

FROM THE DESK OF

MICHAEL J. FOURNIER



February 21, 2018

Via Email

Hon. Kathleen H Burgess, Secretary to the NYS PSC Siting Board

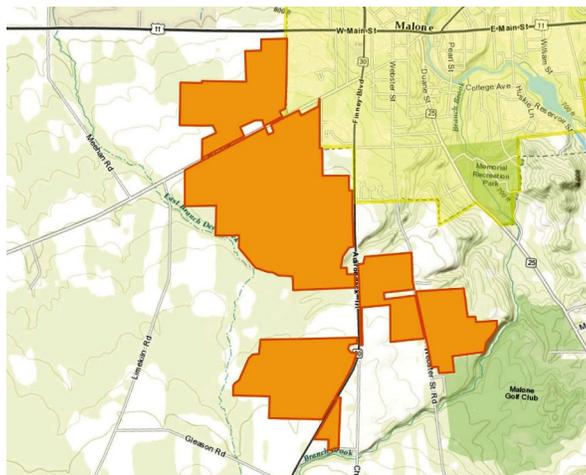
Re. Case No. 17-F-0602: Application of Franklin Solar, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Malone, Franklin County.

Dear Hon. Burgess,

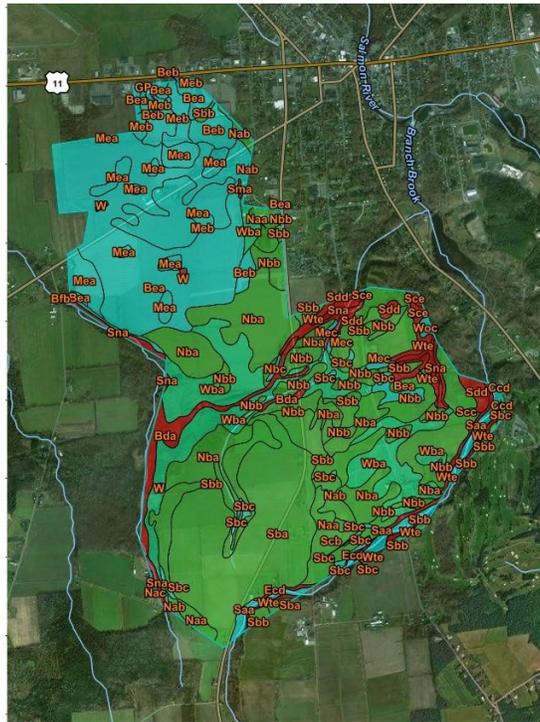
On behalf of Friends Against Rural Mismanagement (FARM), I would like to submit this comment as a filed document to the DMM, responding to the PIP filed by Franklin Solar (Geronimo Energy) for case no. 17-F-0602.

As mentioned in previous correspondence, I head Friends Against Rural Mismanagement (FARM), being a group of individuals who live either within the boundaries of the project area or within 5 miles of the Town of Malone.

We start with a map showing the proposed project in the Town of Malone:



We then entered the geographic coordinates for this tract of land into the USDA's "Web Soil Survey: National Cooperative Soil Survey" online program, which yielded the following map:



