

980 CMR: ENERGY FACILITIES SITING BOARD

980 CMR 16.00: PRE-FILING CONSULTATION AND ENGAGEMENT REQUIREMENTS

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16.01: Purpose and Scope

(1) Purpose. 980 CMR 16.00 describes, pursuant to M.G.L. c. 164, §§ 69J, 69J¼, 69T, 69U, 69V, the pre-filing requirements of the Energy Facilities Siting Board (“Board”) for Applicants of proposed energy infrastructure seeking approval from the Board.

(2) Scope. 980 CMR 16.00 describes outreach obligations applicable to CEIFs seeking a Consolidated Permit under M.G.L. c. 164, §§ 69T, 69U, 69 V, and Facilities seeking approval to construct under M.G.L. c. 164, §§ 69J and 69J¼. 980 CMR 16.00 does not apply to requests for a *De Novo* Adjudication pursuant to M.G.L. c. 164, § 69W, by an Applicant of a SCEIF or other party substantially and specifically affected by a final decision of a Local Government; those Projects are subject to provisions of 980 CMR 14.00: *De Novo Adjudications of Consolidated Local Permit Applications*. 980 CMR 16.00 does not apply to Applicants seeking a Consolidated Local Permit; those Projects are subject to outreach obligations pursuant to 225 CMR 29.00: *Small Clean Energy Infrastructure Facility Siting and Permitting*.

(a) Applicability to Facilities. 980 CMR 16.00 shall apply to all jurisdictional Facilities. Applicants of petitions to construct Facilities must comply with all pre-filing consultation and engagement requirements for LCEIFs. 980 CMR 16.00 relies upon provisions of 980 CMR that by their terms apply to all sections of chapter 980 CMR, unless otherwise noted.

(b) Exemption from Outreach Requirements for SCEGF and SCESF. For an Applicant submitting an Application with the Board for a Consolidated State Permit pursuant to M.G.L. c. 164, § 69V, and initiating the process for a Consolidated Local Permit, the Applicant is subject to the pre-filing engagement and outreach requirements in 225 CMR 29.00: *Small Clean Energy Infrastructure Facility Siting and Permitting* and the Applicant is not required to comply with 980 CMR 16.00 pre-filing requirements.

(3) Effective Date. 980 CMR 16.00 shall take effect on February 27, 2026, and shall apply to all Applications and petitions to construct filed with the Board for approval on or after July 1, 2026.

16.02: Definitions

The definitions in 980 CMR 1.01(4): *Definitions* shall apply to 980 CMR 16.00. For the purposes of 980 CMR 16.00, the additional definitions set forth in 980 CMR 16.02 shall apply, unless the context otherwise requires.

Agency Consultation means written, oral, and other communications with Local Government and state agencies with an interest in the permitting of a proposed LCEIF, SCEIF, or other Facility.

Community means at a minimum members of the public residing or working within a distance set forth in 980 CMR 15.05(1)(b) from the Facility Boundary of a proposed facility.

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Division of Public Participation (DPP) means the Division of Public Participation at the Department established under M.G.L. c. 25, § 12T to assist stakeholders with navigating the Department and the Board pre-filing requirements, clarifying filing requirements, and identifying opportunities to intervene.

DPP Opinion means a written communication from the Director of DPP to the Board assessing whether the Applicant has completed the pre-filing consultation and engagement requirements in 980 CMR 16.00

Key Stakeholders means, at a minimum, public interest groups, organizations serving the local community in the vicinity of a proposed Project that could be affected by a proposed Project; abutters of the Project, including residents (both owners and renters) and businesses; community-based organizations, elected or appointed municipal officials (e.g., mayor or town/city manager, relevant Council/Select Board members, Chair(s) of the Conservation Commission, Planning Board, Zoning Board, and Head of the Department of Public Works), regional planning officials; representatives of labor groups (e.g., union locals, building trades councils, central labor councils, and the Massachusetts AFL-CIO) and apprenticeship programs; and federally recognized, state-acknowledged, or state-recognized Tribes.

MEPA Office means the Massachusetts Environmental Policy Act Office within the Executive Office of Energy and Environmental Affairs that administers MEPA and 301 CMR 11.00: *MEPA Regulations*.

OEJE means the Office of Environmental Justice and Equity within the Executive Office of Energy and Environmental Affairs, as established in M.G.L. c. 21A, § 29.

