

SMART Public Comment (Updated Solar Siting Rules)

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Mon 6/1/2020 3:06 PM

To: SMART, DOER (ENE) <doer.smart@mass.gov>

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Dear MA Department of Energy Resources (DOER),

Buzzards Bay Coalition submits the following formal comments regarding the “Revised Guideline Regarding Land Use Siting and Project Segmentation” for the Solar Massachusetts Renewable Target Program (SMART) dated April 15, 2020. **Overall, we very much support the changes that will prohibit new solar energy development where at least 50 percent of the parcel's land area is designated as Priority Habitat, Core Habitat, or Critical Natural Landscape as defined by BioMap2. However, consideration should be made for existing projects who have already negotiated significant conservation mitigation with the Natural Heritage & Endangered Species Program and where the April 15, 2020 would prohibit the solar project – and therefore its associated important land conservation outcomes - from proceeding.**

Buzzards Bay Coalition (BBC) is a nonprofit organization and a nationally accredited land trust, supported by over 10,000 members dedicated to the protection, restoration and sustainable use and enjoyment of Buzzards Bay and its 432 square miles of watershed lands. BBC pursues its mission through specific programs aimed at protecting and improving Bay health and building public awareness. These programs include: a bay-wide Water Quality Monitoring Program which utilizes over 130 volunteers to sample water quality in 30 coves and harbors; community engagement and education programs aimed at creating an informed, active citizenry; a Watershed Protection Program which supports the conservation and restoration of bay watershed lands and habitats; and a Baykeeper advocacy program which works through direct citizen advocacy and through the regulatory and legal process to support bay protection and restoration. In 2007, BBC was selected from more than 1,700 land trusts across the country as the recipient of the first ever National Land Trust Excellence Award from the Land Trust Alliance for its work in preserving lands vital to the protection of Buzzards Bay, its rivers and natural resources. Due to the direct connection between land use change and water resource quality in southeastern Massachusetts, BBC's goals are to increase the rate of land protection and the amount of protected land in the Bay watershed, to pursue a Bay-focused land protection strategy, to empower local land trusts and to educate private landowners about land conservation. Since launching its land program in 1998, BBC has successfully accelerated land protection in the watershed in the face of strong development pressure, has successfully garnered (both as direct applicant and as lead project partner) federal, state and local funds as well as private funds and has permanently protected more than 8,500 acres of watershed land. Much of the land that BBC targets for protection has been designated by BioMap 2, as Priority Habitat by MA Natural Heritage and Endangered Species Program or as important farmland.

BBC supports the efforts of DOER to accelerate the increase of energy production from renewable sources including solar. However, we have observed a trend in the development of solar energy projects in our region that are sited in undeveloped forests areas that important for natural resource protection. We believe that new development in such locations should be strongly discouraged.

We support the proposed revision which would prohibit new solar energy development where at least 50 percent of the parcel's land area is designated as Priority Habitat, Core Habitat, or Critical Natural Landscape as defined by BioMap2. We are encouraged by this prohibition and believe that greater incentives are still needed to further protect forests and natural lands from solar development by encouraging the development of solar on rooftops,

parking canopies, highway cloverleaves, existing linear and transportation developments, and other areas. We'd like to see a revised regulation that will significantly reduce, the amount of forests and farmland that are being converted to large-scale ground-mounted solar arrays.

We are encouraged by the state's inclusion of [land-use siting guidelines](#) that will prohibit solar energy development where at least 50 percent of the parcel's land area is designated as Priority Habitat, Core Habitat, or Critical Natural Landscape as identified in BioMap2. This prohibition should remain in the land use siting guidelines. We urge DOER to revise the SMART program to avoid, or at least significantly reduce, the amount of forests and farmland that is being converted to large-scale ground-mounted solar arrays, and to better align this program with other Commonwealth programs and goals including the Executive Office of Energy and Environmental Affairs Resilient Lands Initiative and implementation of the State Hazard Mitigation and Climate Adaptation Plan (SHMCAP).

The "Greenfield Subtractor," which is the financial disincentive to build on forests and other open space, should be increased to five times its current level and applied to the entire footprint of the project (not just the solar arrays), to further discourage development on such greenfields. For any greenfield development MassWildlife, the MA DEP and a Massachusetts Endangered Species Act (MESA) review should be brought in early not at the 11th hour. Solar developments that provide electricity to public entities should be subject to BioMap2 restrictions. DOER should add locations on Municipal Vulnerability Program maps to its criteria of land where solar development is prohibited, because these sites are vulnerable to hurricane storm surges and future potential flood areas due to sea-level rise and are habitat migration/adaptation pathways. Greater incentives should be provided to encourage the development of solar on rooftops, parking canopies, highway cloverleaves and other distributed areas.

In particular, we'd like to see efforts made to eliminate existing barriers to and incentivize the development of ground mounted solar within existing east-west linear development disturbances such as existing utility (electric and pipeline) and transportation corridors that exist throughout the state in locations that are logical sites for electric distribution connections.

Finally, however, over the last two years under the existing regulations of the SMART program Buzzards Bay Coalition has witnessed, and in some cases has become involved as a partner, in a number of solar development projects that would result in very beneficial land conservation outcomes. Some of these project would be prohibited by the proposed rule changes taking effect on the April 15, 2020 if these project developers had not met the required criteria for exceptions by then. We believe that such projects have been developed in good faith under the existing rules. Significant expense and time, not only of the developers but of the local land owners, the municipal regulators (made up largely of boards comprised of civic volunteers), other state agencies such as the MA Natural Heritage and Endangered Species Program, and partner organizations such as ours, which may be engaged as mitigation/conservation land owners or conservation restriction holders. We hope that the DOER would give appropriate consideration to the timeline for exceptions for such existing projects. We believe that an appropriate resolution to this issue would be for the DOER to give a period of 60 days from the date of their final decision for proposed projects to meet the necessary criteria for exceptions.

Thank you for your continued efforts to balance the acceleration of increased solar energy production with the conservation of critical natural resources associated with the natural landscape of Massachusetts.

Sincerely,
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6/1/2020

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