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**NYS Department of Agriculture and Markets – Agriculture Districts Law §305
Notice of Intent to Undertake an Action Within an Agricultural District
Solar Energy Projects Affecting More than 30 acres in Mineral Soil Groups (MSG) 1-4**

Instructions: The purpose of this form is to provide NYSERDA with the necessary information required to submit a Notice of Intent to the Department of Agriculture and Markets (NYSAGM) for the Project Developer. Please populate all fields in this template, as applicable, and return to NYSERDA, with a copy to commercial.industrialpv@nyserda.ny.gov, and upload as part of your NY-Sun Commercial/Industrial application. Please add additional documents if desired and include required maps and/or other figures as outlined below in the response sent to NYSERDA. **If the proposed project impacts less than 30 acres, please refer to the Short Form Notice of Intent Submission Form. NYSERDA has provided Contractors with mapping resources ([the interactive map is available here](#)) to assess the level of overlap that their Facility Area is expected to have on MSG 1-4.**

Provide, as part of your response package to NYSERDA, maps showing the site of the proposed action including the following:

1. The proposed solar array layout of the project on an aerial image.
2. Label or annotate the map with all affected landowners, including tax map numbers, surrounding land uses, and type(s) of agricultural production.
3. Label all points of interconnection with the public utilities, all transmission lines associated with the project, equipment storage or mobilization pads/construction areas, and access roads/driveways
4. A copy of the NRCS Web Soil Survey map of all affected parcels, including the breakdown of soils impacted (Soil Groups 1 - 4)¹.

I. Project Description and Agricultural Setting:

Project Address:

County:

Authority Having Jurisdiction:

Agricultural District:

Total Facility Area²:

Total Parcel Size:

Impacted MSG Groups 1-4 within Facility Area:

¹ Mineral Soils Group (MSG) 1-4 are defined by the NYS Department of Agriculture and Markets for each soil type in each county identified by the United State Department of Agriculture, and are used to classify the state’s agricultural lands based upon soil productivity and capability. Each county in New York State has a listing of all soil types present in the county that is associated with a specific mineral soil group, MSG 1 through 10. The interactive map of MSG 1-4 is available [here](#).

² The Facility Area is defined as all land area occupied during the commercial operation of the generation facility, the associated interconnection equipment and, if applicable, energy storage equipment as verified by NYSERDA through the Operational Certification process. Generally, this will include all areas within the facility’s perimeter security fence(s) and the applicable facility related improvements outside of fenced areas. The Facility Area shall include the area “inside the fence” of the project including all fencing inclosing the mechanical equipment such as the solar arrays, inverters, location of any combiner boxes, fuses, switches, meters, distribution boards, monitoring systems such as Balance of Systems components, interconnection equipment, and stormwater controls. The Facility Area shall additionally include improvements of the project “outside of the fence” including access roads, parking areas, stormwater controls and other permanent facilities, or structures installed at the Facility Area, except vegetative landscape screenings or appropriately buried utilities such as electrical conductors or conduit(s).

New York State Energy Research and Development Authority

Albany
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(P) 212-971-5342
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West Valley Site
Management Program
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

Project Name:
Public Entity: NYS Energy and Research Development Authority
Developer:

Project Developer Information:
Name/Title: Email:
Phone Number: Fax Number:

Contact Information of other individuals authorized to respond to Agriculture & Markets inquiries:
Name/Title: Email:
Phone Number: Fax Number:

Name/Title: Email:
Phone Number: Fax Number:

Anticipated date of commencement of proposed action³:

Date of Interconnection Application:

Provide information regarding the system size, NY-Sun incentives awarded, the current status of interconnection and any other relevant information for the project.

Please answer the following questions:

1. Will the landowner have access to the remainder of the agricultural field?
2. Is the parcel subdivided, or will the parcel be subdivided? If so, will the parcels be merged after the system has been decommissioned?

Operator of Parcel and Affected Landowners (Provide the names, addresses, and tax parcel identification numbers for the landowners that are directly affected by the construction of the proposed project within the agricultural district. This includes the owners of the land where the project will be constructed and any other landowner that may be affected by the construction of an access road or transmission lines across their property. Do not include landowners within the project vicinity that are not within the agricultural district. This can complicate the review process):

Operator of the Parcel⁴:

³ The commencement date is the first day the Project Developer/Developer starts any construction-related activity and may include, but is not limited to, creating access road(s), digging underground trenches, starting land clearing, staging supplies and/or equipment, or installing solar panels.

⁴ If the parcel is continuing as an active farming operation, provide information for the operator of the farm.

Affected Landowners:

1. Name(s):
Address:
Parcel Number(s):
2. Name(s):
Address:
Parcel Number(s):
3. Name(s):
Address:
Parcel Number(s):
4. Name(s):
Address:
Parcel Number(s):

II. Agricultural Impact of the Proposed Action:

Describe and assess all short-term and long-term effects associated with the proposed action, including an assessment of any agricultural impacts and any concerns expressed by farm landowners directly affected by the proposed action.

III. Adverse Agricultural Effects which cannot be avoided should the proposed action be implemented:

Describe any adverse agricultural effects which cannot be avoided should the proposed action be implemented.

IV. Alternatives to the Proposed Action:

- a. Describe alternatives to the proposed action, and reasons why the project site was selected as the preferred site for the proposed action. An alternative site is viewed as any other parcel(s) that were assessed or reviewed to be a potential candidate to host the project, before arriving at the selected location.⁵ Provide only the tax parcel ID and a brief explanation as to why the parcel was not ultimately selected.⁶

- b. Briefly describe any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action should it be implemented. Include the decommissioning plan as an attachment and provide any other plans to return the project site to agricultural use following the conclusion of the proposed action’s lifespan. Provide confirmation that the affected parcel will be returned to its current condition, once the project has been decommissioned.

⁵ Examples of what is considered alternatives by NYSAGM are any parcels considered for development in or outside the agricultural district, wooded lots, county owned land, etc.

⁶ Examples of why the alternative was not selected include the unavailability of three-phase connections, landowner unwillingness to lease the alternative site, environmental concerns, etc.

V. Mitigation measures proposed:

a. Describe any mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of a farm enterprise or enterprises within the district. Confirm that the proposed action will follow NYSAGM's [Guidelines for Agricultural Mitigation for Solar Energy Projects](#) and include an executed copy of the Guidelines as an attachment to this submittal.

b. Describe any aspects of the proposed action which would encourage non-farm development, where applicable and appropriate, including any local zoning restrictions which apply to the area.

When this form is completed, the Project Sponsor must provide his/her signature prior to submitting the form to NYSERDA.

Project Sponsor (Developer)

Date