

June 25, 2021

Connecticut Department of Energy and Environmental Protection
Office of Planning and Program Development
10 Franklin Square, New Britain, CT 06051
Via email: DEEP.OPPD@ct.gov

Re: Scoping Comments on STEPs for Solar Development

Dear Office of Planning and Program Development,

Thank you for the opportunity to comment on the proposed stakeholder engagement process for Sustainable, Transparent, and Efficient Practices (STEPs) for Solar Development. Founded in 1966, Conservation Law Foundation (CLF) is a nonprofit, member-supported, regional environmental organization that uses the law, science, and the market to conserve natural resources, promote thriving communities, and sustain a vibrant economy for all in the New England region. CLF protects New England's environment for the benefit of all people. We are working to facilitate a just transition to a clean energy economy while also conserving the environment and protecting forests, farmland, communities, water quality, and wildlife. We appreciate that the Department of Energy and Environmental Protection (DEEP) is proactively engaging stakeholders in the STEPs proceeding, and we look forward to participating.

In the Smart Solar Siting Partnership Project for New England,¹ CLF recently collaborated with American Farmland Trust, Acadia Center, Vote Solar, and Vermont Law School to develop research and guidance on solar siting and development. The project aims to reduce conflicts over solar siting by providing resources that enable a broad range of stakeholders to achieve agreement on smart solar siting principles, policies, and programs. With our partner organizations, we have developed High-Level Guiding Principles for Solar Energy Development (appended to these comments), which directly speak to some of the questions raised in the scoping process.

1. Tentative Objectives

Ensure that new solar generation projects can be sited and built in a predictable, efficient, and transparent manner; Include consideration of local laws concerning zoning, the environment or public health and safety; Avoid, or minimize and mitigate, to the maximum extent practicable, adverse impacts on the environment, agricultural, and natural resources; Promote equity and environmental justice through community engagement; and Ensure that state and/or ratepayer-supported procurements align with the objectives, above.

¹ Smart Solar Siting Partnership Project for New England, <https://farmland.org/project/smart-solar-siting-partnership-project-for-new-england/>. Numerous resources on solar siting are available on the website.

a. Do you agree with the Tentative Objectives? Should they be modified in any way?

We generally support the tentative objectives, but some modifications should be made. We recommend the following changes:

- **Meet climate targets:** DEEP should add an objective that new solar generation projects are installed at a pace and scale necessary to meet Connecticut’s mandatory greenhouse gas (GHG) emissions reductions required under the Global Warming Solutions Act² and the state’s goal of having a zero-carbon electric sector by 2040.³
- **Compliance with applicable laws:** It is not clear what it means to “include consideration of local laws” in this proceeding. This objective should be modified to make it clear that solar projects will comply with applicable federal, state, and local laws.
- **Engage with municipalities:** None of the objectives explicitly mention municipalities, even though zoning codes and other local laws can severely limit solar siting. DEEP should add an objective to proactively engage with municipalities to address local concerns about solar siting and eliminate unnecessary barriers at the local level. DEEP should consider providing information and support to municipalities so they understand applicable requirements and are better equipped to review proposed solar projects.
- **Avoid, minimize, and mitigate adverse impacts:** This objective should be modified as follows (new language underlined): “Avoid, or minimize and mitigate, to the ~~maximum~~ extent practicable, adverse impacts on communities, the environment, agricultural, and natural resources.” Community impacts should be included in this objective, not just impacts on the environment, natural resources, and agriculture. We strongly support the avoidance, minimization, and mitigation of adverse impacts, but requiring these actions “to the maximum extent practicable” goes too far. This high bar could unnecessarily increase developer costs and hinder solar development while providing little additional benefit. Requiring adverse impacts to be avoided, minimized, and mitigated “to the extent practicable” strikes a more reasonable balance.
- **Equity and environmental justice:** We strongly support this objective. DEEP will likely need to proactively engage with environmental justice (EJ) communities and should plan to allocate resources to community outreach and engagement. DEEP should solicit public input on a proposed outreach and engagement strategy in this proceeding.
- **Alignment with objectives:** We agree DEEP should ensure that state and ratepayer-supported procurements align with the STEPs objectives. In addition, we recommend expanding this objective to state that all solar projects covered under this proceeding should align with the objectives to the maximum extent practicable.

