

MASSACHUSETTS FOREST ALLIANCE

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Judith Judson, Commissioner
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

October 26, 2016

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Executive Director

RE: Comments on "Next Generation Solar Incentive Straw Proposal"

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 than 3 million acres of forests, of which 1.9 million acres are privately owned. While down from a peak of 4.5 million acres (pre-European settlement), the Commonwealth's forests are double the 1870 low of 1.5 million acres. Massachusetts is the 3rd most densely populated state in the nation, and the 8th most densely forested. I list these figures to show just how dominant the forest land use is in Massachusetts, something that is often lost when we speak of policies on land use.

The comments that follow balance the varying interests of our constituents: those who own small and large tracts of forestland and hold property rights in very high regard, and also those who make their living in the working forests, without which they would have no livelihood – individuals whose way of life depend on a forest that continues to function and produce for the long run. Our members are closely connected with our forestlands, and also with the nature they support. We care about the impacts of climate change and its effects on our forests - we see all forms of alternative energy as parts of the solution to protect the natural systems we manage. We approach this issue from several angles, trying to be sensitive to the range of interests affected by any policy or program. We are concerned that the blanket exclusions proposed for the Next Generation Solar Incentive are not compatible with the diversity of land types and situations across the landscape.

With many existing large rooftops already covered, and the limited potential for residential systems to make a significant impact on the 1,600MW target, it is evident that siting concerns are a key issue. At an acreage requirement of

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between 8 and 12 acres of total land used per megawatt of capacity, these concerns are real. Your proposal cites a letter written by a group of environmental organizations as the basis for siting considerations. We were dismayed, however, to see that DOER has proposed to exclude far more land than even these organizations have proposed. To obtain the desired goals of DOER for new capacity will take roughly 13,000 -19,000 acres. The location of these acres are important. Solar of the scale that is needed to make the impact sought works only in a limited number of places. It is important that we set aside the truly sensitive and ecologically important areas, but that we do not approach this with the attitude that all open space or all forested lands are equally precious. In recognition of the fact that even if 100% of this new capacity happened on forestland it would amount to .64% of our statewide forestland being converted, it is important for us to focus on the most sensitive and productive areas (from an economic, environmental, and social perspective) for exclusion. Additional specific comments follow.

1. Prime Farmland Soils: Such soils need not be active farmland, let alone the most productive farmland. According to the national soil survey handbook, “the soil’s use could be cropland, pastureland, forest land, or other land, but not urban built-up or water. In fact, many soils mapped as prime farmland soils are forested. We will comment on forested lands later, but it is important to realize the magnitude of this classification in many areas of the state – some communities are almost entirely prime farmland soils. As you work with MDAR to further define this category, it is important that you exclude forestlands and leave that categorization to a more forest-tailored definition.
2. Prime Forestland: This category, the largest, includes 2.2 million acres. Although much of this acreage may meet some definition of “prime” from a national perspective, the great majority of the acreage is relatively “ordinary” within the state. MFA supports explicit recognition of our best forestland and efforts to prevent its conversion but suggests not refining this layer to not be so expansive. The current straw proposal would eliminate the vast majority of non-urban land in the commonwealth and almost entirely preclude many rural communities from participation in solar generation. While it is true that the forests provide far more than just timber (critical habitat, beautiful scenery, and important recreational space), those values are covered by other proposed layers. Please limit the impact of this layer, one based on the productive capacity of the forest to produce timber and leave the habitat and environmental concerns to other more appropriate layers.

3. BioMap2: Core Habitat and Critical Nature Landscapes together compose 2.1 million acres in large swaths of land, without regard to specific on-the-ground conditions on a square foot by square foot basis. It covers business parks, parking lots, industrial parks and many other places as it seeks to direct land conservation efforts generally to the areas of greatest impact. The goals of this exclusion are best addressed through the next category.
4. Designated Priority Habitat of state-listed rare species: MFA supports this exclusion, but we strongly argue that it should serve to replace, not augment, BioMap2 exclusions.
5. Permanently Protected Open Space: The inclusion of this language is confusing, primarily in its vagueness and possible broadness. We understand that such language will be worked out with the “relevant agencies” but it is crucial that there be a recognition by DOER itself that many forms of restrictions allow for the construction of such facilities. This exclusion is unnecessary, as land with a restriction that prevents development is already off the table through the restrictions in place, and land that is restricted with a restriction that allows such development (many APRs for instance) should not be further constrained.
6. Land designated as “Forest Land” under Chapter 61: While well-intentioned, this is perhaps the largest threat to our forestland, and the most counterintuitive. First, a landowner can withdraw from the program at almost any time, thus removing the designation. This provision creates an incentive for landowners to preemptively withdraw from the program. Such a withdrawal, though, raises the taxes on the land and makes it less likely the land will stay in forest. If done pre-emptively, it can also allow the clock to run out on the Right of First Refusal lookback. Statewide policy on land conservation should recognize that specific decisions about which parcels should be protected are local decisions, best made by the community. Chapters 61, 61A and 61B all provide an effective tool for land protection – a right of first refusal that runs with the land - providing we have not incentivized early withdrawal several years before by creating penalties to being enrolled, such as disqualification from programs such as the solar incentives. We must avoid discrimination against enrolled lands that might create such incentives for withdrawal, or become reasons to not enroll in the first place.
7. Commissioning and Decommissioning Standards: MFA encourages the development of decommissioning standards that assure farmland (including forestland) is able to stay viable for agriculture, and in some cases, is even continued in agricultural use. This assures that while solar development does occur, it augments, rather than displaces, agriculture and is therefore compliant with Executive Order 193; and assures for the purposes of MEPA review that further mitigation for the loss of farmland is not required.

As a final note I would encourage DOER to analyze how the proposed rules are going to affect our smaller, more rural towns. While it is understandable that we might want to build the greatest capacity as close to demand as possible, there is little undeveloped land available in urban and many suburban communities. However, in our more rural communities, it is the predominant landscape. When I analyze all the overlays proposed, it seems that DOER is effectively preventing rural communities from participating. These are the communities where forestland is sufficiently plentiful to sacrifice a tiny amount of acreage for a good solar development project. The proposed layers exclude such large swaths of many towns that we are effectively ruling out one of the only technological contributions small towns can make. Saving a large parcel of forest in Brookline, Waltham, Quincy or Marlborough from a 5 MW solar array may be considered smart land conservation. That same acreage of forestland in a town like Shutesbury, Warwick, or Colrain may be the best possible use of that land, especially with rates of conserved land in many rural towns exceeding 25 percent, and even 50 percent in a few.

We urge you to refine the exclusion layer criteria to preserve the best forestland and farmland, the most ecologically sensitive areas like wetlands and priority habitat, and our historic places. Steer the development away from areas with the least amount of non-developed land and towards the communities with land to spare, but in a way that maintains the town's ability to have a say in the decision of preservation versus development by assuring we do not threaten enrollment in our chapter 61, 61A, or 61B taxation programs.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. W. L'Etoile".

Nathan W. L'Etoile, Executive Director