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From: The Nature Conservancy in Massachusetts  
Re: SMART Review Comments  
Date: February 2, 2024

On behalf of The Nature Conservancy, I am writing to respectfully offer our response to the stakeholder survey from the MA Department of Energy Resources (DOER) on a programmatic review to help evaluate potential changes to the Solar Massachusetts Renewable Target (SMART) Program.

The Nature Conservancy is a global conservation organization with a mission to conserve the lands and waters on which all life depends. The Conservancy is committed to finding durable solutions that support our ecosystems and communities.

The Nature Conservancy has been deeply engaged in the policy, planning, and implementation of renewable energy policy. We support the goals and intent of the SMART Program to foster development of solar in Massachusetts while avoiding impacts on nature and people by balancing land use, equity, and economic considerations.

We respectfully suggest the following improvements to the SMART Program that would balance land use, equity, and economic considerations.

### Goals

The Nature Conservancy thinks that DOER should provide clear goals on site suitability and management, including:

- Avoid and minimize impacts to nature and people.
- Provide net-positive for biodiversity in which the benefits of the projects outweigh the impacts.

### Site Suitability

Site suitability should meet the above goals and be operationalized with “renewable energy zoning.” Realizing that zoning also needs to take into account energy development potential, the zoning paradigm below focuses on environmental considerations to steer projects away from negative impacts to natural and working lands and to people. Siting projects on these predefined suitability criteria will support faster project approval—it’s a win-win for people and nature. The zones should be tiered using site suitability criteria to determine eligibility for incentives, and the degree of preferential scoring for the amount of incentive offered. A renewable energy zoning approach was recommended by the environmental subcommittee of Commission on Energy Infrastructure Siting and Permitting as follows:

- **Zone 1 “green”** — These are priority energy infrastructure development zones where there would be little to no negative impact on the environment, environmental justice neighborhoods, or resilience capacity. These would correspond to already developed lands, buildings, parking lots, and distressed properties<sup>1</sup> as well as sites with additional established or documented variables relevant to environmental justice populations, assessed through a cumulative impact study.
- **Zone 2 “yellow”** — These areas are secondary energy infrastructure zones that would require minimization (site-based) and mitigation (on-site and off-site) for cumulative impacts on the environment, environmental justice population areas, and resilience. Siting in these zones may require payment of impact fees or other financial mitigation to compensate for such impacts. Examples could include natural and working lands not encompassed by the criteria for Zone 3.
- **Zone 3 “red”** — These would be areas where development of clean energy infrastructure would create the highest negative impacts on the environment, environmental justice populations, and/or resilience. Development in these areas should be avoided and strongly discouraged by zoning and other policies. And we would add on top of the recommendation of the subgroup: Projects proposed in these areas should be excluded from accelerated permitting processes and incentive programs. Examples of zone 3 land use eligibility criteria include priority habitat, wetlands, and BioMap Core Habitat and Critical Natural Landscape.

There are existing reports and resources that use a site suitability approach that should be considered when developing renewable energy zoning, including:

- Mass Audubon: Growing Solar/Protecting Nature
- MA Department of Energy Resources: Technical Potential of Solar
- TNC: The Power of Place (National)

#### Framework of Laws and Policies (Question 13)

The eligibility requirements and preferential scoring should reflect laws, policies, plans, and science that have been developed since the last iteration of SMART, including:

- The NextGen RoadMap Law’s goals for Net Zero requires the inclusion of Natural and Working Lands carbon sequestration and storage. These are embodied in the goals, policies and programs for land protection, management, and restoration in the Clean Energy and Climate Plans (2025/30 and 2050), Forests as Climate Solutions, the Resilient Lands Initiative, and the Healthy Soils Action Plan.
- The Commonwealth’s forthcoming goals for biodiversity protection and restoration under the Healey-Driscoll administration’s Executive Order 618 Biodiversity Conservation in Massachusetts and the use of BioMap habitat data to define those goals.\*
- The Commonwealth’s goals for adaptation and resilience as identified in the Massachusetts Climate Assessment, and recommended in the ResilientMass Plan, and the Resilience Design and Standards Mapping Tool.
- The Commonwealth’s Environmental Justice Law that requires considering cumulative impacts on residents and environmental justice populations

\*It should be noted that the addition of BioMap to the Land Use Guidelines defined during the 2020 SMART review and revision appear to have resulted in a significant reduction in forest land conversion from solar project development over the past two years.

### Scoring

All projects should meet the same eligibility requirements and scored under the same standards, regardless on whether the project is community solar, serving low income or public entities. There should be no waivers of eligibility requirements and scoring based on which entity is sponsoring, partnering, or engaging with a solar developer.

### Site Management

We have some very high-level general comment on site management which if done well, with ecological site design, could be a benefit to developers by reducing maintenance costs, and a benefit to nature. Examples include: proper plantings of native species, mitigation of stormwater runoff, and right-sized fences designed to allow small to medium-sized animals and birds to access the site.

For more detailed recommendations on native plant management please see [guidance prepared by the Nature Conservancy](#)

### General Comments

We would like to see the SMART Program be more consistent and predictable. Over the past iterations of the SMART Program the impacts on nature have varied from greater to lesser forest and land conversion. We think these variations warrant careful examination by the programmatic review of which variables in the iterations of the SMART, such as eligibility criteria and scoring (adders/subtractors), have led to a pendulum swing on amounts of land conversion.

The non-BioMap portions of parcels with greater than 50 percent BioMap could be made eligible for incentives, increasing opportunities for solar development, while not impacting sensitive habitat. Conversely, the BioMap portions of parcels with less < 50% BioMap should be considered ineligible for incentives.

We suggest exploring the possibility to increase incentives for projects on small parcels, to expand the opportunities for ground-mounted solar.

We would like to see the DOER's SMART Program provide more meaningful incentives to drive solar development to the built environment while avoiding impacts on nature and people. DOER should provide incentives that are significant enough to drive behavior change, including:

- Site suitability eligibility criteria and scoring (see more above)
- Incentives need to reflect the market and be adaptively managed

We would like to see DOER redraft the SMART regulations to be clearer and more transparent. The regulations should be written for a lay audience to be easily read and understood.

Thank you again for the opportunity to provide our responses to the survey. We look forward to continued collaboration with the Healey-Driscoll administration on fostering renewable energy while avoiding impacts to nature and people. Please feel free to ask any questions of Steve Long, Director of Policy and Partnership at [slong@tnc.org](mailto:slong@tnc.org) or mobile: 617-312-5932.