Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs

SITE SUITABILITY REPORTS FOR CLEAN ENERGY INFRASTRUCTURE FACILITIES

DRAFT GUIDANCE

Effective Date: TBD

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I. PURPOSE

An act promoting a clean energy grid, advancing equity and protecting ratepayers ("2024 Climate Act") tasks the Executive Office of Energy and Environmental Affairs (EEA) with the development of a methodology for determining the suitability of sites for Large and Small Clean Energy Generation Facilities, Large and Small Clean Energy Storage Facilities, and Large and Small Clean Transmission and Distribution Infrastructure Facilities in newly established Public Rights of Way; and guidance to inform state, regional, and local regulations, ordinances, by-laws, and permitting processes on ways to avoid, minimize, or mitigate impacts on the environment and people to the greatest extent practicable.[1]

The following guidance describes the methodology for determining the suitability of sites for Applicable Facilities for use in the review of applications for Consolidated Permits, Consolidated Local Permits, and Consolidated State Permits, pursuant to the 2024 Climate Act.

Additionally, the guidance provides recommendations for using the site suitability methodology in the review of applications for Consolidated Permits, Consolidated Local Permits, and Consolidated State Permits for Applicable Facilities by the Energy Facilities Siting Board (EFSB) and Local Governments, as well as ways to avoid, minimize, or mitigate impacts on the environment and people to the greatest extent practicable.

This guidance informs 980 CMR 15.00 of the EFSB governing the siting and permitting of Large Clean Energy Infrastructure Facilities and 225 CMR 29.000 of the Department of Energy Resources (DOER) establishing standards, requirements, and procedures governing the siting and permitting of Small Clean Energy Infrastructure Facilities by Local Governments.

II. GUIDANCE DEVELOPMENT

The guidance was developed in consultation with the Office of Environmental Justice and Equity (OEJE), Office of Coastal Zone Management, Office of Climate Science, Department of Public Utilities (DPU), DOER, MassDEP, Department of Fish and Game, Department of Agricultural Resources, and Department of Conservation and Recreation.

A straw proposal for establishing the site suitability methodology was released on May 5, 2025, for public comment.[2] EEA joined the DPU, EFSB, DOER, and OEJE in holding stakeholder sessions throughout

[1] G.L. c. 21A § 30 as inserted by St. 2024 c. 239, § 5.
[2] Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, *Site Suitability Methodology for Clean Energy Infrastructure: Straw Proposal* (Boston: Commonwealth of Massachusetts, May

April and May 2025[3] to provide information on the implementation of the siting and permitting changes, answer questions on straw proposals, and take public comment. EEA presented information on its site suitability straw proposal at a May 5, 2025, stakeholder session in Holyoke.

EEA reviewed all public comments received on the proposal through the end of June 2025. Additionally, EEA held small-group meetings with various interested stakeholders, including representatives of land use and environmental advocacy organizations, environmental justice advocacy organizations, renewable energy developers, and electric utilities.

EEA subsequently released a draft version of this guidance for public comment on September 12, 2025, released a draft map on October 6, 2025, held a webinar on October 9, 2025, held another series of small-group meetings throughout October, and solicited written comments through November 7, 2025. This updated guidance reflects changes made in response to this latest round of comments on the guidance.

III. DEFINITIONS

Applicable Facility. A Clean Energy Infrastructure Facility required to complete a Site Suitability Report analysis in order to apply for a Consolidated Permit or Consolidated State Permit pursuant to regulations promulgated by the EFSB and/or a Consolidated Local Permit pursuant to regulations promulgated by DOER. Applicable Facilities include Large Clean Energy Generation Facilities, Small Clean Energy Generation Facilities, Large Clean Energy Storage Facilities, and Small Clean Energy Storage Facilities. Applicable Facilities also include both Large Clean Transmission and Distribution Infrastructure Facilities and Small Clean Transmission and Distribution Infrastructure Facilities that are proposed to be sited in a newly established Public Right of Way. A Small Clean Energy Infrastructure Facility shall not be considered an Applicable Facility if it meets the requirements of 225 CMR 29.07(1).

Applicant. A person or entity that submits to the EFSB an application for a Consolidated Permit for a Large Clean Energy Infrastructure Facility or Small Clean Energy Infrastructure Facility or an application for a Consolidated State Permit for a Small Clean Energy Infrastructure Facility, pursuant to 980 CMR 13.00. An Applicant also means a person or entity who submits an application for a Consolidated Local Permit to a Local Government pursuant to 225 CMR 29.00.

Avoidance. Measures taken intended to prevent negative impacts on values such as climate change resiliency, carbon sequestration and storage, biodiversity, agricultural resources, social and environmental burdens, and recreation.

Brownfield. A disposal site that has received a release tracking number from MassDEP pursuant to 310 CMR 40.0000: Massachusetts Contingency Plan, the redevelopment or reuse of which is hindered by the presence of oil or hazardous materials, as determined by the DOER, in consultation with the MassDEP. No disposal site that otherwise meets this definition shall be excluded from consideration as a Brownfield because its cleanup is also regulated by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675, the Resource Conservation and Recovery Act, 42 U.S.C §§ 6921-6939g, or any other federal program.

2025), accessed July 1, 2025, https://www.mass.gov/doc/site-suitability-methodology-for-clean-energy-infrastructure-straw-proposal/download.

[3] Executive Office of Energy and Environmental Affairs, "2024 Climate Act Stakeholder Sessions," *Mass.gov*, April 2025, accessed June 30, 2025, https://www.mass.gov/info-details/2024-climate-act-stakeholder-sessions.

Clean Energy Infrastructure Facility. A Large Clean Energy Infrastructure Facility or a Small Clean Energy Infrastructure Facility.

Consolidated Permit. A permit issued by the EFSB to a Large Clean Energy Infrastructure Facility or a Small Clean Energy Infrastructure Facility that includes all municipal, regional and state permits that the Large or Small Clean Energy Infrastructure Facility would otherwise need to obtain individually, with the exception of certain federal permits that are delegated to specific state agencies as determined by the EFSB.

Consolidated Local Permit. A permit issued by a Local Government for a Small Clean Energy Infrastructure Facility that includes all necessary local permits, approvals, or authorizations that the Small Clean Energy Infrastructure Facility would otherwise need to obtain individually from the Local Government, with the exception of ministerial permits, including, but not limited to, a street opening permit or electrical permit, pursuant to regulations promulgated by DOER to implement G.L. c. 25A § 21 or the EFSB to implement G.L. c. 164 § 69W.

