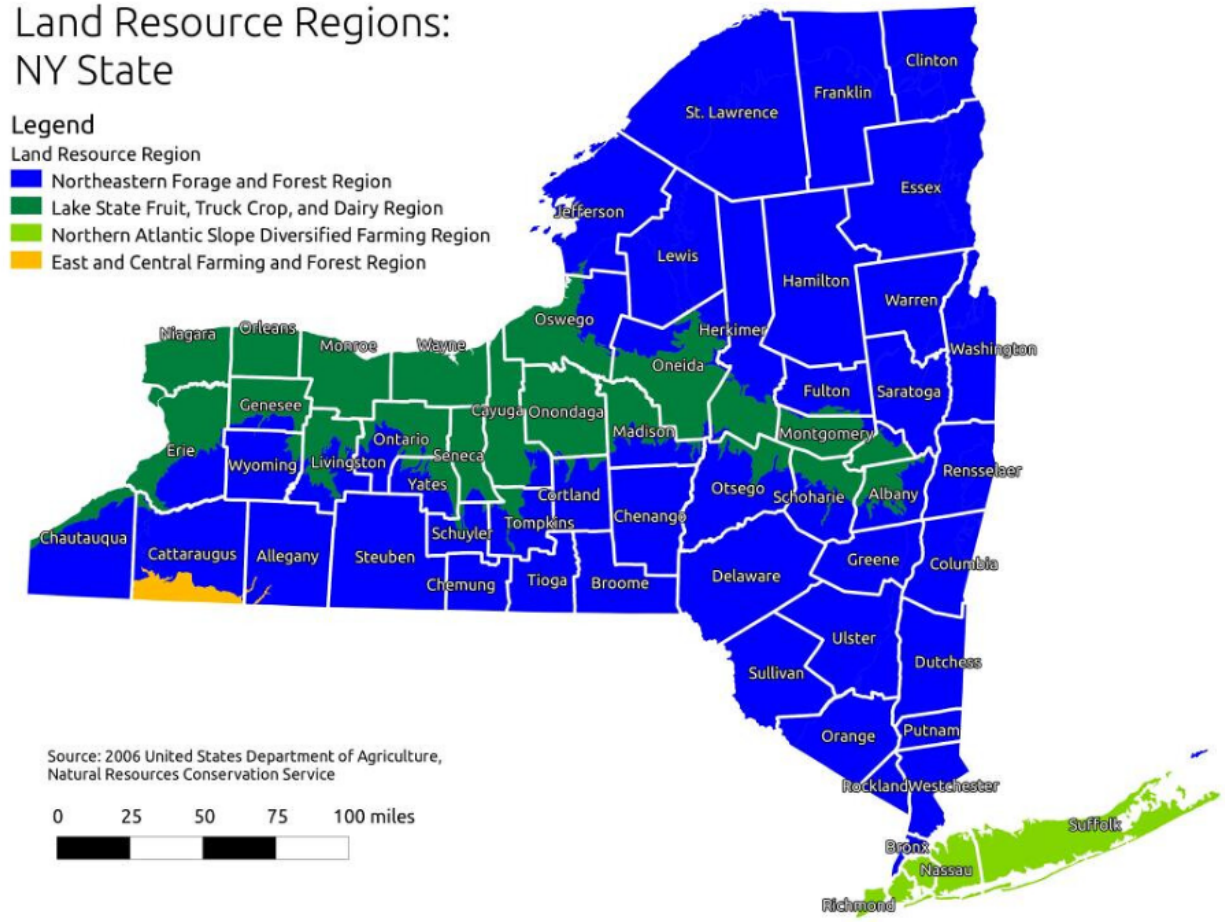


Figure #9 NYS Land Resource Regions

The four major regions of the State of New York are illustrated in Figure #9. The region designated as the best suited for the production of fruit, crops, and milk is exhibited in dark green. Montgomery County sits wholly within this sector, once again, demonstrating the value of this land is worthy of protection.

Montgomery County boasts some of the most desirable agricultural land in the state. Unfortunately, the State of New York continues to allow Utility scale solar developers the opportunity to seize valuable land out of production. Our best acreage, destined to be dormant for thirty plus years, is being sited and primed for rapid placement of, acre laden, photovoltaic cells, thus increasing the pressure on farming in Montgomery County and weakening our agricultural system.

At some point, the system will start to break down. But, when does the decline reach a point of no return?[53]

ONLY TIME WILL TELL!

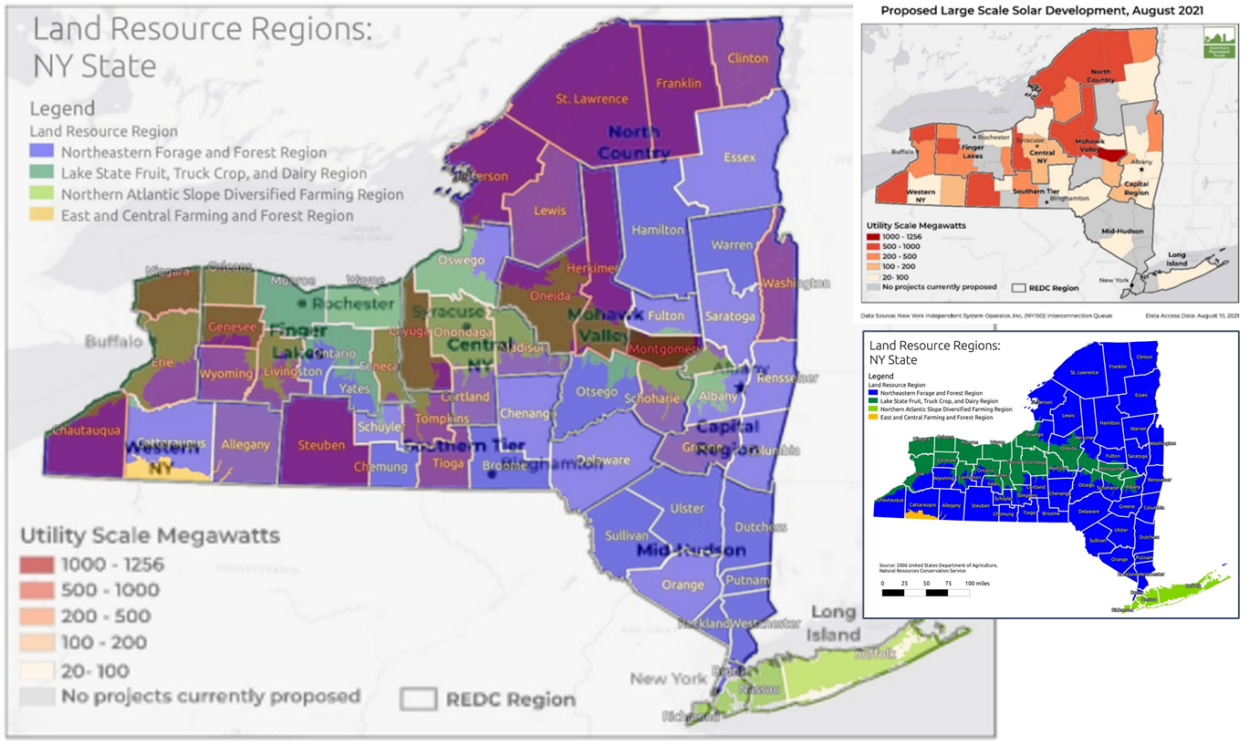


Figure 10. Overlay of American Farmland Trust's Proposed Large Scale Solar Map & USDA's map of NY's Land resource regions, shows the devastating impact of utility scale solar on NY's farmlands. Dark brown areas in the Mohawk Valley and FInger Lakes are especially hard hit and are home to much of NY's most productive soils. Montgomery County, where Glen is located, is hardest hit by these initiatives.

Impacts to Food Security

New York State has long been recognized as an agricultural powerhouse, going back to pre-Revolutionary times. In 2017, New York's agricultural industry generated $5.75 billion in revenue and was responsible for nearly 200,000 jobs.[54] In point of fact, the development of New York City as a center of world commerce is, in large part, due to its identity as a market for foodstuffs and other materials grown, produced, or manufactured upstate.

[53] https://www.carolinajournal.com/news-article/big-solar-farms-may-be-stressing-agriculture-ecosystem/

[54] https://www.nyfb.org/about/about-ny-ag

Industrial solar advocates maintain that the agricultural sites chosen can be easily returned to active farming. There are several concerns that call the veracity of this statement into question.

While industrial solar developers set topsoil aside in berms or other artificial constructions, these do not allow, over the 20+ year life of the project, for that topsoil to be replenished if it were sitting fallow. Further, the soil that lies beneath the panels is subject to even greater degradation, as runoff becomes concentrated and creates new paths of erosion.

According to a 2019 article, "If we continue to degrade the soil at the rate we are now, the world could run out of topsoil in about 60 years, according to Maria-Helena Semedo of the UN's Food and Agriculture Organization. Without topsoil, the earth's ability to filter water, absorb carbon, and feed people plunges.".[55] Simply setting the soil aside does not maintain its fertility.