Pre-filing Engagement Status Checklist means a document to be filed by an Applicant with DPP approximately midway through the Pre-filing Outreach Period that catalogs the status of pre-filing consultation and engagement requirements and includes supporting documentation identified in 980 CMR 16.00. The checklist shall include an attestation by the Applicant that all statements contained therein are true.

Pre-filing Engagement Completion Checklist means a document that reflects completed pre-filing consultation and engagement requirements to be filed by an Applicant with DPP, the Board, and Local Government and state permitting agencies at the completion of the Pre-filing Outreach Period and together with the Pre-filing Notice. The Applicant shall submit supporting documentation identified in 980 CMR 16.00 to DPP at the completion of the Pre-filing Outreach Period. If certain outreach or agency consultation requirements cannot be completed, the Applicant shall attach a statement clarifying the reason for a waiver or partial waiver that was requested from and approved by DPP pursuant to 980 CMR 16.03(1). The checklist shall include an attestation by the Applicant that all statements contained therein are true.

Pre-filing Notice means the Notification of Intent to File Application filed by an Applicant with DPP, the Board and Local Government and state permitting agencies no less than 60 days and no more than 90 days prior to filing an Application or a petition to construct with the Board.

Pre-filing Outreach Period means the period of time between the start of pre-filing consultation and engagement activities specified in 980 CMR 16.04 and the submission of the Pre-filing Notice to the Board and DPP. For purposes of 980 CMR 16.00, the Pre-filing Outreach Period begins when the Applicant meets with DPP and OEJE. The Applicant may meet with the stakeholders prior to the beginning of the Pre-filing Outreach Period.

16.03: Rules of General Applicability

(1) Waiver of Pre-filing Rules. Where good cause appears, but not contrary to the statute, the Director of DPP may permit deviation from any rules contained in 980 CMR 16.00. In evaluating whether good cause exists to grant a waiver or partial waiver from 980 CMR 16.00,

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DPP shall evaluate the interest of the Applicant requesting the waiver, the interests of any other affected Person, the efficient administration of 980 CMR 16.00, and the public interest. Any waiver or partial waiver request must be in writing with documentation supporting the Applicant's request and filed with DPP and simultaneously mailed to Key Stakeholders, relevant Local Government and state permitting agencies, and the Project email distribution list (if in use at time of waiver request), as well as posted on the Applicant's project website. Interested parties may submit comments and relevant information related to the waiver request to the Director of DPP within two weeks of the waiver request being sent to DPP. All such requests must be filed on a timely basis to meet the requirements of 980 CMR 16.04. The Director shall review the requested waiver and the information submitted by interested parties and provide a response in writing.

(2) Outreach Costs. The Applicant shall bear responsibility for all costs associated with outreach activities and obligations.

(3) Ex Parte Communication. The Director and staff of DPP may communicate with parties or individuals and entities seeking to intervene in Board proceedings about substantive matters and such communication shall not be deemed an ex parte communication consistent with 980 CMR 1.03(7)(c). The Director and staff of DPP shall not participate as adjudicatory staff, nor have any input or substantive communication with adjudicatory or decisional staff in adjudicatory matters before the Department or Board, nor shall they serve as legal counsel to or otherwise represent any Party before the Department or Board.

#### 16.04: Overview of Requirements for the Pre-filing Outreach Period

(1) During the Pre-filing Outreach Period, the Applicant shall employ substantial, good faith efforts and endeavor to balance the goal of providing available information on Project design criteria to Key Stakeholders at an early point during Project development with the need to pursue due diligence on potential site options to develop the optimal Project design.

(a) During the Pre-filing Outreach Period, the Applicant shall:

1. Review and implement applicable site suitability criteria, cumulative impact analysis requirements, and the cumulative impact analysis tool as described in 980 CMR 15.00: *Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria*, as applicable. The Applicant shall consider input from Key Stakeholders, Agency Consultations, and public meetings with the Community to inform the selection of the preferred site/route;
2. Communicate during Agency Consultations, meetings with Key Stakeholders, and public meetings with the Community, how site and design options were or are being considered based on the applicable site suitability criteria, cumulative impact analysis requirements, and the cumulative impact analysis tool. Outreach shall include a discussion of how the preferred site/route option avoids, minimizes, or mitigates the potential for disproportionate adverse impacts. *See* 980 CMR 13.03(1)(d); 980 CMR 15.03(6), 15.10(2);
3. Document efforts to inform, involve, and partner with Key Stakeholders and the Community;
4. Maintain notes from meetings with Key Stakeholders, Agency Consultation, and Community meetings that included the date of the meeting, names of participants, key discussion points, and take aways;
5. Summarize comments received and how they influenced Project design;
6. Publicize Project information using multiple outreach channels that have wide reach within the Community, including multi-lingual and multi cultural media options; and
7. Create a Project web page at the start of the Pre-filing Outreach Period and maintain up-to-date information as it becomes available on Project web page(s).

