



February 22, 2018

WRITTEN COMMENTS OF LODESTAR ENERGY, LLC
Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units

Ladies and Gentlemen:

Lodestar Energy submits these comments with respect to the above captioned matter. Lodestar Energy has had the honor and privilege of developing nearly 100 megawatts of projects in the Commonwealth during SREC 1 and SREC 2 Programs and what will be the SMART Program. During that time, Lodestar Energy has had the opportunity to develop the largest agricultural dual-use project in the Commonwealth of Massachusetts (1.1 MW) and over 10 MW of Agricultural Net Metering Projects in the State of Connecticut. We have been active participants in Farm Energy Conferences, and contributors to the ongoing dialogues throughout New England concerning the siting of energy projects on agricultural lands in a responsible and mutually beneficial manner.

We would like to commend the Department of Energy Resources, Department of Agricultural Resources, and UMass Amherst for their thoughtful and painstaking efforts to promulgate regulations and develop the Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units (the “Guideline”) to strike a balance among the many diverse and divergent stakeholder interests in this new and burgeoning arena.

Overall the Guideline does an excellent job striking the balance established in the proposed regulation, and incorporating the provision of 225 CMR 20.06 to implement the goals of Dual Use of Agriculture and Solar.

The Guideline does, however, prescribe several requirements that are overly restrictive, could be better tailored to goals of Dual-Use, or which lack a clear tie to the goals of the program and are therefore arbitrary. As set forth below, several guideline provisions in particular could be clarified or removed to better fulfill the intent of the proposed regulation.

Focused on Horticulture (Not Animal Husbandry or Other Farming Uses)

First, the Guideline prescribes “for fixed tilt Agricultural Solar Tariff Generation Units, the minimum height of the lowest panel point shall be eight (8) feet above ground.” It is unclear what the goal of the eight-foot height requirement is. While the eight foot height requirement would potentially allow crops to be grown, and a tractor to be driven, this benefits horticultural use at the potential expense of animal husbandry. Furthermore, the assumed horticultural use, ignores other crop choices such as lower light, or lower growing



plants. Finally, the requirement to build the **lowest point** of the array at eight feet places a financial burden on the project that ultimately penalized the farmer, and does not have a clear relationship to a compelling agricultural purpose. This means that the farmer hosting the array will not receive as much financial benefit from the array as she could if it were built with the leading edge at 5 feet, which would be an ample height to both grow crops, haul a haybine under the panels, and graze animals. Therefore, the provision should be modified to accommodate additional uses, or deleted in its entirety.

Second, the Guideline sets forth:

3. all Agricultural Solar Tariff Generation Units must demonstrate that the maximum sunlight reduction from the panels on every square foot of land directly beneath, behind and in the areas adjacent to and within the Agricultural Solar Tariff Generation Unit's design shall not be more than 50% of baseline field conditions;

Provision 3 of the Guideline is unclear. While the intent is obvious (to maximize sunlight on ground cover), it is difficult to understand, and measure. Furthermore, it may be not be advantageous to animal husbandry, low-light plant horticulture, and therefore does not have a clear benefit to all reasonable agricultural purposes. For this reason we respectfully request this provision to be clarified, or deleted in its entirety.

MW Size Restriction Not Linked to Any Specific Farming Interest

Third, Provision 6 of the Guideline caps the size of Agricultural Solar Tariff General Units at two MW. It is unclear what the intent of this provision is, and the benefit it is attempting to further. Therefore, it should be clarified with an intent to allow for further comments, or deleted in its entirety.

Alternative Tract

Finally, as a general comment, it may provide a more flexible approach to prescribe regulations for "automatic" qualification, and also allow for application outside of the prescribed regulation in a parallel path. Such an approach would allow for a more flexible and adaptive program and not arbitrarily disenfranchise farmers' possible uses that have not been contemplated.

As a suggestion for an "alternative" tract, if the land remained in Chapter 61A, or was defined as "Agricultural" use under any M.G.L. Statute, such compliance should qualify the facility as an Agricultural Solar Tariff Generation Units under the Guideline.