

Background: SB2591

Agricultural Impact Mitigation Agreement Bill

What it's about:

The Future Energy Jobs Act has spurred a significant increase in the development of both utility-scale and community solar projects on land that is currently being used for agriculture. The intersection of solar development with agriculture is logical as the two uses value many of the same land characteristics. Parcels that are open, predominantly flat, well-drained, undeveloped and free of sensitive habitat yet close to infrastructure such as public roads and electrical distribution or transmission are conducive to both land uses. Solar development is compatible with, and even beneficial to, agriculture provided that certain development, construction, operational and decommissioning practices are observed.



To ensure that these practices are observed, the Illinois General Assembly passed SB 2591 on May 28, 2018. The bill requires solar developers to enter into an Agricultural Impact Mitigation Agreement (“AIMA”) with the Illinois Department of Agriculture prior to the commencement of construction of a commercial solar facility on agricultural land. This legislation is an extension of an existing bill that previously pertained to only commercial wind energy facilities. The AIMA requirement is intended to ensure that the construction and decommissioning of a commercial solar energy facility is done in conformance with the practices set forth in the Department's standard agricultural impact mitigation agreement, which are intended to benefit the landowner and other agricultural parcels in the surrounding area.

Bill Details

- Applies to all ground mounted solar project larger than 500kW located on agricultural land
- Requires the developer or system owner to execute an AIMA at least 45 days prior to commencement of construction of the solar facility
- Standard AIMA provisions contemplate: decommissioning plans and security, drain tile repair, indemnification of participating landowners, electrical cabling depth, topsoil removal, weed control, soil compaction amongst other things
- Provides that AIMA provisions are subordinate to conflicting provisions in other agreements between the developer and landowner