



Comments on SMART AGSTU Straw Guidelines

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SMART Review Public Comments

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Dear Secretary Theoharides and Commissioner Woodcock,

The Sierra Club Massachusetts Chapter welcomes the opportunity to offer comments on the proposed "Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units". The Chapter has 130,000 members and supporters throughout the Commonwealth, and the national Sierra Club is one of the largest and most respected environmental organizations in the country.

The proposed guidelines are less prescriptive and more truly guidelines, with the advantageous result of allowing for more flexibility in farmers' and developers' response. These include:

- Flexibility in maximum sunlight reduction.
- Flexibility in compatible sunlight needs.
- Less specificity in annual farm reports.
- Agricultural yield requirements not being included in the specification for a review.
- Providing for third-party certification to allow a proposal to go directly to the DOER, which will streamline the project approval timelines, especially for agricultural dual-use.

The overall approach must be to encourage dual-use agriculture, i.e., encourage solar development that allows agriculture to continue without significant deleterious impact (e.g., use of sunny open space, appropriate crops or animal husbandry, minimal tree-cutting).

For agriculture to continue, the farm must continue, and many farms are under economic stress. In addition with helping to meet our emissions reductions goals, farmland solar can be a lifeline to preserve local agriculture; without it conversion to housing is often the result. We need to grow more of our food locally and sustainably. (Conversion of farmland to housing not only reduces our local food supply it also increases transportation and building emissions.) We are therefore

pleased that the straw updated guidelines allow for solar developments of more than 2 MW AC, up to 5 MW AC, to occur.

However, the limit of 50% of the total farmland for solar use should be dropped. This restriction is discriminatory because it only affects small to medium size farms less than about 70 acres. In a real-life example, there is a 36-acre farm in Massachusetts that can produce 5 MW AC of solar on its land with proper dual-use planning, but which would be restricted to 2.5-3 MW AC by the proposed ASTGU 50% guideline. This would be an unwelcome result, both for the farmer – less financial support for the farm - and for the Commonwealth – less solar generation, and the risk that the farmer instead sells the land for energy-consuming development resulting in a decline in Massachusetts farmland and negative progress on clean energy.

Massachusetts needs as much solar power as we can create. Allowing and encouraging small to medium farms to produce up to 5 MW AC of power if possible within the solar siting guidelines is the best policy.

We also wish to ensure that the following are included in the revised guidelines:

- Maintain panel height recommendations to allow cattle to graze and farmers to adequately grow crops under them
- Relax the 50% shading limit when shading is not an issue, for example, when the farmland is being used for grazing or for shade-loving crops.
- Encourage transparency and reduce uncertainty between dual-use farmers and DOER, through revising the Annual Farm Report and other similar measures, especially by providing a basic warning and remedy system so that farmers don't become subject to penalties from non-compliances occurring without their knowledge.

The DOER should also form a technical working group to consider a revision in Chapter 61A to allow farmers more flexibility to place solar installations on agricultural land under this chapter without the farmers having to remove the land from 61A or offer their towns rights of first refusal for land repurchase (a similar flexibility should be considered for solar installations in Chapter 61B recreational lands as well). While an actual Chapter 61A revision would be a legislative consideration, the Department can work with technical experts in a collaborative effort to reach an industry-wide consensus.

Thank you for this opportunity to comment and your consideration of our suggestions.

Sincerely,

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