

American Farmland Trust
c/o Star Strategies, LLC
488 Pine Meadow Rd
Northfield, MA 01360

February 22nd, 2018

Commissioner Judith Judson
DOER
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Commissioner Judson,

American Farmland Trust (AFT) is the only national conservation organization dedicated to protecting farmland, promoting sound farming practices and keeping farmers on the land. Since 1980 AFT has helped to permanently protect more than five million acres of farm and ranch land across America. AFT has been on the ground working in Massachusetts since 1985, working to expand support for farms and farmland both. We have been committed and engaged partners in the ongoing attempt to balance solar energy production, farmland conservation, and farm viability. Please find our comments on the [Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units](#) below as we continue that effort:

1. We are concerned with the major expansion of what is covered by the agricultural requirements. DOER's regs clearly state that land that is enrolled in Chapter 61A taxation or has been enrolled in the last 5 years as being covered. The proposed guidelines have expanded that to include any land that has the potential to be defined as land in agriculture (growing animals for commerce) or land in horticulture (growing plants for commerce). Given the vast breadth of agriculture in the commonwealth, there is not an acre of open ground that could not potentially be used for these purposes. While we are supportive of efforts to protect farmland, we do not support such broad and unfair expansions and suggest holding strictly to the land covered in the regulations – land with prime soils as defined by USDA, land enrolled in 61A, and land that has been enrolled in the last 5 years.
2. Under (d) special provisions for Agricultural Solar Tariff Generation Units, 1., we strongly recommend that you clarify what “will not interfere” means. Obviously a minimum level of interference is reasonable, but a significant level of interference is not. Guidelines should further clarify, not merely parrot the regulations, and this is one area where further clarity is required. This clarity should articulate that while some level of interaction and impact is reasonable, material interference is not allowed.
3. Under (d) special provisions for Agricultural Solar Tariff Generation Units, 4., we recommend that UMass Amherst be given as an example of outside technical expertise that is appropriate, but not be given as the only source. As Extension services have been cut, many expertise has left the state, and regional approaches are taken. Often farmers look beyond our Commonwealth's borders to other extension services, and even to private agronomists when they wish to do things that UMass has no experience in.
4. Under Additional Provisions for Agricultural Solar Tariff Generation Units, 6, this entire provision should be struck. DOER initially included a reduced cap for solar units and this was struck after

significant comment. To simply add it after the fact via a guideline disregards the prior progress made on this issue. Projects will only be built in rural areas where the scale is sufficient to meet the required grid upgrades, and these will not happen with such small units.

5. DOER has attempted to build flexibility into their processes along the way with these regulations, and these additional provisions do not seem to honor that prior commitment. While the stated additional provisions are logical in the general application, there are many instances where better farming could happen if the requirement were not there. AFT strongly suggests that a blanket provision be added allowing the Commissioner of DOER, in consultation with the Commissioner of Agriculture, to waive any of the additional provisions when it is in the best interest of the agricultural production of the land.

Sincerely,
Nathan W. L'Etoile

cc (e-mail only): Secretary Matt Beaton; Assistant Secretary Patrick Woodcock; Assistant Secretary Dan Sieger; Commissioner John Lebeaux