



The Clean Energy Industry Partners include New Leaf Energy and BlueWave Energy, members of the Massachusetts Commission on Energy Infrastructure Siting and Permitting:



May 27, 2025

**Via E-mail to [sitingboard.filing@mass.gov](mailto:sitingboard.filing@mass.gov)**

The Executive Office of Energy and Environmental Affairs;  
The Office of Environmental Justice and Equity;  
The Energy Facilities Siting Board (“EFSB”);  
The Department of Public Utilities (“DPU”); and  
The Department of Energy Resources (“DOER”)

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Re: Comments on the May 5, 2025 Cumulative Impact Analysis Presentation

Dear Climate Act Implementing Agencies:

The Clean Energy Industry Partners (the “Industry Partners”) thank the Climate Act Implementing Agencies<sup>1</sup> and their staff for their work on the stakeholder sessions to date and the accompanying straw proposals. Solicitation of diverse input is critical for the success of efforts to implement the 2024 Climate Act (An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239) (the “Climate Act”).

On May 5, 2025, the Implementing Agencies gave a presentation on Cumulative Impact Analyses that included separate sections from EEA and the EFSB (the “CIA Presentation”) and asked for feedback. The Industry Partners appreciate the opportunity to engage at this early stage of development, but it will be important for the Implementing Agencies to continue to seek and receive input on how to implement new cumulative

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<sup>1</sup> As used in this letter, the “Climate Act Implementing Agencies” or “Implementing Agencies” refers to: the Executive Office of Energy and Environmental Affairs (“EEA”), the Office of Environmental Justice and Equity (“OEJE”), the Energy Facilities Siting Board (“EFSB”), the Department of Public Utilities (“DPU”), and the Department of Energy Resources (“DOER”).

impact analysis (“CIA”) requirements. This topic warrants additional time and consideration by stakeholders, particularly given the extent to which it is related to other aspects of Climate Act implementation. The Industry Partners encourage ongoing dialogue and future opportunities to provide input.

The Industry Partners are committed to a just clean energy transition, and reducing impacts to communities that are unfairly burdened is critical to that effort. CIAs can be an effective tool for better assessing – and therefore avoiding, minimizing, and mitigating – impacts from new clean energy facilities. Given the early stages of this discussion, the Industry Partners offer the following overarching comments and some additional, more narrow, comments and recommendations.

### **Overarching Comments**

First, it is critical that there be a clear process that: (1) allows for an early conclusion as to whether there is an unfair or inequitable burden in the relevant project area warranting further analysis; (2) sets out what a proponent must document to support such a conclusion; and (3) if an existing unfair or inequitable burden is identified, provides clear but sufficiently flexible guidance on how relevant indicators may be selected based on the identified burdens and the characteristics of a proposed project. Flexibility in selecting criteria and scoring methods is important to ensure that the analysis is well suited to the community, the proposed project, and the available data. Overly prescriptive approaches could impair the quality of CIAs given the diversity of communities and projects to which they will be applied. The EFSB selection of indicators slide (slide 65) reflects a thoughtful starting point for developing an approach to these issues.

Second, CIAs should consider positive impacts as well as negative impacts. Including impacts in both directions on relevant indicators will provide a more accurate assessment. Clean energy facilities often have significant positive impacts for communities and the Commonwealth. They are critical to a just transition to a clean energy future, to reducing the emissions associated with reliance on fossil fuels, to creating economic opportunities, to ensuring reliable and resilient electric service into the future, and to enabling customers to lower energy costs and take advantage of new technologies. A CIA process that assumes energy facilities will only negatively impact communities and does not contemplate benefits will yield incomplete and potentially misleading results. To consider just one example, a proposed battery storage facility that is sited to displace (allow the retirement and removal of) an existing fossil fuel generator could significantly reduce relevant burdens in a host community. A CIA that only evaluated negative impacts to the community from that battery storage facility would not be a helpful tool for assessing net burdens to the community and would miss what may be a critical benefit to the host community.

Third, CIA guidelines should be scoped and tailored to their intended purpose in this context: providing the relevant information to assess whether benefits or burdens from proposed facilities interact with existing burdens in affected communities. Actionable CIAs that succinctly identify the relevant benefits and burdens and evaluate whether a proposed facility will increase or decrease relevant community burdens will be helpful. Guidance or requirements that drive project proponents to create unnecessarily lengthy reports that document irrelevant information will be burdensome and may make it more difficult for stakeholders and the EFSB to identify meaningful conclusions. Burdensome requirements without corresponding benefit would also unnecessarily drive up costs for electric customers in the Commonwealth and slow progress towards emission reduction goals.