(Javier F. González for Comité Diálogo Ambiental)

In Puerto Rico, where a bevy of new utility scale solar projects were recently approved, these same concerns are being put forward. "These projects do not only cause permanent damage to land by scraping off the topsoil, altering the topography, and compacting the soil in a way that prevents infiltration of water into the soil and the underlying aquifer. Utility-scale industrial projects can also impact groundwater, cause changes and sedimentation of superficial water courses, alter drainage patterns, and aggravate flooding, which is the largest source of disaster damage in Puerto Rico. This infrastructure also destroys biodiverse habitats, and the loss of vegetation contributes to warming the ecosystem."[56]

An additional consideration that does not get a lot of attention is the inherent problem that the reduction of New York's farmland creates in fighting greenhouse gas emissions in other sectors of the economy. New York is already an importer and

[55] https://www.theguardian.com/us-news/2019/may/30/topsoil-farming-agriculture-food-toxic-america
[56] https://nacla.org/puerto-rico-solar-farms

exporter of farm and agricultural goods. Obviously, these foods are transported to market on our roads and other byways. According to the US EPA (Environmental Protection Agency), the transportation sector is the largest single contributor to greenhouse gas emissions.[57] By reducing local sources for consumer foodstuffs by taking farms out of production, the need to transport those foods over ever-greater distances not only stresses our transportation systems, it increases the need for more transport – exacerbating the greenhouse gas contribution from the most egregious sector.

New York's Legislature recognized the value of soil health in 2021 Legislation entitled "The Soil Health and Climate Resiliency Act"

"The Soil Health and Climate Resiliency Act is the first major piece of legislation in New York that paves the way for farmers," sponsor State Senator Hinchey said, "who are already leading on environmental management, to become a cornerstone of our fight against the climate crisis."

Assemblymember Donna Lupardo, who introduced the bill in the Assembly, highlighted the role Agriculture plays in helping New York achieve its climate goals. "It starts off with the simple premise that the health and resiliency of New York's agricultural soil is an important priority," she said. "Healthy soil produces healthier foods, mitigates climate change through carbon sequestration and protects our natural resources."[58]

A ProPublica study found that "Under even a moderate carbon emissions scenario," areas most suitable for agriculture moved north, shifting away from the Southeast. New York State will, therefore, be a more important food pantry for the nation, with its associated economic and societal advantages.

More people require more food

According to the Alliance for Science, the world population in developing countries alone will grow by 2.4 billion by 2050 and agricultural productivity will need to increase to meet the demand.[59] New York State's fertile farmlands could be marshaled to help meet that demand, in addition to the burgeoning needs of New

[57] https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions

[58] https://news.cornell.edu/stories/2022/02/cornell-inspired-ny-soil-law-buoys-climate-change-resilience

[59] https://allianceforscience.cornell.edu/blog/2021/09/gene-editing-can-help-agriculture-adapt-to-climate-change-and-meet-un-food-systems-summit-goals/

Yorkers. Instead, the state is reducing its future prosperity and the resiliency of New Yorkers by sacrificing productive farmland to a highly-incentivized artificial solar market.

> "It is estimated that globally by 2050, the agriculture sector must expand by 60 percent to meet the increasing demand due to the continuously increasing human population, and it can only be possible by increasing crop productivity under climate change."[60]

Business Impacts

Glen, NY's economy is based primarily on agriculture. Most of the other industries in the top tier of Glen's economic identity are services based directly or indirectly in supporting agriculture and farm families.

It has been demonstrated that agriculture will diminish due to a decrease in the acreage dedicated to active farming. What may not be clear are the spillover effects from the loss of this farmland.

Glen is home to two major farm equipment dealers and a farm store that stocks supplies, feed, hardware, and equipment. These support and are supported by agriculture in Glen and surrounding towns. Like the Amish experts discussed previously, the expertise offered by these businesses is sought from as far away as Rotterdam.

> "Taking farmland out of production creates a trickle-down effect. All the other businesses are losing business. For example, it takes a minimum of $200 an acre for crop support per acre. This includes seed and fertilizer sales, fuel, equipment repairs, and payments on new equipment, tires, sprays, twine and bail wrap, dairy supplies, fencing – the list goes on and on."
>
> - *Farmer in the Mohawk Valley*[61]

---

60 https://allianceforscience.cornell.edu/blog/2021/09/gene-editing-can-help-agriculture-adapt-to-climate-change-and-meet-un-food-systems-summit-goals/

61 https://s30428.pcdn.co/wp-content/uploads/sites/2/2022/01/NY-Smart-Solar-Siting-on-Farmland_FINAL-REPORT_1.31.22.pdf , p.19

Other major employers in the area include education and healthcare. If the lands are abandoned and farm families move out, educational facilities, like the award-winning Fonda-Fultonville Central School District, will lose enrollment and the ability to provide the array of educational opportunities for the area's young people. Offsetting any claimed tax advantage of the industrial installations, the emigration of people will cause newly-abandoned properties to decline, reducing the tax base and placing further constraints on local governments. Conversely, those most incapable of seeking a new home, the elderly, will be marooned in a declining community, but will drive increased utilization of health facilities, creating new quality of care issues.

Financial Impacts

The financial impacts to the Town and its residents are a 'mixed bag.' Potential increases in revenues through Host Community Benefits and increased taxes will be offset by decreases in tourism and devaluation of housing stock. Some sources show that farmland actually increases in value due to the clamor of developers to obtain agricultural land. This could actually increase the portion of the community's tax burden paid by farmers as their land becomes more valuable and residential values decrease. Lastly, add the closure or forced reutilization of farm support business as discussed above and it's hard to see a net economic benefit for the Town of Glen.

Host Community BenefitIn an order issued on February 11, 2021, the New York State Public Service Commission ("Commission") established a "host community benefit program" through which owners of large-scale renewable energy facilities (25 MW+) would pay **$500/MW (for solar)** or $1,000/MW (for wind) each year for the first 10 years of project.[62]

ConnectGEN indicated in their initial presentation that this mandated host community benefit would accrue to a $138 reduction in utility bills for Town of Glen ratepayers.[63] To note that this is woefully insufficient to make up for the community damage done by the facility, in an environment where ratepayers have been seeing utility rate increases of 10% or more, is a joke!

[62] https://phillipslytle.com/wp-content/uploads/2021/02/Energy-Blog_Order-Adopting-a-Host-Community-Benefit-Program_2021-02-15.pdf

[63] https://www.millpointsolar.com/wp-content/uploads/2021/06/April-2021-MPS-Public-Information-Meeting-Transcript-final.pdf , p.5, accessed on April 22, 2022

Increased Taxes?

The company claims that Mill Point Solar will add tax revenue to the community by increasing the value of the properties where their facilities are added. They fail to mention that the valuation of these facilities will be at a discount when compared to similar facilities. The State Office of Real Property Tax Services (ORPTS) provided solar and wind developers with an unprecedented scheme for figuring the valuation of their properties.

Government-sponsored tax reductions for developers and companies seldom lead to reduced taxes for communities. A case in point occurred in Montgomery County when big box retailer Target was provided a PILOT for siting a large warehouse facility in the neighboring town of Florida. Economic Development officials and politicians alike heralded the development as one that would reduce taxes for property owners. However, when the Target property moved from PILOT to real property tax, the absence of the PILOT itself was presented as a rationale for exceeding the customary tax cap.[64]

In other cases, companies sue for decreased valuations, leaving taxing authorities scrambling to make up the difference. In 2012, Walmart sued to have its post-PILOT valuation decreased, costing Fonda-Fultonville Central School District taxpayers nearly $400,000 in reduced tax revenues and refunds in 2013.[65] The Town of Glen is wholly encompassed by the district.

ConnectGEN promised so much in benefits to the community during the initial April 2021 presentation, but it seems unlikely that those initial statements will come to fruition.

- $20 million in state economic benefits to NY within the 1st three years of project's operation
    - In-state construction labor
    - Landowner payments
    - PILOT HCA payments
    - Purchases of local equipment and materials
    - Sponsorships and Donations to local organizations
    - Full-time operations and maintenance jobs
- $30 million in increased tax payments over the life of the project (20 years)
    - PILOTs
    - Tax revenues

[64] https://www.recordernews.com/news/local-news/163303
[65] https://www.recordernews.com/news/local-news/46995

Regarding the economic benefits in the first three years, in-state construction labor may be much-ballyhooed, but the tight job market and over pledged construction industry could very well drive ConnectGEN and its peers to look outside the State for workers. At the construction site of a much smaller facility in the town, residents have observed license plates from most everywhere but NY at the construction site. Listing landowner payments as a boon is misleading. These payments will be a substantial part of the company's costs, but will benefit only a few.

Changes to State Real Property Law have significantly decreased the valuation of solar and wind installations, reducing the potential for tax revenues and capping the amount that can be received through PILOT agreements. Purchases of local equipment and materials are also spurious. Our area does not have a solar panel manufacturing facility; ConnectGEN was unable to even guarantee that solar panels will be acquired from state-based companies.[66]

Full-time operations and maintenance jobs are another example of much ado about nothing. In the Q&A, ConnectGEN indicated that "2-4 full-time, long-term operations and maintenance jobs" will result from the project. Lastly, $30 million in increased tax payments over a 20 year project life amounts to a maximum of $1.5 million a year for multiple taxing jurisdictions to include the Town, County, and School district. The State's new methodology for valuing solar installations reduces the value of these installations by as much as two-thirds.

Decreased Home Values

The impact on property values near large solar developments is hotly contested with developers claiming that there is no impact and opponents claiming that there are. It is becoming clear, however, that there is an impact from these developments.

As the general clamor for land upon which to build new industrial-scale solar projects continues, along with the uneconomic realignment of government monies to incentivize it, it has been observed that unimproved lands are seeing a boon in pricing, making it more difficult for small farmers to expand or extend their crop- and livestock holdings.