Consolidated State Permit. A permit issued by the EFSB to a Small Clean Energy Infrastructure Facility, that includes all state permits, approvals, or authorizations that the Small Clean Energy Infrastructure Facility would otherwise need to obtain individually from state agencies, authorities, boards, commissions, offices or other entities, with the exception of certain federal permits that are delegated to specific state agencies as determined by the EFSB.

Core Habitat. Key areas that are critical for the long-term persistence of rare species and other species of conservation concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth, as identified by the Massachusetts Division of Fisheries and Wildlife in the latest available version of BioMap framework within the Natural Heritage and Endangered Species Program.

Criteria-specific Suitability Score. The score for each criterion in the Site Suitability Report, as assessed following the methods outlined in this guidance, representing the suitability of a site for a given Clean Energy Infrastructure Facility with respect to each criterion. These scores can range from 0.0 (most suitable, lowest impact, and/or greatest benefit) to 10.0 (least suitable, greatest impact, and/or lowest benefit).

Critical Natural Landscape. Areas including large natural landscape blocks and buffering uplands around coastal, wetland and aquatic Core Habitats to help ensure their long-term integrity, as identified by the Massachusetts Division of Fisheries and Wildlife in the latest available version of the BioMap framework within the Natural Heritage and Endangered Species Program.

Department of Energy Resources (DOER). The Department of Energy Resources established by M.G.L. c. 25A.

Eligible Landfill. A landfill that has received a written determination from the MassDEP that the facility has been closed in accordance with 310 CMR 19.140: *Landfill Closure Requirements*.

Energy Facilities Siting Board (EFSB). The Energy Facilities Siting Board established pursuant to G.L. c. 164, § 69H.

Large Clean Energy Generation Facility. Energy generation infrastructure with a nameplate capacity of not less than 25 megawatts that is an anaerobic digestion facility, solar facility or wind facility, including any ancillary structure that is an integral part of the operation of the Large Clean Energy Generation Facility, or, following a rulemaking by the EFSB in consultation with the DOER, that includes the facility

within the regulatory definition of a Large Clean Energy Generation Facility, any other type of generation facility that does not emit greenhouse gas; provided, however, that the nameplate capacity for solar facilities shall be calculated in direct current.

Large Clean Energy Infrastructure Facility. A Large Clean Energy Generation Facility, Large Clean Energy Storage Facility, or Large Clean Transmission and Distribution Infrastructure Facility.

Large Clean Energy Storage Facility. An energy storage system as defined in G.L. c. 164, § 1 with a rated capacity of not less than 100 megawatt hours, including any ancillary structure that is an integral part of the operation of the Large Clean Energy Storage Facility.

Large Clean Transmission and Distribution Infrastructure Facility. Electric transmission and distribution infrastructure and related ancillary infrastructure that is: (i) a new electric transmission line having a design rating of not less than 69 kilovolts and that is not less than 1 mile in length on a new transmission corridor, including any ancillary structure that is an integral part of the operation of the transmission line; (ii) a new electric transmission line having a design rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing transmission corridor except reconductored or rebuilt transmission lines at the same voltage, including any ancillary structure that is an integral part of the operation of the transmission line; (iii) any other new electric transmission infrastructure requiring zoning exemptions, including standalone transmission substations and upgrades and any ancillary structure that is an integral part of the operation of the transmission line; and (iv) facilities needed to interconnect offshore wind to the grid; provided, however, that the large clean transmission and distribution facility is: (A) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of clean energy infrastructure to the electric grid; (B) approved by the regional transmission operator in relation to interconnecting clean energy infrastructure; (C) proposed to ensure electric grid reliability and stability; or (D) will help facilitate the electrification of the building and transportation sectors; provided further, that a "Large Clean Transmission and Distribution Infrastructure Facility" shall not include new transmission and distribution infrastructure that solely interconnects new and existing energy generation powered by fossil fuels on or after January 1, 2026.

Local Government. A municipality or regional agency, including, but not limited to, the Cape Cod Commission, established by chapter 716 of the acts of 1989, and the Martha's Vineyard Commission, established by chapter 831 of the acts of 1977, that has permitting authority over Small Clean Energy Infrastructure Facilities.

MassDEP. The Massachusetts Department of Environmental Protection established by M.G.L. c. 23J, § 2.

Minimization. Measures taken to reduce the duration, intensity, and extent of impacts, including direct, indirect, and cumulative impacts, that cannot be completely avoided, to the extent practicable.

Mitigation. Measures taken which include, but are not limited to, the repair, rehabilitation, or restoration of an area affected by an adverse impact of siting.

Previously Developed Land. Land degraded by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, golf courses, abandoned dumping yards, or other degraded areas as determined by DOER.

Protected Open Space. Land or water areas that have a level of legal protection from change of use or further development and are preserved for various purposes, such as recreation, conservation, or scenic beauty. Protections may be permanent (e.g., permanent deed restrictions, Article 97, Agriculture Preservation Restriction, Conservation Restriction, or other legal document), temporary (e.g., short-term

Conservation Restriction or other temporary protection related to existing functional use), or limited (e.g., other legal mechanisms than those listed above or protected through functional use).

Public Right of Way. Any way laid out by public authority that permits public access or that is established on public property and which may or may not already house utility infrastructure.

Request for Score Revision. A process through which an Applicant or other stakeholders, as permitted in 225 CMR 29.07(2)(c) or 980 CMR 15.10(4) may dispute one or more Criteria-specific Suitability Score for an Applicable Facility. A Request for Score Revision of a Consolidated Local Permit application before a Local Government will be considered by DOER pursuant to 225 CMR 29.07(2)(c). A Request for Score Revision of a Consolidated Permit or Consolidated State Permit application before the EFSB will be considered by the EFSB, pursuant to 980 CMR 15.10(4).

Site Footprint. The area of land and water encompassed by an Applicable Facility's equipment, plus any land significantly impacted by construction of the Applicable Facility, including, but not limited to, land altered of its natural vegetative composition and structure for clearing, grading, and roadways.

