

MEPA Advisory Committee

January 14, 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
- Environmental Business Council
- Eversource
- Green Roots
- Home Builders & Remodelers Association of Massachusetts (HBRAMA)
- MassAudubon
- Massachusetts Association of Conservation Commissioners
- Massachusetts Municipal Association
- MassRecycle
- Massachusetts Water Works Association
- NAIOP Commercial Real Estate Development Association of MA
- National Grid
- 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
- NHESP
- MassPort
- MWRA
- EOHED
- DHCD

Meeting Summary

Kick-off meeting of Phase II of the MEPA Regulatory Review Effort. The intent of Phase II was discussed broadly: to clarify definitions, update thresholds, and clarify review procedures as necessary. Recently amended regulations to address Environmental Justice (EJ) will also be the focus of continued discussion. A Power Point presentation was provided which showed potential revisions (previously proposed in February 2021) and subsequent comments that were received. Key MEPA statistics were presented based on data from 2000-February 2020, including number of submittals by project type, MEPA review thresholds most often exceed, and number of projects located in municipalities containing Environmental Justice census blocks. A copy of the MEPA statistics is attached hereto.

The MEPA Office requested feedback from advisory committee members on priorities for regulatory revisions through the Phase II process. Issues noted included air thresholds, potential new thresholds for noise and public health impacts, and defining tribal heritage sites. An assessment of the Fail-Safe Review mechanism detailed in the MEPA regulations at 301 CMR 11.04 was requested, as well as an examination of how the MEPA review process addresses ecological restoration projects. Attendees also noted the lack of a mechanism to track mitigation commitments made through the MEPA. These priorities will be noted as an update to the meeting summary compiled after the December 17, 2021 meeting, posted [here](#). A copy of the additional slide is attached to this summary.

Potential revisions for MEPA definitions at 301 CMR 11.02 were discussed, specifically, additions or revisions to “Alteration,” “Permit,” “Financial Assistance,” “Replacement Project,” “Routine Maintenance,” and Wetlands and Watersheds.

Next Steps

The committee is expected to meet biweekly at least through April 2022, after which a break in proceedings may be needed for the MEPA Office to prepare a regulatory proposal. Additional topics, including the MEPA GHG Policy, MEPA climate resilience protocol, and EJ protocols, may be discussed in future meetings or in additional meetings beyond those noted in the initial schedule. Attendees are encouraged to bring specific examples of projects/issues when discussing proposals to revise MEPA regulations. The January 28 meeting will begin with additional discussion of MEPA definitions, and then move on to discussion of MEPA thresholds at 301 CMR 11.03 (land, rare species, ACEC, historic resources, and regulations).



Massachusetts Environmental Policy Act Office (MEPA) Projects and Filings from January 2000 through February 2020