A widely reported study conducted at the University of Rhode Island found that homes within a mile of commercial scale solar installations "sell for 1.7% less post

[66] https://drive.google.com/file/d/1G6L4xUMWrjgTyshYQU4zwezKJkn-T3oX/view?usp=sharing, Question 38

construction relative to properties further away, all else equal."[67] They further found that houses within a tenth of a mile lost 7% of their value.[68]

It is worth noting that the study area was the states of Rhode Island and Massachusetts, neither of which have large tracts of unimproved land available for the industrial scale facility proposed by ConnectGEN. In fact, the study's definition of "commercial scale" starts with facilities of *1 MW or more*. ConnectGEN's proposal for Mill Point Solar 1 is ***250MW***. The vast majority of solar facilities included in the study are less than 5 MW in size, 1/50th the size of Mill Point Solar 1.[69] While it is unlikely that the impact upon housing values along the facility's footprint will be 50 times that which was observed in Massachusetts, it is certain that ConnectGEN's larger footprint will impact that many more properties than a smaller facility and it is conceivable that the other community impacts discussed in this section will have a greater downward trend on home prices than the URI study recognized.

Missed Economic Opportunity for the Expansion of Agriculture

On the opposite end of the spectrum, solar developers tend to drive the values for agricultural and vacant land higher, making it harder for beginning farmers and farmers looking to increase their holdings to purchase or lease additional land.

New York state is a leading agricultural state. In 2017, the State's agricultural economy was worth $5.75 billion, directly supporting over 55,000 jobs. Agricultural processing and other related work bring this number to 200,000.[70]

According to American Farmland Trust, "Success for a new generation of farmers and ranchers depends on their ability to secure suitable and affordable land to start and expand their operations." They further note, "Mostly managing small operations, beginning farmers and ranchers face long odds given farm consolidation, rapid appreciation of land values, conversion of agricultural lands to development, and a very tight supply of available land to rent or to purchase."[71]

In the map below, it is apparent that New York farmers, on average, are significantly younger than those in the rest of the nation. This represents an economic opportunity to expand New York agriculture. Siting of large industrial solar facilities

---

[67] Gaur, V. and C. Lang. (2020). Property Value Impacts of Commercial-Scale Solar Energy in Massachusetts and Rhode Island. Submitted to University of Rhode Island Cooperative Extension on September 29, 2020. Accessed at https://web.uri.edu/coopext/valuing-sitingoptions-for-commercial-scale-solar-energy-in-rhode-island/ .

[68] https://www.providencejournal.com/story/news/2020/10/01/study-solar-farms-reduce-home-values/114176156/

[69] Op Cit., p. 40

[70] www.nyfb.org, accessed March 22, 2022

[71] https://s30428.pcdn.co/wp-content/uploads/sites/2/2020/09/AFT_FUT_StateoftheStates_rev.pdf , p.18

counters the advantage this brings, handicapping communities like Glen from realizing the agricultural rebirth that is coming to New York.

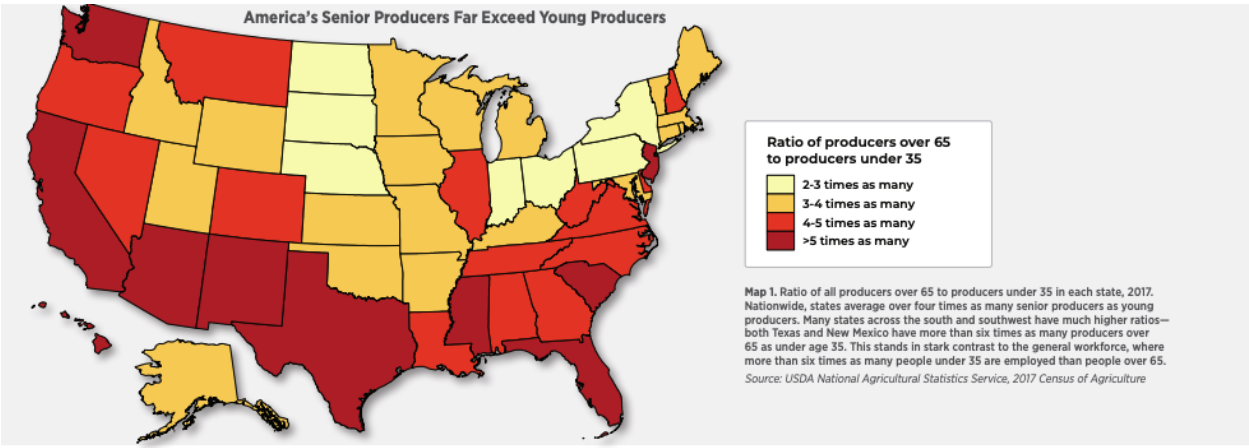


Figure 11. Relative youthfulness of agricultural producers [72]

Historical / Cultural Impacts

Glen, like many small Mohawk Valley communities, has long-held traditions and characteristics that are valued by its people and those who come to visit. While no community is an island unto itself and all communities undergo change, every place accumulates characteristics over time that sets their home, their community, apart from the rest.

In Glen, our most delicious example is the Chocolate Jumble, a distinctive chocolate spice cookie covered with a sugary frosting that is the delight of every schoolchild (and most adults). Virtually unknown a scant half hour to the east, this chewy treat quickly becomes a calling card for visitors and the newly-settled alike.

Glen has fewer than 3000 residents – a resident for each acre in ConnectGEN's original footprint. The Town's total valuation is less than $100 million. ConnectGEN, and its proponents at NYSERDA have indicated that the developer will be making a $300 million investment in the Town of Glen. Based on the guarantees that ConnectGEN is entitled to under their NYSERDA award, they will receive a Return on Investment of $140 million, nearly a 47% return. $140 million is approximately the income received by every resident of the Town combined in 2020.[73] That "investment" will have an oversized impact on the Town.

---

[72] https://s30428.pcdn.co/wp-content/uploads/sites/2/2020/09/AFT_FUT_StateoftheStates_rev.pdf , p.18

[73] Personal Income by County, Metro, and Other Areas | U.S. Bureau of Economic Analysis (BEA), accessed 2/8/2022, shows a per capita income of $46,332 for Montgomery County residents in 2020. A liberal estimate of $50,000 per capita for Glen and its 2800 residents, yields $140M total income.

It is a truism that cultural and historic resources often suffer the most during times of great financial and cultural change. Such a lopsided investment will impact home and farm prices, disrupt the local economy, and destroy the quiet enjoyment of residents' properties. ConnectGEN's Section 94-C application will require a sober review of historic and cultural landmarks to measure direct impact from their proposed installation. However, no review will be able to recognize the future impacts.

ConnectGEN has identified 340+ historical, cultural, and aesthetic resources that would have to be considered for the Mill Point 1 project alone. Area Historians' have reviewed ConnectGEN's resource list and have increased the above number significantly. The Visual Impact Area includes two nationally-recognized historic districts as well as the entire Village of Fonda, the County seat.

Among the specific properties that may be impacted include the 1836 Old Courthouse which houses the Montgomery County Archives, the 3rd largest archives in New York State and a tourist destination for genealogists and others looking to research their ancestral roots. Also potentially impacted are the stately Starin Estate east of Fultonville and the Glen Conservancy Hall, in the Glen Historic District. The Conservancy Hall hosts a summer music festival concert series which brings in entertainers from throughout the northeast and brings visitors to the areas. These events listed are funded by Saratoga Arts Community Arts Regrant Program funded by the New York State Council on the Arts with the support of the office of the Governor and the New York State Legislature.[74] It is clear that New York State recognizes the cultural importance of our community and reminds us that the potential impacts of an industrial-scale solar installation could be severe.

[74] https://www.facebook.com/GlenConservancy/, accessed on April 22, 2022

Impacts to the Amish Community

[This section excerpted from the June 2021 "**Amish-driven Agricultural Rebirth in Glen to Take Hit from Mill Point Solar" by Ilene Wagner**, published in conjunction with GlenFARMLand. Used here by permission of the Author.]

Thirty years ago, the Town of Glen was at a crossroads. Family farms struggled as milk prices stagnated while production costs increased. Dairy farmers started retiring rather than continuing to run unprofitable farms, agricultural fields lay fallow, barns were collapsing, young people went off to college and didn't return. Land speculators from outside the area came to town to buy cheap farmland and divide it into building lots.

Against this backdrop the Town of Glen adopted a Comprehensive Plan, citing the preservation and enhancement of farming operations and agricultural lands as the Town's primary goal. The goal to preserve agricultural lands and encourage farming was far reaching and difficult to achieve.

Then the unexpected happened.

Influx of Amish

In early 2005, Old Order Amish farmers from Ashland, Ohio and Conawango Valley, NY moved into Glen with a long-term vision of building an agrarian community in which their families could grow and prosper far from the temptations of more developed areas. With households averaging 10 to 12 children each, they anticipated eventually buying as much farmland as possible to support their community.

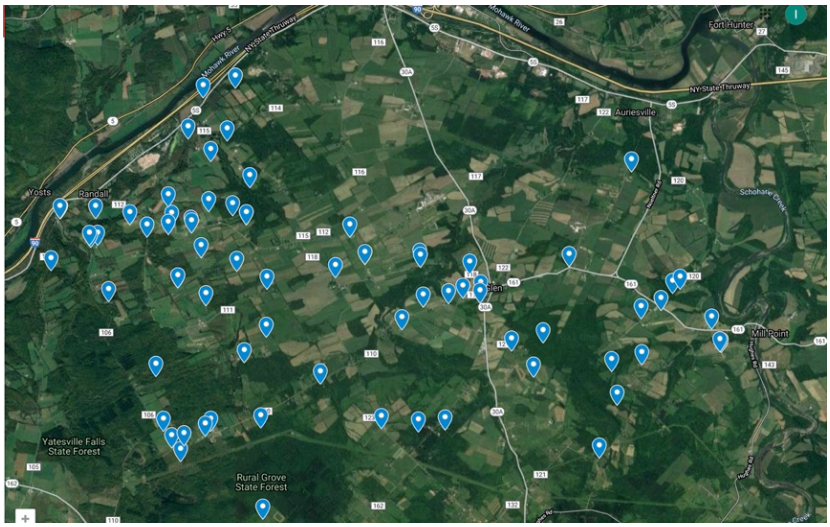


Figure 1 Amish farm locations in Glen and Sprakers, many in ConnectGen's study area.