Site Suitability Mapping Tool. A web-based mapping tool established and maintained by EEA, which contains geographic information system data layers used to determine Criteria-Specific Suitability Scores. The Site Suitability Mapping Tool shall have the capability to automatically calculate an Applicable Facility's Criteria-Specific Suitability Scores by delineating the Applicable Facility's Site Footprint in the tool.

Site Suitability Score Modifiers. Positive or negative adjustments to a Clean Energy Infrastructure Facility's Criteria-Specific Suitability Scores that are reflective of development potential or social and environmental benefits, as delineated in Sections IV.D.i. and ii. of this guidance, respectively.

Site Suitability Report. A written report documenting the Applicant's Criteria-Specific Suitability Scores, any Site Suitability Score Modifiers the Applicant is seeking to apply, and any other required supporting documentation, in a form and manner established by DOER and EFSB, in consultation with EEA.

Small Clean Energy Generation Facility. Energy generation infrastructure with a nameplate capacity of less than 25 megawatts that is an anaerobic digestion facility, solar facility, or wind facility, including any ancillary structure that is an integral part of the operation of the Small Clean Energy Generation Facility or, following a rulemaking by DOER in consultation with the EFSB in which the facility type is added to the regulatory definition of a Small Clean Energy Generation Facility, any other type of generation facility that produces no greenhouse gas emissions or other pollutant emissions known to have negative health impacts; provided, however, that the nameplate capacity for solar facilities shall be calculated in direct current.

Small Clean Energy Infrastructure Facility. A Small Clean Energy Generation Facility, Small Clean Energy Storage Facility, or Small Clean Transmission and Distribution Infrastructure Facility.

Small Clean Energy Storage Facility. An energy storage system as defined in G.L. c. 164, § 1 with a rated capacity of less than 100 megawatt hours, including any ancillary structure that is an integral part of the operation of the Small Clean Energy Storage Facility.

Small Clean Transmission and Distribution Infrastructure Facility. Electric transmission and distribution infrastructure and related ancillary infrastructure, including: (i) electric transmission line reconductoring or rebuilding projects; (ii) new or substantially altered electric transmission lines located in an existing transmission corridor that are not more than 10 miles long, including any ancillary structure that is an

integral part of the operation of the transmission line; (iii) new or substantially altered electric transmission lines located in a new transmission corridor that are not more than 1 mile long, including any ancillary structure that is an integral part of the operation of the transmission line; (iv) any other electric transmission infrastructure, including standalone transmission substations and upgrades and any ancillary structure that is an integral part of the operation of the transmission line and that does not require zoning exemptions; and (v) electric distribution-level projects that meet a certain threshold, as determined by the department; provided, however, that the "Small Clean Transmission and Distribution Infrastructure Facility" shall be: (A) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of clean energy infrastructure to the electric grid; (B) designed to ensure electric grid reliability and stability; or (C) designed to help facilitate the electrification of the building and transportation sectors; and provided further, that a "Small Clean Transmission and Distribution Infrastructure Facility" shall not include new transmission and distribution infrastructure facilities that solely interconnect new or existing generation powered by fossil fuels to the electric grid on or after January 1, 2026.

Solar Canopy. Solar Canopy shall have the same meaning as the definition of Canopy STGU in 225 CMR 28.02: *Definitions*.

Total Site Suitability Score. The sum of all Criteria-Specific Suitability Scores and any Score Modifiers, representing how suitable a site is for an Applicable Facility across all criteria. The maximum Total Site Suitability Score is 25.

IV. SITE SUITABILITY REPORT

A Site Suitability Report shall be required to be provided for all Applicable Facilities that submit an application to the EFSB for a Consolidated Permit or Consolidated State Permit or that submit an application to a Local Government for a Consolidated Local Permit. The Site Suitability Report shall use a scoring framework that evaluates certain social and environmental criteria using publicly available datasets and tools. The following screening criteria are included in the scoring framework: (1) climate change resilience; (2) carbon storage and sequestration; (3) biodiversity; (4) agricultural resources; and (5) social and environmental burdens. The following criteria may modify one or more Criteria-specific Suitability Score or institute additional requirements: (1) development potential and (2) social and environmental benefits. Applicable Facilities should be scored for each criterion using methods that include rigorous, credible, and the most current science and data, informed by experts, stakeholders, and public input and outlined in this guidance.

The Site Suitability Report will include all Criteria-specific Suitability Scores for an Applicable Facility. Lower suitability scores indicate more suitable locations for Clean Energy Infrastructure Facilities, while higher scores indicate less suitable locations. Criteria-specific Site Suitability scores shall be calculated according to the instructions below. Each Criteria-specific Suitability Score shall be scored from zero (0) to five (5).

Site Suitability Score Modifiers may be applied to adjust Criteria-Specific Suitability Scores as prescribed in Section IV.D. of this guidance. Each Criteria-Specific Suitability Score should be calculated using a specific dataset(s) and formula or tool, as prescribed below. Summary explanations of each criterion and how it shall be assessed are included in Section C – Criteria.

A. APPLICABLE FACILITIES

Clean Energy Infrastructure Facilities applying for a Consolidated Permit, Consolidated State Permit or Consolidated Local Permit are required, pursuant to 980 CMR 15.10(1) and 225 CMR 29.07, as applicable, to complete a Site Suitability Report, with certain exceptions.

These exceptions include:

- Large Clean Transmission and Distribution Infrastructure Facilities and Small Clean Transmission and Distribution Infrastructure Facilities that are proposed to be sited outside of a Public Right of Way or in an established Public Right of Way; and
- Small Clean Energy Infrastructure Facilities that meet one or more criteria to qualify for exemption under 225 CMR 29.07(1).
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Such Clean Energy Infrastructure Facilities may still apply for a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit, but shall not be required to provide a Site Suitability Report as part of their application, pursuant to 225 CMR 29.07(1) and 980 CMR 15.10(1).

i. SPECIAL PROVISIONS FOR LINEAR INFRASTRUCTURE

a. ONSHORE LINEAR INFRASTRUCTURE

Applicable Facilities that are linear infrastructure located onshore, such as a transmission cables, distribution lines, and related infrastructure, are not required to complete a Site Suitability Report unless they are proposed to be located in a newly established Public Right of Way. A Public Right of Way shall be considered to be "newly established" if it is created on or after February 18, 2025.

b. OFFSHORE LINEAR INFRASTRUCTURE

Linear infrastructure located offshore, such as a transmission cable and related infrastructure located in state waters and lands, are not required to complete a Site Suitability Report as outlined in this document. However, such infrastructure should avoid siting in certain protected areas categorized as special, sensitive, or unique resources or concentrations of water-dependent uses by the latest version of the Massachusetts Ocean Management Plan. Geospatial maps of these areas are available through the Massachusetts Ocean Management Plan Data Viewer.[4] Any routes passing through any of these areas should be considered highly unsuitable unless project plans include appropriate minimization and mitigation measures, and the EFSB should take this into consideration in its review of an Application for a Consolidated Permit. Proponents should consult the Siting and Performance Standards in the Massachusetts Ocean Management Plan and 301 CMR 28.00.

