



May 29, 2020

Commissioner Patrick Woodcock
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

RE: 225 CMR 20.00 – SMART Program Emergency Regulation (*via email*)

Dear Commissioner Woodcock:

On behalf of the Cape Cod Cranberry Growers' Association (CCCGA), I am pleased to offer comments regarding the Solar Massachusetts Renewable Target (*SMART*) Program Emergency Regulations. We applaud the Department of Energy Resources (DOER) continued efforts to promote solar energy in the Commonwealth but are concerned with some of the specifics of the emergency regulations. Dual-use solar and conventional arrays on adjacent agricultural land remain an important aspect for many cranberry growers to consider as a means to diversify their income and keep their farm sustainable. As written, the emergency regulations threaten to stop many solar projects from moving forward and prevent others from being considered on cranberry farms. Some of these projects will cost growers thousands of dollars, months (or more) in lost time and could result in less desirable land use choices or even economic failure of the farm.

Area of Concern: Lack of Grandfathering

There are several cranberry solar projects that have been worked on for months and are nearly complete. One in particular has attained all necessary local and state approvals, including a utility interconnection agreement. There are other cranberry solar projects that have similarly moved extensively through the permitting process that would now be stopped. It is completely unreasonable for these growers to have followed the existing regulations and to now have the project not allowed due to changes in the regulations. The lost time and money in these projects, not to mention the stress of persevering through the process, is significant. Some sensible element of grandfathering should be included in the regulations for projects that have filed and moved through the regulatory process. It is only fair to those that have invested significant time and followed the rules and regulations under which they were allowed at the time of filing.

Area of Concern: Ineligible Land Use Siting Criteria

We are concerned with the sections pertaining to Ineligible Land Use and Siting Criteria, 20.05 (5) (e) 1.b and (7) (c)1. This classification would prevent the siting of solar projects on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape. We are not opposed to the protection of these areas but there already exists a process whereas landowners and MassWildlife's Natural Heritage & Endangered Species Program can work out an agreement that would allow for projects to proceed via various means. Much of the land where cranberries are farmed in southeastern Massachusetts would fall under one of these three types of land uses. This would prevent many otherwise viable projects from being considered. Further, under existing state regulations, this same land could be permitted for housing or other development yet a passive solar array that helps to keep a farm viable would not be allowed. We encourage DOER to revise the emergency regulations to allow for a provision that enables solar projects to work with

Cape Cod Cranberry Growers' Association

265 South Meadow Road, Unit 2D ● Plymouth, MA 02360
Telephone: (508) 866-7878 ● Facsimile: (508) 866-4220
Email: cccga@cranberries.org ● Web: www.cranberries.org



the Natural Heritage & Endangered Species Program to establish mutually acceptable project parameters. Forcing projects on these protected lands to be ineligible in all situations is not necessarily the best environmental option. Incorporating flexibility, with site specificity in mind can ultimately provide the proverbial “win” on many levels – environment, clean energy creation, economics, and our farming community. Not all projects may make it through the process on these lands, but they should be given the opportunity to find a means forward.

ASTGU

Overall, although not part of the emergency SMART regulations of which we comment herein, we remind DOER that we remain committed to participating in the process for any proposed changes to the Agricultural Solar Tariff Generation Units Guidelines (“ASTGU”). These guidelines are critical to the successful implementation of dual-use solar projects and require thoughtful discussion and stakeholder involvement. We do not want to lose sight of that aspect of the SMART program.

Conclusion

We thank DOER for the opportunity to comment on the SMART Program emergency regulations. Please contact me with any further questions at 508-866-7878 or bwick@cranberries.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Wick".

Brian Wick
Executive Director

About CCCGA:

CCCGA represents more than 325 cranberry growers in Southeastern Massachusetts, Cape Cod and Nantucket. Cranberries are the largest agricultural food commodity produced in the state with an annual crop value of \$60.2 million dollars. Massachusetts is home to 30% of all cranberry acreage and according to the most recent Farm Credit East Knowledge Exchange Report, provides more than 6,900 jobs and a total economic benefit of over \$1.4 billion to the Massachusetts economy.

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