(b) The Applicant shall meet with DPP and OEJE individually or jointly at the start of the Pre-filing Outreach Period, in accordance with 980 CMR 16.05 (1), to discuss its proposed outreach plan and clarify pre-filing consultation and engagement requirements. The Applicant may contact DPP for guidance on who constitutes Key Stakeholders prior to or during the Pre-filing Outreach Period.

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- (c) The Applicant shall meet with relevant Key Stakeholders early during the Pre-filing Outreach Period to inform, seek input, and be responsive to questions and feedback received on the proposed Project. The Applicant shall create and maintain a Project email distribution list and add Key Stakeholders they meet and those who opt-into the Project email distribution list. The Applicant shall send quarterly updates to the Project email distribution list that include but are not limited to new Project developments; any changes to site or Project design; Project contact person(s), including email, phone number, and mailing address; details of public meetings; and the estimated date Applicant plans to submit the Pre-filing Notice to the Board. Emails sent to the Project email distribution list shall be by blind copy and shall include a link or process for recipients to opt-out.
- (d) The Applicant shall submit to DPP a Pre-filing Engagement Status Checklist and the following supporting documentation related to its pre-filing consultation and engagement efforts approximately midway through the Pre-filing Outreach Period:
1. A list of Key Stakeholders, Agency Consultation, and public meetings with the Community held to date, including date/time and location;
  2. A summary of how the site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool, as applicable, are informing Project design and planning;
  3. A summary of any related improvements proposed by Local Government or state agencies during Agency Consultation; and
  4. A table summarizing oral and written comments received that includes all issues raised at meetings with Key Stakeholders, Agency Consultation, and public meetings with the Community held to date, and any modifications in Project design made in response to the comments.
- (e) The Applicant shall consult with the MEPA Office at least once during the Pre-filing Outreach Period.
1. The consultation with the MEPA Office shall be held early during the Pre-filing Outreach Period to receive feedback on the Applicant's compliance with regulatory requirements and other best practices to avoid or minimize impacts, as well as to receive recommendations on project specific studies or analyses that may be needed to inform the agencies' review of the Application or a petition to construct once it is filed with the Board.
  2. The Applicant may hold subsequent consultation(s) with the MEPA Office as appropriate.
- (f) The Applicant shall complete Agency Consultation, as appropriate, to receive feedback on compliance with regulatory requirements, including necessary pre-filing studies and analyses (such as wetlands delineation, or endangered species surveys).
- (g) The Applicant shall publicize and conduct at least two public meetings for Key Stakeholders and the Community.
1. The Applicant shall endeavor to hold the first mandatory public meeting after meeting with Key Stakeholders and addressing feedback received, as appropriate.
  2. The Applicant shall hold the second mandatory public meeting prior to submitting the Pre-filing Notice with the Board. The Applicant shall present any changes to the Project design and how input received during the first public meeting was considered.
  3. In addition to the two mandatory public meetings, as appropriate, Applicants shall endeavor to use other engagement channels such as open houses, workshops, or meetings that are tailored to discuss specific topics of interest to Key Stakeholders and the Community. *See* 980 CMR 16.07.
  4. The pre-filing comment period shall remain open from when the first public meeting is announced until the deadline to submit public comments after the second mandatory public meeting. The Applicant shall provide at least three weeks after the second mandatory public meeting for Key Stakeholders and Community to submit written comments and for comments to be considered prior to filing the Pre-filing Notice.
  5. For public meetings, the Applicant shall have a sign-in sheet that lists the name of participants and any organizational affiliation. The Applicant shall upon request submit the sign-in sheets to DPP during the Pre-filing Outreach Period or to the Siting Board during the adjudication process.