EEA may update this guidance to provide more specific guidelines on Site Suitability Reports for offshore linear infrastructure at a later date.

B. SCORING PROCESS

i. PRE-FILING REQUIREMENTS

Applicants shall utilize the Site Suitability Mapping Tool to derive the anticipated Criteria-specific Suitability Scores for a proposed Applicable Facility prior to submitting an application for a Consolidated

[4] Massachusetts Office of Coastal Zone Management, *Massachusetts Ocean Management Plan*, Massachusetts.gov, updated January 3, 2022, accessed July 16, 2025, https://www.mass.gov/info-details/massachusetts-ocean-management-plan

Permit, Consolidated Local Permit, or Consolidated State Permit. These anticipated Criteria-Specific Suitability Scores shall be included as part of any pre-filing materials that an Applicant must produce and provide to stakeholders pursuant to 225 CMR 29.08 and 980 CMR 16.00.

ii. APPLICATION REQUIREMENTS

Applicants shall submit a Site Suitability Report as part of their application for a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit. Unless a Request of a Score Revision pursuant to 225 CMR 29.07(2)(c) and/or 980 CMR 15.10(4) are requested, the Criteria-specific Suitability Scores included in the Site Suitability Report shall be final

iii. REQUESTS FOR SCORE REVISION BY DOER

If the Applicant, the Local Government, or any other Local Stakeholder, as those terms are defined in 225 CMR 29.02: *Definitions,* believes that one or more Criteria-specific Suitability Score was calculated based on materially erroneous, incomplete, or otherwise faulty data, they may submit a Request for Score Revision pursuant to the process detailed in 225 CMR 29.07(2)(c). Any score determination issued by DOER pursuant to a Request for Score Revision shall be final and shall not be subject to appeal, as specified in 225 CMR 29.07(2).

iv. REQUESTS FOR SCORE REVISION BY EFSB

If the Applicant, a Local Government, or any other Key Stakeholder, as those terms are defined in 980 CMR 16.02, asserts that one or more Criteria-specific Suitability Score was calculated based on materially erroneous, incomplete, or otherwise faulty data, they may submit a Request for Score Revision to the EFSB Director pursuant to the process detailed in 980 CMR 15.10(4). Any score determination issued by the EFSB Director pursuant to a Request for Score Revision shall be final and shall not be subject to appeal, as specified in 980 CMR 15.10(4).

C. CRITERIA

i. CLIMATE CHANGE RESILIENCE

Climate change resilience will be assessed based on the exposure of sites to climate hazards that can be assessed with readily available tools and data and that are likely to compromise the operations of the Applicable Facility. This currently includes site exposure to: (1) riverine flooding; and (2) coastal flooding from sea level rise and storm surge. Exposure ratings for these hazards can be obtained using the ResilientMass Climate Resilience Design Standards Tool[5], which is grounded in scientific methodology using available climate data for Massachusetts. The highest exposure rating for a Site Footprint derived from the tool for either of the two hazards will be used to determine the overall climate change resilience Criteria-Specific Suitability Score pursuant to the table below.

Highest Exposure Rating for riverine flooding and/or coastal flooding hazards	**Suitability Score for Climate Change Resilience**
Not Exposed	0.0
Low Exposure	2.0

[5] At a later date, EEA plans to release publicly available data layers to assess the climate resilience criteria in place of the Climate Resilience Design Standards Tool.

Moderate Exposure	3.5
High Exposure	5.0

ii. CARBON STORAGE AND SEQUESTRATION

For carbon storage and sequestration, site suitability will be evaluated based on the estimated level of current ecosystem carbon stocks and projections of future carbon sequestration over 50 years that would be lost within a project's Site Footprint. For land supporting ecosystems with high carbon storage potential, scores will be derived from the National Forest Carbon Monitoring System, while land with lower carbon storage potential will get a suitability score assigned based on land cover. The following data sources will be used:

- *Total Ecosystem Carbon in 2070* data from the National Forest Carbon Monitoring System (NFCMS)
- The most recent year of land cover data from the U.S. Geological Survey's Annual National Land Cover Database (NLCD).

Specifically, the Criteria-specific Suitability Score for carbon storage and sequestration shall be calculated using the Site Footprint and an ecosystem carbon index, based on the following table and mapped to 30-meter grid cells statewide.[6] Scores are calculated by:

1) Identifying the ecosystem carbon index values of all grid cells with centers falling inside the Site Footprint; and
2) Calculating the average of these ecosystem carbon index values.

The ecosystem carbon index is determined for each 30-meter grid cell across the state as follows:

Land Cover (*Annual NLCD*, most recent year/version)	**Total Ecosystem Carbon** (NFCMS *Total Ecosystem Carbon in 2070*)	**Ecosystem Carbon Index** 0.0 = lowest carbon value 5.0 = highest carbon value
Developed (excluding Developed Open Space)	Assumed to be minimal (regardless of NFMCS data)	0.0
Undeveloped (including Developed Open Space)	<200 $MgCO_2e$/acre or "NoData" in NFMCS data	1.0
Undeveloped (including Developed Open Space)	≥200 $MgCO_2e$/acre	2.0 to 5.0, rescaled from NFCMS *Total Ecosystem Carbon in 2070*[7]

[6] The ecosystem carbon index will be a publicly available geospatial data layer hosted by EEA and/or MassGIS.

[7] Values from the NFCMS *Total Ecosystem Carbon in 2070* data layer will be rescaled to the 2.0 to 5.0 range after removing all areas with developed landcover or < 200 $MgCO_2e$/acre. This rescaled data layer will be provided by EEA and/or MassGIS.

