



Citizens Advisory Committee

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September 1, 2022

The Honorable Michael S. Regan
U.S. EPA Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
send via email regan.michael@epa.gov

Dear Administrator Regan,

As chair of the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council, I am writing to you as Chair of the Executive Council to relay advice on behalf of the CAC. We recently hosted a panel discussion about land use and water quality impacts of solar development in the Chesapeake Bay Watershed. According to the Solar Energy Industries Association, the solar industry is set to quadruple over the next decade. The CAC believes renewable energy is a positive move toward reducing greenhouse gasses from fossil fuels to address climate change and reduce our dependence on foreign oil. We strongly support the 2021 [Chesapeake Executive Council: Directive No. 21-1 Collective Action for Climate Change](#) that calls on the Chesapeake Bay Program (CBP) to utilize their scientific, modeling, monitoring and planning capabilities to prioritize the communities, working lands and habitats that are most vulnerable to the risks of a changing climate.

In our discussions we learned that there are often competing policies between state and local governments that can complicate the solar development process. We also learned from a recent national study co-authored by the Ohio State University Agricultural and Resource Law Center and West Virginia University College of Law that farmland is often the preferred location for new solar development. As such the recommended best management practices are to involve agricultural leaders in renewable energy decision making, protect prime soils for agriculture, consider dual-use agricultural practices—like agrivoltaics and pollinator strips—and create a plan to decommission the panels after their life cycle.

We believe that now is the time to create a watershed-wide approach to large-scale solar development for near-term and future planning beyond the 2025 TMDL deadline. For example, the distinction of large-scale solar development as pervious or impervious surface is critical when managing for stormwater impacts and adapting decision making models. It is unclear to us if there is a consistent distinction across the watershed states. Additionally, CBP guidance for mitigation measures for solar conversion on farms or forest land greater than 50 acres is another best practice the Partnership could benefit from cross-jurisdiction collaboration.

Additional concerns about siting include the following:

- on agricultural land, the potential long-term impact on soils that could be used for sustainable farming, providing food and healthy soils that capture carbon;



Chesapeake Bay Program
A Watershed Partnership

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- potential increased leasing costs for farmers due to land competition in areas where solar development is occurring; and
- in forests, which clean air, capture carbon, filter water, control erosion, and sustain biodiversity, habitat and recreation.

The CAC views large-scale solar development as an emerging issue that, without proper planning and understanding, could have an impact on the CBP Partners' ability to meet a number of the *Chesapeake Bay Watershed Agreement* Goals and Outcomes including, but not limited to: (1) Water Quality and 2025 Watershed Implementation Plan (WIP) Outcome; (2) Forest Buffers Outcome; (3) Protected Lands Outcome for wetlands and forest land; and (4) Stream Health Outcome.

We understand that the Scientific and Technical Advisory Committee (STAC) has also identified this topic as an emerging issue. The STAC intends to host a 'State of the Science' workshop to identify best practices to minimize the impacts of solar farms on landscape hydrology and water quality.

As your advisors representing a variety of stakeholders who live and work in the watershed, we recommend the Chesapeake Bay States and relevant federal agencies convene to coordinate a watershed-wide approach to planning for large-scale solar development in our region. Just as science is the foundation of the Chesapeake Bay Program and engenders the trust and transparency afforded to the Partnership, we also believe the CBP is uniquely structured in that it can learn from its partners and proactively craft common sense policy for the future. Such watershed-wide guidance informed by both science and a comprehensive look at solar development practices and distinctions will help meet the demands of renewable energy while also protecting the high-quality ecosystem functions, sustainable agriculture, and water quality targets outlined in the *Chesapeake Bay Watershed Agreement* and the Chesapeake Bay Watershed TMDL.

Thank you for your consideration of this emerging topic. Thank you, especially, for your leadership in protecting the health of the people and the waterways on which they rely for sustenance, recreation, and quality of life.

Respectfully submitted,



Julie Lawson
Chair, Citizens Advisory Committee

cc: Members of the Chesapeake Executive Council
Adam Ortiz, EPA Region 3 Administrator and Chair of the PSC
Dr. Kandis Boyd, Director EPA Chesapeake Bay Program Office