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:

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

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

ARTICLE 29-A

POLLINATOR SUPPORT PROGRAM

Section 520. Solar array pollinator benefit program.

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

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

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

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

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

(e) "Vegetation management plan" means a planning document that includes short- and long-term site management practices that will 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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2. An owner of a solar site may only make a public claim that such site provides benefits to pollinators if such owner develops a vegetation management plan that meets or exceeds minimum standards established by the department, which shall include:

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

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

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

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

(e) use of pesticides on the solar site;

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

(g) any other standards established by the commissioner.

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

4. Nothing in this section shall restrict any farming practices on any land adjacent to a solar site that has been determined to provide benefits to pollinators.

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