The Criteria-Specific Suitability Score for carbon storage and sequestration will therefore reflect an Applicable Facility's anticipated impact on the average carbon storage potential across the site Site Footprint.

iii. BIODIVERSITY

The biodiversity criteria will assess site suitability in terms of avoidance negative impacts on land and waters with high habitat and biodiversity conservation value, identified primarily from BioMap, the Commonwealth's biodiversity conservation mapping initiative. Suitability will be scored based on Site Footprint overlaps with:

- Specific BioMap elements or components (e.g. Core Habitat and Critical Natural Landscape)
- Priority Habitats designated by the MassWildlife Natural Heritage and Endangered Species Program (NHSEP); and
- Index of Ecological Integrity values from the UMass Conservation Assessment Prioritization System (CAPS).

Specifically, the Criteria-specific Suitability Score for biodiversity shall be calculated using the Site Footprint and an integrated biodiversity index mapped on 30-meter grid cells statewide.[8] Scores are calculated by:

1) Identifying the biodiversity index values of all grid cells with centers falling inside the Site Footprint; and
2) Calculating the average of the highest 25% of these biodiversity index values.

The biodiversity index is determined for each 30-meter grid cell across the state as follows:

Biodiversity Criteria	**Biodiversity Index** 0.0 = lowest biodiversity value 5.0 = highest biodiversity value
Not in BioMap Core Habitat, Critical Natural Landscapes, Regional Connectivity, or NHESP Priority Habitat	0.0 – 2.0, proportional to CAPS Index of Ecological Integrity[9]
In[10] BioMap Regional Connectivity or Local component and not in Critical Natural Landscapes, Core Habitat or NHSEP Priority Habitat	2.5
In BioMap Critical Natural Landscape and not in Core Habitat or NHSEP Priority Habitat	3.5
In BioMap Core Habitat and not in NHSEP Priority Habitat	4.5
In NHESP Priority Habitat	5.0

The biodiversity score will therefore reflect an Applicable Facility's anticipated impact on the highest biodiversity value areas (top 25%) within a Site Footprint.

[8] This biodiversity index will be a publicly available geospatial data layer hosted by EEA and/or MassGIS.
[9] This will use the Massachusetts state version of IEI, with values quantile rescaled to the 0.0 to 2.0 range after removing all areas overlapping BioMap and NHESP areas designated above.
[10] *In* here means the grid cell center is inside a polygon in the designated data layer.

iv. AGRICULTURAL RESOURCES

The agricultural resources criteria will be assessed in terms of avoiding and minimizing negative impacts on areas with soils that are particularly well-suited for agricultural production, particularly when those areas are active farmland. Suitability will be scored based on Site Footprint overlaps with:

- National Resource Conservation Service's Prime Farmland Soils categories for Massachusetts.
- The most recent year of land cover data from the U.S. Geological Survey's Annual National Land Cover Database (NLCD).

Specifically, the Criteria-specific Suitability Score for agricultural resources shall be calculated using the Site Footprint and an agricultural resources index mapped on 30-meter grid cells statewide.[11] Scores are calculated by:

1) Identifying the agricultural resources index values of grid cells with centers falling inside the Site Footprint; and
2) Calculating the average of the highest 50% of these agricultural resources index values.

The agricultural resources index is determined for each 30-meter grid cell across the state as follows:

Farmland Soils Category	**Land Cover** (*Annual NLCD*, most recent year/version)	**Agricultural Resources Index** 0.0 = lowest agricultural value 5.0 = highest agricultural value
Any	Developed	0.0
None	Other Undeveloped	0.0
Farmland of Unique Importance	Other Undeveloped	1.0
Farmland of Statewide Importance	Other Undeveloped	2.0
None	Agriculture (Cultivated Crops, Pasture/Hay)	2.5
Prime Farmland Soils	Other Undeveloped	3.0
Farmland of Unique Importance	Agriculture (Cultivated Crops, Pasture/Hay)	3.0
Farmland of Statewide Importance	Agriculture (Cultivated Crops, Pasture/Hay)	4.0
Prime Farmland Soils	Agriculture (Cultivated Crops, Pasture/Hay)	5.0

The agricultural resources score will therefore reflect an Applicable Facility's anticipated impact on the highest agricultural resource value areas (top 50%) within a Site Footprint.

Anaerobic Digesters designed to process farm-related organic waste, and Agricultural Solar Tariff Generation Unit, as defined in 225 CMR 28.02, shall receive a 0 regardless of underlying soil

[11] This agricultural resources index will be a publicly available geospatial data layer hosted by EEA and/or MassGIS.

classification. Such facilities shall be required to self-attest that they meet one or both of these criteria but shall be required to demonstrate they meet the criteria as a condition of receiving a Consolidated Permit, Consolidated State Permit, or Consolidated Local Permit.

v. SOCIAL AND ENVIRONMENTAL BURDENS

The social and environmental burdens criteria will be assessed based on the cumulative burden in U.S. Census block groups that intersect an Applicable Facility's Site Footprint, as established in the MassEnviroScreen tool. This tool, developed by OEJE in collaboration with other EEA agencies, outside experts, and stakeholders identifies the most environmentally vulnerable or burdened communities in Massachusetts based on a cumulative impact score that incorporates exposure to a variety of MassEnviroScreen (MES) indicators, which measure pollution and additional public health and income criteria.

Each Applicable Facility shall be scored by overlaying the Site Footprint on the MES map and identifying the cumulative burden percentile scores for all intersecting U.S. Census block groups. If a Site Footprint is entirely within a single block group, then the MES score from that block group shall be used. If a Site Footprint spans multiple census block groups, then the maximum MES score from all intersecting block groups shall be used. Applicable Facilities shall be scored as follows:

MassEnviroScreen Cumulative Burden Percentile Score (maximum intersecting U.S. Census block groups)	**Suitability Score for Social and Environmental Burdens** 0.0 = lowest impact 5.0 = highest impact
Below 10	0.0
10 – 29.9	1.0
30 – 49.9	2.0
50 – 69.9	3.0
70 – 89.9	4.0
90 and above	5.0

D. SCORE MODIFIERS

i. DEVELOPMENT POTENTIAL

Development potential will be scored based on whether the site meets the requirements of certain types of highly suitable or highly unsuitable categories of land.

