

**ST. LAWRENCE COUNTY
AGRICULTURAL AND FARMLAND PROTECTION BOARD**

Public Safety Complex, 2nd Floor, 48 Court Street

Canton, New York 13617-1169

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MEETING MINUTES

Thursday, December 1, 2022

2nd floor conference room, County Public Safety Complex

49 ½ Court Street, Canton

and via Zoom Meeting ID: 884 7347 6220, Passcode: 214289

I. Call to Order

- A. Roll Call and Determination of a Quorum.** Andrews called the meeting to order at 6:05 pm, and asked all those present to please introduce themselves.

Members present: R. Andrews, L. Denesha, M. Finen (via Zoom), D. Fisher, B. Green, M. Kelly, S. McKnight, J. Pfothenhauer and J. TeRiele. **Absent:** P. Ames and J. Greenwood. A quorum was established.

Staff present: M. Larson. **Others present:** Bob Ahlfeld, St. Lawrence County IDA; Raeanne Dulanski, Soil & Water Conservation District; Jonathan Geldard, EDF Renewables; Dan Huntley (arrived at 7:08 pm), County Planning Board member and Farm Bureau St. Lawrence County Chapter President.

- B. Adoption of the Agenda.** Larson reviewed the agenda and said a draft resolution for the Board's consideration will be added as Item C under New Business. The modified meeting agenda was unanimously adopted by consensus.

- C. Approval of the Minutes.** The September 29, 2022 meeting minutes were unanimously adopted (TeRiele/Pfothenhauer).

II. New Business

- A. Rich Road Solar Energy Center Presentation.** Larson introduced Jonathan Geldard from EDF Renewables and expressed her gratitude for accepting an invitation to present EDF's 94C permit application to the Office of Renewable Energy Siting (ORES). Geldard described the Rich Road Solar Energy Center project map, and said the fenced area would encompass 1,250 acres. Pfothenhauer asked about the parcels that are considered to be a part of the project, but won't host solar panels. Geldard said those lands are receiving pre-operational payments for their time and commitment to the project, and said parcels closer to the Upper and Lower Lakes WMA comprise of Class 1 wetlands where EDF will attempt

to avoid development. Geldard described the facility's design, and described the visual assessment that was completed for the project. Geldard said after the application is filed in January, ORES may use up to six months to determine whether EDF's application is complete. Geldard reviewed the application timeline through summer 2024. Geldard said construction would begin winter 2024, with commercial operation occurring in 2026. Geldard said the application will consist of 25 exhibits to account for the project's anticipated impacts. Geldard discussed the project's anticipated impacts to wetlands; viewshed; rare, threatened and endangered species; and tree clearing. TeRiele said the preliminary project drawing in the presentation including using land that is owned by non-participants, and asked why the project will not be sited on nearby marginal lands. Geldard said the preliminary project map would be revised to correctly depict the footprint of the project, and said the neighboring marginal lands include Blanding Turtles habitat and Class 1 wetlands which are highly regulated by the Department of Environmental Conservation. Andrews noted a discrepancy in the acreage calculations included in the presentation. Geldard explained "Facility Site" and "Facility Footprint" as defined by ORES and their acreage calculations. Geldard confirmed for Andrews that the Soil and Water Conservation District would be eligible to apply for intervenor funds as a part of the application process.

Andrews asked Geldard about the calculation of acreage of "Prime if Drained" soils that have been tile drained by property owners, and whether the project will impact those soil types. Larson clarified that the Department of Agriculture and Markets, and ORES will examine Mineral Soil Groups 1, 2, 3 and 4, rather than calculating impacts to soils classified as Prime, and Prime if Drained. Larson added that based on feedback from the County Planning Board, the County's Agricultural Data Statement has been revised to examine impacts to "tillable land." TeRiele said approximately half of the lands that will host the solar facility have been tile drained and would be considered Prime. Dulanski added Soil and Water Conservation District does not have an official record of lands that have been tile drained, but knows this information anecdotally. Larson added the County's Ag Data Statements are completed with input from a farm operator for land use projects that are located in an Agricultural District. Pfothenauer asked whether the applicant can create an exhibit that accounts for lands that are in active agricultural production. Geldard indicated it could be prepared.

