



Date Prepared:

**NYS Department of Agriculture and Markets – Agriculture and Markets Law §305
Long Form Notice of Intent to Undertake an Action Within an Agricultural District
Energy Storage Projects Affecting More than 30 acres of 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 (NOI) to the Department of Agriculture and Markets (NYSAGM) for the Project Developer. Please populate all fields in this form, and provide additional requested documents/maps in a single file with a maximum file size of 20 MB, and return to NYSERDA, with a copy to energystorage@nyserda.ny.gov. This complete submission is required to be uploaded as part of your Retail Energy Storage application. **If the proposed projects impact less than 30 acres of MSG 1-4, please refer to the Notice of Intent Short 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.**

I. Project Maps

Provide the following maps showing the site of the proposed action:

The proposed layout of the project on an aerial image.

Label or annotate the map with all affected landowners, including tax map numbers, surrounding land uses, and type(s) of agricultural production.

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

Include any siting considerations that determined the location of the energy storage system, such as wetlands, grading restrictions, municipal setback or zoning requirements, landowner requests, etc.

A copy of the NRCS Web Soil Survey map of all affected parcels, including the breakdown of soils impacted (MSG 1 - 4)¹.

II. Project Description and Agricultural Setting:

Project Name:

Public Entity: NYS Energy and Research Development Authority

Project Company:

Project Developer:

Project Contact Information:

Name:

Title:

Company:

Phone Number:

Email:

Contact Information of other individuals authorized to respond to Agriculture & Markets inquiries:

Name:

Title:

Company:

Phone Number:

Email:

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 States 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,

Project Address:
 Authority Having Jurisdiction:
 Is this project stacked² with another project? Yes ☐ No ☐
 Total Parcel Size:

County:
 Agricultural District:
 Number of Points of Interconnection:
 Total Facility Area³:

Total Impacted MSG 1-4 acres within Facility Area:

Fill out the below table for each Point of Interconnection. As an example, if there is only one Point of Interconnection, fill out only Facility 1. If the project has 3 separate Points of Interconnection, fill in Facilities 1 through 3.

| | System Size kW (AC) | System Size kWh (AC) | Date of Interconnection Application | Facility Area | Impacted MSG 1-4 acres within the Facility Area | | | |
|------------|------------------------|-------------------------|--|------------------|--|-------|-------|-------|
| | | | | | MSG 1 | MSG 2 | MSG 3 | MSG 4 |
| Facility 1 | | | | | | | | |
| Facility 2 | | | | | | | | |
| Facility 3 | | | | | | | | |
| Facility 4 | | | | | | | | |
| Facility 5 | | | | | | | | |

Anticipated date of commencement of proposed action⁴:

Provide information regarding the Energy Storage Program incentives awarded, the current status of interconnection, and any other relevant information for the project.

Describe any siting considerations that impacted the placement of the energy storage system, such as the presence of delineated wetlands, grading restrictions, municipal setbacks or other zoning requirements, landowner restrictions, etc.

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?

² Stacked projects are defined as multiple projects greater than 1MWdc that are abutting and located on parcels of real property that are owned by the same landowner(s). Stacked projects undergo aggregated review. The impacted MSG 1-4 acreage will be aggregated across all stacked projects to determine the required mitigation.

³ 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 enclosing the mechanical equipment such as the energy storage system, 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).

⁴ The commencement date is the first day the Project Company/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 energy storage systems.

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 Parcel⁵:

Affected Landowners:

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

III. 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.

⁵ If the parcel is continuing as an active farming operation, provide information for the operator of the farm.

IV. 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.

V. 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.⁶ Provide only the tax parcel ID and a brief explanation as to why the parcel was not ultimately selected.⁷

| Tax Parcel ID | Reason Not Selected |
|----------------------|----------------------------|
| | |
| | |
| | |
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| | |

- 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.

⁶ 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.

⁷ 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.

VI. 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.

b. If applicable per the [Agricultural Mitigation Payment Requirements](#), provide a copy of a completed [Agricultural Mitigation Estimate Calculator](#) with this submission. Provide the estimated mitigation payment amount below.

c. Is the Company pursuing an Agricultural Co-Utilization Plan⁸ to defer or offset the mitigation payment?

| | | |
|-----|----|-----|
| Yes | No | TBD |
|-----|----|-----|

If yes, attach an Agricultural Co-Utilization Plan, acknowledging if it is a draft or final version, in this Submission package.

⁸ Acceptable co-utilization practices shall involve production of crops, livestock, or livestock products, as defined in AML § 301(2). In the event a contractor proposes a new co-agricultural practice that does not include the production of "crops, livestock and livestock products" as defined above, NYSDERDA will consult with AGM prior to accepting such practice. Agricultural Co-Utilization Plans must be submitted for NYSDERDA acceptance, which will include NYSDERDA's consultation with AGM. Agricultural Co-Utilization Plans will include a list of projected costs that the contractor proposes to offset its mitigation payment. In order to be eligible for a deferred Agricultural mitigation payment, contractors must submit an agricultural co-utilization plan at least 180 calendar days prior to commencement of construction activities related to the project.

c. 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 Company must provide their signature prior to submitting the form to NYSERDA.

Project Company Authorized Signature

Date