2. Tentative Facility Scope

² Conn. Gen. Stat. § 22a-200a(a). The statute requires the reduction of GHGs by at least 45 percent from 2001 levels by 2030 and at least 80 percent from 2001 levels by 2050.

³ Gov. Lamont Executive Order 3, Sec. 8 (Sept. 3, 2019), <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-3.pdf-rel=>.

DEEP tentatively proposes to focus this stakeholder engagement process on practices and processes relevant to new solar photovoltaic facilities developed in Connecticut that are grid scale projects in front of the meter and larger projects under the virtual net metering and/or LREC/ZREC programs.

a. Do you agree with the Tentative Facility Scope?

DEEP should provide more concrete details about the tentative facility scope. First, it is not clear how DEEP is defining grid scale projects in this context. There is no generally accepted regulatory or industry definition of grid scale solar.⁴ The lack of a clear definition in the STEP's proceeding impedes the ability of stakeholders to meaningfully comment on the tentative facility scope. DEEP should provide a proposed definition of grid scale projects that includes minimum project size in megawatts (MW) and other relevant criteria. Likewise, it is not clear what DEEP means by "larger projects" that participate in virtual net metering and/or LREC/ZREC programs. DEEP should provide a proposed definition of these "larger projects" that includes minimum project size in MW and other relevant criteria.

b. Should it be broadened or narrowed?

It is difficult to determine whether the tentative facility scope should be broadened or narrowed until "grid scale projects" and "larger projects" that participate in virtual net metering and/or LREC/ZREC programs are clearly defined. However, we encourage DEEP to err on the side of a broader, more inclusive facility scope. Excluding small-scale rooftop solar arrays makes sense because they do not present the siting challenges at issue in this proceeding. However, it may make sense to include medium-size solar arrays that are not considered grid scale, so these projects do not fall into a regulatory gap where there is no clear siting guidance. Considering these projects in the STEP's proceeding would conserve agency and stakeholder resources by avoiding the need for a separate proceeding. Tailored approaches to different categories of projects should be developed as appropriate. This could include, for example, creating an expedited review process for projects that meet certain sizing and other criteria.

c. Should other renewable or non-renewable facility types be included, now or in the future?

We support DEEP initiating similar siting proceedings for other renewable energy facility types to the extent this is warranted. For example, if wind energy installations become economic in Connecticut due to technological advances, regulatory or economic changes, or other changed circumstances, it would make sense to initiate a siting proceeding for wind projects. At this time, however, we think the STEP's proceeding should be limited to solar projects because they present somewhat different siting considerations than other renewable or non-renewable energy projects.

⁴ See, e.g., Urban Grid, *What is Utility-Scale Solar? An Overview* (Aug. 19, 2019), <https://www.urbangridsolar.com/what-is-utility-scale-solar-an-overview>; Patrick Donnelly-Shores, Green Tech Media, *What Does 'Utility-Scale Solar' Really Mean?* (July 30, 2013), <https://www.greentechmedia.com/articles/read/what-does-utility-scale-solar-really-mean>.

While there is overlap among these issues (e.g., species impacts, pollution, aesthetics, etc. factor into siting decisions for multiple types of energy projects), they are distinct enough to warrant separate proceedings. Similarly, while there is overlap between potential stakeholders depending on the type of energy project, project developers tend to specialize in a particular area (e.g., solar developers are generally not involved in developing fossil fuel infrastructure). Having a targeted solar siting proceeding will maintain a tighter focus and engagement with key stakeholders.

We do not support initiating a STEPs-like proceeding for non-renewable energy projects such as fossil fuel infrastructure. The urgency of the climate crisis and the state's mandatory GHG reduction requirements make it critical for Connecticut to move away from fossil fuels as quickly as possible. Connecticut should not authorize any additional fossil fuel projects and DEEP should not initiate a siting proceeding for such projects. However, we would support a proceeding that facilitates the state's transition away from fossil fuel infrastructure and develops a plan for remediating the environmental and community impacts of existing fossil fuel projects and infrastructure.

