

# AFBF Renewable Energy Policies 2024

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PLEASE NOTE THAT THIS DOES NOT INCLUDE ALL OF THE AMERICAN FARM BUREAU FEDERATION’S RENEWABLE ENERGY POLICIES; THIS IS ONLY TO INCLUDE TOPICS OF DISCUSSION OF THE RENEWABLE ENERGY WORKING GROUP (2024).

# Renewable Energy Policies

## Overarching

*Not specific to transmission type; includes both wind & solar*

### **SECTION 2 - FARM POLICY / TRADE**

#### FARM POLICY / FARM PROGRAMS

#### **239 / National Farm Policy**

##### 9. General Issues

##### 9.4. Commodity Programs

##### 9.4.1. We support:

- 9.4.1.6. Classifying program crop base acres that are being utilized in renewable energy projects as "conservation," the same as CRP with program crop base acres maintained and no ARC/PLC paid. When the renewable energy project is decommissioned and the idled base acres restored for agricultural production, farm program support and the payment base can be reactivated to transition the base acres from renewable energy production back into program crop production; and

### **SECTION 4 - ENERGY / MONETARY-TAX / MISCELLANEOUS**

#### ENERGY

#### **401 / Electric Power Generation**

1. The production, transmission and distribution of power, including the production of electricity from atomic materials, should be primarily a function of private enterprise, including cooperatives, and of other non-federal electrical utility systems.
3. We support:
  - 3.1 Limiting federal production or transmission of power to instances where it is clearly demonstrated that adequate development cannot be obtained otherwise;
  - 3.2 Selling power produced by a federal agency, at the plant;
  - 3.5 Protecting water of a quality which is useful for agricultural and domestic consumption uses, whenever practicable;
  - 3.6 Complying with standards to reduce electrical ground currents;
  - 3.7 Regulating power rates effectively, treating customers fairly and servicing franchised territory responsibly;

- 3.8 Including agriculture representatives among stakeholders designated as advisors to Regional Transmission Organizations/Independent System Operators.
  - 3.9 States maintaining primary authority to oversee transmission siting;
  - 3.11. States adopting Agriculture Impact Mitigation Agreement (AIMA) programs to better protect landowners subject to utility projects that impact agricultural land and help restore land to pre-construction conditions;
  - 3.12. Mutually beneficial placement of infrastructure including, but not limited to, power poles, solar panels and wind turbines through consultation with the landowner when easements are obtained on private lands by public utilities; and
4. We oppose:
- 4.1. Legislative or regulatory programs that will increase the cost of electricity to businesses, farms and industries without evidence that the program is needed;
  - 4.2. Requiring utilities to collect funds from customers or members to finance residential utility consumer action groups or any other organization; and
  - 4.3. Any restrictions on fossil fuels as a source of energy in agriculture, residential and commercial industries.
5. ***Electricity Infrastructure***
- 5.1. An owner of a utility tower should be responsible for the removal and disposal of the tower once its use is discontinued.
  - 5.3. We support:
    - 5.3.1. Increasing electrical generation capacity by updating old and constructing new power plants and transmission lines to keep pace with increased demand in the United States and its territories;
    - 5.3.2. Shortening the permitting process for construction or improving power generating plants;
    - 5.3.4. Developing additional connections between utility and transmission infrastructure that could provide energy customers direct access to lower cost energy supplies;
    - 5.3.5. Any utility company installing a communication line maintaining a minimum height of 18 inches from a farmer's tallest equipment. In the event that the minimum clearance is violated, the utility and/or communication company must pay for 100% of the cost to increase the height of the line; and
    - 5.3.6. Prioritizing the availability of three phase electricity to agricultural operations for public grants and public expenditures for new infrastructure and upgrades.

- 5.4. We oppose:
  - 5.4.1. Department of Energy's (DOE) ability to use eminent domain to override state authority when siting energy corridors under the 2005 energy act. DOE should act in an advisory capacity only;
  - 5.4.2. Any government mandates with respect to the use of smart meters;
  - 5.4.3. Foreign governments being allowed to own a controlling interest in public utilities; and
  - 5.4.4. Federal backstop authority final approval provided by the Federal Energy Regulatory Commission (FERC) with regards to high voltage transmission lines.
- 5.5. There should be stakeholder and landowner engagement opportunities during the planning process, prior to transmission line approval, at Regional Transmission Organizations, that include steps such as:
  - 5.5.1. A comprehensive study on the economic impact of the project;
  - 5.5.2. A comprehensive study on the health/safety impact of the project;
  - 5.5.3. Cooperation/collaboration with existing local power cooperatives;
  - 5.5.4. Analysis of current infrastructure and an effort to build lines where rights-of-way for other transmission lines already exist;
  - 5.5.5. Multiple opportunities for affected landowners to discuss concerns before companies seek to acquire rights in land through contracts or the use of eminent domain;
  - 5.5.6. Transparency/clarity in the process including demonstrating the need for the project to promote grid reliability;
  - 5.5.7. Route studies; and
  - 5.5.8. Facts and numbers that demonstrate how the project will impact the state and consumers where a line is proposed.