### **Additional Comments**

- The Industry Partners strongly agree that guidance on CIAs should establish a clear and consistent framework for how CIAs will be created and used. Certainty and clarity avoid wasted effort on the part of project proponents, stakeholders, and reviewing authorities.
- The Industry Partners appreciate the EFSB's focus on CIAs being "actionable." CIAs will be used to make informed decisions about siting specific projects and should therefore be focused on the factors that are relevant to the proposed project and the affected community. CIAs should not be academic investigations untethered from the reality of a proposed project.
- The potential number of "indicators" or "stressors" that may be relevant to a community or location in the abstract may be large. The relevance of any particular indicator or stressor to a proposed project will depend on both the community and the proposed project. Data availability may also affect the choice of indicators. CIA guidelines should not prescriptively require consideration of indicators and should provide flexibility for reasonable methodologies for selecting indicators to assess that are aligned with the specific proposed project and affected communities.
- Clarity is especially important with respect to temporal and geographic boundaries. CIAs should be robust in terms of capturing accurate information on relevant impacts to burdened communities. However, CIAs should be limited geographically and temporally so that they have a defined and known scope that focuses on issues that are germane to the siting inquiry without wasting effort or distracting from meaningful findings.
- In the siting context, requirements to consider future projects are potentially problematic. Often future projects will be unknown, future projects are always

uncertain, the impacts of future projects are even more uncertain (if, for instance, they have not yet gone through permitting or approval processes), and future projects may be affected by whether the presently proposed project moves ahead. Any requirement to assume future projects should be accompanied by limiting principles to avoid the need to run unlimited variations of an analysis or to consider far-fetched or unlikely scenarios. Without reasonable limitations, a methodology that prevents development now because of anticipated cumulative impacts from possible future developments may inadvertently result in preventing all development.

- A CIA methodology that assumes all impacts are cumulative in the same manner and focuses only on negative impacts to communities from a proposed facility would be unhelpful. It would miss critical aspects that could affect whether a facility is well sited. For instance, an approach that makes it more difficult to use brownfields or other impaired properties for clean energy facilities simply because those properties were associated with unrelated burdens could have perverse results that prevent communities from realizing potential benefits. It is critical that the CIA standards and guidelines allow a flexible approach to ensure meaningful results that are sensitive to the actual burdens and needs of communities.
- The Implementing Agencies should be cautious about loading other aspects of the permitting and siting process into CIAs. While CIAs have an important role in the permitting and siting process, they are ultimately one part of a larger whole and should be fit within the broader process set out in the Climate Act. Requirements associated with CIAs that duplicate or interfere with other requirements of the approval process (for instance, community engagement) could create confusion, duplication, and conflicting directives.
- Similarly, CIAs should avoid duplicating screens that are used in other aspects of the siting process. For example, slide 65 of the CIA straw proposal lists BioMap among the Preferred Assessment Programs and Data Sources. BioMap is also proposed (in a separate Straw Proposal) as a component of the site suitability screening. It could be redundant to include BioMap assessments in the CIA if similar assessments are also done as part of site suitability screening. Duplicating one assessment method (in this case, a BioMap screen) in two steps of siting analysis could also lead to over-weighting impacts associated with particular considerations (in this case, biodiversity) vis-a-vis other kinds of potential impacts.
- Identifying unfairly burdened areas (“UBAs”) by census block group may be a pragmatic approach. However, census block groups can be geographically large relative to the

relevant impacts from a proposed project. Where relevant, project proponents should be able to limit a CIA to a portion of a census block group if the relevant burdens or impacts support that limitation. For instance, if the relevant subject area (“SGA”) includes only a small part of a particular census block area, it would be reasonable to limit the scope of that assessment to the SGA within that census block. Expanding the subject area to the boundary of all partially-included census blocks could be a significant and unnecessary expansion of geographic scope.

- The EFSB’s proposed SGAs are likely larger than necessary for energy storage and solar facilities. For both, it would be appropriate to use the “minor site work” distances for all site work. Construction impacts associated with these facilities are generally located within a much smaller radius. In most locations, visual impacts would also attenuate significantly at this distance. Any recommendations based on evacuation areas should be based on the best available science.
- Slide 51 includes in the proposed CIA process: “Step 4: Score and Rank Each Site or Route for Cumulative Impacts.” The flow chart on slide 62 also references alternative sites/routes. As described in in our comments on the Site Suitability Methodology for Clean Energy Infrastructure Straw Proposal and the Prefiling Engagement Straw Proposal, storage and generation projects do not have alternative sites in the same way that transmission and distribution facilities do. It is not appropriate to require the consideration of alternative sites for storage and generation projects. The example on slide 69 of the CIA Presentation is especially problematic. It is inaccurate to assume that any potential solar project has four equally viable sites and only one need (or should) move forward. Solar projects are not alternatives to each other in any meaningful way. In fact, it is extremely difficult to find a single site that is viable from an interconnection standpoint, has an interested landowner, has site characteristics that enable economic feasibility, avoids wetlands and other protected land use types, and has a viable permitting pathway. Clean energy generation and storage projects are fundamentally different than transmission and distribution facilities, for which there is typically a specific need that can be met with a single project design or location, and for which multiple sites may be candidates to fulfill that specific need. In contrast, the Massachusetts 2050 Decarbonization Roadmap<sup>2</sup> “all options” pathway calls for 29.4 terawatt-hours (“TWh”) of ground-mounted solar, which is approximately 22 gigawatts (“GW”), six times as much solar as we have in the Commonwealth today. In order to meet this goal, the Implementing Agencies cannot require each potential solar project

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<sup>2</sup> See Table 22 in Appendix 1 of the Energy Pathways to Deep Decarbonization Technical Report, December 2020, <https://www.mass.gov/doc/energy-pathways-for-deep-decarbonization-report/download>.

to identify multiple viable sites so that several may be eliminated in the permitting process. Instead, each site should be evaluated based on its own suitability.

## **Conclusion**

The Industry Partners again thank the Implementing Agencies and their staff for their work on the CIA Presentation and the stakeholder sessions more broadly.

Please do not hesitate to reach out with any questions or to discuss these comments further.

Sincerely,

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