A discussion ensued about accommodating an agricultural use within the fenced area, including sheep grazing. Both Pfothenauer and Larson replied the business infrastructure to support large scale sheep grazing is not well established in the county. Larson said the Planning Office's position over the last four years has evolved to recommend the preparation and submission of a dual-use plan by solar developers, which would include an explanation by the developer of how the plan would be implemented to ensure the long-term viability of the compatible agricultural use within the fenced area.

When asked by Green, Larson explained how USDA Natural Resources Conservation Service (NRCS) categorizes soil suitability for production, and said Mineral Soil Groups 1-4 can include soils that are classified as Prime, Prime if Drained, and Soils of Statewide Significance. Green asked Geldard whether EDF Renewables intends to buy American-made solar panels for the project. Geldard indicated nationally a tariff on solar panel

imports has been stayed, and there is renewed interest by manufacturers for domestically manufactured panels as a result of incentives available through the Inflation Reduction Act. Geldard said EDF Renewables is interested in examining how it can source some of its equipment and materials domestically. Green also asked about whether a decommissioning fund remains intact if in the event ownership of the facility changes hand. Geldard explained the developer will establish a bond or line of credit at 115% of the value of the facility with access that is given to the State or Towns in the event the facility is abandoned, regardless of who owns the array. Geldard said the company intends to own and operate the facility after it is constructed. Denesha said the County Board of Legislators passed a resolution encouraging solar developers to use domestic components when building the facility. Denesha asked about the life of the facility. Geldard said the leases will terminate at year 40. Denesha asked Geldard where the company will source aluminum from for the project, and noted Alcoa manufactures aluminum products in Massena. Andrews asked Ahlfeld if the IDA could assist the developer in sourcing locally manufactured products that could be purchased for the facility.

Pfotenhauer said the Town of Canton recently adopted a resolution to opt out of RP 487 to no longer grant tax exemptions on solar energy facilities, and asked whether that would affect the Rich Road project. Geldard said two options remain for the project: Negotiate with the IDA for a Payment in Lieu of Taxes for all affected taxing jurisdictions, or pay full value based on a formula established by the State Department of Taxation and Finance.

Larson asked whether the removal of access roads will be included in the decommissioning process. Geldard said 94C does not allow for their exclusion from the decommissioning requirements, but EDF intends to request an exemption from ORES so that installed culverts can remain, and that access roads can remain if requested by the property owner. Larson noted that if access roads continue to remain, those locations will likely be used for residential development, and the lands will never be returned to agricultural production. Larson also asked whether trees removed in hedge rows and forested areas will be replanted under the decommissioning plan. Geldard said he did not know. Dulanski said about 200 acres of active agricultural land, and 150 acres of woodland will be displaced, and asked about the composition of remaining 1,200 acres where the facility will be constructed. Geldard said he didn't know the breakdown off hand. TeRiele asked whether the project will be sited on wetlands. Geldard said the project proposal includes impacts to 10 acres of wetlands, and EDF is interested in learning how the State will react to that. Pfotenhauer asked what would happen if the State disallows the siting on wetlands, or whether the project would be scaled down. Geldard indicated better technology may be used to reduce the footprint of the project.

Andrews noted the State's renewable energy goals by 2030 and 2050, and asked Geldard about whether the State is on track to achieving them. Geldard said he believed the State is behind schedule, and noted one of the biggest obstacles is the current carrying capacity of the electrical grid, and the procedures that are required to upgrade the infrastructure. Huntley asked about how electrical power in the grid will be balanced after the solar energy facilities are online, especially when little energy is being produced at night, in the winter or on cloudy days. Geldard noted the State is attempting to achieve a mix of renewable

energy production, and noted the challenges associated with installing wind power. Huntley expressed concern about a reduction in hydroelectricity output to accommodate solar facilities as they come online, which is the source of power used by agricultural producers. Geldard confirmed for Green that EDF Renewables intends to work with the IDA on a PILOT. Geldard said solar developers will be required to pay agricultural mitigation fees which will be directed to a State Agricultural Protection Fund, and asked whether the County was working with the Department of Agriculture and Markets on where those funds should be directed. Larson described the drawbacks of the State's farmland protection program, including: no previous participation by St. Lawrence County farm operators in the State program, the delay in processing the acquisition of conservation easements, and the omission of solar lease values in the pre and post appraisal process of recording an agricultural conservation easement. Larson and members of the Board thanked Geldard for his presentation.

