



October 30, 2020

Commissioner Patrick Woodcock
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114
Email: DOER.SMART@mass.gov

Re: SMART Program ASTGU Straw Proposal

Dear Commissioner Woodcock,

American Farmland Trust (AFT) saves the land that sustains us by protecting farmland, promoting sound farming practices, and keeping farmers on the land. One such way we can help farmers stay on the land is through new areas of income diversification that do not displace farming, rather they augment it. On-farm solar production can have a significant impact on the security and stability of income, thus improving overall viability. Flat, open farmland is ideal for solar array siting. However, targeted and wide-spread development of Massachusetts farmland is in direct opposition to the mission of AFT and counter to the future of food security in New England. AFT believes there is a middle ground that can promote the development of solar energy in Massachusetts while maintaining (or in some cases even increasing) farmland production. We appreciate the opportunity to share the comments presented in this letter and welcome further opportunities to support the advancement of dual-use solar across the Commonwealth.

Massachusetts has long been a leader in innovation and the SMART program serves as an example for the rest of the nation in prioritizing clean energy development. As farmers continue to face difficult economic barriers to farm viability, they are often faced with the sale of land for permanent development, to residential, commercial, or solar developers. Additionally, when farm viability suffers, but opportunities for development do not exist, frequently farming just stops, and the land reverts to forestland. The ASTGU program is an opportunity for these same farmers to keep their land in production, while simultaneously leasing that same land for dual-use solar, but not without the flexibility that can cultivate creativity.

AFT applauds the Department for stepping back from the more stringent technical requirements in the previously proposed guidelines. Maintaining the original recommendations for ASTGU technical requirements within the current straw proposal provides continuity for farmer/landowners and for developers to continue their efforts to identify and align successful farming systems and solar project designs that will improve farm viability and support clean energy and climate goals.

American Farmland Trust has submitted a joint comment letter with NextSun Energy, Hyperion Systems, LLC, and Redevelopment Partners, LLC. The following recommendations are included in that comment letter. However, following these recommendations, AFT provides additional comments on the ASTGU straw proposal.

- To achieve broad diversity in proposed farm plans for ASTGU projects, AFT supports reasonable flexibility in production system design while meeting sunlight requirements.
- AFT suggests removal of the 2MW AC, 5MW AC, land area, and AC:DC ratio limitations proposed for ASTGU.
- AFT supports creation of a third-party alternative pathway for ASTGU certification.
- We suggest developing more guidance with increased clarity regarding how application information will be used in monitoring on-going production at sites, including clearly defined pathways to remediate interruptions in farming, and consequences for ASTGUs that remain out of compliance.

Additional comments:

AFT recommends that DOER and MDAR provide clarity regarding their requirement for on-site agricultural production and provide flexibility when transitions are required. It is imperative that farming be ongoing and continuous on the site. While harvest is a usual and normal part (in fact often the goal) of farming, it is not always possible for a farm in each given crop year, for various reasons including market conditions, bi-annual harvests, laying fallow, or failure due to crop disease, climate, natural disaster, and others. AFT encourages DOER and MDAR to assure that there is flexibility to accommodate such non-harvest occurrences that do not indicate a lack of farming. In all of these cases, however, reasonable people can make a determination if farming is happening, despite the lack of a harvest or yield. Additionally, to address potential crop incompatibility with those not yet known to be compatible, AFT recommends allowing secondary farm plans be submitted for approval. In the case of crop failure due to incompatibility with the ASTGU, we suggest a protocol be established to ensure secondary farm production plans are implemented. AFT does not think that farmers should be unable to retire, or shift their goals for their own land, but that is immaterial to the question as to where the public should be incentivizing the construction of solar arrays on farmland. This area of the guidelines is lacking and does not provide sufficient comfort with this portion of the process.

DOER should consider a voluntary probationary pathway (i.e. revoking or suspending the adder until compliance is restored) for ASTGUs that fall out of compliance due to lack of farming (not due to a lack of harvest), and the willingness to revoke certification as a ASTGU when egregiously out of compliance. In the event that an ASTGU falls out of compliance due to a lack of farming, consider allowing for 100% of the adder during a time of lack of farming (not lack of harvest) to be used to support farmland conservation. This pathway could avoid a complicated revocation process, appeals, etc. . . . and the goal would be to assist the ASTGU owner in getting the property returned to a farmed state ASAP. In short, it is not enough that a system be designed to a standard, its ongoing agricultural use must also comply. More clarity is needed around that process.

We suggest removal of the 2MW AC, 5MW AC, 50% of eligible farmland, and AC:DC ratio limitations proposed for ASTGU. If separate caps must be included, AFT requests that a larger 7.5MW DC cap is maintained (without AC size limitation). We would also request further conversation around developing a potentially required smaller cap that does not disproportionately impact small farms, does not incentivize more compact project design, and better allows the farm operation needs to lead in project design. It would also assure that projects that are spaced out to provide more sunlight, or more open farming spaces within the fenced in area are not penalized accidentally. In other words, there should be maximum leeway given to actual project design to allow for modifications that assist in the farming operation.

The Massachusetts SMART program has expanded renewable energy capacity quickly and AFT supports the continued smart siting of solar in Massachusetts in the form of dual-use solar. AFT has a history of almost 4 decades protecting farmland from development and our mission in this endeavor is no different. We are also in the process of wrapping up a two year joint project on this very issue (solar siting) with Vote Solar, the Acadia Center, Conservation Law Foundation, and Vermont Law School – to see a compilation of the guidance, materials and tools that project has created, please see: <https://farmland.org/project/smart-solar-siting-partnership-project-for-new-england/> .

We believe that solar can be successfully integrated on farmland without threatening the security of farmland through these suggested changes to the ASTGU guidelines within the SMART program. Thank you for your time and review of this important matter. We are happy to provide additional information or further guidance on this as requested.

Sincerely,

Nathan W. L'Etoile
New England Director

Emily J. Cole, PhD
Climate and Agriculture Program Manage