By the end of 2005, twelve Amish families had settled in Glen and by 2012 the Amish population had grown to 375, made up of 52 families. By 2019, it had grown to 525 and 77 families, representing a 34% increase over the Town's 2000 population of 1,512! During this time period, 209 Amish babies

were born in Glen.[75] Their community continues to grow as children marry, buy land of their own and—unlike many of their non-Amish counterparts —remain in the community to live and work.

A Quiet Economic Shift

To an outsider driving through the Town of Glen, the quiet pastoral setting belies the economic shift that has occurred since the Amish settled here. Not only have fallow agricultural lands been revitalized, but dozens of structures have been built — homes, barns, workshops — and many thriving businesses have been created.

Agriculture is the mainstay of Amish life, but most families have secondary businesses to sustain themselves. In addition to growing fruits and vegetables for their own consumption, some have farm stands selling produce to the general public while others have larger scale operations growing produce for the wholesale market. Some raise chickens, beef and hogs destined for butcher shops in the region. Many sell eggs and baked goods.

More than 100 businesses have been created serving both the Amish and non-Amish populations. A collective of Amish dairy farmers delivers sheep milk to creameries in New York, Massachusetts and Vermont where high-end cheese is produced for sale in gourmet markets across the country. Amish woodworkers produce kitchen cabinets, furniture, windows, barn beams, and wooden toys. There are sawmills and manufacturers of sheds and gazebos. Other businesses include metal roofing manufacturers, machinists, upholsterers, maple syrup producers, makers of buggy wheels, saddle harnesses, and a horse trainer. The reach of economic activity is extraordinary given the absence of electricity, electronics and social media.

Their presence has benefited the regional economy. The Amish hire

[75] Directory, Amish Community of Glen, NY, Montgomery County, New York State, March 31, 2019

drivers to transport goods and people in and out of the area. They hire heavy machinery operators for bulldozing, backhoe work, and other such activities. Their wholesale manufactured goods are resold across the state and in neighboring states at a substantial profit to the resellers. Further, they pay property taxes to the town, county, and school district though they don't utilize school district services, preferring to build and operate their own schools to educate their children.

The Amish have become fully integrated into the larger Glen community. They are wonderful neighbors in big and small ways, whether lending a helping hand when repairs are needed, bringing over a quart of strawberries, or even volunteering to repair flood damaged homes after a natural disaster.

Undue Burden on Amish Community

At public meetings, the Amish have stated that the loss of thousands of acres of agricultural land threatens the growth of their community, their agrarian way of life and their livelihoods. Some of their farms are included in ConnectGen's "study area," and land agents representing ConnectGen have made repeated visits to Amish farmers using high-pressure sales tactics to obtain participation. The Amish refuse to sell or lease.

The Mill Point Solar project presents a potential Environmental Justice issue with respect to the Amish community. Non-Amish residents may choose to relocate, but an individual Amish family cannot easily move away on its own. Amish communities are organized into church districts of 10-12 families each, and every aspect of their lives is governed by the rules and regulations set forth in the community's Ordnung. The first group of Amish to move into Glen constituted one church district; today there are four. The potential burden of uprooting an entire community and finding land elsewhere is not only daunting but represents a disproportionate impact on the Amish community as compared to the non-Amish population. This should be considered in the siting process since New York State has one of the highest number of Amish settlements in the country, tied with Pennsylvania and behind only Ohio, and it continues to grow (See http://groups.etown.edu/amishstudies/statistics/population-2017/).

Why Was Glen Targeted?

Based on the tenets of the Town's Comprehensive Plan and State Agricultural Law, as reflected in the inclusion of many of the targeted lands in Montgomery County Ag. District #3, it seems impossible to imagine that a project like ConnectGEN's Mill Point Solar 1 would have made it this far.

Montgomery County's motto is "Made of Something Stronger." The people of the Town of Glen are no exception. The motto speaks to the work ethic, resiliency, and capacity for good of those that make their home here. The people here work hard, have a healthy respect for authority, and traditionally have encouraged their children to leave and to "seek a better life" elsewhere. This last reflects the area's demographic of one of the highest concentrations of elderly in the State, increasing the vulnerability to arguments invoking duty, need, and promises of newfound wealth – promises that severely discount the huge profits that the developers will make from their lands..

Comprehensive Plan

Glen's Comprehensive Plan was formally accepted by the Town Board in 2000, after literally years of effort by the Town's Planning Board and Council and multiple open meetings, surveys, and discussion with the Town's populace. Every activity, world-wide, in that year was done with a spirit of optimism and forward-thinking, imagining not only what the next few years would be like, but the next millennium.

New York is a home rule state. As Government Affairs Associate Brendan Dailey from NYSERDA stated in his letter to GlenFARMLand,, "meaning that Town and Local governments have the authority to adopt local zoning laws they deem appropriate." Unfortunately, Section 94-C overrides that basic right of municipalities and substitutes the judgment of individuals who neither reside in nor may be familiar with our town.

The State of New York encourages municipalities to create comprehensive plans, especially in regards to identifying a municipality's goals and priorities to guide the regulations of land use: "The comprehensive plan is the culmination of a planning process that establishes the official land use policy of a community and presents goals and a vision for the future that guides official decision-making."[76] The Town of Glen was no exception in trying to shape and define how our community might progress. The following sections, taken directly from the plan, state that:

[76] https://dos.ny.gov/system/files/documents/2021/09/zoning-and-the-comprehensive-plan.pdf , p.1, accessed March 19, 2022

"Every town government is afforded the opportunity to undertake town comprehensive planning and land use management and to regulate land use for the purpose of protecting the public health, safety, and general welfare of its people. The land use plan is a critical part of the Comprehensive Plan which will guide future development patterns."[77]

"Most plans are written to project over a period of ten to twenty years and are often reviewed and updated periodically to serve the continued purpose of:

- achieving continuity
- balancing competing interests
- protecting public investments
- planning development to protect valued resources
- guiding the shaping of the community
- providing justification for decisions
- allowing citizens to express a collective vision
- promoting economic development"[78]

The Town of Glen Comprehensive Plan, the most important tool in land use management, was developed from a town survey and community meetings, and prepared by the Town of Glen Planning Board with assistance from the Montgomery County Department of Planning and Development. The document was voted on and accepted on July 10, 2000. This document provides guidance for making decisions that would assure that the following goals are achieved:

- Preserve and enhance the town's farming operations and agricultural lands
- Preserve the natural environment
- Employ viable town initiative to foster economic development
- Enhance and encourage preservation of the town's historic character
- Promote local and regional tourism
- Preserve the town's rural character and open spaces
- Maintain and enhance the aesthetics of the town
- Enhance the recreational and cultural opportunities in the town
- Cooperate with the town's adjacent municipalities and Montgomery County
- Continue an open dialogue on the future of the Town of Glen [79]

The authors of the Town's Comprehensive Plan specified that the vision set forth would guide the community wisely in the growth and development that naturally follows progress. This would also allow for sensible expansion while preserving those resources that we hold dear.

---

[77] https://www.co.montgomery.ny.us/web/municipal/glen/documents/ComprehensivePlan_July2000.pdf
[78] https://gokcecapital.com/comprehensive-plan/
[79] https://www.co.montgomery.ny.us/web/municipal/glen/documents/ComprehensivePlan_July2000.pdf

The Plan recognized that there would be conflicts between the direct interests of property owners and the direction arrived at through the collaborative and inclusive process the Board had followed in generating it. This can be clearly seen in an excerpt from Chapter 6 of the Plan (emphasis added):

> The Future Land Use Plan is the culmination of the comprehensive plan effort. Its basic purpose is to guide the Town in future land development. ***The Town of Glen recognizes that there is a strong rural tradition among local landowners that they have complete flexibility in the use of their land. But the Town also sees a vital need to strike a balance between individual property rights and protection of the character and natural environment of our community.***
>
> A future land use development plan is needed to ensure that land is developed in a manner consistent with the goals and objectives of the comprehensive plan. An important goal of this plan is to preserve the Town's present character as a rural agricultural community. As the number of active farms decrease, more vacant land becomes available for development. The Town wants to ensure that new growth and development of this land is compatible with the traditional settlement patterns of Glen's rural countryside.[80]

Although the authors of our Comprehensive Plan enacted the above blueprint, serving us well into the 21st Century, Section 94-c decrees that this process be taken over by others who do not have direct knowledge of our municipality or its best interests in mind. Our town's goals in this regard remain unchanged. It seems remarkable that New York State, after encouraging small towns and municipalities to undertake the extensive effort to create comprehensive plans, should so blithely and cavalierly cast those plans aside through the introduction of the low bar for overriding local laws, as specified in Section 94-c, in the interest of "speeding up the process and breaking down barriers."[81]

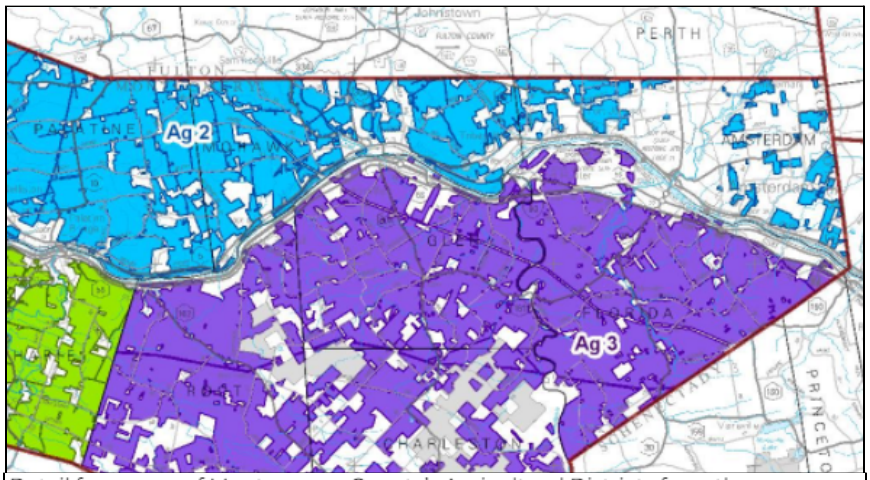
Unfortunately, in the face of these threats, the Town of Glen Comprehensive Plan is of little to no value to its citizens today!