B. Adoption of 2023 Meeting Calendar. Larson displayed a copy of the proposed meeting calendar, and said it follows the Board's traditional meeting dates four times per year: First Thursday in February, April, October and December at 6 pm in the 2nd floor conference room of the County Public Safety Complex. The Board unanimously adopted the 2023 meeting calendar (TeRiele/McKnight).

C. Resolution Authorizing the Planning Office to Submit Notices of Action to the Department of Agriculture and Markets on behalf of the Agricultural and Farmland Protection Board. Larson explained the project referral process to the County Planning Board for publicly funded projects that are located on farmland in an Agricultural District. Larson said under SEQR, the Department of Agriculture and Markets forwards Notice of Intent documents to the Farmland Protection Board for comment. Larson said because the County Planning Board reviews land use projects and issues Notices of Action on projects of County-wide significance, Larson drafted a resolution for the Farmland Protection Board's consideration that authorizes the Planning Office to submit County Planning Board documents to the Department on behalf of the Farmland Protection Board. Larson read the draft resolution out loud. The Board unanimously approved Resolution No. 01-2022 (McKnight/TeRiele).

III. Old Business

A. None.

IV. Reports

A. Updates from AFPB Members. Denesha said the Board of Legislators reviewed the County's tentative 2023 budget and intends to adopt it at its December meeting. Denesha reviewed the anticipated tax reduction for property owners. Denesha said for five of the last six years, the County has been able to reduce its tax rate, and is now the lowest it's been since the 1980s. Denesha compared the County's financial health compared to eight-years ago.

Ahlfeld said the IDA is reaching out to college alumni who are involved in dairy or agricultural operations in an attempt to lead to new economic investment in the county. Ahlfeld also described recent efforts to attract cheese manufacturing into the area. Pfothenhauer asked about the establishment of biodigesters in the area. Ahlfeld activity has quieted down compared to a couple years ago.

Because the composition of soil varies throughout a parcel, Huntley said greater emphasis should be placed on the displacement of tillable acreage rather than focusing on impacts to prime, and prime if drained soils. McKnight added that when farmland is being purchased, tillable and non-tillable acreage is disclosed. Huntley said other agricultural activities should be examined as a possible dual use within the fenced area of a solar array. Andrews discussed the missed opportunity for the State to invest in the County's existing hydrofacilities to increase energy output. Andrews suggested the Farmland Protection Board and County Planning Board work together, and suggested board members attend each other's meetings. Green reviewed recent and upcoming staffing changes in his department.

Dulanski said she was disappointed to hear the agricultural mitigation fees to be paid by solar developers will be directed to a state fund rather than to local agencies for agricultural reinvestment. Dulanski reviewed recent activities completed at the SWCD, and interest by area farmers to participate in the next round of grant applications. Dulanski noted the passage of the Inflation Reduction Act will yield additional program funds for the District to administer. Dulanski reviewed the current status of administering County ARPA funds to remove hazard ash trees with the use of County ARPA funds. Dulanski also reviewed recent efforts to change State law that would alter the composition of the District boards, the qualification requirements to serve on a District board, and would change the governing laws of Districts. Dulanski said she would forward a resolution passed by other Counties for the County Board of Legislators' consideration. Larson read Finen's comments that were sent via text which included a suggestion to invite a representative from the Department of Agriculture and Markets to a future meeting. Andrews identified solar projects that are under construction in Dekalb and Gouverneur.

Pfothenhauer said developers for the North Side Energy Center in Brasher, Massena and Norfolk are examining whether they should file an appeal to the Article 10 Siting Board's determination to deny a permit, or file an application through the 94C process. Pfothenhauer also announced another round of funding made available to repair and replace septic tanks, which is limited to St. Lawrence River, portions of the Raquette River, and portions of the Little River in the towns of Clifton and Fine.

VI. Other Items

- A. Correspondence.** Larson said the Board received correspondence from the Department of Agriculture and Markets about a proposed 2.2 MW solar array in the Town of Russell, which has no land use regulations in effect. Larson described the project and its location, and said she provided a response to the Department about the absence of land use regulations.

B. Announcements. None.

C. Next Meeting Date. The next Agricultural and Farmland Protection Board meeting will be held on Thursday, February 2, 2023 at 6:00 pm. Andrews said members of the Board should contact the Planning Office for a letter calculating the mileage driven to attend meetings in 2022.

VII. Adjourn

The meeting adjourned by consensus.

Respectfully submitted,

Matilda Larson