Total MEPA Projects

4430

Total Projects by Region

Southeast

1557

Northeast

1442

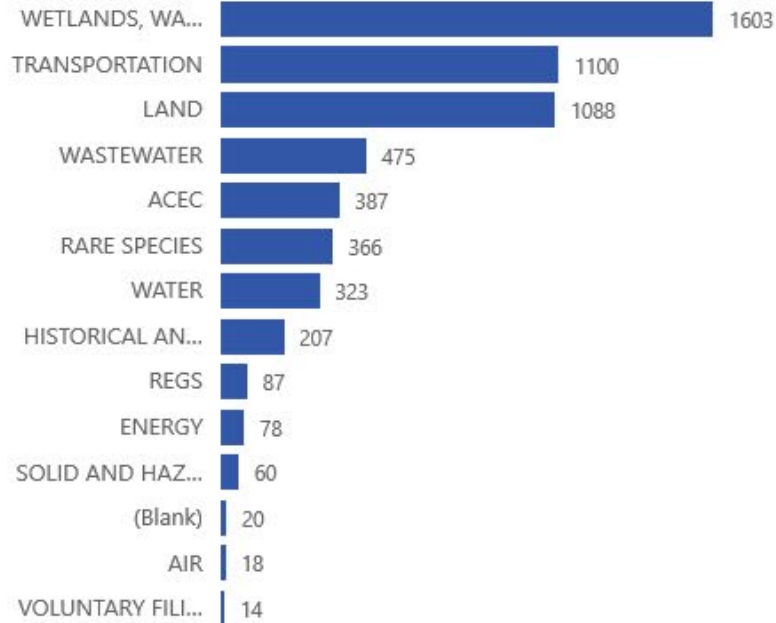
Central

808

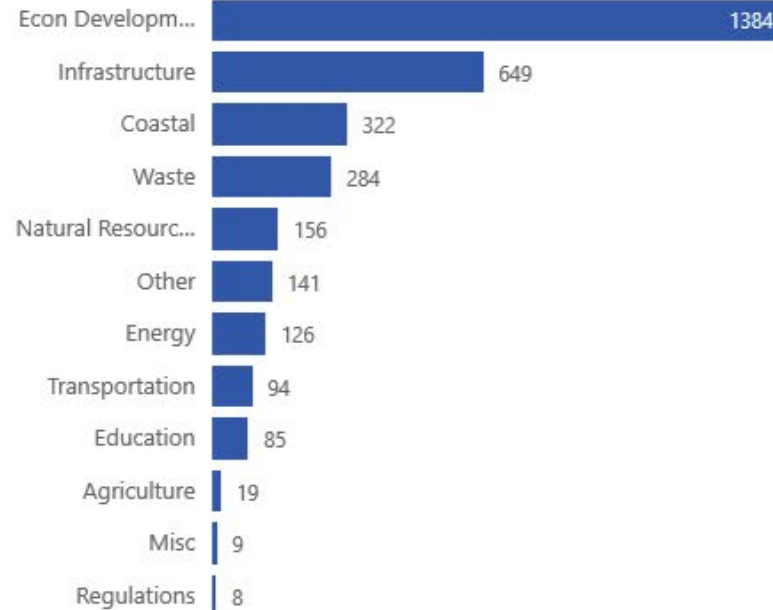
West...

