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Via Email: DOER.SMART@mass.gov

Thank you for the opportunity to comment on the Massachusetts Department of Energy Resources (DOER) Emergency Regulations for the Solar Massachusetts Renewable Target (SMART) Program (225 CMR 20.00). Founded in 1951, The Nature Conservancy (The Conservancy) is a global environmental nonprofit with over 34,000 members in Massachusetts supporting our mission to protect the lands and waters on which all life depends. The Conservancy has protected over 23,000 acres of habitat in Massachusetts, and over 119 million acres around the world. The Conservancy is committed to tackling climate change and to helping vulnerable people and places deal with the impacts of a changing climate. We are doing this by working to reduce fossil fuel emissions, using the power of nature to remove carbon emissions in the air, and helping people and nature become more resilient to Climate impacts. We collaborate with agencies, NGOs, businesses, municipalities, and other stakeholders, providing the best-available science to take direct and collaborative action and enhance public policies that build a more sustainable world.

The Nature Conservancy supports the Commonwealth's goals to significantly expand the supply of renewable energy as a critical strategy to achieve carbon emission reduction targets, and thereby reduce the pace and magnitude of climate change and its impacts on nature and people. We have historically supported the Renewable Portfolio Standard to accelerate the pace of renewable energy development in Massachusetts, including eligibility requirements and preferential criteria related to greenhouse gases and lifecycle impacts on natural resources.

The Conservancy appreciates DOER's efforts to develop, and refine, the SMART Program to incentivize solar energy development in Massachusetts. We support the increase of the program capacity from 1600 MW to 3200 MW of solar and the changes made to further incentivize projects on brownfields and previously disturbed areas as well as to discourage development in important habitat areas. We are among many groups that have had serious concerns about the initial implementation of the SMART program, and in particular the outcome that has resulted in a majority of the built and qualified solar projects occurring on undeveloped forest lands.

The Nature Conservancy has worked for many decades to protect networks of intact forest landscapes that support diverse wildlife and plant species, sequester significant amounts of carbon, and are crucial to the health and welfare of the citizens of Massachusetts. State incentives for renewable energy development

should steer solar development towards already-developed sites, such as brownfields, rooftops, and parking lots, and seek to avoid the conversion and fragmentation of these critical forest lands. As an incentive program, SMART needs to provide a framework that allows for straightforward and transparent implementation and is supported by industry, conservation, municipalities, landowners, farm and forestry sectors, and other stakeholders. The Nature Conservancy's comments here are focused specifically on the forest and land impacts of the SMART program. In keeping with our comments during the 400 MW Review Straw Proposal and in keeping with our public testimony provided on May 22, 2020, The Nature Conservancy's primary comments and recommendations are:

1. **We appreciate that DOER has used a data- and science-based approach to identify important habitats as ineligible for SMART incentives.**
 2. **We urge DOER to reconsider the designation of Public Entity Solar Tariff Generation Units as Category 1.**
 3. **We request that DOER produce a comprehensive and long-range plan for solar development, including incentives powerful enough to support solar development on brownfields and other developed areas.**
 4. **We request that DOER collect and assess robust spatial data on the location, size, and resource impacts of SMART solar projects.**
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1. **Guideline Regarding Land Use, Siting, and Project Segmentation (Land Use Guidelines): We appreciate that DOER has used a data- and science-based approach to identify important habitats that are ineligible for SMART incentives.** The Nature Conservancy applauds DOER's goal to site solar facilities in locations that minimize the impact to natural resources and minimize conflict between solar development and the state's conservation goals.

The first round of SMART resulted in over 70% of the capacity being developed or planned on undeveloped land, largely forests. This has created conflict among stakeholder groups and concern from the public that the SMART program has failed in its goal to incentivize sustainable solar development in the state. If people perceive solar development as a threat to nature and their communities, it will only become more challenging to build out the solar we need to meet state climate goals. This conflict has also put solar development at cross purposes with the goals of other MA state agencies seeking to protect natural resources. Without a clear understanding of how all provisions of the program drive development, and general agreement among stakeholders, conflict over solar development will hinder progress and foster further conflict.

BioMap2 was developed collaboratively by the MA Division of Fisheries and Wildlife and the Massachusetts Chapter of The Nature Conservancy. BioMap2 is a proactive planning tool, identifying important habitats statewide, at multiple scales. The application of BioMap2, along with the regulatory rare species data layer ("Priority Habitat"), to define areas ineligible for SMART incentives will avoid conversion and fragmentation of the state's most important habitat.

