



Advocacy Department

Six Beacon Street, Suite 1025 • Boston, Massachusetts 02108
tel 617.962.5187 • fax 617.523.4183 • email jclarke@massaudubon.org

January 28, 2014

Michael Judge
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Via Email: DOER.SREC@state.ma.us

Re: **Proposed Amendments to 225 CMR 14.00 – Renewable Energy Portfolio Standard – Class I**

Dear Mr. Judge:

On behalf of Mass Audubon, I submit the following comments on the proposed changes to 225 CMR 14.00, the Renewable Energy Portfolio Standard (RPS) - Class I, establishing a second phase of the RPS Class I Solar Carve-Out. Mass Audubon supports adoption of regulatory revisions to implement the goal of 1600 MW of solar capacity by 2020. We have concerns regarding siting of large-scale ground-mounted solar arrays, and request that the Department of Energy Resources (DOER) further refine the regulations prior to final adoption to steer financial incentives as much as possible to sites where impacts to forests, farmlands, and other important land resources will be minimized. Solar Renewable Energy Credit (SREC) incentives should be eliminated entirely for projects located in wetland resource areas (other than necessary and incidental impacts essential for access to upland sites). These program refinements are necessary to fully align the program with the Commonwealth's existing policy objectives on climate change mitigation and adaptation, and its commitments to smart growth and sustainable development.

Mass Audubon is very concerned regarding the impacts of climate change on both the natural and built environment. We are strong supporters of the leadership role Massachusetts is taking to tackle this complex issue through innovative and wide-ranging initiatives including the Global Warming Solutions Act (GWSA), Green Communities Act, and the Regional Greenhouse Gas Initiative. Mass Audubon is a member of the GWSA Implementation Advisory Committee and an active participant in several of the subcommittees as well. We support a combination of integrated approaches addressing both mitigation (i.e. reduction in heat-trapping gas emissions) and adaptation (reducing vulnerability and improving resiliency to unavoidable impacts of climate change).

The Commonwealth has made tremendous progress in the past several years toward meeting the Greenhouse Gas (GHG) reduction goals in the GWSA, including three years in a row leading the nation in energy efficiency as well as rapid development of renewable energy sources. Notably, the initial goal of 250 MW of solar photovoltaic power sources was achieved four years ahead of schedule. Mass Audubon supports the new goal of 1600 MW of solar capacity to be installed by 2020.

Proposed Regulatory Changes

The proposed regulations make some progress toward tailoring the amount of SREC incentives at different levels for different categories of projects. The proposed division into four market classes has several beneficial features, providing the greatest level of financial incentives for projects with likely lower levels of environmental (land use) impacts and those providing energy sources close to the location where it will be consumed. This will help level the playing field for projects that are highly beneficial but otherwise perhaps not as financially competitive. Full SRECs will be provided to residential systems, parking lot canopies, community-based projects, and small arrays <25 kW (Class A), while 0.9 credits will be afforded to larger arrays that utilize at least 67 percent of the power on-site (Class B), and 0.8 to projects constructed on landfills and brownfields (Class C). All other projects will be assigned to a Managed Growth sector with a 0.7 SREC factor subject to annual cumulative installed capacity limits.

Requested Further Refinements – Siting Issues

Mass Audubon supports these proposed refinements to the credit system, but we continue to have concerns that these changes do not go far enough to ensure that SRECs will not incentivize the development of large-scale ground-mounted arrays in inappropriate locations such as wetland resource areas or large blocks of forest. We are aware of several such projects proposed under the first round of the Solar Carve-Out. The fact that solar arrays enjoy an exemption under the state Zoning Act further complicates the topic. While this exemption is highly beneficial in promoting the development of clean, renewable solar energy, many communities have found themselves unprepared as large arrays are being proposed in locations such as forested residential districts or farmlands. The DOER model local zoning bylaw is helpful, and Mass Audubon is working to encourage municipalities to adopt the model or similar provisions through our *Shaping the Future of Your Community* program. Nonetheless, for many smaller suburban or rural communities, most of whom do not have professional planning staff, understanding and adoption of updated bylaws and regulations is lagging behind the speed at which projects are being proposed and built.

We have been very concerned to learn of several proposals for construction of solar arrays within farmed wetlands (“land in agricultural use” under the Massachusetts Wetlands Protection Act). Mass Audubon supports the idea of farms having solar arrays to offset their electric consumption, and even as a supplemental source of income, but financial incentives should be targeted toward siting these arrays on existing buildings or in locations away from wetlands or other sensitive resources. Loopholes in the state Wetlands Regulations intended to allow farmers to develop structures necessary for agriculture production within wetlands are now being inappropriately applied to construct commercial-scale solar arrays where the majority of the electricity will not be consumed on-site. It is not enough to reduce the amount of incentives for such projects; construction of solar arrays and associated structures within wetland resource areas should be disqualified from receiving SRECs.

The Commonwealth’s recently released *Global Warming Solutions Act 5-Year Progress Report* acknowledges the important role of land use in addressing climate change:

Land use is a key overarching issue that plays a critical role for both mitigation and adaptation purposes. Strategies that promote smart growth and patterns of development and resource protection that are consistent with the goals of GWSA will continue to be important areas of focus. (p.9)

The report further acknowledges the important roles of forests and wetlands in carbon sequestration and ecosystem resilience. These “Green Infrastructure” resources are vital to protect essential ecosystem services such as flood prevention and water supply in the face of more intense storms and more frequent

droughts predicted to occur due to climate change. As the state works to promote smart growth, it must include renewable energy development in those efforts. Financial incentives for solar development should be directed to locations where environmental/land use impacts are minimized. Additional financial support should be provided to enable more development of solar arrays on rooftops and over parking lots. The Commonwealth needs to be careful not to incentivize the development of large arrays in intact blocks of forest, productive farmlands, and wetland resource areas.

It should also be noted that some capped landfills provide important breeding habitat for rare and declining species of birds dependent on grassland habitats. Various other potential sites may provide important habitat for other state-listed rare species. Sites that are mapped as Priority Habitat for state-listed rare species under the Massachusetts Endangered Species Act (MESA) should not qualify for SRECs unless the Natural Heritage and Endangered Species Program issues a finding of no adverse impacts for the project. These changes to the program would ensure better consistency and integration between state programs and policies on land use and renewable energy development.

In conclusion, Mass Audubon supports the proposed regulatory changes but urges that they be further refined to better protect natural “Green Infrastructure” before final promulgation.

Sincerely,



John J. Clarke
Director of Public Policy & Government Relations

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 35,000 acres of conservation land, provide school, camp, and other educational programs for 225,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Founded in 1896 by two inspirational women who were committed to the protection of birds, Mass Audubon is now one of the largest and most prominent conservation organizations in New England. Today we are respected for our sound science, successful advocacy, and innovative approaches to connecting people and nature. Each year, our statewide network of wildlife sanctuaries welcomes nearly half a million visitors of all ages, abilities, and backgrounds and serves as the base for our work. To support these important efforts, call 800-AUDUBON (800-283-8266) or visit www.massaudubon.org.

Protecting the Nature of Massachusetts