



THE MASSACHUSETTS HOUSE OF REPRESENTATIVES
REPRESENTATIVE KATE HOGAN
THIRD MIDDLESEX DISTRICT
STATE HOUSE, ROOM 163, BOSTON, MASSACHUSETTS 02133-1053

May 21, 2020

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

Delivered Electronically

RE: 225 CMR 20.00 – SMART Program Emergency Regulation

Dear Commissioner Woodcock:

We thank you and the Department of Energy Resources (DOER) for the opportunity to comment on the Solar Massachusetts Renewable Target (*SMART*) Program Emergency Regulation.

While we applaud DOER's efforts to advance solar policy and expand clean energy in the Commonwealth, the below signed legislators, as well as the Massachusetts Farm Bureau, the Cape Cod Cranberry Growers Association, the Massachusetts Association of Dairy Farmers, and the Massachusetts Forest Alliance, write today to express our concerns with the SMART Emergency Regulation as proposed. We respectfully urge DOER to reconsider several key provisions that will seriously harm Massachusetts' farms, the forestry sector, the solar industry and its workers, and the Commonwealth's economy during this time of extreme duress due to COVID-19:

1. The Emergency Regulation as filed will end the installation of ground-based solar arrays on the overwhelming majority of land in the Commonwealth. Our analysis, along with comments from constituents, suggests that the Emergency Regulation represents an extreme reaction to legitimate concerns about local land use. Coupled with existing prohibitions and other areas where large solar projects cannot be developed, these regulations would make an overwhelming majority of the land in Massachusetts off-limits to ground-based solar arrays. By some accounts, these proposed regulations would more than double the area on which solar arrays are not allowed. This would be a tremendous blow to the Commonwealth's energy strategy, solar and energy storage businesses, landowners, the workforce, and municipalities. These negative changes are even more devastating in light of the unprecedented economic and budget crisis the Commonwealth and its towns are facing and the already dire job losses in the clean energy industry.
2. It is our understanding that BioMap GIS layers were never intended to be used for regulatory purposes. We support DOER's efforts to be sensitive to environmental concerns, but parcels that

are prohibited from being used for ground-based solar arrays under the Emergency Regulation are, ironically, wide open to residential and commercial development. As currently drafted, the Regulation disallows a solar array on a hay field but a developer could place a housing subdivision or a strip mall on the same parcel; this Regulation then encourages putting solar arrays on the roof of that home or strip mall.

3. We are greatly concerned about the impact of the Emergency Regulation on desperately needed jobs and revenues. Massachusetts is already on track to lose more than a half of its solar workers due to the COVID-related economic recession. If the Emergency Regulation takes full effect, up to 80% of project pipelines could be cancelled, resulting in even further job losses along with \$400 million in foregone municipal property taxes. These impacts would be greatest in rural communities. Given the dire economic impacts of COVID-19, we question why DOER is proposing to target this important contributor to the economy and municipal revenues at such a sensitive time.
4. We are especially troubled that the Emergency Regulation will eliminate an economic lifeline for farms and the struggling forest products industry. Many farms look to put less productive parts of their land under solar to provide year-round income as a means of keeping the rest of the farm viable. In contrast to other development options, solar arrays are removable without negative impacts on farm soil when properly constructed. This Regulation essentially eliminates a tool that could be used in the long-term protection of farmland. Absent opportunities with solar, some farms will be forced to choose permanent development options, or cease to farm altogether.
5. It is our understanding that the Emergency Regulation would cause the cancellation of 475 megawatts of solar projects—many of which have been in development for years—halting \$700 million in infrastructure investments. The solar industry and the farmers and other rural landowners who rely on these projects for income can scarcely afford such a blow to their finances at this sensitive time. We urge the Department to safe harbor the full range of existing projects that have begun implementation prior to the promulgation of the Emergency Regulation.
6. Massachusetts risks the loss of energy storage deployment. Energy storage systems are key to integrating more renewables into the electric grid and, therefore, to meeting Massachusetts' climate and resiliency goals. It is our understanding that 88% of energy storage systems are paired with large ground-based solar projects and if those projects are cancelled due to the Emergency Regulation, DOER will also inadvertently be undermining the Commonwealth's important storage goals.

Given the extraordinary circumstances of the present time, DOER may wish to consider foregoing the issuance of Emergency Regulation and rely on the customary rulemaking process, once the Commonwealth has begun recovering from COVID-19. Further, we highly recommend that you meet with some of the stakeholders who have raised concerns with these regulations. Doing so will allow all stakeholders and participants to better assess the impact of any new regulation in this unprecedented economic environment and avoid any unintended consequences.

Thank you for considering these comments. We look forward to working with you toward the successful implementation of the SMART Program.

Sincerely,

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State Representative
3rd Middlesex District

Kimberly Ferguson
State Representative
1st Worcester District

Kay Khan
State Representative
11th Middlesex District



Paul Schmid III
State Representative
8th Bristol District

Brian Murray
State Representative
10th Worcester District

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State Representative
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