[80] https://www.co.montgomery.ny.us/web/municipal/glen/documents/ComprehensivePlan_July2000.pdf, p. 67

[81] https://wind-watch.org/news/?p=92388/

Agricultural District #3

The New York State Agricultural District Law was enacted in 1971 with the purpose of helping to keep farmland in agricultural production."The ADL recognizes that agricultural lands are important and irreplaceable resources, which are in jeopardy of being lost as a result of increasing costs of agricultural businesses, development pressures, and regulatory constraints."[82]



Detail from map of Montgomery County's Agricultural Districts from the Montgomery County Business Development Center's website (https://montgomerycountyworks.com/planning-services/agricultural-districts/) , picturing the Town of Glen at the heart of Ag. District 3, accessed on March 19, 2022

Pursuant to New York State Agricultural District Law (Article 25AA), requiring that Montgomery County's three Agricultural Districts be reviewed and re-certified every eight years, Montgomery County presented their most recent review of Agricultural District #3 to the County Legislature in 2019.

As part of this review, Montgomery County adopted the Agriculture and Farmland Protection Plan, to include the following goals:

- Promote economically viable agriculture
- Encourage farmland protection
- Increase agricultural economic development
- Expand agricultural awareness.[83]

"The review demonstrated that agriculture continues to be extremely important to the economy and quality of life in Montgomery County. It was established that as development increased in urban areas, the rural character of a farming community became even more important as an enjoyable means of escape to the open space and clean air. The introduction of seasonal

[82] https://montgomerycountyworks.com/planning-services/agricultural-districts/

[83] https://montgomerycountyworks.com/files/FINAL-ADOPTED-2018-2-14-Montgomery-County-Ag-Plan.pdf, Executive Summary, p. *v*

events such as farmers markets, farm tours, and agri-tourism attractions were also shown to have a positive impact on local economies."[84]

"Numerous agribusinesses, including equipment, parts, and feed dealers, hardware stores, and veterinary and financial service providers were also found to be financially dependent on the farms in Montgomery County and beyond."[85]

The 2019 Agricultural District #3 Review concluded, "It is clear that agriculture is extremely important to the economy and quality of life in Montgomery County and should be preserved. And in order to promote and preserve the attractions and agribusinesses, Montgomery County must first promote and preserve the local farming community."[86]

Accordingly, the Section 305-a of the New York State Agricultural District Law protects farmers against local laws which unreasonably restrict farm operations located within an agricultural district.[87]

"Numerous agribusinesses, including equipment, parts, and feed dealers, hardware stores, and veterinary and financial service providers were also found to be financially dependent on the farms in Montgomery County and beyond."

- Montgomery County Agricultural and Farmland Protection Plan

On the contrary, Section 94-c Chapter 18 Article 6, of the Accelerated Renewable Energy Growth and Community Act states, "The Office of Renewable Energy Siting office may elect not to recognize local laws if they are deemed "unreasonably burdensome " in view of the Climate Leadership and Community Protection Act targets and the proposed major renewable energy facility."[88]

---

[84] https://montgomerycountyworks.com/files/2019-AgDistrict3-Report.pdf, p.9
[85] https://montgomerycountyworks.com/files/FINAL-ADOPTED-2018-2-14-Montgomery-County-Ag-Plan.pdf, p.30
[86] https://montgomerycountyworks.com/files/2019-AgDistrict3-Report.pdf, p.9
[87] https://agriculture.ny.gov/land-and-water/agricultural-districts
[88] https://www.nysenate.gov/legislation/laws/EXC/94-c

Meanwhile, the Town of Glen Agricultural District #3 sits, quietly nestled, in Montgomery County, and although it has been protected for decades by the above regulations, it now faces a monumental challenge with the possible siting of a 250MW solar farm.

ConnectGEN stated in their Questions and Answers in April 2021, that they chose specifically to site on Glen's farmlands "based on suitability," and that "Farmland provides the right type of slope." ConnectGEN representative Eddie Barry continued, "Much of the land that we anticipate using for the Project is pasture hayfield with some portion in cultivated crops."[89] confirming the targeting of active farmland.

The Town's Comprehensive plan warns, "One of the underlying assumptions of the comprehensive planning process is that if a Town does not take decisions into its own hands, outside forces will most likely determine its future." [90]

No one ever thought the outside source would be the State of New York!

Transportation Corridor

The history of the Mohawk Valley is a story as old as New York itself. Even in the earliest days of the State, the Mohawk River was used as a transportation corridor. With the advent of the Erie Canal in 1825 along the path of the Mohawk and the boom towns that sprang up along it – transfer points for goods and services headed to and from the greatest port in the Northeast U.S. – the Mohawk Valley's role as a transportation corridor was solidified.

At first, this was a proud statement of the region's commitment to progress and modernization. Every new technology, it seemed, found expression or implementation in the Valley. The Village of Fultonville, situated in the Town of Glen, was named for steamship inventor Robert Fulton, no doubt to announce itself as a forward-looking modern burgh.

Following the canal came the railroads, run on each side of the river. Riverside municipalities were eventually bisected by the tracks, and the rumble of the trains.

[89] https://drive.google.com/file/d/1G6L4xUMWrjgTyshYQU4zwezKJkn-T3oX/view?usp=sharing
[90] https://www.co.montgomery.ny.us/web/municipal/glen/documents/ComprehensivePlan_July2000.pdf

Inasmuch as the corridor had been established, electrical lines were run and the Thruway was built. The original canal was abandoned in the Eastern Mohawk Valley to be replaced by the Barge Canal, which utilized a Mohawk River with new locks and an artificially-achieved navigable flow. This, too, sacrificed farmland in the name of progress.

"Steam powered dredges sucked up sandy river bottom ,through pipes, spewing huge mountains of sand as much as 12 feet deep in places, onto the coveted fertile black bottom flatts," Annie Hanchett Coddington, tells us about the impact of the enlarged canal construction in Stone Ridge, at the western edge of Glen.[91] In other locations the old canal was bastardized into a highway or, shamefully, as a swampy corridor for high-voltage electric lines transporting power to somewhere else.

The corridor was so convenient that the Town of Glen finds itself with two 345kV lines crossing it, a few miles apart. Both are part of the "Marcy to New Scotland" segment of NY's power grid and it is to the northernmost segment that ConnectGEN proposes to connect. While ConnectGEN will still have to run lines connecting the disparate fields of solar panels it has proposed for the town, each will terminate at a new transfer facility to be built along the Marcy to New Scotland line. The high voltage lines make Glen and all of Montgomery County vulnerable to exploitation by industrial solar developers.

Changes in law made it easier

Section 94-C of New York Executive Law was created as a part of the 2020 budget package. Stuffed into the clamorous, rushed process that is New York's budget negotiations, the resulting legislation is poorly-written and, more importantly, insufficiently examined in its own right as a piece of legislation. The legislation is unapologetically pro-developer, purposefully making changes that eliminate some of the steps required of conventional energy producers and muddying the standards for overriding local laws.

As shown in Table 2, Section 94-c severely limits the input and oversight of local municipalities in the siting process, regardless of the overall impact of the facility on the host community when compared to the siting of smaller projects. 94-c is even more accommodating to companies looking to site facilities than its immediate predecessor, Article 10 of Public Service Law. Article 10 was implemented in 2011 in an earlier attempt to make things easier for developers by "streamlining the

[91] Stephanus Cromwell's Stone Ridge, p. 332, Coddington, Annie Hanchett, Chickadee Down Press, 2007

application process for developers, while providing a rigorous process for local input and ensuring environmental and public health laws are followed."[92]

Section 94-c incorporates three major changes from Article 10:

- The Public Improvement Plan and Preliminary Scoping Statement are no longer required[93]
- It downgrades the standard to be applied under which the siting agency may override local law and green-light the project[94]
- Removes provision for two ad hoc members of the public residing in the community wherein the facility is proposed be named to the siting board.[95]

Issue	Local Zoning	Section 94-c
Project Capacity	<25 MW	>=25 MW (required), optional for >=20 MW
Approval Authority	Planning/Zoning Boards, Town Boards and other involved agencies	Director of ORES DEC for federally delegated permits
Presiding Authority	Planning/Zoning Boards, Town Boards and other involved agencies	ORES with DEC
Application Process	Municipal Site Plan/Special Use Permit (typ) Review Process Other agency processes	ORES Regulations/SAPA
Environmental Review	SEQRA	• Supersedes SEQRA. • ORES and DEC identify site-specific environmental impacts that may be caused by project not addressed by uniform standards and conditions. • ORES and DEC draft site specific permit terms and conditions for such impacts, taking into account the CLCPA targets and the environmental benefits of the project.
Public Hearings	Public statement hearings (typ)	• Public statement hearings and comment periods. • Adjudicatory hearings only if substantive and significant issues raised.
Parties to development of scope of application and draft conditions of approval	Approving boards and involved agencies.	ORES and relevant state agencies. Local agency consultations regarding certain exhibits.
Compliance with local laws	Required. Variances available.	• Local municipalities provide statement of whether project is in compliance with applicable local laws concerning the environment or public health and safety. • ORES may disregard a local law if it is unreasonably burdensome "in light of the CLCPA targets and the environmental benefits of the facility." • Municipality will need to demonstrate the impact of the non-compliance is "substantive and significant" if ORES draft permit disregards local law.