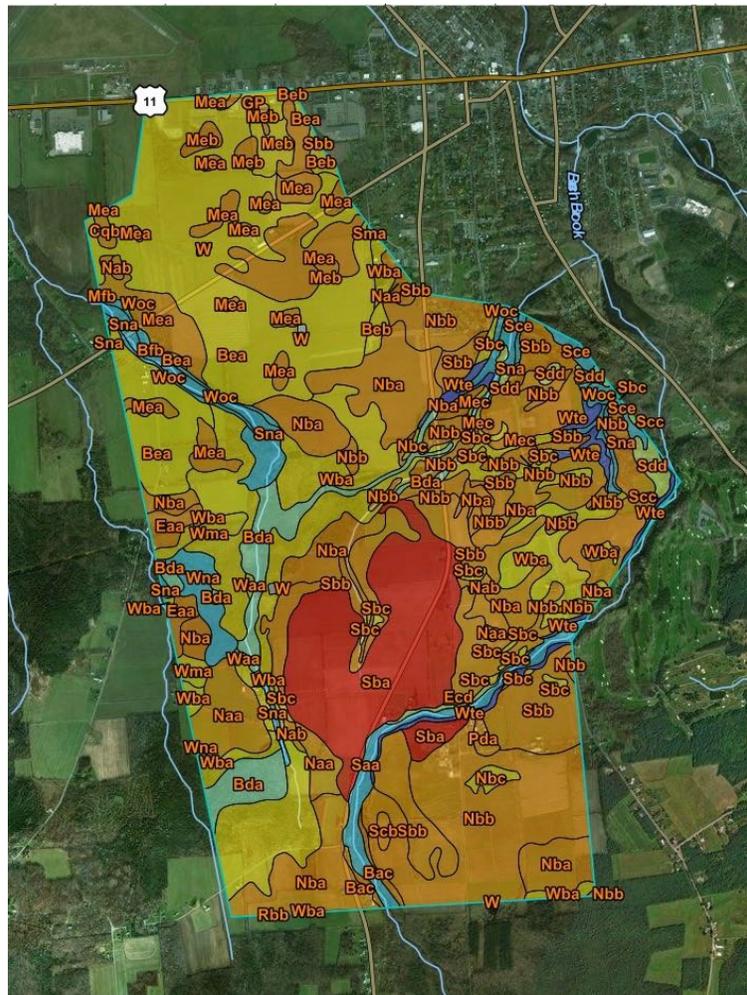
Here is the legend accompanying the map. (You will find this map and accompanying documents on pp. 44-49 in the attached "NYS Solar Siting Document: A Compilation of Primary Sources Prepared by FARM," hereafter cited as NYS Solar Siting Doc.)

- | | | | |
|---|--|---|---|
| Area of Interest (AOI) | | | |
|  | Area of Interest (AOI) |  | Prime farmland if subsoiled, completely removing the root inhibiting soil layer |
| Soils | |  | Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 |
| Soil Rating Polygons | |  | Prime farmland if irrigated and reclaimed of excess salts and sodium |
|  | Not prime farmland |  | Farmland of statewide importance |
|  | All areas are prime farmland |  | Farmland of local importance |
|  | Prime farmland if drained |  | Farmland of unique importance |
|  | Prime farmland if protected from flooding or not frequently flooded during the growing season |  | Not rated or not available |
|  | Prime farmland if irrigated | Soil Rating Lines | |
|  | Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season |  | Not prime farmland |
|  | Prime farmland if irrigated and drained |  | All areas are prime farmland |
|  | Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season |  | Prime farmland if drained |

Notice that virtually the entire project area is classified by the USDA as prime agricultural farmland, shown in green and blue in the above map.

The USDA and NYS Dept of Agriculture & Markets have 3 categories of what they call highly productive soils: (1) prime farmland, (2) farmland of statewide importance, and (3) unique soils. The project area consists chiefly of (1) and (2).¹

At the risk of belaboring the point, here is another USDA map of the same area, showing soil classifications. Notice that the soil is rated as either class 1 (red), 2 (orange), or 3 (light green) — all 3 categories defined as highly productive, prime agricultural.² More specifically, class 1 soils in Franklin County are defined as “deep, well-drained, nearly level soils, suitable for intensive long-time use under cultivation if good farming practices are followed.” Class 2 is defined as “soils that can be cultivated with only moderate risk of erosion or that have other moderate limitations.”³



¹ See NYS Solar Siting Doc., p. 65

² See NYS Solar Siting Doc., pp. 50-55

³ See NYS Solar Siting Doc., p. 57

Let me repeat, the USDA classifies the project area as highly productive agricultural land. "Highly productive soils are those that are best suited to producing food, feed, forage, fiber, and oilseed crops. In short, they are the best soils for high yields with minimum expense and the least damage to the environment."⁴ All of this land is currently producing food, feed, forage, and fiber, and has been under cultivation for these purposes since the 19th century. Much of this soil is part of what's called the Salmon Series, a very fine, sandy loam developed from glacial and Pleistocene-era lacustrine silts and sands. These unique soils "occur on rolling, kamelike relief in the valley of the Salmon River and on the adjacent broad, smooth till plain"—precisely where Geronimo wants to erect its solar project.⁵

Moving on, in its "Guidelines for Agricultural Mitigation for Solar Energy Projects" (January 18, 2017) the NYS Department of Agriculture & Markets starts out on p. 1 with the following dictum: "Project sponsors should avoid the installation of solar arrays on the most valuable or productive farmland. The following is the order of importance for solar array avoidance:

Active Rotational Farmland (most important):

*comprised of Prime Farmland Soils

*comprised of Prime Farmland Soils (if drained)

*comprised of Soils of Statewide Importance⁶

In its Fact Sheet dated December 2016, NYS Ag & Markets underscores the point. "To protect productive farmland, municipalities should consider siting non-farm solar energy projects on less productive land. There is a distinction between farm-related solar systems, and solar systems built on agricultural land that primarily serve off-site uses."⁷

I think we can safely conclude that NYS Ag & Markets would not support this project.

