



Herring Pond Wampanoag Tribe

128 Herring Pond Road - Plymouth, MA 02360

March 30, 2021

Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Theoharides, Undersecretary Chang, and the Clean Energy and Climate Plan Team:

As Chairwoman of the Herring Pond Wampanoag Tribe of Plymouth Massachusetts, I write to you today on behalf of the Herring Pond Wampanoag Tribe, and I'm pleased to submit our comments on the MEPA Regulatory Review allowing public comment through March 31, 2021. As Indigenous peoples of this region, we feel a deep responsibility to protect the homelands and the land and waters that sustain us.

One of our concerns about the proposed changes to the MEPA overview Jurisdiction is regarding Regulatory Review in reference to the MEPA's solar projects receiving DOER SMART financial incentives for projects that propose to clear cut forests or cover farmland in large scale solar arrays. The state financial incentives should be considered for MEPA review. In a MEPA advisory opinion from 2009 says that tax credits or rebates do not count as state "financial assistance" for purposes of triggering MEPA jurisdiction. This has been the basis for many solar projects to avoid MEPA review even when the project exceeds the 25-acre land alteration threshold. Under current MEPA jurisdiction the only solar projects that get captured under MEPA are ones that trigger some other permitting threshold, e.g., requiring Massachusetts Endangered Species Act (MESA) review. In addition, the proposed MEPA Regulatory Review is proposing to increase that jurisdiction threshold from 2 acres to 5 acres (only applies to projects where NHESP determines there is a "take").

The SMART financing incentives are distinctly different than the tax provisions cited in the 2009 opinion. This seems timely with the current regulatory review process, so we urge you to take a fresh look at this.

Today, the Herring Pond Wampanoag Tribe is proud to reject any such projects that directly impact the human rights of tribal communities in the Commonwealth. As I know very well, Indigenous peoples in New England are often overlooked, or ignored, with respect to matters of “energy and resource development.” We know that we, and our history as a Tribe, are directly connected to decisions that the Commonwealth of Massachusetts makes about projects such as these solar projects that come under the radar and are not captured under the jurisdiction for MEPA review.

Likewise, the Herring Pond Wampanoag Tribe remains deeply connected, culturally and spiritually, to our homelands and to the waters our people continue to fish. The Herring Pond Wampanoag Tribe’s recently established a Land Stewardship and Traditional Ecological Knowledge Youth Education Program and this is just one example of how our Tribe continues our Indigenous traditions and responsibilities today. We know that land, water, and wildlife are our relatives, to whom we have a responsibility. Most importantly, we know that we have a primary responsibility to our tribal youth to ensure that they, and their children, inherit a planet that has been nurtured by us. as Chairwoman of the Herring Pond Wampanoag Tribe, and as a voter and lifelong resident of Massachusetts, I ask you to take a closer look.

Sincerely,

Melissa (Harding) Ferretti

Chairwoman, Herring Pond Wampanoag Tribe

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