

RESOLUTION # 37

RENEWABLE ENERGY AND SOLAR ARRAYS ON FARMS

1 **WHEREAS**, energy costs place financial burdens on all New Jersey agricultural
2 sectors, and using traditional fossil fuels adds to the overall carbon footprint, making
3 traditional fossil fuels less attractive for on-farm use; and

4 **WHEREAS**, in 2021, fossil-fuel energy costs spiked as the world economy entered a
5 rebound phase from the global shutdowns effectuated by the COVID-19 pandemic, sending
6 demand for energy soaring worldwide and resulting in demand-side price spikes; and

7 **WHEREAS**, the efforts of agricultural operators to both use and produce alternative
8 energy are consistent with the goals of the Administration to “build a clean energy economy”
9 that has 100 percent of the state’s energy coming from renewable sources by 2050; and

10 **WHEREAS**, after seeing decades of development pressure from residential
11 developers, and a continuing push by developers to buy up farmland for warehousing space
12 as retailing continues its march away from brick-and-mortar and toward more purchases
13 online, the state’s farmers are also experiencing significant interest among developers in
14 placing large solar arrays on open farmland, driven in large part by the state’s Energy Master
15 Plan; and

16 **WHEREAS**, the State Board of Agriculture has adopted a Policy Statement that state
17 and local officials overseeing the development of solar arrays on farms must strike a balance
18 between preserving prime soils that are absolutely necessary for the types of high-value
19 agricultural products grown and raised in New Jersey while simultaneously allowing an
20 opportunity for farmers to maximize farm equity by selling large parcels, which can also help
21 farmers expand their agricultural operations, maximize the value and equity of their land, and
22 thereby increase their collateral to boost borrowing power for working capital for the farm; and

23 **WHEREAS**, the bills passed by the Legislature and signed by the Governor in 2021
24 to spur solar development throughout the state did, indeed, strike a balance that agricultural
25 groups were able to support in regards to solar arrays on farms that provided an opportunity

26 to have “dual use” solar development on lands that continue to be used for agriculture and
27 which safeguarded the farmer’s ability to participate in and benefit from the increase in solar
28 arrays needed to meet the goals of the State Energy Master Plan; and

29 **WHEREAS**, by [Board Order](#) dated July 28, 2021, the New Jersey Board of Public
30 Utilities (NJBP) has established a new Successor Solar Incentive Program, also known as
31 the “SuSI Program”, to be a successor to the SREC Registration Program, and which
32 implements the Clean Energy Act of 2018 (L. 2018, c.17) and the Solar Act of 2021 (L. 2021,
33 c. 169) and provides incentives to eligible solar facilities to “enable the continued efficient
34 and orderly development of solar renewable energy generating sources throughout the
35 state”; and

36 **WHEREAS**, there has been a historical discrepancy between NJDA and NJBP
37 definitions of whether five percent of the TOTAL Agricultural Development Area or five
38 percent of WHAT’S LEFT undeveloped of prime and statewide significant soils as the
39 measuring stick for qualifying for eligibility under the SREC program; and

40 **WHEREAS**, we strongly support all farmers having the ability to utilize solar, wind
41 and other renewable energy to meet the energy needs of their agricultural operations as
42 cost-effectively as possible, whether their farms are preserved or not; and

43 **WHEREAS**, New Jersey’s fiscal position requires the State to find innovative ways of
44 creating an inviting business climate for potential alternative-energy producers that do not
45 rely entirely on financial incentives; and

46 **WHEREAS**, bio-gas facilities have the potential to remove large amounts of food
47 waste, other refuse, and in some cases manure from the state’s overall waste inventory, for
48 the production of bio-gas, lessening the stress on the state’s landfills and thereby enhancing
49 the environment and reducing municipal waste-disposal costs; and

50 **WHEREAS**, legislation is pending to address the use of Renewable Natural Gas
51 (RNG) for more energy purposes in New Jersey, and one part of the definition of RNG
52 includes references to the types of gases that can be derived from food and agricultural

53 waste, providing a potential new market for these wastes generated on farms or through food
54 processing operations; and

55 **WHEREAS**, bills also have been introduced in the Legislature that would mandate
56 producers of large amounts of food waste to have that waste hauled to facilities employing
57 various methods for its re-use instead of dumping it into a landfill (except as a last-resort
58 option), including, but not limited to, using it for “agricultural purposes” or by taking it to an
59 anaerobic digester to be used in creating electrical power.