9. ***Renewable Electricity***

- 9.1. We support:
  - 9.1.1. Using renewable sources of electricity such as wind, biomass, solar, tidal, hydroelectric; and methane from manure, food waste and landfills;
  - 9.1.6. Researching and developing methods for storing electricity generated from renewable resources;
  - 9.1.7. Mandating that renewable energy/electricity be purchased at a minimum of the wholesale price;

9.1.10. Battery Energy Storage Systems (BESS) as part of the energy portfolio of the U.S. and efforts to locate projects on marginal or underused lands, including brownfields, rather than on highly productive, tillable farmland; and

9.1.11. A multiple-use management approach to renewable energy development and generation on the landscape that supports and includes continued agricultural production.

## **402 / Energy**

1. The U.S. should be focused on energy independence.
2. We support the development and implementation of a comprehensive domestic energy policy, which includes conservation, efficiency, exploration, research, and proportional use of subsidies to provide for the production of traditional and renewable energy sources. However, further action is needed to address the vulnerabilities of the U.S. energy sector and the resulting impacts on our nation's farmers and ranchers.
5. We believe unrealistic reliability on intermittent energy sources will decrease grid reliability, ratepayer affordability and economic viability.
6. We oppose the unrealistic green energy goal of reaching a 100% clean electricity grid by 2035 and net zero emission status by 2050 due to adverse impacts on agricultural land and the economy.
7. We urge Congress and the administration to enact policies that will:
  - 7.10. Support further development of nuclear, solar, geothermal, bio-based, hydroelectric, oil shale, tar sands, wind and other sources of energy and recommend that special emphasis be given to converting to expanded use of coal, including gasification, liquefaction and ethanol production;
  - 7.11. Order a thorough economic impact study be completed to demonstrate the true benefits derived from the domestic production of renewable energy to assist in our nation becoming self-sufficient in energy production; and
  - 7.12. Ensure that the maximum amount of funding from the Inflation Reduction Act be directed toward the development of renewable energy, including funding intended for direct incentive programs for farmers.
8. We support:
  - 8.1. The immediate implementation of a program designed to assess/prevent future failures, provide for necessary construction, and determine/correct potential terror attack vulnerabilities to our nation's power grid;
  - 8.2. Educational programs and incentives to promote sound energy conservation renewable energy programs;
  - 8.4. Voluntary energy audits to help evaluate energy use and develop energy strategies for livestock facilities, dairies, nurseries and greenhouses;

- 9. We oppose:
  - 9.5. Alternative electrical energy being paid more than the bulk market rate. Any such contracts should be allowed to expire;

12. **Renewable Energy**

- 12.1. We support:
  - 12.1.1. Incentive programs and initiatives that will increase the use of, and facilitate the local ownership of all renewable energy sources;
  - 12.1.2. Incentives for renewable energy systems in rural areas as long as it does not restrict agricultural production;
- 12.2. We oppose classifying solar and wind energy as agricultural commodities or farming.

FISCAL / GENERAL ECONOMY

**415 / Agricultural Credit**

3. **Farm Service Agency (FSA)**

- 3.2 We oppose:
  - 3.2.1. The Farm Loan Program's policy requiring borrowers to assign 100% of mineral royalty income or renewable energy income to the Direct Loan or Guaranteed Loan. We favor no more than 50% of royalty income being taken by FSA, not to exceed the regular annual loan payment; and

**436 / Sales, Fuel and Excise Taxes**

- 8. We oppose:
  - 8.4. A windfall profits tax on oil, gas and renewable energy;

**439 / Taxation**

7. **Environmental and Renewable Energy Tax Issues**

- 7.1. We support:
  - 7.1.7. Tax policies that will create a diverse, domestic energy supply to spur economic growth while strengthening our energy security and bolstering rural economies;
  - 7.1.8. Tax incentives for domestic renewable power, including wind power that are calculated on a standard Btu/kwh equivalent measurement basis without regard to the materials, methods or sources;