Solar Canopies and Applicable Facilities that are located on a Brownfield, Eligible Landfill, or Previously Developed Lands will automatically receive a zero (0) for their carbon sequestration, biodiversity, agricultural, and social and environmental burdens Criteria-specific Scores. Applicable Facilities should consult with DOER regarding obtaining an advisory pre-determination of likely eligibility as a Solar Canopy or an Applicable Facility proposed to be located on a Brownfield, Eligible Landfill, or Previously Developed Lands. Applicable Facilities that meet one or more of these criteria must submit documentation with their Site Suitability Score Report to support their claims.

Applicable Facilities with a Site Footprint that overlaps with Protected Open Space shall automatically receive a five (5) for each Criteria-specific Suitability Score. The "Openspace Article 97" and "Openspace by Level of Protection" GIS layers on MassMapper can be used to determine overlap with Protected Open Space.[12] Applicants are encouraged to confirm the site's protected status with the local assessor and/or Registry of Deeds. The Criteria-specific Suitability Scores for Solar Canopies sited over parking lots located in Protected Open Space shall be calculated as if they were not located on Protected Open Space. Solar Canopies may request an advisory pre-determination from DOER that the Solar Canopy is sited over a parking lot in Protected Open Space.

Large Clean Energy Infrastructure Facilities that are also Applicable Facilities with a Site Footprint that intersects with or crosses through Protected Open Space may submit a request for a waiver from the EFSB Director if they can demonstrate no other suitable route or location exists or provided that no replacement land was required pursuant to 310 CMR 52.08. If such a request is granted by the EFSB Director, the Applicable Facility will have its Criteria-specific Site Suitability Scores calculated as if the Applicable Facility was not on Protected Open Space.

The Criteria-specific Suitability Scores for Small Clean Energy Infrastructure Facilities that are also Applicable Facilities with a Site Footprint that intersects with or crosses through Protected Open Space shall be calculated as if the Applicable Facility was not sited on Protected Open Space if such Applicable Facility can demonstrate no other suitable route or location exists, or provided that no replacement land was required pursuant to 310 CMR 52.08. Such Applicable Facilities may request an advisory pre-determination from DOER that the Applicable Facility has demonstrated no other suitable route or location exists, or that no replacement land was required pursuant to 310 CMR 52.08.

As an example of an Applicable Facility that may qualify for a waiver from the EFSB Director, assume that an offshore wind facility is planning to construct an EFSB jurisdictional transmission line that is making landfall and is going to be sited underneath a beach that is Article 97 land. The transmission line will be installed fully beneath the beach and will never require any disturbance of the surface of the beach itself. In this instance, it may be appropriate for the EFSB Director to grant a waiver and allow the transmission line to have its Criteria-specific Suitability Scores calculated as if no part of the Applicable Facility was located on Protected Open Space.

Note that an Applicable Facility proposed to be located on Protected Open Space will still need to comply with all applicable laws necessary to change a particular site's designation as Protected Open Space and that the waiver provided by the EFSB Director or advisory pre-determination from DOER is only with respect to determining the Applicable Facility's Criteria-Specific Suitability Scores. If the Applicable Facility is on Protected Open Space that is also Article 97 land, the Applicant may also need to first take the necessary steps to remove the land's Article 97 classification pursuant to the Open Space Act[13] and the 97th Amendment to the Constitution of the Commonwealth before an Applicable Facility may be constructed.[14]

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[12] Projects should consider areas labeled as protected "in perpetuity," "limited," or "term-limited" as meeting the definition of Protected Open Space. If the site does not in fact overlap with Protected Open Space, or the deed allows for the proposed use, the Applicant should submit a Request for Score Review.
[13] Chapter 274 of the Acts of 2022.
[14] For more information on the process to remove land from Article 97, please review: https://www.mass.gov/info-details/article-97-an-act-preserving-open-space-in-the-commonwealth-mgl-c-3-ss-5a.

ii. SOCIAL AND ENVIRONMENTAL BENEFITS

A social and environmental benefits score may be calculated to reflect any social and environmental benefits provided by the project. Social and environmental benefits are presumed to have a positive impact on one or more MES indicators. Accordingly, Applicable Facilities that demonstrate a social or environmental benefit within one or more of the categories recognized below may have one-half (0.5) of a point subtracted from their Social and Environmental Burdens Criteria-specific Suitability Score, per benefit demonstrated, up to a total of five (5) points.[15]

1. **Environmental Justice and Equity:** Addressing historical harms, reducing environmental burdens, and ensuring that the most burdened communities receive priority access to energy and environmental benefits, clean energy, and public health protections.
2. **Economic Development and Workforce Creation:** Creating good-paying, accessible jobs for local residents, supporting small and minority-owned businesses, and building long-term economic opportunities.
3. **Infrastructure and Community Support:** Investing in the physical and social infrastructure that communities need to thrive - such as affordable housing, transportation access, broadband, or childcare facilities.
4. **Implementation of Environmental and Public Health Protections:** Protecting people's health and the natural environment through preservation efforts, pollution prevention and controls, land and habitat restoration, and climate resilience measures.

Applicable Facilities that wish to apply for a social and environment benefit criteria Site Suitability Score Modifier must coordinate with the host municipality. If the host municipality and Applicable Facility agree upon one or more benefits, they may sign an agreement, which shall result in a modification of the Applicable Facility's Social and Environmental Burdens Criteria-specific Suitability Score and result in binding conditions included as part of any permit issued to the Applicable Facility.

As facility size, operational scope, and community context vary, the demonstration of social and environmental benefits should be evaluated on a proportional basis. Qualifying benefits must be documented and relative to scale of an Applicable Facility. In developing an agreement, relevant principles reflected in OEJE's *Guidance on Community Benefit Plans and Agreements*, and agreements between Applicable Facilities and host municipalities should be considered a form of a Community Benefits Agreement as described in said Guidance. Host municipalities and Applicants are encouraged to include community groups and other interested stakeholders in the development of any social and environmental benefit agreements.

