

MASSACHUSETTS FOREST ALLIANCE

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February 23rd, 2018

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

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Dear Commissioner Judson,

The Massachusetts Forest Alliance is a membership organization representing the licensed foresters, loggers, wood producers and users, and forest landowners of the Commonwealth. Massachusetts has more 3 million acres of forests and 1.9 million acres of those are privately owned. While we are down from a peak 4.5 million acres (pre-European settlement) we are at more than double our 1870 low of only 1.5 million acres. While it is true that Massachusetts is the 3rd most heavily populated state in the nation, it is also true that we are the 8th most densely forested. I list these figures to put into context the sheer scope of forestlands that our Commonwealth is home to, something that is often lost when we speak of policies on land use.

MFA was an active and engaged member of your working groups and regulatory development process, and we were pleased with the balanced approach that resulted – a focus on the resources in question that needed protection, and not on broad stroke rules that either prevented, or reduced the ability for the clear majority of our Commonwealth, and virtually all of our rural landscapes from participating in the benefits of solar production.

That being said, we are gravely concerned by a major step back on this front as it relates to forestland and your guidelines Regarding the Definition of Agricultural Solar Tariff Generation Units. Two provisions, when combined have this impact. First, the massive expansion of the land considered to be in agricultural use. Within the regulations, this is stated as land with prime soils, land in chapter 61A, or land that has been enrolled in chapter 61A, or fitting the description of land described in chapter 61A sections 1&2. As an aside, those two sections describe land that is used for production agriculture (the production of animals) and horticulture (the production of plants.) Your guidelines expand the provisions to cover any land with the potential to be used for either of those two things. This

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new approach, the adding of the word potential, increased the land covered to include virtually every open acre in the state – there is almost no land that does not have the potential to be farmed, either to produce plants or animals. Of most concern to us, the Massachusetts Forest Alliance, is the impact on forestland – with the use of this one word you have now included every acre of forest, managed or not, productive or not into the requirements for Dual Use or for producing on farm energy.

I want to state this as clearly as possible – this expansion means that ***ALL ground mounted installations now fall under this category. If the land is suitable for hosting ground mounted solar panels, then it is suitable for hosting a greenhouse for horticultural production*** and thus now “has the potential to meet definitions in M.G. L. c. 61A, §§ 1 & 2”.

This major expansion, combined with the new limit of 2MW per ASTGU means that you have capped virtually all ground mounted units at 2 MW, doubled their land use by virtue of the spacing requirements, and mandated that they all be 8 feet or higher.

MFA is willing and eager to help better clarify wording around the land that should be covered under the scope of the agricultural provisions. We are supportive of prior understandings about a focus on protecting the best farmland in the commonwealth. We object to expansions that throw 3 million acres of forestland into the mix through a guideline.

Sincerely,

Nathan W. L'Etoile
Executive Director

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