STATE OF CONNECTICUT
COUNCIL ON ENVIRONMENTAL QUALITY

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To: DEEP.EnergyBureau@ct.gov

Re: Agrivoltaics Comments

The Council on Environmental Quality (Council) provides the following comments in response to the Department of Energy and Environmental Protection's (DEEP) request for comments regarding a possible bid preference for Class I renewable sources procured through the Shared Clean Energy Facility (SCEF) Program, authorized pursuant to Section 16-244z of the Connecticut General Statutes.

The Council recognizes that the development of zero-emission energy sources, such as solar and wind, could reduce the need for electricity generated by facilities that combust fossil fuels, thereby reducing greenhouse gas emissions. However, the Council does not support the use of "important farmlands"[1], for the development of renewable energy sources for commercial (front of the meter) applications.[2]

Sustainable, Transparent and Efficient Practices (STEPS)

1. Are there any additional siting best practices or design recommendations to accommodate Agrivoltaics, beyond those that are included in the Draft Guidance?

The Council supports the recommendation of the Connecticut Department of Agriculture (DOA), identified in the DRAFT Guidance for Siting Solar on Agricultural Land[3], for "siting solar on non-farmland, agricultural infrastructure and unclassified farmland soils not currently in production or fallow fields that have been previously disturbed prior to siting solar on classified farmland containing prime, statewide, and locally important farmland soils." The Council recommends that DEEP also consider appropriate sites that are underlain by farmland soils but are contaminated or otherwise unsuitable for the production of food and/or agricultural products for the siting of commercial "front of the meter" solar facilities in Connecticut.

2. Is it feasible to propose greater spacing of panels and higher clearance under panels to accommodate more sunlight to the ground and operational clearances for machinery access, respectively?

The Council has no comment regarding the feasibility of proposing greater spacing of panels and higher clearance under panels.

[1] Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance.
[2] The Council supports the development and use of renewable energy resources for self-generation for agricultural uses to increase energy reliability, reduce costs and greenhouse gas emissions, and enhance sustainable operations.
[33] DRAFT Guidance for Siting Solar on Agricultural Land, Department of Energy and Environmental Protection and Department of Agriculture, August 2023.

Shared Clean Energy Facility (SCEF)

1. *Should DEEP recommend a bid preference for Agrivoltaics to PURA for Year 5? Please explain your reasoning.*

   The Council does not support a recommendation by DEEP for a bid preference for agrivoltaics on "important farmland" for commercial (front of the meter) applications for year 5 of the SCEF Program because such a bid preference could result in the greater loss of "important farmland" in the state. Indeed, the Draft Guidance for Siting Solar on Agricultural Land, dated August 2023, states that "placing solar on agricultural land, especially farmland classified as having prime, statewide, or locally important farmland soils, should be avoided ". As noted in the Council's annual report, *Environmental Quality in Connecticut*,[4] it is estimated that Connecticut lost approximately 45,000 acres of "agricultural fields" from 1985 to 2015. The Council suggests that creating a bid preference for agrivoltaics would exacerbate the conversion of some of the remaining agricultural fields to a non-agricultural use. Furthermore, the conversion or loss of farmland in the state is inconsistent with state policy goals for the preservation of farmland. The Connecticut Department of Agriculture (DOA) has adopted a goal for farmland preservation of 130,000 acres in total, of which, only approximately 48,000 acres have been preserved through 2022.

2. *What bid preference percentage amount should be given to Agrivoltaics projects? Please explain your reasoning.*

   The Council does not support a bid preference for the development of Class I renewable sources on "important farmland" and suggests that DEEP consider a variable negative bid disincentive or a "cost adder", based on the type and quality of agricultural land/uses, for such project proposals for evaluation purposes. The Council strongly supports a bid preference for the development of Class I energy sources on appropriate developed sites, such as rooftops, parking areas, landfills, brownfields, etc.

   a. *Should different agricultural uses be given different bid preference amounts?*

   Yes, the Council recommends a variable negative bid disincentive or a "cost adder" for the development of Class I renewable sources on important farmland for evaluation purposes. For example, the development of Class I renewable sources on productive agricultural land that is underlain by important farmland soils might receive a 20 percent negative bid disincentive or "cost adder" to the proposal bid ($/MWH) for evaluation purposes, while the development of Class I renewable sources on land that is "non-farmland, agricultural infrastructure and unclassified farmland soils not currently in production or fallow fields that have been previously disturbed" or underlain by farmland soils that are contaminated or otherwise unsuitable for the production of food and/or agricultural products might receive a different bid preference to the proposal bid ($/MWH) for evaluation purposes.

   b. *Are there particular crops or livestock that should be given preference over others?*

   The Council has no comment regarding particular crops or livestock that should be given preference over others. The Council does not support a bid preference for the development of Class I renewable sources for any crops or livestock on important farmland. The Council suggests a negative bid disincentive for Class I renewable sources proposed on important farmland and a different bid preference for land that is "non-farmland, agricultural infrastructure and unclassified farmland soils not currently in production or fallow fields that have been previously disturbed" or underlain by farmland soils that are contaminated or otherwise unsuitable for the production of food and/or agricultural products.

3. *What eligibility requirements should be established for projects seeking an Agrivoltaics bid preference? What evidence should bidders be required to provide to show that they meet this definition? Please explain your reasoning.*

[4] Environmental Quality in Connecticut; https://portal.ct.gov/CEQ/AR-22-Gold/2022-CEQ-Annual-Report-eBook/Land---Preserved-Land/Farmland

The Council has no comment regarding eligibility requirements for projects seeking an agrivoltaics bid preference.

4. *What enforcement mechanism(s) are fair and effective to ensure that projects receiving an Agrivoltaics bid preference continue to meet eligibility requirements throughout the duration of the 20-year program term? Please explain your reasoning. A. If an Agrivoltaics project is sold to another solar company, how can any enforcement mechanism(s) be passed to the new owner? B. How can decreased and/or ceased agricultural productivity that is not a result of the installed solar panels be factored into annual enforcement mechanisms for the project?*

   The Council has no comment regarding enforcement mechanisms to ensure that projects receiving an agrivoltaics bid preference continue to meet eligibility requirements throughout the duration of the 20-year program term or how such enforcement mechanism(s) could be passed to the new owner.

5. *Is it feasible for farmers/landowners to maintain an active 20-year farming contract? Is it feasible for farmers/landowners to maintain an active and productive farm for 20 years?*

   The Council has no comment regarding the feasibility of maintaining a 20-year farming contract.

The Council also recommends that the nameplate capacity requirement for solar renewable energy sources for upcoming requests for proposals for the SCEF Program range from two to five megawatts. Requiring solar projects to have a nameplate capacity equal to or greater than two megawatts would ensure that any solar project seeking approval from the Connecticut Siting Council (CSC) through a Petition for Declaratory Ruling are appropriately reviewed by DOA that such project would not "materially affect" the status of prime farmland, if applicable, and DEEP that such project would not "materially affect" the status of such land as core forest, if applicable. Should a developer seek approval from the CSC by submitting an application for a Certificate of Environmental Compatibility and Public Need (Certificate), which would not require a review by the DOA and DEEP, the provisions of Public Act 23-163 would require the applicant for such Certificate to furnish a bond to cover all costs associated with the decommissioning of such facility and the restoration of such prime farmland.

Thank you for considering these comments.

Sincerely

Paul Aresta
Executive Director

c. Commissioner Bryan P. Hurlburt, Connecticut Department of Agriculture