Example: An Applicable Facility approaches a municipality with a desire to lower its Social and Environmental Burdens Criteria-specific Suitability Score to secure more favorable treatment by the Local Government in the review of its application for a Consolidated Local Permit. It proposes to create expanded recreational opportunities and apply community solar bill credits to municipal electric accounts and low-income customer accounts within the municipality. The Local Government and Applicable Facility engage in negotiations and reach an agreement. The signed agreement serves as evidence that

[15] Note that "benefits" listed here are intended to be separate and distinct from minimization and mitigation measures that may be required to address other Criteria-Specific Suitability Scores.

these two social and environmental benefits criteria have been met and the Applicable Facility has its Social and Environmental Burdens Criteria-specific Suitability Score reduced by one point.

The following list includes additional examples of the types of agreements or documentation that could satisfy the different categories of social and environmental benefits listed above:[16]

Example Benefit	Example Documentation or Agreement
Improvement to Local Habitat	Signed agreement, confirmed by municipal conservation or planning commission or equivalent body
Improvement to Outdoor Air Quality	Documentation of displaced emitting source provided by relevant utility or site owner
Creation of Expanded Recreational Opportunities	Signed agreement with municipal city council, selectboard, economic development board, or planning commission, such as a trail easement
Deployment of Public Electric Vehicle Charging	Signed contract for construction of site or provision of funds
Application of Community Solar Bill Credits to Reduce Electric Bills	Signed bill credit allocation commitment and/or credit allocation forms
Establishment of Cultural Easements	Deed of easement or relevant restrictive covenant
Creation or Maintenance of Local Jobs	Signed Collective Bargaining Agreement or guaranteed employment contracts for specific term
Utilizes Pollinator-Friendly Habitat	Securing a silver certification or higher from the University of Massachusetts Clean Energy Extension Pollinator Friendly Certification Program and a signed agreement with municipal conservation commission or equivalent body

E. OTHER SITING CONSIDERATIONS

Applicable Facilities are subject to all other state and local laws, regulations, bylaws, and rules pertaining to impacts to drinking water resources, wetlands, endangered species, noise, air quality, emissions, and public health, among other topics. This guidance does not address siting of Applicable Facilities with respect to such impacts as there is already a substantial body of existing rules and requirements pertaining to such matters and this guidance is not intended to supplant these existing rules.

F. CRITERIA AND SCORING TABLE

The following table provides an overview of the five Criteria-specific Suitability Score categories that will be evaluated for each Applicable Facility:

Site Suitability Criteria	Scoring Method	Data Source	Points 0 (most suitable) 5 (least suitable)

[16] Note that this list is not exhaustive. Other benefits which improve quality of life and contribute to a reduction in one or more MES indicators, as prioritized by the host community, may also lead to a 0.5 point reduction in an Applicable Facility's social and environmental burdens Criteria-specific Score.

Climate resilience	Highest exposure ratings for (1) riverine flooding and (2) coastal flooding hazards	ResilientMass *Climate Resilience Design Standards Tool*	Up to 5
Carbon storage	Total ecosystem carbon storage, plus 50-year sequestration potential.	*National Forest Carbon* Monitoring System	Up to 5
Biodiversity	Overlap with specific BioMap elements and NHESP priority habitats, as well as ecological integrity value	MassWildlife BioMap: Core Habitat, Critical Natural Landscapes, and other components	Up to 5
		UMass Conservation Assessment and Prioritization System, Index of Ecological Integrity	
Agricultural Resources	Overlap with areas designated as: (i) Prime Farmland; (ii) Farmland of Statewide Importance; and (iii) areas designated as Farmland of Unique Importance.	*MassGIS NRCS SSURGO-certified soils data for Massachusetts: Prime Farmland Soils*	Up to 5
Social and Environmental Burdens	Overlap with Mass Enviro Screen Score.	MassEnviroScreen	Up to 5

G. SCORE MODIFIER TABLE

The following table provides an overview of the three categories of Criteria-Specific Suitability Scores that can modify an Applicable Facility's score or require additional supporting materials to be submitted with an Applicable Facility's application for a permit.

Site Suitability Criteria	Data Source	Scoring Method
Development potential	Pre-determination letters obtained from DOER (for Solar Canopies, Brownfields, Eligible Landfills, and Previously Developed Lands only)	Automatic Criteria-specific Suitability Scores of 5: Located in Protected Open Space 0-points for all Criteria-Specific Site Suitability scores (except Climate Change Resilience): Solar Canopies or Applicable Facilities located on a Brownfield, Eligible Landfill, or Previously Developed Lands
Social and environmental benefits	Signed agreements between host municipality and Applicable Facility	Applicable Facilities can subtract one half (0.5) point from their Social and Environmental Burdens Criteria-specific Suitability Score for each environmental benefit, if agreed to by the host municipality (see section IV.D.ii. above for details).

V. USE OF METHODOLOGY AT THE ENERGY FACILITIES SITING BOARD

A. PRE-FILING

Applicable Facilities seeking Consolidated Permits and Consolidated State Permits from the EFSB will be expected to use the Site Suitability Mapping Tool during the pre-filing process as an initial screening tool. Applicants should use the Site Suitability Mapping Tool to estimate the Criteria-specific Suitability Scores for the proposed Applicable Facility. Applicants should share these estimated Criteria-specific Suitability Scores with stakeholders in any pre-filing engagements that occur prior to submitting an application to the EFSB and describe how the Criteria-specific Suitability Scores informed project design and/or the alternatives analysis used to select the preferred site option, if applicable.[17]

B. APPLICATION REQUIREMENTS

Applicants shall include a Site Suitability Report, which shall contain at least the following information for each Applicable Facility, including alternative sites, if applicable, in their applications to relevant permitting authorities:

- Criteria-Specific Suitability Scores;
- Explanation of why this site was chosen;
- Description of proposed Minimization and/or Mitigation measures for any impacts identified in Criteria-Specific Suitability Scores; and
- Documentation of proposed Site Suitability Score Modifiers, if applicable.

Applicable Facilities seeking a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit from the EFSB shall comply with all application requirements of the EFSB.

C. PERMITTING ADJUDICATION

i. USE OF CRITERIA-SPECIFIC SUITABILITY SCORES

The EFSB should use the Criteria-specific Suitability Scores as a resource to determine if Avoidance objectives have been met or whether Minimization and/or Mitigation measures should be required for a project to receive a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit. Minimization could include minimization of impacts on the project site (e.g., preserve wildlife corridors throughout the project site to support connectivity with the surrounding landscape).