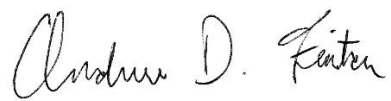
The argument that using BioMap2 to direct SMART incentives will prevent or prohibit solar development within BioMap2 polygons is not true. SMART does not prevent landowners or developers from building solar facilities within the BioMap2 polygons, it simply makes these projects ineligible for financial incentives. We realize this makes such developments less profitable, and therefore potentially less feasible, for landowners and developers. And we recognize using these spatial data could have an impact on the pace of solar development in the state. In an effort to find the balance between renewable energy development and habitat protection, The Nature Conservancy would be willing and able to collaborate with DOER, MassWildlife, Industry, Conservation, and other stakeholders to find a solution that achieves this balance. It is critical to find a feasible solution to conserve critical areas, while accelerating our state's renewable energy capacity.

Finally, we appreciate DOER's functional online mapping tool, which will make clear the application of the land use guidelines by helping project applicants understand whether their projects are eligible for incentives.

2. **We urge DOER to reconsider the designation of Public Entity Solar Tariff Generation Units as Category 1.** We appreciate the shifting of the municipal overlay provision to Category 2. However, we are concerned that the classification of Public Entity Solar Tariff Generation Unit projects as Category 1, under the newly expanded definition, eliminates the application of habitat data to project eligibility. We recognize the need to develop projects to supply renewable energy to local communities, but we are concerned that this section could be used to circumvent the land use guidelines applied to Category 2 projects in a manner similar to the municipal overlay provision that the department just eliminated. This has the potential to incent the siting of solar energy projects on land important for habitat and other local and regional values, for example, town forests and water supply lands, and could create more conflict for communities. We encourage DOER to reconsider the Public Entity section to avoid the unintended consequences of solar development within important habitats.
3. **We request that DOER produce a comprehensive and long-range plan for solar development, including incentives powerful enough to support solar development on brownfields and other developed areas.** A long-range plan will put both solar development, and land use impacts, in context and provide a framework from which to plan and define the compromises needed to balance renewable energy development and habitat protection. A long-range plan should determine the amount of solar energy needed to meet our clean energy and climate goals, assess the potential impacts of solar build out on forest lands, and should define the land use impacts of the SMART incentive program. Such a plan should make recommendations for adjusting the program to achieve these mutual purposes. The revised SMART regulations are an important step toward these outcomes, and we appreciate the increases in incentives that drive solar to rooftops and other developed areas.
4. **We request that DOER collect and assess robust spatial data on the location, size, and resource impacts of SMART projects already developed through the SMART program, those qualified and not yet built, and all future projects.** We want to reiterate our request that DOER collect complete spatial data for each project to quickly, easily, and comprehensively assess the distribution and impacts of solar projects on the full variety of land cover types, including forests and other natural lands. It is critical that the SMART program be able to track the impacts of solar projects on natural resource and other values. The only way to do so is to generate accurate, comprehensive, and spatially explicit data for each solar project. Going forward, all projects should be required to submit GIS files of the exact location of the solar array and the supporting infrastructure within a given parcel so that DOER and other state agencies can fully understand, analyze, and communicate the result of solar development on lands and related land values such as wildlife habitat, carbon stocks, and other land functions. Existing project boundaries should also be digitized and analyzed. These data should be summarized and published on an annual basis.

Thank you for the opportunity to comment on the Emergency Regulations for the Solar Massachusetts Renewable Target (SMART) Program (225 CMR 20.00). We are happy to follow up on any comments or questions you have, and we are more than willing to work with DOER and stakeholders at any time to enhance and refine a robust and lasting solar incentive program, with wide stakeholder and public support.

Sincerely,

A handwritten signature in black ink that reads "Andrew D. Finton". The signature is written in a cursive, flowing style.

Andy Finton
Landscape Conservation Director

Cc:
Katie Theoharides, Secretary, MA EEA
Dan Sieger: Undersecretary for Environmental Affairs, MA EEA
Patrick Woodcock: Undersecretary for Energy, MA EEA
Kurt Gaertner: Director of Land Policy and Planning, MA EEA