60 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 107th State
61 Agricultural Convention, assembled in Atlantic City, N.J., on February 9-10, 2022, do support
62 the continued development of renewable energy sources in New Jersey and support the
63 New Jersey Department of Agriculture’s efforts to maximize farmers’ potential roles as both
64 producers and consumers of alternative energy.

65 **BE IT FURTHER RESOLVED**, that we commend the actions of Legislature and
66 Governor for addressing the interest among developers in placing large solar arrays on
67 farmland in a manner that provides an opportunity to have “dual use” solar development on
68 lands that continue to be used for agriculture and which sought to accommodate the farmer’s
69 ability to participate in and benefit from the increase in solar arrays needed to meet the goals
70 of the State Energy Master Plan.

71 **BE IT FURTHER RESOLVED**, that we urge the Legislature and Governor to address
72 the interest among developers to place larger solar arrays on farmland by encouraging and
73 enabling farmland preservation groups, either the SADC or private, non-profit organizations
74 pursuing farmland preservation, to be competitive, both in their offers and in turnaround time
75 for signing contracts, with offers based on the current appraisal process to meet and/or
76 compete with market-driven offers from developers, going beyond the current appraisal
77 process, which also should be re-examined, and legislative measures considered, in light of
78 these rapidly changing market pressures for large tracts of farmland.

79 **BE IT FURTHER RESOLVED**, that we urge the Legislature to pass, and the
80 Governor to sign, provisions similar to those in other states where, if a dual use of both a

81 solar array AND continued agricultural activity are proposed for the same land, that the
82 burden of proof is on the developer to provide substantial evidence of and ensure the
83 economically viable compatibility of both uses, so that the agricultural use is not abandoned,
84 and if solar arrays are constructed on farmland, provisions are considered to protect the soil
85 in accordance with New Jersey soil restoration and soil compaction mitigation standards, so
86 that agricultural production, grassland, or grazing capabilities are not lost.

87 **BE IT FURTHER RESOLVED**, that we urge Rutgers NJAES to work expeditiously on
88 the state-funded agri-voltaics research and extension projects being installed at its research
89 farms to better understand the technical and economic dimensions of these technologies,
90 including their compatibility with different crop and livestock systems. ,

91 **BE IT FURTHER RESOLVED**, that due to advances in solar equipment technology
92 and construction, that we urge the Legislature, the Department of Agriculture and the SADC
93 to re-examine the potential removal or modification of the “plus 10-percent” provisions of the
94 2009 law that encouraged farmers on preserved farms to incorporate solar, wind, and
95 biomass energy generation on their farms, but only to the level of the past year’s energy use
96 plus 10 percent, as removing that 10-percent limit, especially when coupled with the
97 integration of more recent technology to create more energy on smaller sites, will increase
98 the power that can be generated on those sites and thus reduce the overall amount of other
99 land needed for solar arrays.

100 **BE IT FURTHER RESOLVED**, that we urge the Legislature and all others involved in
101 promoting the goals of the Energy Master Plan, to examine to what extent excess/unused
102 state-owned open-space lands could be alternatives to placing large solar arrays on prime
103 farmland, as well as investigating alternative development arrangements, such as lease-
104 purchase agreements, that would provide for solar development on farms but not involve the
105 outright sale of prime farmlands, so that the land could be returned to farming if the use for
106 the solar array is abandoned at a later date.

107 **BE IT FURTHER RESOLVED**, that we urge farmers and others in New Jersey’s
108 agricultural and food industries to become involved in projects geared toward turning food

109 and agricultural wastes into energy, through anaerobic digestion or other methods, as would
110 be consistent with the current approaches nationwide for using food wastes to create energy.

111 **BE IT FURTHER RESOLVED**, that we urge the Legislature to pass and the
112 Governor to sign a bill to allow dual-use solar in the Highlands and Pinelands preservation
113 areas and have it be added to the recently passed solar legislation.