



# MASSACHUSETTS FARM BUREAU FEDERATION, INC.

*"The Voice of Agriculture"*

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May 28, 2020

VIA email attachment to DOER.SMART@mass.gov "SMART Public Comment"

To: Dept. of Energy Resources, 100 Cambridge St., Suite 1020, Boston, MA 02114,  
From: Brad Mitchell, Massachusetts Farm Bureau Federation  
RE: Comments on Proposed Changes to SMART Regulations

The Massachusetts Farm Bureau Federation is the largest farming organization in the Commonwealth with approximately 6,000 member families. We are a non-profit organization representing the interests of the farming community in the Commonwealth. It is on behalf of these members that we offer the following comments on the proposed changes to SMART regulations:

- It is our assessment, and that of many other stakeholders, that the proposed regulations would greatly decrease the areas of farm and forest land on which ground-based solar arrays could be placed. We do not know what is driving these proposed restrictions. From our perspective, they are short-sighted.

We believe that ***ground-mounted solar arrays can be an important tool in the long-term protection of farmland:***

- They can provide additional, year-round, and predictable income for farm businesses which are typically seasonal and whose profits are greatly impacted by the weather and markets. Income from solar arrays can add greatly to the financial viability of a farm.
- Financial burdens are the leading cause of why farms are sold for development. Income from solar can help stave off financial stress on a farm business.
- Properly constructed solar arrays are ***temporary structures***. They can be removed when the solar lease expires, and the land readily converted back to agricultural use. This is not the case with any other development option available to farms. Absent access to solar, farms under financial duress will in many cases be forced to choose development which permanently removes the land from agriculture.

The proposed regulations put more barriers to siting ground-based solar arrays on farm and forest land than any other form of development project. If these regulations go into place as written, it will be easier to put a strip mall on farm and forest land than a solar array. The regs do however then encourage solar arrays on the roof of the strip mall.

- We are concerned about the use of *BioMaps* in these regulations. BioMaps were not designed for regulatory purposes. Nor to our knowledge are they used for regulatory purposes by any other agency in the Commonwealth. It seems inappropriate for DOER to adopt them for regulatory purposes.

- Under the Natural Heritage Program, various designations such as *core habitat* are utilized to create discussion on if and how a project might take place. However, under the proposed SMART regs, solar arrays are simply prohibited. This seems ironic given that such arrays are comparatively easily designed to be less environmentally disruptive than other structures. For instance, they can be elevated to allow passage of various animals.
- Similarly, the “important agricultural farmland” designation is in federal regulation and has not been used to our knowledge in Massachusetts policy or regulation. Again, there is no process for determining “if and how” a ground mounted project may take place on “important agricultural farmland” – it is just a “no”. Even rules for the land under the Agricultural Preservation Restrict Program and Chapter 61a allow for ground-based solar arrays under certain conditions.
- We have heard anecdotally that DOER believes that is allowing for the expansion of solar on farmland. We do not see this at all. If DOER believes this will be accomplished through dual use, we are doubtful as:
  - We are not confident that dual use will have wide applicability. This is a new concept, and while many are excited about it, we believe there is a limited area over which dual use will be feasible.
  - Having attended joint DOER/DAR meetings on dual use, we believe many farmers will forgo participation due to the level of state oversight and involvement that is likely to be required with approved dual use sites.
- We have heard from many that the regulations do not “grandfather” projects in process – or only a small percentage of them. Proponents of projects in process have typically spent considerable time and money in good faith efforts to comply with standing regulations. It seems unfair to penalize these people.
- We have also heard that the regulations were drafted to address concerns in rural communities in the western half of the state to address “bad actors” in the solar industry who have pushed projects through without sufficient community input. We agree that the regulations should have a component ensuring communities are involved in the siting process. However, prohibiting projects altogether is not the answer to this problem. We are aware of several prominent legislators from the western part of the state who are voicing concerns with these draft regulations. We expect that you will hear from them during the process.
- Given that solar projects provide both jobs and significant tax income to municipalities, we think it worth considering the impact of these regulations on the post-COVID19 economy. The negative economic impacts of these will be most pronounced in rural communities.

To be frank there appears to be an extraordinarily strong disconnect between DOER and many stakeholders who are impacted by SMART regulations – namely farmers, foresters, solar developers, and advocates of small to moderate sized solar projects. It is MFBF’s perception, that each iteration of SMART regs has moved further from the interests of these communities, despite ample public input from them. I would appear that one of two scenarios are at the heart of this disconnect:

1. The administration has a different view from us on how ground-based solar should fit into the Commonwealth's renewable energy portfolio. Its view largely precludes ground-based solar arrays. If this is the case, please just state that so we do not have to continue this endless process of hearings and providing comments that will not be considered.
2. There is miscommunication and we all have the same general goals but are talking past each other. Communication through comments and across a hearing room is an important part of the development of regulations. However, it cannot be the sole method by which agencies communicate with the regulated community.

If DOER is interested in achieving consensus on these regulations, Farm Bureau has offered – and that offer remains standing – to convene a group of stakeholders to meet with DOER staff. Reasonable people through discussion that allows for the back-and-forth exchange of concerns and ideas can and will reach a consensus. We hope to be able to achieve such a consensus with DOER on these regulations.

Thank you for the opportunity to comment.

Contact

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