

## **MEPA Advisory Committee**

February 11, 2022, 1:00PM-3:00PM

### Remote Meeting

#### Organizations Represented/In Attendance

- Alternatives for Community & Environment
- American Council of Engineering Companies of MA
- Boston Harbor Now
- Cape Cod Commission
- Charles River Watershed Association
- Connecticut River Conservancy
- Conservation Law Foundation
- Environmental Business Council
- Eversource
- Green Roots
- HomeBuilders
- MassAudubon
- MassRecycle
- Massachusetts Association of Conservation Commissioners
- Massachusetts Highway Association
- NAIOP Commercial Real Estate Development Association of MA
- National Grid
- North American Indian Center of Boston (NAICOB)
- Pioneer Valley Regional Planning Commission
- Solid Waste Association of North America (SWANA), New England Chapter

#### State agency/authority attendees

- EEA EJ Director
- CZM
- DCR
- DER
- MassDEP
- MDAR
- NHESP
- MassPort
- EOHEd
- DHCD

## Meeting Summary

Discussion of MEPA's "Phase II" regulatory review effort continued with a presentation by the Conservation Law Foundation (CLF). The presentation provided examples of prior projects that did not require MEPA review, in many instances, because they did not exceed MEPA review thresholds. Following this presentation, the MEPA Advisory Committee continued to review MEPA thresholds (301 CMR 11.03) for potential revisions, focusing on Land (11.03(1)), Rare Species (11.03(2)), Historic and Archaeological Resources (11.03(10)), Areas of Critical Environmental Concern (ACEC) (11.03(11)), and Regulations (11.03(12)).

Regarding Land thresholds, committee members continued the discussion from 1/28/22 regarding impacts of tree removal (i.e., the carbon sequestration loss, air quality/heat island effect impacts in urban environments). Committee members discussed whether the Article 97 threshold may capture too many projects, though it was noted that even a small loss of conservation or parkland could be significant for some communities. State forest cutting plans are currently exempt from MEPA thresholds.

Regarding Rare Species thresholds, NHESP discussed the rationale for potentially increasing to 5 acres the threshold for triggering MEPA review of projects that require a "Take" of species of special concern.

Regarding Historic and Archaeological Resources, committee members discussed the possibility of requiring review for projects with potential impacts to unlisted resources (i.e., not listed on state registries), particularly, Native American resources; however, it was noted that MEPA has been constrained in the ability to issue a Scope for an EIR due to the absence of related Permits.

Regarding the Regulations threshold, committee members continued discussion from 1/28/22 of potential reviews of major programmatic actions or financial incentive programs that may result in environmental impacts.

## Next Steps

After discussion, it was agreed that an additional meeting of the MEPA Advisory Committee will take place on Friday, February 25<sup>th</sup> at 1-3pm. The meeting will continue discussion of potential revisions to the MEPA thresholds at 301 CMR 11.03 (focusing on transportation/energy/air thresholds at 11.03(6)-(8)). The meeting on March 4<sup>th</sup> will focus on thresholds related to wetlands, water/wastewater, and solid waste (11.03(3)-(5), (9)). Power point presentations summarizing discussion at each meeting will be made available on the MEPA website at <https://www.mass.gov/info-details/mepa-advisory-committee>.