

February 13, 2026
Energy Facilities Siting Board
One South Station, 3rd floor
Boston, MA 02110
sitingboard.filing@mass.gov

Re: EFSB 25-10 Proposed Rulemaking to Establish Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria

Comments submitted by: 350 Mass, Berkshire Environmental Action Team, Brookhaven Residents' Climate Change Committee, Climate Action Now Western Mass, Community Land & Water Coalition, Concerned Citizens of Franklin County, Elders Climate Action Massachusetts, Friends of Fellsmere Heights, Friends of the Notch Forest, Green Arlington MA, Greening Greenfield, Meadows for Biodiversity, Mothers Out Front Massachusetts, Our Revolution Massachusetts (ORMA), Pipe Line Awareness Network for the Northeast, Pollinator Networks, RESTORE: The North Woods, Save Massachusetts Forests, Sierra Club Massachusetts, Slingshot, The Enviro Show, Third Act MA, Trees as a Public Good Network, Unitarian Universalist Mass Action, UUSF Green Sanctuary Team, Westfield Residents Advocating For Themselves, Inc. (WRAFT), Worcester Congregations for Climate and Environmental Justice

Massachusetts needs forests, farms, solar, and community empowerment. We cannot heal the climate crisis without forests to provide clean air, water, and livable temperatures. We cannot survive without rainfall from forests and without farms to feed us. We cannot heal the climate crisis without quickly deploying clean energy. We need to support solar deployment and end our reliance on polluting infrastructure, especially in light of federal threats to solar and all clean energy. Below are changes we would like to see in the final regulations.

Dynamically and fully account for cumulative burdens

A new datalayer reflecting all Clean Energy Infrastructure Facilities (CEIF) installations must be added to the EnviroScreenMap, and kept current as installations accelerate, to avoid creating “clean energy burdened areas,” especially in rural areas not currently burdened by legacy energy facilities. We need to make sure we are not creating new burdened areas.

980 CMR 15.01: Purpose, Scope, Application, and Other General Provisions: Energy Facilities Siting Board (EFSB) permit reviews of non-clean energy facilities (eg. pipelines) for permits other than a “Petition to Construct a Facility” should be considered within the scope of the regulation. M.G.L. c. 164 § 69H requires promulgation of regulations for Cumulative Impact Analysis (CIA) as part of its “review of facilities.” This is not limited to “Petitions to Construct a Facility”, and to the extent that the EFSB reviews other applications or facilities, the EFSB should clarify that those reviews will also be covered by this regulation.

980 CMR 15.10: Standards for Applying Site Suitability Criteria: A site suitability analysis should be conducted for all projects including those where a CIA is conducted. These two regulations are not interchangeable, and the suitability of areas eligible for a CIA should receive equal weight as the suitability in areas not subject to CIA requirements.

980 CMR 15.04: Determination of Burdened Areas

The MassEnviroScreen tool, as currently configured, does not accurately reflect all burdened areas, particularly in more rural communities. The EFSB should change its regulations to allow the MassEnviroScreen tool to include additional “Burdened Areas” that are identified via community input. While the tools underlying this data must be consistent, the data limitations in this section should be

clarified to make it clear that they do not apply to the CIA process itself. The MassEnviroScreen tool is a screening tool that should be used to identify communities requiring a CIA alongside other identification tools. It should not be the sole tool driving the CIA process, and data that is not available statewide or considered “generally acceptable statistical measures” should still be incorporated into a CIA. Additionally, this should account for resource-burdened areas. These resources should be added to the definition of “burdened.” Examples of these resources would be wells, water infrastructure, fire departments, and food deserts.

980 CMR 15.11(3): Overview of Cumulative Impact Analysis (CIA)

We are concerned that as drafted, EFSB will conflate benefits and mitigation. The final language should be clear that mitigation means reducing harm; mitigation is *not* a benefit. Benefits are separate considerations that increase community well-being. Benefits should never be viewed as offsetting harms (burdens). The CIA process should identify project impacts that harm the community and how they exacerbate existing burdens. Impacts should be avoided, minimized or mitigated. Projects with high impacts in a “Burdened Area” and where impacts create a “Disproportionate Adverse Effect” should not be approved. Additionally, applicants should consider providing benefits to communities where they want to site their projects, and they should engage with members of the community to identify desired benefits.

Prohibit development on unsuitable sites: Towns should be able to reject projects with an “unsuitable, high impact” site suitability score (greater than 4.0). There need to be times when the regulations prohibit development because a site is unsuitable.

Fully account for the irreplaceable value of forests’ ability to produce clean water: Site suitability scoring for forests should be based on more than carbon sequestration. It should account for other essential benefits from forests, especially regional rainfall production and storage (affecting 40 - 60% of drinking water, and water for agriculture) and regional air-temperature regulation.