Figure 12, Comparison of the local SEQR-based siting to Section 94-C siting, as presented by Dwight E. Kanyuck, Esq., Knauf Shaw, LLP[96]

[92] https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting/Siting-for-Large-Scale-Renewables/Article-10 accessed 2/26/22

[93] https://www.hodgsonruss.com/newsroom-publications-11826.html , Section II, accessed 2/26/2022

[94] Ibid, Section V

[95] https://www3.dps.ny.gov/W/PSCWeb.nsf/All/12B735036AC1324A85257E200054A993?OpenDocument , and https://www.nysenate.gov/legislation/laws/EXC/94-C

[96] https://usesusa.org/wp-content/uploads/2021/04/94-C-Renewable-Energy-Siting-Regulations-USES-4-7-21.pdf , slide 5

The Mohawk Valley has been called upon time and again to sacrifice its lands, natural beauty, and the industry of its people in the service of our State's progress.

When will it be enough?

When will the communities birthed in those optimistic times be allowed to exist unfettered by the wishes and proclamations of places that seem so uncaring about the Valley that serves them so judiciously?

Environmental / Climate Justice

What is meant by the term Environmental Justice (EJ)?

The twinned ideas of Environmental Justice and Climate Justice are attempts to ensure that the burden of powering the State's homes and industries and protecting the State's environment for future generations does not fall on any one group of people. Rather, all the citizens of New York must share as equitably as possible in meeting the citizenry's needs.

The New York State Department of Environmental Conservation (NYSDEC) adopted a policy in 2003 that defines EJ as follows:

> ...the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.[97]

Subsequent regulations for the siting of major electric generating facilities pursuant to Public Service Law Article 10 define the term as:

> *Environmental justice* or *EJ* means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.[98]

The Accelerated Renewal Energy Growth and Community Benefit Act required the Office of Renewable Energy Siting (ORES) to formulate regulations for Section 94-c projects. These regulations, which became effective March 3, 2021, can be found in Chapter XVIII, Title 19 of NYCRR Part 900, with requirements for Environmental Justice in Section 900-2.20. The section requires project sponsors to prepare a report (Appendix 19) that includes the following elements:

> …an identification and evaluation of significant and adverse disproportionate environmental impacts of the facility on an Environmental Justice (EJ) area, if

[97] NYSDEC Commissioner Policy 29, Environmental Justice and Permitting, Issued 3/19/03.
[98] 6 NYCRR Part 487.3(k) Definitions

any, resulting from its construction and operation, including any studies which were used in the evaluation and identifying the author and dates thereof. The evaluation shall be conducted consistent with the applicable requirements of 6 NYCRR Part 487.10. The impact study area for purposes of EJ analysis shall be:

(1) At a minimum, be within a one-half (0.5)-mile radius around the proposed facility; or

(2) A greater radius based on site-specific factors, including nature, scope and magnitude of the environmental impacts, the projected range of those impacts on various environmental resources, and the geography of the area surrounding the location of the proposed facility.

After identification of impacts, the report must address measures to be taken to avoid, minimize, or offset such impacts.

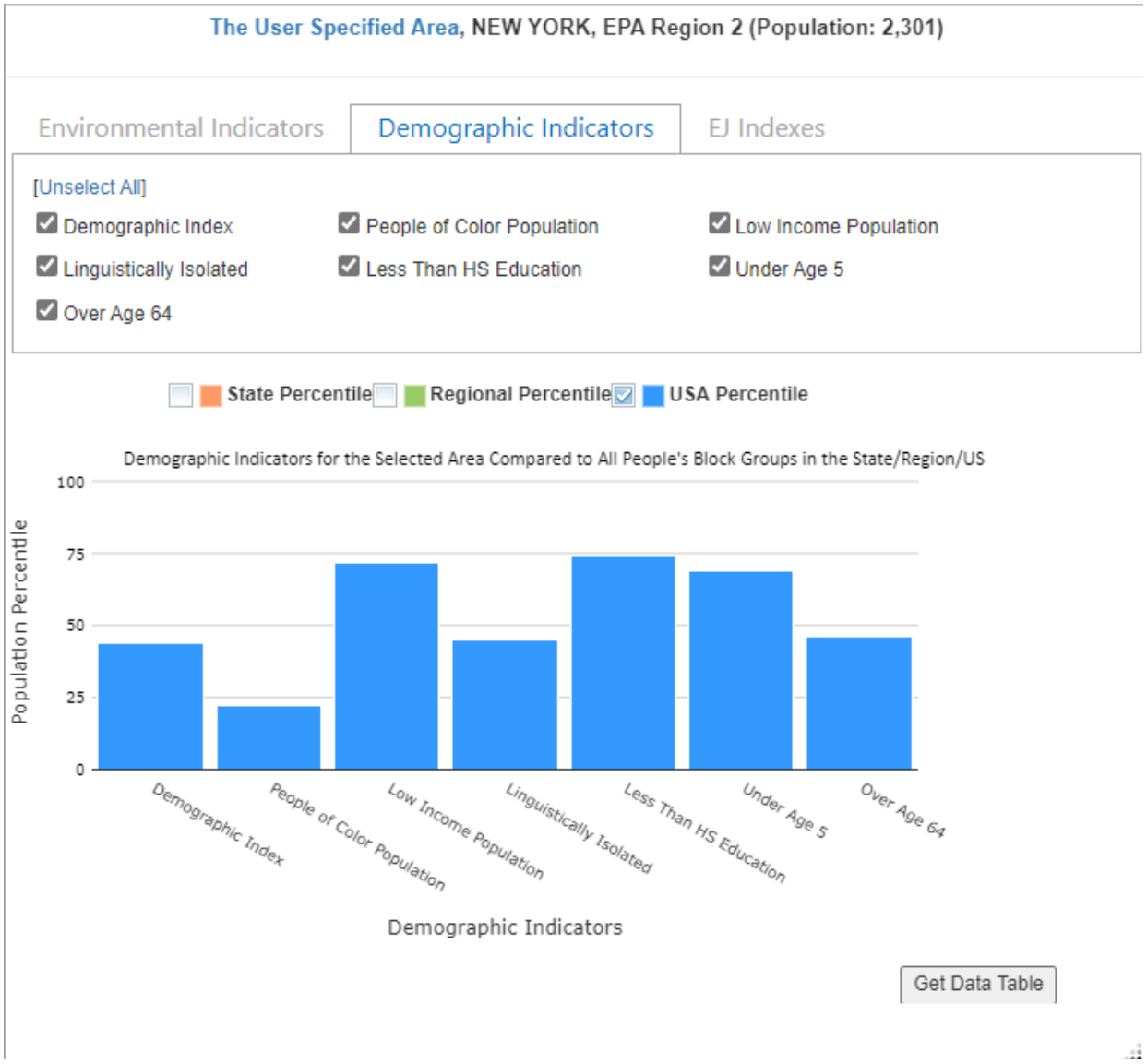
Identification of a Potential EJ Area

Potential EJ areas are based on U.S. census blocks meeting or exceeding one of three thresholds: (1) minority populations => 52.42% in urban areas; (2) minority populations => 26.28% in rural areas; or at least 22.82% of the population having household incomes below the federal poverty level.

NYSDEC's website includes a section on "Maps & Geospatial Information System (GIS) Tools for Environmental Justice"with a link to an ArcGIS Webmap of EJ Areas, updated to include 2020 census information. In addition, U.S. EPA has an EJ Mapper at https://ejscreen.epa.gov/mapper.

A review of both mapping tools indicates that much of the Town of Glen is a Potential EJ area as it meets the 22.82% threshold for household income below the federal poverty level.[99]

[99] The Town of Glen is also considered a Disadvantaged Community, a classification used by NYSERDA for targeted spending on clean energy and energy efficiency programs.



[100]

Figure 13: Demographic Information for the Town of Glen area.

Environmental Justice Impacts of Industrial Solar

Several EJ studies were reviewed in connection with industrial-scale solar projects and all have concluded that no disproportionate adverse environmental impacts will occur as a result of construction or operation of the facility; that a net positive benefit will occur in air quality as solar facilities reduce dependence on fossil fuels; and that

[100] https://ejscreen.epa.gov/mapper

low-income populations will not be disproportionately affected as compared to other populations. [101]

This conclusion ignores the reality of industrial-scale solar projects negatively impacting the local economy and character of rural areas in ways that are not experienced by more affluent, developed communities. The Town of Glen will experience significant negative changes as a result of these large-scale projects:

- Loss of thousands of acres of agricultural land
- Loss of agricultural economies of scale
- Loss of local support businesses.
- Loss of future growth potential for small-scale farming – currently a regional growth sector
- Loss of future growth of Glen's Amish community; this community relocated from the Midwest to establish an agricultural settlement with long-term growth potential. The conversion of thousands of acres of land converted to non-agricultural use will diminish this potential and could result in the loss of this important population.

Environmental Justice Conclusions

Low-income rural areas have long been targeted as locations for facilities that most people consider undesirable. Over the years, the Town of Glen and adjacent rural towns have been targeted with transmission lines, low-level radioactive waste facilities, and solid waste landfills. With few people and even fewer resources to engage in protracted legal battles, communities throughout upstate New York are now being forced to "host" industrial scale renewable energy projects that will have long-term adverse impacts far greater than those sustained by larger, more affluent communities.

Significant injustices have similarly been wrought upon minority and low-income urban communities disproportionately impacted by the historic siting of industrial facilities spewing toxic waste and pollution leading to deleterious health and community impacts. NY State's renewable energy goals are a worthy aspiration as is its affirmation of Environmental Justice.