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(h) No less than 60 days and no more than 90 days prior to filing an Application or a petition to construct with the Board, the Applicant shall submit a Pre-filing Notice (Notification of Intent to File Application) to the Board. If the Applicant does not file its Application or a petition to construct with the Board within 90 days after filing the Pre-filing Notice, the Applicant shall resubmit a Pre-filing Notice. If more than 90 days pass after the second Pre-Filing Notice has been filed without the filing of an Application or a petition to construct, the Applicant shall submit to DPP written communication with the reason for the delay and an estimated timeline or date to resubmit the Pre-filing Notice. The Applicant may also meet with DPP staff to provide an update and discuss any additional outreach planned. DPP staff shall review documentation submitted by the Applicant with the Pre-filing Engagement Status Checklist and the Pre-filing Engagement Completion Checklist and provide a written assessment if additional outreach is necessary before a Pre-filing Notice can be resubmitted to the Board.

(i) At the conclusion of the Pre-filing Outreach Period, the Applicant shall file the Pre-filing Notice and the Pre-filing Engagement Completion Check list with DPP, the Board, and relevant Local Government and state permitting agencies. The Applicant shall also submit the following supporting documentation related to its pre-filing consultation and engagement efforts with DPP:

1. An overview of all pre-filing consultation and engagement efforts that have occurred to date including:
  - a. List of Key Stakeholder, Agency Consultation, and Community meetings held, including date/time and location;
  - b. Description of the outreach materials created and outreach recipients, including date and method(s) of contact; and
  - c. Notes from meetings with Key Stakeholders, Agency Consultation, and public meetings with the Community;
2. A table summarizing oral and written comments received throughout the Pre-filing Outreach Period that includes all issues raised, how the comments were considered, and any modifications in Project design made in response to the comments;
3. A description of how the site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool as described in 980 CMR 15.00: *Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria*, as applicable, were incorporated into the selection of the Applicant's preferred Project site;
4. A description of any partnerships developed with Key Stakeholders and/or Community, including any advisory bodies formed to provide ongoing input;
5. Any waiver or partial waiver request demonstrating good cause that was requested and approved or requested and not approved by DPP;
6. A copy of the Pre-filing Engagement Status Checklist; and
7. An update on any ongoing discussions regarding community benefits plans and community benefits agreements. *See Standards and Guidelines for Community Benefits Plans and Agreements, Executive Office of Energy and Environment.*

16.05: Pre-filing Requirements for Consultation with DPP and OEJE

(1) At least two weeks before the meeting(s) with DPP and OEJE at the start of the Pre-filing Outreach Period, the Applicant shall share a brief plain language description of the Project, the reason for the Project, location map, anticipated Project impacts and benefits, any alternative sites/routes under consideration, potential environmental impacts, a list of Key Stakeholders and Agency Consultations relevant to the Project, and a list of meetings already held or planned with Key Stakeholders and the Community. The Applicant may meet with DPP and OEJE individually or jointly.

16.06: Pre-filing Requirements for Consultation with MEPA Office and Agency Consultation

(1) Prior to filing the Pre-filing Notice, the Applicant shall consult with the MEPA Office and all relevant Local Government and state permitting agencies identified by the Applicant to receive feedback on compliance with regulatory requirements and other best practices to avoid or minimize impacts, as well as receive recommendations for project specific studies or analyses that may be needed to inform the permitting agencies' review of the project once it is filed with the Board. The MEPA Office may recommend additional state or federal agencies with which the Applicant shall consult. Applicants shall meet the following requirements:

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- (a) During the consultation with the MEPA Office and other relevant Agency Consultation, the Applicant shall:
1. Provide basic Project details including a description of proposed work activities and potential Project impacts on the Community;
  2. List all required Local Government, state, and federal Permits it anticipates either to be issued by or would have otherwise been issued by each relevant Local Government, state, and federal permitting entity. *See* 980 CMR 13.05(1);
  3. If available, present copies of relevant draft applications for applicable state, regional and local Permits and approvals that would otherwise be issued by each relevant Local Government, state, and federal permitting entity;
  4. If available, present copies of relevant draft Permits that would otherwise be issued by each relevant Local Government, state, and federal permitting entity;
  5. Discuss with the MEPA Office the need for meetings with additional state or federal agencies;
  6. For LCEGFs, SCEGFs, LCESFs, SCESFs and Generating Facilities, present a description of the site selection process used in selecting the Applicant's proposed option along with locus maps/lists showing any alternate Project designs considered and associated environmental resource constraints (*e.g.*, Article 97 land, wetlands, M.G.L. c. 91 boundaries, rare species habitat, Areas of Critical Environmental Concern, *etc.*) as well as potential environmental, public health, public welfare, or public safety impacts from the Project as proposed;
  7. For LCTDIFs, SCTDIFs, and transmission Facilities, present a description of the route/site selection process and the alternatives analysis used in selecting the Applicant's preferred option. Include a description of Project alternatives and alternative sites/routes considered along with locus maps/lists showing anticipated Project locations and associated environmental resource constraints (*e.g.*, Article 97 land, wetlands, M.G.L. c. 91 boundaries, rare species habitat, Areas of Critical Environmental Concern, *etc.*);
  8. Discuss how site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool as described in 980 CMR 15.00: *Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria* were incorporated into the selection of the Applicant's proposed Project site or LCEGFs, SCEGFs, LCESFs, SCESFs, and Generating Facilities, as applicable, and how they were incorporated during the route/site selection process for LCTDIFs, SCTDIFs, and transmission Facilities, as applicable;
  9. Identify any Burdened Areas using the Burdened Areas Map referenced in 980 CMR 15.04: *Determination of Burdened Areas*. Include a map showing Project location and proximity of Burdened Areas;
  10. Identify any Burdened Areas that touch any parcel boundaries that will host one or more portions of a Project for each site location using the Commonwealth's Burdened Areas Map, 980 CMR 15.05: *Identification of Burdened Areas Intersecting the Specific Geographical Area of a Project Site or Route*;
  11. Share preliminary information on environmental impacts and potential avoidance, minimization, and mitigation measures. Rare species information shall not be shared without written approval by Mass Wildlife's Natural Heritage and Endangered Species Program (M.G.L. c. 66, § 17D); and
  12. Discuss decommissioning and site restoration plans developed pursuant to 980 CMR 1.10: *Decommissioning and Site Restoration Plan*.
- (b) During any subsequent meetings with the MEPA Office and relevant Agency Consultation, the Applicant may discuss specific issues of interest to the agency and/or the Applicant. At these meetings the Applicant shall also present relevant:
1. A description of how the Applicant has responded to feedback provided during Agency Consultation and by Key Stakeholders and the Community;
  2. A status update and/or results of any project-specific scientific studies or analyses that are ongoing or have been completed; and
  3. Project design changes that have occurred since the previous meeting and how the Applicant communicated these changes to the Local Government and state permitting agencies with Permits affected by the design changes.

16.07: Pre-filing Engagement Requirements for Meetings with Key Stakeholders and Public Meetings with the Community

- (1) Applicants shall meet the following requirements:
  - (a) For one-on-one or joint introductory meeting(s) with Key Stakeholders and public meetings, the Applicant shall:
    1. Present a brief plain language description of the Project, the reason for the Project, potential Project benefits and impacts on the Community, and location map(s) that delineates project boundaries, identifies Project components, and includes key landmarks (e.g., schools, hospitals, parks, libraries, and other places where the community gathers), and natural features within one mile of the Project boundary;
    2. Describe anticipated impacts from the Project and solicit input on minimization and mitigation of those impacts;
    3. For LCTDIFs, SCTDIFs, and transmission Facilities, present potential route/site alternatives that were or are under active consideration, the Applicant's preferred alternative, a comparison of anticipated impacts of any alternatives, and proposed mitigation measures;
    4. For LCEGFs, SCEGFs, LCESFs, SCESFs and Generating Facilities, present the site selection process used in selecting the proposed option, the anticipated health, environmental, and safety impacts of the proposed option, and proposed mitigation measures;
    5. Discuss decommissioning and site restoration plans pursuant to 980 CMR 1.10 at the public meetings;
    6. Share the estimated timeline for filing the Pre-filing Notice with the Board and future opportunities for public comment or input on the Project;
    7. Share Project contact person(s) including email, phone, and mailing address;
    8. Provide information on Project-specific issues or topics of interest to Key Stakeholders and the Community. Applicants may solicit topics of interest ahead of meetings;
    9. Share link to main Project webpage that will serve as repository of up-to-date Project information;
    10. Provide paper copies of Project materials to Key Stakeholders upon request;
    11. Share information about how to sign up to the Project email distribution list and add email addresses of interested Key Stakeholders and Community members to the Project email distribution list; and
    12. Provide an update on any ongoing discussions regarding community benefits plan(s) and/or community benefit agreement(s), if applicable.
  - (b) For any subsequent meetings with Key Stakeholders and when using engagement channels like open houses, or workshops for Community meetings, the Applicant may tailor the agenda to respond to Project-specific issues or topics of interest to Key Stakeholders and the public. At these meetings, the Applicant shall present a brief update on any changes that have occurred since the previous meeting.
  - (c) The Applicant shall provide translated meeting materials and interpretation upon request for meetings with Key Stakeholders. The Applicant shall provide translation and interpretation according to the current Board Language Access Plan pursuant to 980 CMR 1.01(4) for public meetings with the Community.