3. Proposed Topics

The stakeholder engagement process will include the following potential topics:

- 1. Preferential solar siting criteria which will take into consideration factors including but not limited to natural resources and habitats, water quality and quantity, topography, equity, and degree of development;*
- 2. Benefits and potential challenges associated with the location of the solar facility, including but not limited to core forest, prime agricultural land, wetlands, and environmental justice communities;*
- 3. Types of design and construction practices available to both maximize the energy efficiency of solar projects and minimize detrimental impact to natural resources, community resources and the environment and implementation challenges such as the timing of the in-service date;*
- 4. Opportunities to optimize regulatory and permitting requirements and processes depending upon the size of the solar project and siting considerations including sequential steps and opportunities to streamline the process;*
- 5. Siting and permitting challenges specific to developing previously disturbed land such as brownfields and landfills;*
- 6. Types of incentives, selection weighting factors, and timing of commitments relating to siting that may increase the effectiveness of a solicitation, including but not limited to DEEP-run procurements, LREC/ZREC, and shared clean energy facilities (SCEF).*

a. Do you agree with the Proposed Topics? Should they be modified in any way?

We generally agree with the proposed topics but suggest a few modifications.

First, DEEP should add a topic (or modify topic #2) to address siting opportunities and challenges in the built environment, including carports, canopies, medium- to large-scale rooftop arrays, and transportation corridors. Recent research from People's Action for Clean Energy

identifies significant potential for solar canopies in Connecticut,⁵ and these opportunities should be considered in the STEPs proceeding. These siting locations are not explicitly included in the proposed topics, though they could be considered under topic #2. Siting opportunities and challenges for floating solar arrays should also be considered under topic #2.

We also recommend adding a topic that addresses the need to develop long-term educational resources, public outreach, stakeholder engagement, and potentially a dispute resolution framework around solar siting. The STEPs proceeding is a good start and, if well executed, should reduce conflict around solar siting and development in Connecticut. However, it is likely that disputes will continue. DEEP and stakeholders should work together in the STEPs proceeding to develop a framework that will facilitate the agency's ability to help resolve these conflicts as they arise. Among other things, DEEP must try to achieve an appropriate balance among state policies that affect solar siting. This includes state policies relating to clean energy, climate change, land and water conservation, species protection, equity, and environmental justice, which sometimes come into tension in the context of solar siting.

4. Stakeholder Engagement

a. How should the stakeholder engagement process be organized?

We appreciate that DEEP initiated STEPs with a scoping process, which allows the public to shape the proceeding. It is also helpful that DEEP offered a scoping meeting with the opportunity to provide oral comments, as well as the opportunity to provide written comments. The scoping meeting seemed to be well attended with a variety of stakeholders; however, we did not notice the presence of any EJ advocates or community members.

To meet the objective of promoting equity and environmental justice through community engagement, DEEP must provide meaningful outreach and engage with EJ communities, who may not otherwise be aware of this proceeding. We urge DEEP to develop and implement a community engagement plan for STEPs, as the agency is planning to do in the Equitable Energy Efficiency proceeding. As DEEP gains experience in EJ outreach and engagement, we encourage the agency to develop a standardized outreach and community engagement process based on best practices that can be tailored to specific proceedings. This could conserve agency resources and avoid the need for DEEP to repeatedly “reinvent the wheel.”

After the scoping process is completed, we suggest that DEEP hold a series of working group meetings that focus on topics identified in the STEPs proceeding. These meetings should be facilitated by DEEP and should be open to the public so multiple stakeholders can contribute. If one or more categories of stakeholders (discussed below) are inadequately represented at the meetings, DEEP should proactively reach out to those stakeholders to inform them about the STEPs proceeding and invite their participation. DEEP should solicit feedback about the best time of day for public meetings and should plan to hold at least one meeting in the evening so stakeholders who cannot participate during the day can attend. Meetings should be held remotely to facilitate broader participation, and translated materials and interpretation services should be provided as needed.

⁵ People's Action for Clean Energy, *Solar Canopies*, <https://pacecleanenergy.org/solar-canopies/>.

It is not clear what DEEP envisions as the final work product resulting from the STEPs proceeding. We urge DEEP to clarify what documentation will be produced, and in what time frame, so stakeholders have clear expectations. There should be an opportunity for the public to comment on any draft report or other materials developed in the proceeding. When the report or other materials are finalized, DEEP should hold a webinar to educate the public about them and should post a video recording of the webinar on DEEP's website so people can watch it later.

b. What entities or stakeholders should be included or consulted?

