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CAPE COD  
COMMISSION

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**Via Email**

November 29, 2021

Tori Kim, MEPA Director  
MEPA Office  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900, Boston, MA 02114

Re: Proposed MEPA Protocol for Analysis of Project Impacts on Environmental Justice Populations and amendments to 301 CMR 11.00 MEPA Regulations

Dear Director Kim:

Thank you for the opportunity to provide comment on the MEPA Protocol for Analysis of Project Impacts on Environmental Justice Populations and the MEPA Public Involvement Protocol that will accompany the proposed amendments that will implement the new requirements under Sections 55-60 of Chapter 8 of the Acts of 2021: An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy.

The new law and proposed amendments could significantly expand the Commission's regulatory jurisdiction. Section 12(i) of the Cape Cod Commission Act requires the Commission to review as a Development of Regional Impact (DRI) any project for which the Secretary requires the preparation of an Environmental Impact Report. Based on recent years, this has the potential to increase the number of DRI Reviews by approximately 40%.

Under the existing process, development projects that trip a MEPA threshold pursuant to 301 CMR 11.03 would either require: 1) an ENF and Mandatory EIR; or an ENF and other MEPA review if the Secretary so requires. The Commission maintains discretionary ability to review a project which requires an environmental notification form (ENF) provided it presents factors of regional concern.

Under the proposed process, all projects that trip any MEPA threshold, including those that previously required an ENF, that are within one mile of an Environmental Justice community will require an EIR. This change in process automatically deems every project that trips any MEPA threshold a Development of Regional Impact under the Cape Cod Commission Act, irrespective of whether it presents regional concerns.

Given the potential impact of the proposed implementing regulations and protocol to the Commission's regulatory review process, the Cape Cod Commission would greatly appreciate the opportunity to work with MEPA staff on process and program impacts.

Thank you again for this opportunity to provide comment.

Sincerely,

A handwritten signature in blue ink that reads "Kristy Senatori". The signature is written in a cursive, flowing style.

Kristy Senatori  
Executive Director