It appears that the Franklin County Legislature would likewise oppose it. According to Local Law #2 in 2001:

The Franklin County Legislature finds, declares, and determines that farming and the related agricultural businesses are an important industry in Franklin County that provides a substantial contribution to the economy of the county, maintains open space, enhances the quality of life, promotes environmental quality, and has a minimal demand upon services provided by local governments.... It is the general purpose and intent of this law to maintain and enhance the agricultural industry of the county, to permit the

⁴ See NYS Solar Siting Doc., p. 65

⁵ See NYS Solar Siting Doc., p. 58

⁶ See NYS Solar Siting Doc., p. 43

⁷ See NYS Solar Siting Doc., p. 42

continuation of acceptable agricultural practices, [and] to protect the existence and continued operation of farms.⁸

Next, NYSERDA. In its Fact Sheet dated August 2017, NYSERDA writes, "NYSERDA administers the NY-Sun Program, which helps customers across the State adopt clean, renewable sources of energy."⁹ Under the rubric "Determining Approval Standards," the Fact Sheet advises municipalities "to include conditions that protect their most valuable and productive agricultural land." The next paragraph spells out, in plain English, what this means: "Avoiding installation of solar arrays on the most valuable or productive farmland (provided in the order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance."¹⁰

It looks like NYSERDA would also torpedo this project.

NYS Ag & Markets, Franklin County Legislature, NYSERDA—all saying no to Geronimo's project.

To put this in perspective, the Siting Board may take comfort in knowing that other states are just as aggressively protective of prime agricultural farmland as NYS is. For instance, here is what the NJ Department of Agriculture has to say on the subject: "Solar energy generation facilities shall not be constructed or installed on prime farmlands to the maximum extent physically and financially practicable."¹¹ For what it's worth, North Carolina, which has been wrestling with utility-scale solar projects for years, is likewise adamant that prime agricultural land is off-limits.¹²

When one considers that the NYISO estimates utility-scale solar facilities in the state to have, at best, a 45% performance rating during on-peak hours, the trade-off between using this land for farm production or harvesting electrons is heavily weighted in favor of agricultural production.¹³ In the vernacular, this is called a "no brainer."

I close with a quaint yet still cherished manifesto from the "Franklin County Agricultural & Farmland Protection Plan" (March 2001):

⁸ See NYS Solar Siting Doc., p. 2

⁹ See NYS Solar Siting Doc., p. 39

¹⁰ See NYS Solar Siting Doc., p. 41

¹¹ See NYS Solar Siting Doc., p. 6

¹² See NYS Solar Siting Doc., p. 66-79

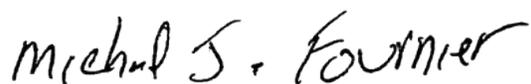
¹³ See NYS Solar Siting Doc., p. 20

In addition to the direct economic impact that agriculture has within the county, productive farms and farmland provide a framework for a rural lifestyle valued by local residents and which is supportive of the region's tourism industry. Open spaces afforded by productive farm operations provide unequaled scenic vistas throughout the county. Linkages between agriculture and tourism need to be explored to help create opportunities for future economic development within the county.¹⁴

Tourism: See the DMM petition (January 12, 2018) filed by FARM explaining Malone's role in the state's *Adirondack Trail Scenic Byway Corridor Management Plan* aka the Adirondack Trail.

Farming: See the present petition. You can expect two more petitions from FARM. The first will review the science showing that utility-scale PV projects have serious and, as yet, little understood impacts on soils and avifauna. The second will empirically demonstrate that Geronimo's PV project will interfere with air traffic navigation when landing and taking off from the Malone-Dufort Airport — interference in the form of PV panel glare which, not surprisingly, is forbidden by the FAA.

Sincerely,



Michael J. Fournier, for FARM

Party to Case No. 17-F-0602

¹⁴ See NYS Solar Siting Doc., p. 61