

## **MEPA Advisory Committee**

April 1, 2022, 1:00PM-3:00PM

Remote Meeting

### Organizations Represented/In Attendance

- Alternatives for Community & Environment
- American Council of Engineering Companies of MA
- Berkshire Regional Planning Commission
- Boston Harbor Now
- Cape Cod Commission
- Central Massachusetts Regional Planning Commission
- Charles River Watershed Association
- Connecticut River Conservancy
- Conservation Law Foundation
- Environmental Business Council
- Eversource
- GreenRoots
- MassAudubon
- Massachusetts Association of Conservation Commissions
- Massachusetts Highway Association
- Massachusetts Water Works Association
- Massachusetts Municipal Association
- Metropolitan Area Planning Council
- NAIOP Commercial Real Estate Development Association of MA
- National Grid

### State agency/authority attendees

- DHCD
- CZM
- MassDEP
- MassPort

## Meeting Summary

Discussion of MEPA's "Phase II" regulatory review effort continued with a review of regulations related to MEPA procedures. MEPA Fail-Safe Review (301 CMR 11.04) was discussed, and then ENF content and review (301 CMR 11.05-11.06), EIR content and review (301 CMR 11.07-11.08), Special Review Procedures (301 CMR 11.09), and Project Change/Lapse of Time (301 CMR 11.10).

Regarding Fail-Safe Review, the committee discussed the intended use and purpose of the procedure. Committee members noted the difficulty of showing that Damage to the Environment could not have been reasonably foreseen at the time MEPA regulations were promulgated. Potential updates to Fail-Safe Review provisions were discussed.

Regarding ENF content and review, the MEPA Office raised the possibility of adding language regarding completeness review and alternatives analyses to align with current practice. Committee members also suggested that a project summary could be added as a requirement for both ENFs and EIRs.

Regarding EIR content and review, committee members discussed ways to improve clarity of filings. A suggestion was made that the MEPA Office could engage outside experts to verify claims made in MEPA filings.

Regarding Special Review Procedures, the MEPA Office raised the possibility of explicitly allowing for joint review of multiple projects with common elements. The possibility of mandating programmatic reviews of agency actions was discussed.

Regarding Project Change/Lapse of Time provisions, committee members discussed whether "material change" should be defined, and some noted that case-by-case determinations may be preferable. The "finding of insignificance" procedure was discussed.

## Next Steps

The next meeting of the MEPA Advisory Committee will take place on Friday, April 15, 2022, at 1-3pm. The meeting will finalize discussion of MEPA procedures, and then focus on approaches to MEPA review of ecological restoration and climate resiliency projects. A presentation will be made by MassAudubon and CLF.

Additional topical discussions are planned in May/June, including meetings on the MEPA climate resiliency policy, MEPA greenhouse gas (GHG) emissions policy and protocol, and a status update on implementation of the revised MEPA regulations promulgated in December 2021. Power point presentations summarizing discussion at each MEPA advisory committee meeting will be made available on the MEPA website at <https://www.mass.gov/info-details/mepa-advisory-committee>.