

June 1, 2020

By Email at DOER.SMART@mass.gov

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

Re: SMART Program Emergency Regulations Comments

Dear Commissioner Woodcock:

I write to you today on behalf of the Appalachian Mountain Club's 29,777 members in Massachusetts regarding the SMART Emergency Regulations. Founded in 1876, AMC is the oldest conservation and recreation organization in the nation, and our mission is to foster the protection, enjoyment, and understanding of the outdoors. Fundamental to that work is the effort to transition to a fossil fuel free economy through increased use of renewable energy and promoting appropriately sited solar energy installations is a critical strategy. We appreciate the opportunity to submit comments on this important program and we thank you and your team for your work on this issue.

We applaud 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 protection and conservation of the areas that are most critical for ensuring the long-term persistence of rare species and their habitats, exemplary natural communities, and critical ecosystems. While BioMap 2 lands include some areas already protected as Article 97 lands, it provides a clear and widely used guide for additional priority areas to protect and to avoid permanently converting to development whenever possible. We appreciate your efforts to protect additional vulnerable habitats.

In order to balance to the protection of natural resources with the development of renewable energy, we believe that DOER needs to develop a solar incentive program that works in harmony 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.

AMC has several recommendations for the SMART Emergency Regulations:

- To protect key habitats and ecosystems that DOER recognizes with its restrictions on the use of lands on BioMap 2, **all** projects, even public projects on public land or on private land and providing energy to public entities, should be subject to BioMap2 restrictions, designated as Category 2 land, and they should not qualify as Category 1 land. This "public" project loophole, that includes a 4 cent per kWh adder, would continue to leave 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 prevent greenfield development and should be at least 5 times great than 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, the MA DEP, and a Massachusetts Endangered Species Act (MESA) review should occur at the outset of the permitting process, not towards the end where there may be less flexibility or openness to site choice or configuration.
- 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 from greenfield solar development.
- 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 for energy to be supplied even further away from where it's generated.
- *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 make available to the public data on the total acreage of solar development across the state including the location of all projects. This will enable more effective monitoring of the impact of these developments on land types, the effectiveness of the new rules in preventing greenfield solar development and instead incentivizing development on brownfields, developed lands, rooftops, parking canopies, and other appropriate, previously disturbed locations. AMC stands ready to assist the state in developing this product.

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 increased solar capacity as well as through the retention of forests and other natural systems.

Sincerely,

Kristen Sykes
Director of Southern NE Conservation Projects and Partnerships

Cc: Secretary Kathleen Theoharides, EOEAA
Kurt Gaertner, Director of Land Policy and Planning, Executive Office of Energy and Environmental Affairs
Eric Stelzer, Regional Energy Division Director, Department of Energy Resources
Senator Jo Comerford
Representative Lindsay Sabadosa