Mitigation requirements could include mitigation of impacts within the community (e.g., planting trees in the community to address the impact of any trees removed during construction or another location in the community if onsite is not possible), or making a mitigation payment to the host community/communities through a local community fund or an approved state trust fund or non-governmental organization to support conservation efforts.[18] All Minimization and Mitigation measures should have a rational nexus to

[17] Note that an alternatives analysis is only required for Small and Large Clean Transmission and Distribution Infrastructure Facilities seeking a Consolidated Permit from the EFSB. Small and Large Clean Generation Infrastructure Facilities and Small and Large Clean Energy Storage Infrastructure Facilities are not required to perform an alternatives analysis, whether they are seeking a Consolidated Local Permit from a Local Government or a Consolidated State Permit from the EFSB.

[18] State-managed trust fund examples include the Department of Fish & Game Biodiversity Trust or the Massachusetts Environmental Trust (MET).

the impact or burden.[19] Additionally, the EFSB should evaluate the scores and associated documentation provided to determine if additional information or evidence should be provided by the Applicant of the Applicable Facility. If the EFSB determines that additional information is needed, it shall issue information requests to the Applicant and any other party to gather evidence that will be used to determine whether changes are needed to the Site Suitability Report and any conditions to avoid, minimize, and/or mitigate impacts.

ii. DE NOVO ADJUDICATION

When conducting a de novo adjudication, the EFSB should review the permitting process for adherence to the standards set forth by DOER in its regulations governing the issuance of Consolidated Local Permits for Small Clean Energy Infrastructure Facilities. Criteria-specific Suitability Scores should remain as originally calculated when presented to the Local Government, unless the Local Government immediately referred the Application to the EFSB and parties were not afforded an opportunity to submit a Request for Score Revision to DOER before the application was submitted to the EFSB. In the case of a project change or a change in site conditions, a new Site Suitability Report may be required.

VI. USE OF METHODOLOGY FOR CONSOLIDATED LOCAL PERMITTING

A. PRE-FILING

Applicable Facilities seeking Consolidated Local Permits are expected to use the Site Suitability Mapping Tool during the pre-filing process as an initial screening tool. Applicants should use the Site Suitability Mapping Tool to estimate the Criteria-specific Suitability Scores for the proposed Applicable Facility. Applicants should share these estimated Criteria-specific Suitability Scores with stakeholders in any pre-filing engagements that occur prior to submitting an application to a Local Government and describe how the Criteria-specific Suitability Scores informed project design. Applicants must adhere to all pre-filing requirements in 225 CMR 29.00.

B. APPLICATION REQUIREMENTS

All Applicants seeking a Consolidated Local Permit shall provide a Site Suitability Report to the Local Government, which should include the following information for each Applicable Facility:

- Criteria-specific Suitability Scores;
    - Explanation of why the site was chosen;
- Description of proposed Minimization and/or Mitigation measures for any impacts identified in Criteria-specific Suitability Scores, pursuant to 225 CMR 29.07(3); and
    - Documentation of any proposed Site Suitability Score Modifiers, if applicable.

Applicable Facilities seeking a Consolidated Local Permit from a Local Government shall comply with all application requirements established by DOER in 225 CMR 29.00.

[19] State-managed trust fund examples include the Department of Fish & Game Biodiversity Trust or the Massachusetts Environmental Trust (MET).

C. PERMITTING PROCESS

i. USE OF CRITERIA-SPECIFIC SUITABILITY SCORES

Local Governments should use the Criteria-specific Suitability Scores as a resource to determine if Avoidance objectives have been met or whether Minimization or Mitigation measures should be required for a project to receive a Consolidated Local Permit. Small Clean Energy Infrastructure Facilities that are considered highly suitable pursuant to the table below are presumed to have demonstrated Avoidance, and thus, Minimization and Mitigation measures should not be required.[20]

Minimization could include measures to reduce impacts on the project site (e.g., preserve wildlife corridors throughout the project site to support connectivity with surrounding landscape).

Mitigation could include measures designed to offset impacts within the community (e.g., planting trees in the community to address the impact of any trees removed during construction or another location in the community if onsite is not possible)

The level and type of Minimization and Mitigation measures required should be informed by each Criteria-specific Site Suitability Score and specific impacted resource and should have a rational nexus to the category in which the score was assessed. For example, a project receiving a high score in the biodiversity category may be required to complete a habitat restoration project. Where necessary, Mitigation can be required to address other social or environmental burdens. One or more high Criteria-specific Suitability Score does not constitute grounds for an automatic denial of a Consolidated Local Permit by a Local Government but does place the burden of proof onto an Applicant to clearly demonstrate that Minimization and Mitigation measures are sufficient to reduce or offset any impacts. If a Local Government determines an Applicant has failed to do so, it may propose additional Minimization and/or Mitigation measures, consistent with 225 CMR 29.07(3) and DOER's *Guideline on Avoidance, Minimization, and Mitigation*.

The recommended permit requirements and corresponding score ranges are listed below:

Criteria Score Range	Suitability (for specific criteria)	Interpretation (for specific criteria)
Less than or equal to 1.0	Highly suitable, minimal impact	No minimization or mitigation measures required
Greater than 1.0 and less than or equal to 2.5	Moderately suitable, low impact	Limited minimization and/or mitigation measures may be required
Greater than 2.5 and less than or equal to 4.0	Not very suitable, moderate impacts	Moderate minimization and/or mitigation measures may be required
Greater than 4.0	Unsuitable, high impact	Significant minimization and/or mitigation measures may be required

VII. FUTURE UPDATES TO METHODOLOGY AND GUIDANCE

In accordance with G.L. c. 21A § 30, EEA may periodically review and update this guidance, including updating criteria, data sources, scoring protocols and recommendations for use of the scores to ensure

[20] Applicable Facilities are still encouraged to work with Local Governments and communities to minimize and mitigate impacts that may result from a facility, even if it is deemed to be highly suitable.

they continue to reflect policy goals, best available data and practices and stakeholder feedback. The first such review of this guidance shall commence no later than March 1, 2028.

Any future updates to the guidance will be developed in accordance with the process for the initial development of the guidance. The process will include a stakeholder engagement process, the release of draft guidance and opportunity for public comment on the draft, and a public hearing. The public comment period on the draft shall remain open for at least three weeks, unless EEA determines a shorter time period is necessary.