**SECTION 5 - NATURAL RESOURCES**

ENVIRONMENTAL PROTECTION

### **503 / Climate Change**

2. We support:

- 2.20. Using a broad spectrum of power sources like renewables, biofuels and nuclear energy to help facilitate the market-derived cost of energy;

### **506 / Waste Disposal and Recycling**

1. We support:

- 1.18. The requirement and consumer education of disposal plans at the end of life for materials being used for alternative energy sources, such as batteries for vehicles, solar panels and wind turbines;

### **511 / Livestock Grazing**

3. We oppose:

- 3.7. The loss of AUMs to wind, solar and geothermal projects on federal lands.

## Solar Energy

### SECTION 4 - ENERGY / MONETARY-TAX / MISCELLANEOUS

#### ENERGY

##### 401 / Electric Power Generation

3. We support:
  - 3.10. Requiring a comprehensive drainage plan to be developed for farmland where surface or subsurface drainage will be impacted as a result of the construction maintenance or deconstruction of a proposed commercial solar energy conversion system;
9. **Renewable Electricity**
  - 9.1. We support:
    - 9.1.9. A federal (USDA or DOE) program to incentivize solar panel installation on farm buildings and bins;

##### 402 / Energy

13. **Solar Energy**
  - 13.1. We support:
    - 13.1.1. Solar energy generation as a component of the nation's energy portfolio;
    - 13.1.2. Establishment of state standards for commercial solar energy conversion systems that protect private property rights and allow for reasonable development of projects;
    - 13.1.3. Ensuring adequate funds are in place for decommissioning;
    - 13.1.4. Allowing landowners the option of terminating a solar lease agreement if solar panels fail to produce energy for a period longer than 12 consecutive months; and
    - 13.1.5. Efforts to prioritize siting of solar energy projects on marginal or underused lands.
  - 13.2. We oppose giving public utility status to solar energy or solar energy development companies.



## Wind Energy

### SECTION 4 - ENERGY / MONETARY-TAX / MISCELLANEOUS

#### ENERGY

#### **401 / Electric Power Generation**

#### **9. *Renewable Electricity***

##### 9.1. We support:

- 9.1.8. Responsible and cost-effective wind energy development, including safe siting of wind turbines in accordance with manufacturers' recommendations without imposing additional restrictions on neighbors;

# Private Property Rights

## SECTION 5 – NATURAL RESOURCES

### LAND

#### **525 / Land Ownership**

1. Experience has shown that an improving environment is dependent upon economic productivity, and that economic productivity is dependent upon private ownership of the means of production. Because we view land as a means of production, we are troubled that over one-third of the land in this nation is owned by the federal government.
3. We support:
  - 3.2. Selling back agricultural lands acquired for temporary needs of government or private industry to farmers and ranchers for agricultural use as early as possible;
  - 3.4. The right of a producer to use conservation easements;

#### **526 / Land Use Planning**

1. We believe that land use planning can best be accomplished at the county or comparable level of government and by private landowners.
2. Adequate returns on investment from agricultural land and tax incentives for production agriculture are the most effective methods of preserving production of food and fiber.
3. We support:
  - 3.1. Requiring all lands, including state and federal lands, being subject to all provisions of local land use planning ordinances that do not adversely affect private property rights or the selective restraint of commerce;
  - 3.3. The use of incentives to encourage commercial reuse or redevelopment of existing business or industrial sites rather than new undeveloped site;
  - 3.4. The following safeguards in any land use plan:
    - 3.4.1. Representation of agricultural producers on all planning and control boards;
    - 3.4.2. The right of appeal by an individual landowner at all levels, especially the local level; and
    - 3.4.3. Protection for private ownership rights;
  - 3.5. The voluntary transfer of development rights to limit farmland conversion;
  - 3.7. Conservation easements for less than perpetuity to be available to farmers and ranchers with a federal tax deduction.
4. We oppose:

- 4.9. Federal assistance to states for land use planning.