16.08: Pre-filing Outreach Requirements for Public Meetings with the Community

- (1) The Applicant shall make substantial good faith efforts to meet the following pre filing outreach requirements for public meetings with the Community:
  - (a) Tailor outreach for public meetings to the Project and characteristics of potentially impacted populations and publicize Project information using at least two outreach channels that have wide reach within the Community.
    1. Outreach channels can include, but are not limited to, door knocking, emails, phone calls, social media posts, flyers posted in community gathering spaces, radio spots, and contacting local cable channel(s). The Applicant may consult with local officials and community-based organizations on the appropriate outreach channels that will have the broadest reach in the Project area including multi-media and multi-cultural media options.

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2. Outreach materials shall note the availability of intervenor funding to eligible entities through the Department and the Board's Intervenor Support Grant Program and include a link to the program website.
  3. Outreach materials shall include information on how to request translation and/or interpretation services.
  4. Outreach materials shall link to the Applicant's Project webpage.
  5. Paper copies of the outreach materials shall be available for review in municipal office buildings (*e.g.*, clerk's office) and public libraries within the municipality(ies) in which the proposed Project boundaries fall, and locations suggested by Key Stakeholders and members of the Community. Upon request, Applicant shall provide paper copies of outreach materials to Key Stakeholders and members of the Community.
- (b) Guidelines for Public Meetings
1. Hold public meetings in a format that allows for both in-person and virtual participation, where possible. Applicants are encouraged to record the presentation portion of meetings with a virtual component. Applicants must disclose that the meeting is recorded at the start of the meeting and upload the recording to the Project webpage.
  2. Translate flyers announcing the public meetings, the meeting agenda, presentation, and other materials and provide simultaneous interpretation according to the current Board Language Access Plan.
  3. Provide translation and interpretation in additional languages as requested.
  4. Hold public meetings at reasonable times that reflect Community availability (*e.g.*, weekends and evenings) and in accessible locations that Community members routinely use (*e.g.*, community centers and public libraries). Applicants are encouraged to consult with Key Stakeholders regarding the most appropriate time and place for Community meetings.
  5. Where possible, meeting locations shall be near public transit and/or have ample no-cost parking.
  6. Provide notice of the public meeting at least two weeks in advance and communicate event date/time through a variety of outreach channels, including the Project email distribution list.

16.09: Pre-filing Requirements for Project Webpage(s)

- (1) The Applicant shall establish a Project webpage, and include the following information as it becomes available during the Pre-filing Outreach Period:
  - (a) Project web page(s) shall be updated as new information becomes available and include the following information:
    1. Plain language Project summary that includes Project benefits and impacts and translated versions as per the current Board Language Access Plan;
    2. Project description including Project size, Project footprint, and plain language description of Project area and abutting properties, and translated versions as per the current Board Language Access Plan;
    3. Location map(s) that delineates project boundaries, identifies project components, and includes key landmarks (*e.g.*, schools, hospitals, parks, libraries, and other places where the community gathers), and natural features within one mile of the Project boundary;
    4. A summary of how site suitability criteria and cumulative impacts analysis requirements, as applicable, have been incorporated into the selection of the preferred Project site/route and Project design;
    5. For all LCEGF, SCEGF, LCESF, SCESF and Generating Facilities, the Project webpage shall include a description of the process to select the proposed option, the anticipated health, environmental, and safety impacts of the proposed option, and any proposed mitigation measures;
    6. For LCTDIF, SCTDIF, and transmission Facilities, the Project webpage shall present details of potential route/site alternatives under active consideration, the preferred alternative, a general comparison of anticipated health, environmental, and safety impacts of any alternatives under consideration, and any proposed mitigation measures;