No solar or other energy infrastructure should be sited on forested land that is essential to drinking water production. We recommend using USDA Forest Service’s [*National Forests to Faucets 2.0 Assessment*](#) and/or other appropriate science-based resources for developing forests watershed value scoring.

Ensure scoring integrity: The Site Suitability Score Reviews by DOER and EFSB must be more than rubber stamps. It is too restrictive that applicant self-determined scores can only be reviewed and adjusted if they can be proven to be “materially erroneous, incomplete, or otherwise faulty data.” This could prove too high a [burden] for many municipalities, especially small rural communities.

No “pay to play”: Projects with “not very suitable” or “unsuitable” site suitability scores should not be allowed to move forward, regardless of mitigation payments. For projects “not very suitable, moderate impact” local community input must be considered. If watershed and regional cooling impacts are not incorporated into site scoring, Key Stakeholders (including municipalities and community residents) should be allowed to appeal projects in areas where watersheds and regional cooling impacts have not been assessed.

Reform scoring to ensure meaningful social and environmental benefits: To apply for a social and environment benefit criteria score subtractor, an applicant should develop a community benefit agreement following the Office of Environmental Justice & Equity’s (OEJE’s) guidance. Benefits should be designed with communities, not ascribed by host municipalities. OEJE’s guidance contains strong recommendations around community engagement and co-creation of meaningful benefits. Without following the guidance, the proposed eligible subtractors have the potential to be insignificant and misaligned with community priorities. For example, how much utility bill assistance is considered

significant enough to earn a point? A Community Benefits Agreement (CBA) process promotes alignment with benefits that make a difference. To ensure enforceability and accountability, the CBA should be certified with the host municipality. If a CBA is not incorporated into the site suitability process, benefit criteria score subtractors should only include benefits that address social and environmental burdens identified through MassEnviroScreen. For example, benefits as vague as “Funds publicly available EV charging stations” or “Creates or maintains local jobs” should not directly offset risks to agricultural resources, biodiversity, or climate change resilience.

Include Additional Indicators from DEP Cumulative Impact: The MAEnviroScreen indicators should cross-reference the Massachusetts Department of Environmental Protection’s (“MassDEP”) CIA indicators. We believe that in addition to including facilities like solid waste or hazardous waste generators, the tool should include nearby regulated facilities, including airports, freight rail yards, port facilities, wastewater treatment plants, highways, and regulated air pollution sources. The tool should also include sensitive populations and account for schools, long-term care facilities, prisons, public housing, and childcare facilities.

Include consideration of flooding concerns: We believe that flooding at a particular site should be considered, not only due to rising sea levels and the increasing frequency of so-called 100-year storms, but also due to nearby tree removal and the slope of the proposed site. Siting on a slope of 15% or higher increases the risks of flooding and mudslides and should be denied.

Balance the need for clean energy with protection: We advocate for making it easier to build small-scale distributed solar projects and environmentally responsible siting of solar and battery storage, prioritizing the already built and disturbed environment. This means making it faster and cheaper to build solar in these areas. However, as with any infrastructure, we must balance permitting and speed and maintain high public health, community and environmental standards. This means protecting temperature cooling and clean water-producing forests and ensuring communities benefit from and actively shape local projects.

Good things that the administration should keep:

Assess All Indicators in a Burdened Area: The cumulative impact analysis should assess all indicators within a Burdened Area (BA), not just those designated as "elevated." This comprehensive approach is necessary to fully understand the existing baseline of *cumulative* burdens a community faces, not focusing on individual indicators. The aggregation and interaction between indicators affect quality of life and outcomes in ways that examining just elevated indicators will not capture.

Conduct Both a Site Suitability and CIA: The 2024 Climate Act does not limit site suitability analysis to those facilities where a “Cumulative Impact Analysis” is not conducted. In fact, the statute includes in its requirement for site suitability analysis, without qualification, “clean energy generation facilities, clean energy storage facilities and clean transmission and distribution infrastructure facilities in newly established public rights of way.” As presently constructed, the regulations exclude unburdened areas included in a Specific Geographical Area (“SGA”) from both site suitability and cumulative impact analyses. EEA should require site suitability analysis for all project proposals.

Thank you for your time and attention.

Sincerely,

350 Mass
Berkshire Environmental Action Team
Brookhaven Residents’ Climate Change Committee
Climate Action Now Western Mass

Community Land & Water Coalition
Concerned Citizens of Franklin County
Elders Climate Action Massachusetts
Friends of Fellsmere Heights
Friends of the Notch Forest
Green Arlington MA
Greening Greenfield
Meadowscaping for Biodiversity
Mothers Out Front Massachusetts
Our Revolution Massachusetts (ORMA)
Pipe Line Awareness Network for the Northeast
Pollinator Networks
RESTORE: The North Woods
Save Massachusetts Forests
Sierra Club Massachusetts
Slingshot
The Enviro Show
Third Act MA
Trees as a Public Good Network
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