

October 27, 2021

Patrick Woodcock, Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street, #1020
Boston, MA 02114
By Email at DOER.SMART@mass.gov

RE: SMART ASTGU Guideline Comments

Dear Commissioner Woodcock:

Thank you for the opportunity to comment on the October 6, 2021, version of the *Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units*.

Our organizations support the work of the Commonwealth to diversify the state's energy portfolio and increase the amount of renewable energy available as we tackle climate change. At the same time, we are concerned about the development of intact farms and forests for large-scale solar and urge caution in the siting of large solar installations on critical natural resources.

While the new land-use guidelines included in the finalized SMART Emergency Regulations are a step in the right direction, dual use solar is still experimental and needs considerable study and policy refinement, with input from farmers who are practicing different types of agriculture, land trusts, and other stakeholder interests. Studies are needed to determine the types of farming that may be productive underneath solar arrays in Massachusetts, the impact of that solar on soils, and how that relates to state and regional food production goals including climate goals for producing more food locally. DOER's emphasis should be on projects that support existing farm operations, focusing on non-productive, non-forested farm property lands. We recommend a go-slow approach to dual solar agriculture, while we await results from those studies and extensive stakeholder input.

Regarding the Definition of Agricultural Solar Tariff Generation Units, we have several specific and general comments:

Specific Comments

- We are deeply concerned over the new "Eligibility" section of the regulations, which state that land must be Chapter 61A or **prime farmland**. While we agree that dual solar agriculture should be eligible only on active farmland, the solar arrays should be sited on the land least suitable for farming, not on prime farmland, unique farmland, nor on lands of statewide significance. We support solar that adds to farm income, but not solar that replaces agricultural production, especially by crop substitution to a low value crop.

- Chapter 61A states that “a renewable energy generating source on land primarily and directly used for agricultural purposes shall not produce more than 125 percent of the annual energy needs of the land and farm upon which it is located, which shall include contiguous or non-contiguous land owned or leased by the owner or in which the owner otherwise holds an interest.” We urge that this standard continue to apply with regards to the energy generated by dual use installations.
- The viability of farming under solar arrays has yet to be proven and we therefore, continue to ask that the state pause large scale, dual use solar development. According to the American Farmland Trust, 19 acres per day, or 7,000 acres per year of New England agricultural lands were lost or threatened between 2001 and 2016.¹ While we appreciate the inclusion of a limit on initial deployment, after which a review will take place, we recommend that the 80MW target for that review be reduced.
- DOER’s proposal to allow up to 80MW of dual use solar before undertaking a comprehensive review of this program would result in at least 320 acres of productive farmland to be lost to an untested technology.
- We appreciate the inclusion of the new requirement that proposed agricultural use be in place for three years on site before application. We request that there be an additional requirement for the proponent to document that the agricultural use has proven financially viable; or at a minimum, that the same agricultural use has demonstrated financial viability at the same scale (acreage) elsewhere in the region. This is important to avoid situations where agricultural use of a property depends on solar revenue for financial viability.

General Comments

We request that DOER consider the following additional comments as it reviews and considers revisions to the Dual Solar Ag portion of the SMART regulation.

- Solar incentives should not encourage conversion of Priority Habitat for rare species or BioMap 2 habitats to dual use solar.
- The policy regarding farmland development for solar should align with other state initiatives including the Healthy Soils Plan and the Resilient Lands Initiative.
- No Agricultural Preservation Restriction on farmland should be broken or undone for dual-use solar.
- Many Massachusetts farmers operate entirely or partially on land that is leased. Incentivizing farm conversion to solar may benefit non-farmer landowners but harm farmers who lease land. This is as true of dual use as ground mounted solar. DOER needs to develop regulations to address this dilemma.
- Yield goals/reporting should be required. Yield should be measured in both pounds/tons or other applicable quantifiers per acre, and net revenue. The October 2019 revisions

¹*Farms Under Threat, A New England Perspective* by Jamie B. Pottern and Laura N. Barley, American Farmland Trust, October 2020

codified the long-stated MDAR philosophy, that the remaining agriculture in a dual use field should have increased productivity that would offset the area lost to the shade and physical structure of the solar array. Increased yield is a critical policy goal that must be codified to fulfill the promise of truly “dual” use.

Thank you for your consideration of these comments and continuing to balance the protection of natural resources with renewable energy development.

Sincerely,

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