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7. Materials of general interest shared during meetings with Key Stakeholders;
8. Materials shared during Community meetings including but not limited to slide decks and printed project information;
9. Date, time, and location of scheduled public engagement events;
10. Prominently placed link to sign up for a Project email distribution list that provides subscribers with a quarterly (or more) progress report, reminders of how Community members can participate (*e.g.*, upcoming public engagement events), and an estimated timeline for filing the Pre filing Notice with the Board;
11. Project contact person(s) including email, phone, and mailing address;
12. A comment submission form or link with information on how to submit comment and any comment deadlines;
13. List of meetings with relevant Key Stakeholders regarding the proposed Project, including the names of organization, or community based organizations and date of the meeting;
14. A summary of the feedback received from Key Stakeholders and the Community that includes all issues raised and how the Applicant considered this feedback in the Project design (*e.g.*, any modification or deselection of potential routes or sites under consideration or changes to Project design);
15. Information and time frame to request translation and/or interpretation services;
16. Any waiver or partial waiver demonstrating good cause that was requested and approved or not approved by DPP including comments from stakeholders and agencies
17. Pre-filing Engagement Status Checklist and Pre-filing Engagement Completion Checklist submitted to DPP. The Applicant shall not post documents with personally identifiable information;
18. Prominent note that funding is available to eligible entities through the Department and the Board's Intervenor Support Grant Program and include a link to the program website; and
19. Pre-filing Notice along with any translated versions required as per the current Board Language Access Plan.
20. Comments received from Local Government and state permitting agencies regarding the Applicant's pre-filing Consultation and recommendations related to the draft permit application and the DPP Opinion.

16.10: Pre-filing Notice (Notification of Intent to File Application) Requirements

- (1) Pre-filing Notice requirements shall apply to all Applicants seeking permit approval by the Board. The Pre-filing Notice shall be emailed to DPP, the Board, and Local Government and state permitting agencies consulted. In addition to posting the Pre-filing Notice and any translated versions as per the current Board Language Access Plan on the Project webpage, the Applicant shall also email the Pre-filing Notice to Person(s) on the Project email distribution list and relevant Key Stakeholders.
- (2) The Applicant shall also submit to relevant Local Government and state permitting agencies, copies of draft application and draft permit with recommended conditions for applicable state, regional and local permits and approvals that would otherwise be issued by each relevant state/regional/local permitting entity. Such draft applications and permits shall include technical and other materials required by the permitting agency's application and guidance materials, including mapping, jurisdictional delineations, evaluations, analyses and other requested information.
- (3) Pre-filing Notice shall include:
  - (a) Basic Project details such as a plain language Project summary, Project name, location map, anticipated Project filing date, link to main Project webpage; and
  - (b) Clarifying or supporting information, if appropriate.
- (4) DPP Opinion:
  - (a) The Applicant shall submit the Pre-filing Engagement Completion Checklist and supporting documentation as described in 980 CMR 16.04(i) together with the Pre-filing Notice to DPP. At the same time the Applicant shall submit the Pre filing Engagement Completion Checklist to the Board and relevant Local Government and state permitting agencies.

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(b) Local Government and state permitting agencies may file their comments regarding the Applicant's pre-filing Agency Consultation and recommendations related to the draft permit application with DPP and the Applicant within 30 days. The Applicant may submit a response to these comments within seven days.

(c) The DPP Opinion submitted to the Board for consideration during the adjudicatory process shall include two parts. In preparing the DPP Opinion, DPP will consider feedback received from Local Government and state permitting agencies regarding their assessment of the Applicant's pre-filing consultation, and sufficiency of necessary preparatory studies and analyses, and, any information provided by the Applicant in response to the comments received from Local Government and state permitting agencies.

1. Whether the pre-filing consultation and engagement requirements are met, insufficient, or incomplete based on the review of documentation submitted by the Applicant, and comments from Local Government and state permitting agencies.

2. Identification of any significant concerns raised by Local Government and state permitting agencies, and the Applicant's response.

(d) DPP shall copy the Applicant on the DPP Opinion sent to the Board.

16.11: Pre-filing Consultation and Engagement Documents to be Submitted with Application or Petition to Construct to the Board

The Applicant shall submit the Pre-filing Engagement Completion Checklist and supporting documentation as described in 980 CMR 16.04(1)(i) to the Board as part of the Project Application or petition to construct package as defined in 980 CMR 13.00: *Consolidated Permits for Clean Energy Infrastructure Facilities*.

REGULATORY AUTHORITY

980 CMR 16.00: M.G.L. c. 164, §§ 69J, 69J1/4, 69T, 69U, 69V