The High-Level Guiding Principles for Solar Energy Development (attached) that we prepared with partner organizations address this question: "Convene a formal stakeholder group to bring broad representation to the table in advance of establishing a policy or issuing a decision about a specific project proposal. Go beyond the 'usual suspects.' Don't get hung up inviting all the right individuals - rather, be sure that all relevant categories are represented. Stakeholders will likely include clean energy and climate advocates, conservation and other environmental organizations, land trusts, renewable energy/solar developers, municipal officials such as town planners, environmental justice advocates, farmers and other agriculture interests, consumer or ratepayer advocates, utility representatives, state legislators, and even state regulators."

Thank you for the opportunity to provide comments in this proceeding.

Respectfully submitted,

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American Farmland Trust
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VOTE SOLAR

Smart Solar Siting for New England

Solar deployment is becoming constrained because of increasing conflict over the pressure that projects, especially large-scale projects, are putting on farms, forests, and other land. Flat, open farm fields, often the most productive farmland, are highly desirable for solar siting. This new pressure compounds the severe “competition for land” in New England already due to commercial and residential development, efforts to protect natural resources, and climate change. American Farmland Trust, Acadia Center, Conservation Law Foundation, Vote Solar, and Vermont Law School are working to develop resources to support Smart Solar Siting and help reduce conflicts through research and analysis, and through developing stakeholder agreement on a range of smart solar siting principles, policies, and programs that support this goal.

High-Level Guiding Principles for Solar Energy Development

State and municipalities in New England vary widely in their solar programs and policies. Community perceptions, buy-in, and engagement on this issue vary even more so. Through prioritizing stakeholder engagement, and using data-driven decisions that consider the inherent trade-offs associated with development of clean energy and land-use, states and municipalities can develop smarter solar siting programs and policies with greater transparency and community buy-in. **This document aims to lay out high-level principles that are useful for states, municipalities, and communities to consider when developing solar siting programs and processes, or when revising current programs or policies.**

Process Principles

Solar siting can be a complicated issue. As a result, how stakeholders are engaged and how planning processes unfold matter greatly. These principles may be useful for establishing processes for a state or community to develop a more transparent solar program and to build greater stakeholder consensus

Convene stakeholders early

Convene a formal stakeholder group to bring broad representation to the table in advance of establishing a policy or issuing a decision about a specific project proposal. Go beyond the “usual suspects.” Don’t get hung up inviting all the right individuals - rather, be sure that all relevant categories are represented. Stakeholders will likely include clean energy and climate advocates, conservation and other environmental organizations, land trusts, renewable energy/solar developers, municipal officials such as town planners, environmental justice advocates, farmers and other agriculture interests, consumer or ratepayer advocates, utility representatives, state legislators, and even state regulators.

Draft a problem statement

Draft a statement articulating the policy problem – from a shared perspective. This will require constructively communicating interests and positions at the outset. Agree on specific goals for the group (e.g., collect data, formulate policy recommendations, craft consensus documents, etc.) and a general timeframe. The siting issue is complicated, so consider delegating various work streams to subcommittees or small groups. There should be a lot of expertise at the table – use it!

Know the policy context

Be familiar with the solar programs and policies driving solar development in your state. Try not to view the issue in a silo. Consider all relevant state policy goals, from greenhouse gas emissions reductions and clean energy deployment targets to conservation and agricultural goals. State regulatory agencies must consider ratepayer impacts of renewable energy policy. Further, local governments often play a key role in siting through zoning, permitting, and comprehensive planning processes. For New England state policies currently in place please review our [New England Farmland Solar Policy Brief](#).



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Adopt shared principles

Spend time drafting a set of solar siting principles to guide future policy discussions around smart solar siting. Remember that principles are high-level statements of shared values – they are not themselves policies or solutions. Avoid delving into policy development during the drafting of these guiding principles.

