



The Commonwealth of Massachusetts

Massachusetts Senate *Chair of Senate Committee on Ways and Means*

Senator Michael J. Rodrigues
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June 1, 2020

Secretary Kathleen A. Theoharides
Commissioner Patrick Woodcock
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Theoharides and Commissioner Woodcock,

I write to you today regarding the Department of Energy Resources (DOER) recently filed emergency regulations for the Solar Massachusetts Renewable Target (SMART) Program.

First, I welcome DOER's pursuit to strike a careful balance between continuing the further development and responsible growth of solar power in Massachusetts; while aiming to increase conservation of land to protect critical habitat and preserve our previous environment. I do broadly support these goals. As we work together to further our collective goal to reduce our carbon footprint and combat climate change, I look forward to collaborating with you and your team on ways to increase our use of clean renewable energy resources, modernizing our Commonwealth's energy delivery system and protecting our environment for future generations.

Second, while I support the goals of the SMART program, my office has heard directly from stakeholders in the last two weeks concerning the direction of the proposed changes within the emergency regulations that give me considerable pause. The concerns raised revolved broadly around new restrictions that disqualify solar power installations on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape. These specific land areas are already protected through the Massachusetts Natural Heritage and Endangered Species Program (NHESP). NHESP has existing oversight authority under the Massachusetts Endangered Species Act to protect species and their habitats and has in place a satisfactory regulatory review process for projects that would be sited near or on these specific land areas.

Stakeholders are concerned that these expanded land use protections will have an immediate impact on farmers, cranberry growers, and small communities. Currently, vast pieces of land owned by stakeholders – with existing projects that have gone through the rigors of local permitting and NHESP review – are mapped and designed as land within the purview of NHESP. These proposed projects under the existing emergency regulations are now in

jeopardy. Additionally, the town of Rochester, which I represent and where some of these projects are proposed to be sited, stands to lose significant revenue benefits from the proposed rule changes. This is an issue and a great concern of mine.

As such, specifically, I ask for EOEEA and DOER consider providing more flexibility within the existing emergency regulations and consider these specific asks: (1) amend or remove the existing land use restriction provisions that disqualify solar power installations on land under the purview of NHESP; (2) allow planned solar projects to move forward with existing NHESP oversight; or (3) grandfather projects that have filed for an interconnection study prior to effective date of final regulations. Without re-consideration and provided flexibility, there is a real fear from stakeholders that projects that had played by the rules prior to the filing of the emergency regulations will no longer be viable.

Moving forward, I respectfully ask that the Executive Office of Energy and Environmental Affairs (EOEEA) and DOER to re-engage stakeholders at the conclusion of the June 1st comment period deadline. In doing so, my hope is all interested parties will work towards finding a satisfactory solution that addresses stakeholder concerns that I have outlined regarding the updated land use criteria and maintains the goals set forth previously by EEA/DOER to further the responsible development of solar while protecting our environment.

Again, thank you for your consideration and I look forward to speaking with you soon.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Rodrigues", with a long horizontal flourish extending to the right.

Michael J. Rodrigues
State Senator
First Bristol and Plymouth