## PROPERTY RIGHTS

### **535 / Eminent Domain**

1. The taking of property or easements should be permitted only when there is a clear-cut public project and the completion of the project is guaranteed.
2. Eminent domain shall not be used to condemn or transfer property from one private entity to another private entity for economic development or any other private use.
3. We support:
  - 3.1. Prompt, just and adequate compensation, including legal costs, expert witness fees, associated costs, relocation costs, appraisals including highest and best use, replacement costs and participation fees;
  - 3.2. Adequate time to allow for satisfactory relocation of former owners;
  - 3.3. The following procedures in eminent domain proceedings:
    - 3.3.1. Good faith negotiations by the condemning entity to acquire property before initiating condemnation;
    - 3.3.2. Providing a landowner in eminent domain cases five years from the time of the original settlement in which to negotiate claims for damages that may not have been confirmed at the time of the initial settlement;
    - 3.3.3. Requiring for-profit commercial utilities to compensate landowners at a minimum twice the appraisal of the highest and best use. In addition, such utilities shall pay a yearly fee for each pole, tower or pipeline erected on forest land and farmland, with the fee adjusted for inflation;
    - 3.3.4. Landowners subjected to eminent domain seizure by companies to construct for-profit infrastructure projects should receive ongoing compensation for the life of the project;
    - 3.3.5. Requiring public bodies proposing acquisition of property for public purposes to send a written notice at least 60 days prior to any formal public hearing and to hold such hearing before any land is optioned or purchased;
    - 3.3.6. Giving property owners the right to judicial review of the need and location of the proposed taking; and
    - 3.3.7. Requiring companies to obtain a performance bond to fulfill the obligations of the easement or license agreement;
  - 3.4. Requiring entities having the power of eminent domain for right of way, either by condemnation, threat of condemnation, or easement to maintain natural drainage and being held liable for damage to landowners;

- 3.5. Freedom from liability for landowner or tenant for any accidental or inadvertent breakage or disruption of service on any lines, cables or pipelines;
  - 3.6. An environmental impact statement being prepared as a prerequisite for any eminent domain proceeding;
  - 3.7. Changes in legislation regarding eminent domain cases that would strengthen the rights of landowners and would allow them greater latitude to present evidence in court proceedings;
  - 3.8. All utility lines, cables and pipelines being properly installed according to appropriate specifications. Such installations should be adequately marked;
  - 3.9. Requiring utilities and utility marking services to use biodegradable alternatives to wire flags; and
  - 3.10. Maintaining state authority to exempt normal agricultural and farm tillage practices from one-call requirements under Federal Pipeline Safety Regulations.
4. We oppose:
- 4.2. Legislation which grants the right of federal eminent domain to any additional entities;
  - 4.3. The ability of non-elected boards, agencies and commissions, public or private, to utilize the eminent domain process;
  - 4.5. The use of eminent domain to acquire properties intended for future sale. Any lands taken for public purposes and not promptly used for that purpose (i.e., within a maximum period of five years) must be offered immediately to the prior owners or their heirs at a price no higher than the original purchase price;
  - 4.6. The practice of acquiring new rights of way through farmland when existing public corridors exist, such as railways, highways, power lines, pipelines, etc. Government-owned lands and wetlands should be utilized prior to the consideration of any privately owned land;
  - 4.7. Legislation that grants the right of federal eminent domain to any additional entity except in crossing property controlled by another carrier that already has federal eminent domain authority; and
  - 4.8. Any government entity taking private property by adverse possession without just compensation.

#### **537 / Private Property Rights**

- 1. We believe in the American capitalistic, private, competitive enterprise system in which property is privately owned, privately managed and operated for profit and individual satisfaction. Any erosion of that right weakens all other rights guaranteed to individuals by the Constitution. Any action by government that diminishes an owner's right to use his property constitutes a taking of that owner's property.

3. New technology expands the boundaries of property rights infringement. Federal laws should evolve with these technological advancements to maintain the traditional concepts of private property rights.
4. We support:
  - 4.3. An open public process for the transfer of lands and/or regulatory jurisdictions between state, federal and/or local agencies for development that considers the impact on surrounding land, including agriculture;
  - 4.8. Review of all federal regulations that encroach on the rights of property owners;
  - 4.9. A definition of private property that includes all land, timber, water rights or other valuable considerations associated with land ownership;
  - 4.11. The basis for just compensation being fair market value of the property or the economic loss to the owner or any adjoining landowner whose property is devalued;
  - 4.12. Compensation for partial takings of the property being based on the reduction in the value of the total property;
  - 4.22. The right to sell land remaining in the hands of landowners; and
  - 4.23. If the government claims an important public interest in private property it should be required to specifically identify the area and the reason for the determination.