

# STATE OF NEW YORK

8083

2017-2018 Regular Sessions

## IN ASSEMBLY

May 25, 2017

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to creating a solar array pollinator benefit program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "solar array pollinator benefit program".

3 § 2. The agriculture and markets law is amended by adding a new arti-  
4 cle 29-A to read as follows:

### ARTICLE 29-A

#### POLLINATOR SUPPORT PROGRAM

7 Section 520. Solar array pollinator benefit program.

8 § 520. Solar array pollinator benefit program. 1. As used in this  
9 section, the following terms shall have the following meanings:

10 (a) "Pollinator" means an insect or bird that pollinates vegetation,  
11 and shall include wild and managed insects.

12 (b) "Native perennial vegetation" means native wildflowers, forbs, and  
13 grasses that serve as habitat, forage, and migratory way stations for  
14 pollinators, and shall not include any prohibited or regulated invasive  
15 species as determined by the department of environmental conservation in  
16 consultation with the department.

17 (c) "Solar site" means a ground-mounted solar energy system that is a  
18 minimum of one acre in size.

19 (d) "Owner" means a public or private entity that has a controlling  
20 interest in the solar site or the land on which the solar site is  
21 located.

22 (e) "Vegetation management plan" means a planning document that  
23 includes short- and long-term site management practices that will  
24 provide and maintain native perennial vegetation.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1     2. An owner of a solar site may only make a public claim that such  
2     site provides benefits to pollinators if such owner develops a vege-  
3     tation management plan that meets or exceeds minimum standards estab-  
4     lished by the department, which shall include:

5     (a) the percentage of the solar site that will be covered with native  
6     perennial vegetation;

7     (b) the type, amount, and diversity of native perennial vegetation  
8     that will be maintained on the solar site;

9     (c) the number of seasons where there will be at least three species  
10    of native perennial vegetation in bloom on the solar site;

11    (d) maintenance practices to be used on the solar site;

12    (e) use of pesticides on the solar site;

13    (f) width and composition of vegetation buffers adjacent to the solar  
14    site; and

15    (g) any other standards established by the commissioner.

16    3. Before an owner may make a public claim that a solar site provides  
17    benefits to pollinators, such owner must submit a vegetation management  
18    plan that is applicable to such site, and that meets or exceeds the  
19    minimum standards in subdivision two of this section, to the department,  
20    which shall be made available to the public.

21    4. Nothing in this section shall restrict any farming practices on any  
22    land adjacent to a solar site that has been determined to provide bene-  
23    fits to pollinators.

24    § 3. This act shall take effect on the ninetieth day after it shall  
25    have become a law.