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Topics to which your comments apply:

- Chapter 7. Just Transition
- Chapter 19. Land Use
- Chapter 20. Local Government

## THE PROBLEM

“Climate change is expected to have many impacts on agriculture, forests, and other ecosystems in the Midwest . . . In the long-term, climate impacts are likely to have increasingly detrimental effects that increase variability in crop and agricultural production.”<sup>1</sup> This will affect the nation’s food supply. In NYS, where less than 5% of our land is considered to be Prime Farmland<sup>2</sup>, it would be prudent to protect that land. Yet, in its efforts to accelerate development of renewable energy sources, NYS has neither provided any real prohibitions or meaningful incentives for protecting prime farmland nor made any effort to collaborate with local governments in its attempt to reduce carbon emissions through development of renewable energy facilities. The State has taken a heavy-handed, dictatorial position in this effort and has been blind to the efforts of municipalities that are trying to support the State’s 6,000 MW goal.

**Example:** The Town of Rush, in Monroe County created a law permitting 150 acres of solar electric generation facilities on its prime agricultural and residential lands. This is five times what might be expected on a per town basis in NYS; nine times what might be expected on a per square mile basis; and 28 times what might be expected on a per person basis in NYS.<sup>3</sup> Yet, there is no State recognition of the Town’s effort. The Town finds itself to be at odds with the State’s drive to accomplish its goals regardless of the significant contribution made by the Town toward meeting the same goal. ***This is not how America is supposed to work.***

## A NEED TO WALK THE WALK . . .

Section 20.1 of the Local Government and the Climate Act states that “Local governments are well positioned to have a far-reaching impact on community action” and that “Partnership with local governments is a keystone of the State’s clean energy, adaptation and resilience, and GHG mitigation strategies, and support for local efforts will help ensure access to the benefits of these actions for all New Yorkers.” Thus far, we have yet to see anything that can be called “partnership” in this regard.

➔ **A suggested alternative strategy for partnering with local governments could be to ask municipalities to submit proposals regarding meeting such goals and to provide support for this effort.**

Chapter 7 of the NYS Climate Action Council Draft Scoping Plan’s Vision for 2030 (p. 193) proposes “actions to maintain and increase carbon storage and sequestration on the land base in New York and in agricultural and forestry products through the avoided conversion of farm and forest lands.” This is discussed in greater detail in Chapter 19 Land Use (p. 272). Section 19.1 Overview mentions that “sustainable land use planning and zoning can facilitate optimal siting of renewable energy.” Also

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<sup>1</sup> [Climate Impacts in the Midwest | Climate Change Impacts | US EPA \(chicago.gov\)](#)

<sup>2</sup> [Prime farmland of New York | Library of Congress \(loc.gov\)](#)

<sup>3</sup> [NYS & RUSH LAWS \(rush-solar.com\)](#)

mentioned is, “To ensure zero-emissions electricity while increasing sequestration to reach net zero by 2050, local governments will be challenged with balancing these different types of land use.”

This is followed by **Section LU3. Avoid Agricultural and Forested Land Conversion** of the Scoping Plan which states:

The objective of this strategy is to maintain and protect the State’s potential for carbon sequestration on agricultural and forested lands through avoided conversion. It will also help to enhance farm viability, increase food security. . . Protecting farmland has the potential to maintain or improve local food production, community resilience, water quality, air quality, storm and flood mitigation, public infrastructure protection, drought resilience, wildlife habitat, economic development, and employment.

Finally, it explains:

This strategy requires continued support from public policy and funding for land acquisition, conservation easements and tax incentives; outreach to landowners for interest in selling lands or conservation easement opportunities; coordinating with vast numbers of municipalities with different zoning and planning goals (home rule); improved data connecting land conversion and quantification of GHG emission reduction; understanding the opportunities for land access and intergenerational land transfer.

**Missing Components of the Strategy.** Eleven components of a strategy are presented to accomplish the goals set forth in **LU3**, however, these strategies do not:

- ➔ **Prohibit conversion of productive agricultural land to industrial renewable energy facilities, or**
- ➔ **Help offset the dramatic additional costs of constructing a solar facility on brownfields, landfills and other such lands as compared to doing so on hundreds or thousands of acres of flat, cleared, prime farmland.**

As a result, business-minded renewable energy companies are driven to lease and use prime agricultural land for their facilities. This is short-sighted and unconscionable.