



May 28, 2020

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Patrick Woodcock, Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street, #1020
Boston, MA 02114
Via email to: DOER.SMART@mass.gov

Re: SMART Program Emergency Regulations Comments

Dear Commissioner Woodcock:

The Massachusetts Land Trust Coalition is the state association for nearly 150 private, charitable land conservation trusts in the Commonwealth. We appreciate the opportunity to submit comments on the SMART Emergency Regulations.

In order to balance the protection of natural resources with the development of renewable energy we believe that DOER needs to develop a solar incentive program within a framework that harmonizes with other important state priorities and programs, notably the Commonwealth's commitment to land conservation and its recognition of the important functions and values that natural lands and farmlands provide, including carbon sequestration and resilience to the unavoidable impacts of climate change.

We thank DOER for protecting BioMap2 areas, including Core Habitat and Critical Natural Landscapes. As you know, BioMap 2 is designed for this very purpose – to guide conservation of the areas most critical for ensuring the long-term persistence of rare species and their habitats, exemplary natural communities, and critical ecosystems. While some BioMap 2 lands are already protected as Article 97 lands, we appreciate your efforts to protect habitats that are still vulnerable.

MLTC has the following additional recommendations for the SMART Emergency Regulations:

- To protect key habitats and ecosystems that DOER recognizes with its restrictions on BioMap 2 lands, all projects, even those proving energy to public entities (whether located on public or private land) should be subject to BioMap2 restrictions, designated as Category 2 land, and should not qualify as Category 1 land. This “public” project loophole, that includes a four-cent per kWh adder, leaves communities vulnerable to greenfield development and to lawsuits for attempting to pass bylaws to restrict greenfield development, as has happened in East Longmeadow, MA.
- The 2.5x Greenfield Subtractor is inadequate to discourage greenfield development and should be at least 5 times its current level. In addition, the subtractor should be applied to the entire footprint of the site, not just the square footage of the solar panels.
- For any greenfield development, MassWildlife, MA DEP and Massachusetts Endangered Species Act (MESA) review should be initiated early in the process, not at the 11th hour.



- Allowing developers that have demonstrated “sufficient interest in real estate or other contractual right” or who submit an executed Interconnection Agreement within six months of the new emergency rule publication date to qualify under the old rules contravenes DOER’s explicit intent to protect lands designated in BioMap2 under the new rules.
- DOER should work within its Green Communities program, and with statewide stakeholders, to develop an updated solar model bylaw that provides better protections to towns.
- Through the Municipal Vulnerability Preparedness Program, a series of GIS overlays have been created by EEA staff showing various vulnerabilities such as hurricane surge zones, salt marsh (and other habitats) and migration paths. DOER should prohibit solar development from these vulnerable areas.
- Eversource East and West energy capacity blocks should remain separate. Combining them into a single service territory allows the capacity blocks in Eversource East to be sited in central and western Massachusetts, resulting in enormous development pressure in these regions and its greenfields.
- The National Renewable Energy Lab estimates that over 40,000 acres of rooftops are suitable for solar development in Massachusetts. DOER should increase adders or other incentives for rooftop solar development as well as for co-locating solar facilities on already developed and/or compromised lands including but not limited to landfills, brownfield sites, abandoned mine sites, highway cloverleaf interchanges, gravel pits, sewage treatment plants and other similarly developed municipal lands, above parking lots, on large commercial building roofs, and on business and industrial park lands.
- We also ask that DOER collect and make available to the public data on the total acres of solar development across the state and their locations, for purposes of monitoring the impact of these developments on land types, the effectiveness of the new rules in preventing greenfield solar development and incentivizing its development on brownfields, rooftops, parking canopies, and other developed lands.

Thank you again for the opportunity to comment on the SMART Emergency Regulations. We look forward to working with DOER to help Massachusetts reach its emissions reduction goals through the increased capacity of solar development as well as through conservation of forests and other natural systems.

Sincerely,

Robb Johnson
Executive Director