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May 14, 2020

Massachusetts Department of Energy Resources, Attention: Kaitlin Kelly
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Department of Energy Resources,

As advocates for the adoption of Massachusetts House bill 2836 for 100% renewable energy, Climate Action Now (CAN) thanks the Massachusetts Department of Energy Resources for doubling the capacity of solar power projects that would receive Solar Tariff Generation Units (STGUs) under the SMART program.

We applaud DOER for developing a web-based mapping tool to identify land that is restricted for solar development and does not qualify for Category 1 Land Use--land designated as Priority Habitat, Core Habitat, or Critical Natural Landscape by Massachusetts Division of Fisheries and Wildlife's BioMap2 within the Natural Heritage and Endangered Species Program. We also support the restriction of solar development on land with 50% or more in BioMap2 areas. While a large portion of land on BioMap2 was already protected from solar development on Article 97 land, we appreciate these broader protections of vulnerable habitats and adds for pollinator habitat on solar developments. We also support the 20% set-aside for STGUs over 25kW and less than or equal to 500 kW, that will support businesses adding solar and increase economic opportunities for smaller scale solar installers. The rule's new consumer protection measures are another positive aspect of the changes.

However, we have strong reservations about some of the new rules that, as written, would result in the development of thousands of acres, likely much of which would be in greenfields and forested lands in western MA. To prevent these consequences, which would be counter to the intent of these new rules, by reducing forested lands and other natural ecosystems that are crucial to sequestering and storing carbon, we recommend the following changes to the new rules:

- 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 and its greenfields.

- To protect key habitats and ecosystems that DOER recognizes with its restrictions on lands on BioMap2, **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, leaves 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 its current level, as proposed by DOER. In addition, the subtractor should be applied to the entire footprint of the site, not just the square footage of the solar panels.
- Parking canopy and brownfield adders are too small to make them appealing to developers, given the added costs of these projects.
- DOER should add locations on Municipal Vulnerability Program maps to its criteria of land where solar development is prohibited, because these sites are vulnerable to hurricane storm surges and future potential flood areas due to sea-level rise. They are also habitat migration pathways.
- The Low Income customer definition should not include residents in a Low Income Eligible Area, as residents in these neighborhoods do not all qualify as low income households.
- Allowing developers that have demonstrated “sufficient interest in real estate or other contractual right” or who submit an executed Interconnection Agreement within 6 months of the new emergency rule publication date to qualify under the old rules is not in keeping with DOER’s explicit intent to protect lands designated in BioMap2 under the new rules.
- We also ask that DOER collect and make available to the public data on the total acres of solar development across the state and their locations, for monitoring of the impact of these developments on land types. The data will help in evaluating the effectiveness of the new rules in preventing greenfield solar development and incentivizing solar development on brownfields, developed lands, rooftops, as parking canopies, and on other appropriate locations.

Sincerely,

Sally Pick

Climate Action Now Western Massachusetts,
Legislative Committee Member