However, the EJ studies for industrial-scale projects fail to acknowledge the undue burden placed on rural communities expected to host projects for which few local benefits will be realized and which will profoundly change the socio-economic

[101] EJ studies for the following projects were reviewed: Bear Ridge Solar, Homer Solar Energy, South Ripley Solar

landscape in both known and unforeseeable ways. We do not seek to minimize the siting injustices of the past. Rather, we seek to avoid the regulatory overstep that led to those abusive choices and join with those who suffered them to demand a better way.

In an article on conflicting definitions of EJ and environmental racism, Ryan Holifield explains, “We must accept that people in different geographic, historical, political, and institutional contexts understand the terms differently. Instead of regarding the lack of universal definitions as a barrier to progress, however, we need to treat the breadth and multiplicity of interpretations as guides” [102] Targeting rural, underfunded communities for large-scale industrial solar generating facilities fails the test of environmental justice.

[102] Ryan Holifield (2001) DEFINING ENVIRONMENTAL JUSTICE AND ENVIRONMENTAL RACISM, Urban Geography, 22:1, 78-90, DOI: 10.2747/0272-3638.22.1.78

What Should Be Done to Assure Appropriate Development

- Cancel or Postpone All NYSERDA contracts targeting active farmland until such time as significant agricultural conversion mitigation has been put into place. First among these should be ConnectGEN's MIll Point Solar 1 & 2.

- Pursue better answers regarding future concerns about industrial solar sites. Opinions about the potential reuse of agricultural lands after deinstallation vary widely. Many are concerned that the land will never be returned to farming as those knowledgeable about the land will have moved on. Others believe that the land, having once been developed, will simply be turned over to suburban sprawl. Additionally, concerns regarding the eventual disposition and decommissioning of the solar panels remain unanswered. Will municipalities have enough money to assure the sites are emptied of the panels and all the supporting structures? Where will the panels go? To a landfill? A recycling facility? It is imperative that State officials take decisive action to answer these questions to protect farmlands and our environment.

- Subsidize farmers directly and more equitably. NYSERDA's RFP process favors large-scale landowners, making the rich richer and punishing those who choose to preserve their land for agricultural use.

  A common argument is that solar development aids farmers by providing a revenue stream that they wouldn't have otherwise had access to. This argument reveals two underlying facts: (1) that farming is economically depressed and (2) that NY farmers need economic assistance to stay in business.

  It also seeks to obscure the source of solar funding; that is, a surcharge on all NY ratepayers in the form of forced purchase of RECs by utility companies, the cost of which is passed on to ratepayers. If the goal was to supplement farmer's income, a more direct and equitable way would be in the form of some general tax relief or credit that was accessible to all NY farmers and to put such tax relief front and center in the budgeting process, not some backhand inequitable program that rewards a few and ignores others.

  This argument also fails to acknowledge that the hard-earned money of NYS ratepayers that is being funneled to purchase legislatively-mandated RECs is not being retained in state. Instead, as discussed earlier, the lion's share of

that money is being transferred out-of-state, many times to companies paying taxes to states or foreign governments who do not share the Empire State's concern for climate or environmental justice.

- Pursue and appropriately incentivize a comprehensive, sustainable energy portfolio. Such a portfolio would ensure power to the grid regardless of meteorological conditions and invest the state's citizenry's dollars with a clear-eyed view of what works, what is economically sound, and what does not put the state at a competitive disadvantage. Further, a real-world energy portfolio would equitably distribute the responsibility of energy production among all the state's regions and recognize the deleterious impacts of large-scale generation in communities where dense generation development is proposed.

- Significantly expand the Intervenor funds provided under 94-c to enable small municipalities and community groups a fighting chance to preserve their communities. $1000 per MW is insufficient to fully validate the studies and arguments presented by developers, much less provide a budget for critical analysis.

- Recognize that NY's rural communities have value that can't be measured in "community benefits," "neighbor payments," or other financial incentives aimed at "buying off" project resistance and that the use of such vehicles ***targets underserved, financially-stressed communities*** – a clear violation of any environmental justice initiative.

- Officially recognize the outsized effects of the implementation of NY's Climate Action Plan on rural communities.

- Restore Home Rule by removing or severely limiting ORES' ability to override local legislation.

Conclusion

> "Well-managed farmland supports wildlife and biodiversity, cleans our water, increases resilience to natural disasters like floods and fires, and helps combat climate change. It's now clear that we can't realize global climate goals only by reducing emissions, that we also need to retain farmland and actively manage it to draw down carbon from the air.
>
> In all senses of the word, farmland sustains us."
>
> - American Farmland Trust[103]

When societies make drastic changes, as is happening right now, it is necessary to look at the whole picture from beginning to end. New York needs to find the right balance between the actions needed to address climate change, access to additional sources of energy, and assuring food security for future generations of New Yorkers.

New York's farmlands are at risk.

NY's headlong rush into developing new "greener" electricity generation without fully considering its impact on agriculture, rural communities, and our environmental legacy, leaves us vulnerable to the economic, cultural, and numerous other impacts that we have outlined in this paper.

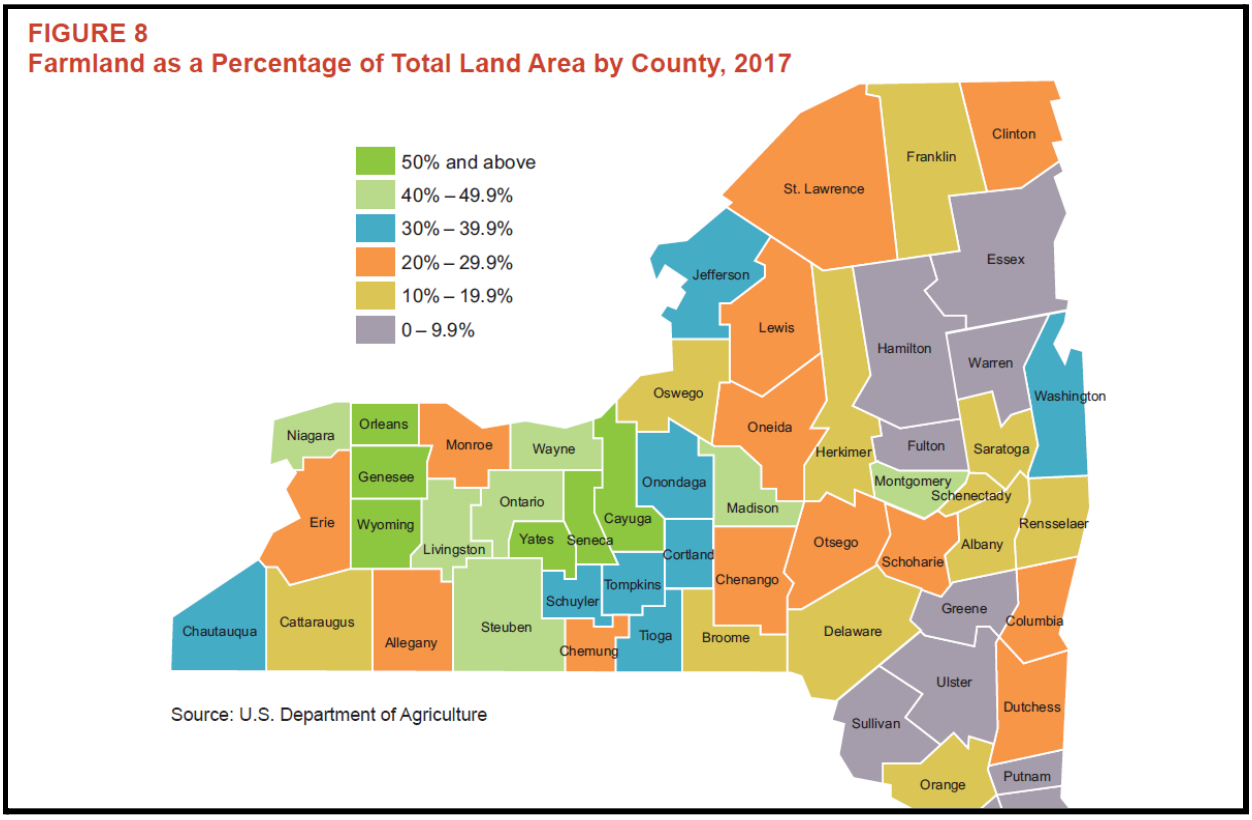
Do We Truly Know Enough?

- What will neighbors' wells look like in 20 years?
- With climate change, severe and violent weather is more frequent. Do we know enough about how solar panels are impacted?
- Will current management practice preserve topsoil on the facility parcels?
- Will current storm water management practices protect our communities from the modified water courses that result from panel installation?
- Will our poorly-funded, understaffed volunteer fire departments have the expertise and resources to effectively deal with battery fires or other emergencies?
- What will be the impacts to ground and water pollution from panel & battery materials

[103] https://farmland.org/our-work/

GlenFARMLand has put forth several common sense actions that New York State could and should immediately put into place. These can be done at the same time as investments in more advanced technology are pursued.