474

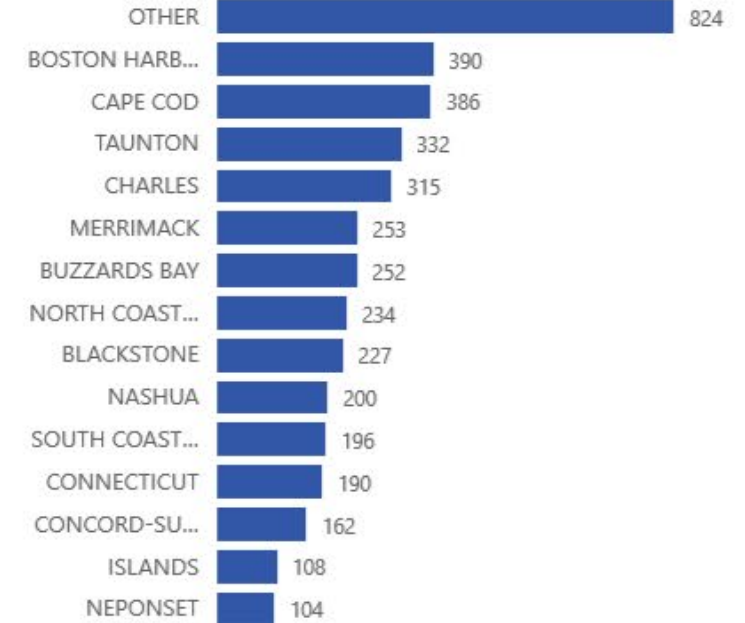
Threshold Category Frequency



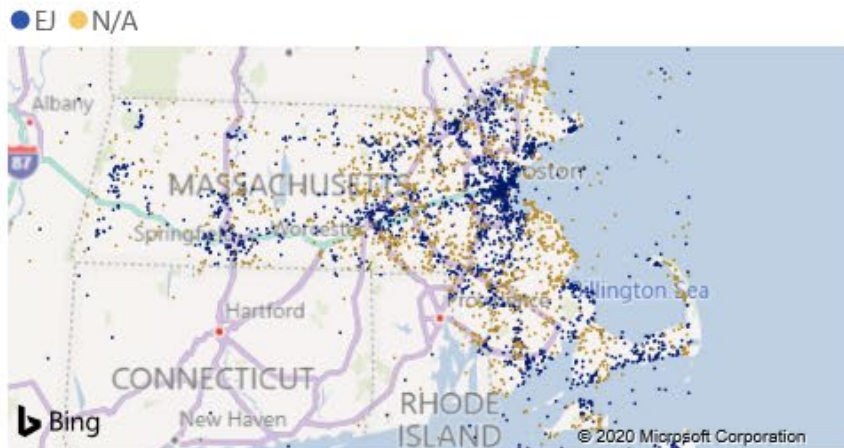
Project Type Frequency



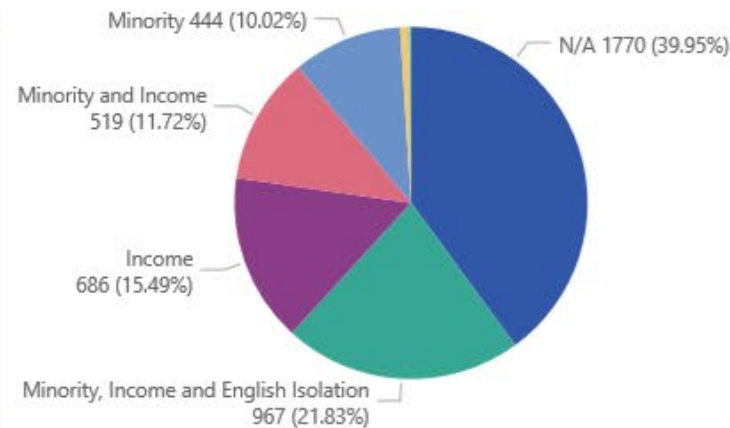
Watershed Frequency



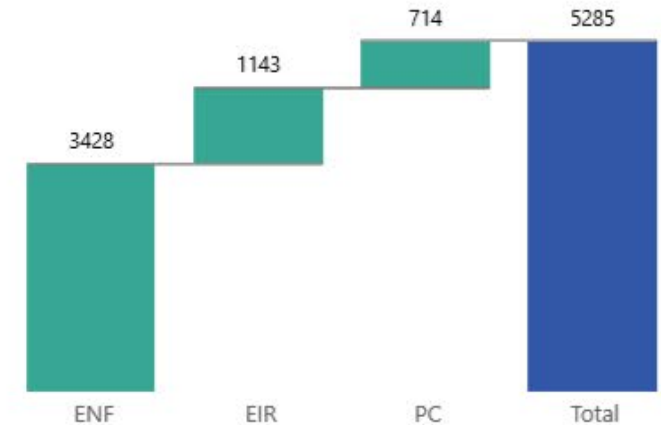
Density of All MEPA Projects



All Projects by EJ Criteria



Total Submittals by Type





MEPA Advisory Committee - Priorities (1/14/22)

- **Air thresholds too high**
- **Noise threshold?**
- **Public impact threshold?**
- **Tribal heritage definition?**
- **Revise fail safe review standards**
- **Improve cumulative impacts review**
- **Streamlining options for beneficial road projects (bike/pedestrian accommodations)?**
- **Look at presumption of “impact” for ecological restoration projects**
- **Consider habitat management activities**
- **Enforceability of Sec 61 findings – any way to track Sec 61 obligations through a database?**