Collect data

Data can help drive good decision-making. Know the local landscape for solar, including how much is being built and where. Some states have specific solar deployment targets. Some have existing GIS or other mapping of environmental areas, including core forests and critical habitats. A few key questions are: How much solar must be deployed to meet robust climate goals? How much “preferred” siting (including rooftops, contaminated sites, and other previously developed parcels) is available? How much agricultural and forest land is considered prime? **States and localities should consider commissioning a renewable energy potential study that focuses on land use and considers the cost implications (both for the state and thus the ratepayers) of various deployment scenarios.**

Consider a range of policy approaches

There is no single solution to the solar siting challenge. Smart solar siting may require a range of policy approaches at the legislative, regulatory, and community level. Be open to well-considered compromise that balances the need for accelerated solar deployment with reasonable environmental and agricultural protections. See [Policy Strategies for Farmland Protection](#) for a menu of Smart Solar Siting policy options.

Substantive Principles

While there is no one-size-fits-all policy for smart solar siting, these high-level substantive principles can help to guide a state or community planning process.

Meet state climate change & clean energy goals

Accelerate the pace of meeting the state’s climate and clean energy goals, including through strategic, thoughtfully-sited clean energy development, including solar.

Design a smart planning process

Undertake comprehensive planning so that stakeholders understand the amount of solar needed to meet climate change and clean energy goals, where it should be sited, the relative siting costs across those options, and what land should be protected from development. This process should include a robust stakeholder process, transparent data gathering, and reporting to understand the impacts of solar development on the landscape.

Educate local governments

Build local government capacity to plan proactively for solar development by ensuring that cities and towns have the information they need, including accurate data and an understanding of state policies, to make smart decisions about solar siting. Ensure that local municipalities are equipped with data and resources, in order to maximize benefits from projects sited in their community.

Engage and empower communities

For states, provide communities with opportunities to weigh in, engage in program development, and benefit from projects in concrete ways, such as direct investment and long-term ownership. It is especially important to conduct thoughtful and meaningful community outreach in environmental justice communities and other communities that have experienced disproportionate burdens of environmental harm.

For resources and more information on the New England Smart Solar Siting Partnership please visit:
<https://farmland.org/New-England-solar>



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Promote equity

Promote racial and economic equity in solar development, including by providing equitable access to solar, incentivizing community-scale and low-income solar development, and ensuring that communities in which solar is sited are able to benefit, for example through lower energy costs or through direct ownership of solar assets. Engage local pools of investment capital for local projects.

Community engagement & equity considerations

Community engagement

Ideally, a community is proactively engaged in solar development, well informed throughout the process, and directly involved in a rigorous review process during which the community has multiple opportunities to weigh in.

Community benefits

Consider how benefits from a solar program will flow to the community, for example lower energy costs? Does this program consider potential aesthetic and other harms, and require they be mitigated? Support communities in seeking competitive bids for solar sites. Include maximizing economic benefits to the community, including low- and moderate-income households as key evaluation criteria.

Community Information

It is important for communities to be informed about the bigger policy picture as they advocate for smart siting within their community. For example, how much land do we need for solar statewide and what types of land are available and cost-effective for solar? Is it feasible for developers to site on brownfields or rooftops in a community and if not, why?

Distinct challenges for rural versus urban

It is important to consider the distinct challenges for low income residents in urban and rural settings: low income urban communities may have trouble accessing solar at all, while many projects are sited on land in low income rural communities even if the local residents cannot or do not benefit from the projects.

Balance important land uses

Balance the need for solar energy with other critically important land uses, including protecting forests, retaining working farmland, building affordable housing, and keeping environmentally-sensitive land and key habitats in long-term conservation.

Site on “preferred” sites whenever possible

Incentivize solar development on “preferred” sites, including brownfields, parking lots, rooftops, landfills, and sand and gravel pits, that have already been disturbed. Minimize solar development on greenfields, including farmland, forests, and open space, and ensure that any land loss is mitigated. Consider forest and farmland categories (such as prime) and the relative siting impacts based upon productivity. Scale incentives to make preferred siting more attractive in practice than greenfields development.

Protect vulnerable habitat

Identify and protect ecologically important areas for conservation and wildlife habitat from solar development. Require that solar development on greenfields meets minimum ecological and environmental impact standards.

Support design innovation and research alternative siting methods

Alternative siting methods can bring significant co-benefits to the community. Dual-use solar provides opportunities for farmers to keep farmland in use for crops or grazing while generating solar energy through alternatively designed solar arrays. Track and share research data to support evaluation and innovation.