> "Our county has a high concentration of farming, and we could be losing almost 4,000 acres (35%) to solar in the near future of active farmland."
>
> - *Farmer in the Mohawk Valley*[104]



Map showing Montgomery County's importance as a regional agricultural center[105]

[104] https://s30428.pcdn.co/wp-content/uploads/sites/2/2022/01/NY-Smart-Solar-Siting-on-Farmland_FINAL-REPORT_1.31.22.pdf , p.19

[105] https://drive.google.com/file/d/1eSAxDPAvnpdfDY5BtCkyGh40eiJJQbJ9/view?usp=sharing

In Braiding Sweetgrass, botanist and New Yorker Robin Wall Kimmerer offers the balance of basket-weaving as a guide to human success, "In weaving well-being for land and people, we need to pay attention to the lessons of the three rows. Ecological well-being and the laws of nature are always the first row. Without them, there is no basket of plenty. Only if that first circle is in place can we weave the second. The second reveals material welfare, the subsistence of human needs. Economy built upon ecology. But, with only two rows in place, the basket is still in jeopardy of pulling apart. It's only when the third row comes that the first two can hold together. Here is where ecology, economy, and spirit are woven together."[106]

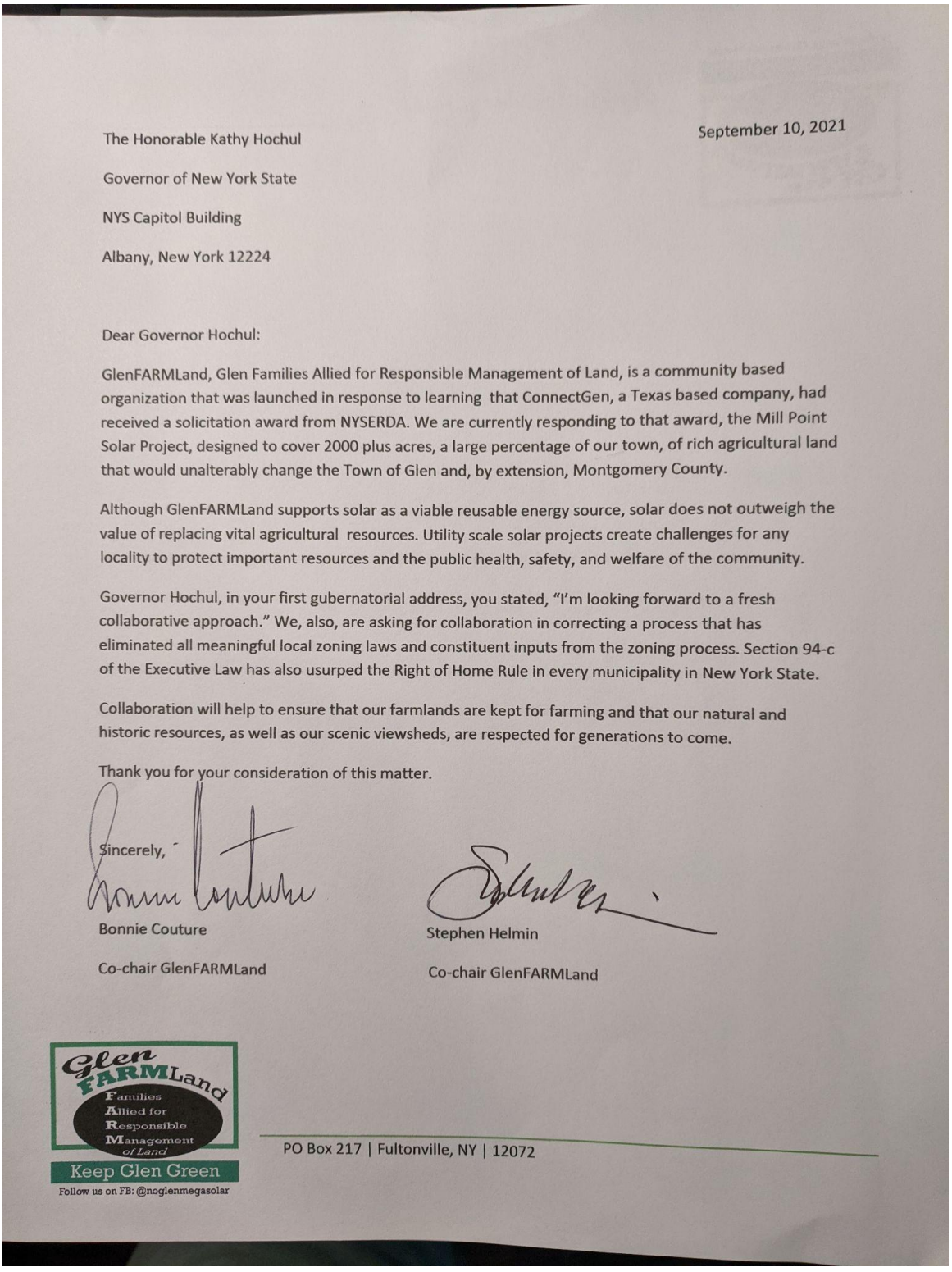
Climate change is real and must be addressed. However, New York's approach to combating climate change is out of balance. Solar generation has a place in the State's electric generation portfolio, but paving productive farmland with thousands of acres of solar panels simply trades one environmental crisis for another.

New York can and must do better to find balance to meet the energy needs of its citizens. New York must apply its unique ecology, unmatched economy, and indomitable spirit to ensure the health needs of its most disadvantaged neighborhoods, the preservation of its rural communities, and the food security of all New Yorkers.

[106] Kimmerer, Robin Wall, Braiding Sweetgrass, Penguin Random House UK, 2013, pp. 168-169

Attachment A-1

Letter from GlenFARMLand to Governor Hochul



September 10, 2021

The Honorable Kathy Hochul

Governor of New York State

NYS Capitol Building

Albany, New York 12224

Dear Governor Hochul:

GlenFARMLand, Glen Families Allied for Responsible Management of Land, is a community based organization that was launched in response to learning that ConnectGen, a Texas based company, had received a solicitation award from NYSERDA. We are currently responding to that award, the Mill Point Solar Project, designed to cover 2000 plus acres, a large percentage of our town, of rich agricultural land that would unalterably change the Town of Glen and, by extension, Montgomery County.

Although GlenFARMLand supports solar as a viable reusable energy source, solar does not outweigh the value of replacing vital agricultural resources. Utility scale solar projects create challenges for any locality to protect important resources and the public health, safety, and welfare of the community.

Governor Hochul, in your first gubernatorial address, you stated, "I'm looking forward to a fresh collaborative approach." We, also, are asking for collaboration in correcting a process that has eliminated all meaningful local zoning laws and constituent inputs from the zoning process. Section 94-c of the Executive Law has also usurped the Right of Home Rule in every municipality in New York State.

Collaboration will help to ensure that our farmlands are kept for farming and that our natural and historic resources, as well as our scenic viewsheds, are respected for generations to come.

Thank you for your consideration of this matter.

Sincerely,

Bonnie Couture

Co-chair GlenFARMLand

Stephen Helmin

Co-chair GlenFARMLand

Glen FARMLand
Families Allied for Responsible Management of Land
Keep Glen Green
Follow us on FB: @noglenmegasolar

PO Box 217 | Fultonville, NY | 12072

Attachment A-2

Response to GlenFARMLand from Brendan Dailey

Utility Scale Solar Projects

Inbox ×

Dailey, Brendan (NYSERDA) <Brendan.Dailey@nyserda.ny.gov> Dec 23, 2021, 4:31 PM

to me

Ms. Bonnie Couture
Co-Chair
GlenFARMLand
P.O. Box 217
Fultonville, NY 12072
noglenmegasolar@gmail.com

Dear Co-Chair Couture:

Governor Kathy Hochul's executive office asked NYSERDA to respond to your inquiry regarding solar development in your community. As one of the authorities responsible for implementing many of New York's clean energy policies, we want to thank you for your inquiry and provide you with information regarding the State's efforts.

The project referred to will provide over $20 million dollars of in-state economic benefits to New York within the first 3 years of project operation alone. These benefits include in-state construction labor, landowner payments, Payment in Lieu of Taxes (PILOT) Agreement, local equipment and materials purchases, local sponsorships and donations, and full-time operations jobs. The project represents an approximately $300 million capital investment, which will bring significant revenue, jobs, and economic development into the Town of Glen and Montgomery County. The Project will also result in significant annual revenue to the Town of Glen, the Fonda-Fultonville School District, and Montgomery County without burdening existing resources. Once built and operating, the project will generate enough renewable energy to power over 65,000 homes annually. The project will also avoid over 230,000 tons of carbon emissions every year by replacing other non-renewable energy sources, the equivalent of taking nearly 50,000 cars off the road every year and helping New York meet its Climate goals put forth in the Climate Leadership and Community Protection Act (CLCPA).

Reasonable local laws that are designed to protect community character with proper siting and design considerations such as vegetative screening, are the best way to protect view-sheds. New York is a home rule State, meaning the town/local governments have the authority to adopt local zoning laws they deem appropriate. Under the Accelerated Renewable Energy Growth and Community Benefit Act the state Office of Renewable Energy Siting (ORES) has siting permit authority for large-scale solar projects over 25 megawatts. ORES issued regulations and uniform standards and conditions for siting projects that are available on its website. To learn more about ORES, please visit the website available here: https://ores.ny.gov/

NYSERDA's Clean Energy Siting team has resources available to guide local governments and help them prepare for clean energy development, including a model solar law, and can assist any local government that reaches out for guidance.

NYSERDA and New York State Agriculture and Markets (AGM) have established an Agricultural Technical Working Group (A-TWG) that will continue to assess best practices for solar development on farmland and recommend modifications to NYSERDA's current program policies if warranted. Follow the newly established Farmland Protection Working Group (AGM-led, including involved agency commissioners, agricultural Stakeholders, among others) as they make recommendations for future changes to the state's approaches to siting of major renewable energy facilities. NYSERDA-funded solar projects are also required to adhere to AGM's Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands. These Guidelines intend to mitigate construction impacts on agricultural land from the beginning of construction through decommissioning.

We hope this information is helpful,

Sincerely,

Brendan Dailey

Brendan Dailey
Government Affairs Associate, Government Affairs
NYSERDA
17 Columbia Circle | Albany, NY 12203-6399