



November 14, 2022

Tori Kim, Director  
Massachusetts Environmental Policy Act Office  
100 Cambridge Street, #900  
Boston, MA 02114

**RE: Comments in Support of Proposed Amendments to 301 CMR 11.00 et seq.**

Dear Director Kim,

NAIOP Massachusetts, The Commercial Real Estate Development Association, is providing this letter in support of the September 2022 proposed amendments to the Massachusetts Environmental Policy Act (MEPA) regulations at 301 CMR 11.00 et seq. (the "Proposed Amendments").

NAIOP is grateful for your work with the Advisory Committee over the past year and appreciates that the Proposed Amendments, while modest in light of the many issues discussed by the Advisory Committee, reflect the input of the committee focused on delivering effective and efficient MEPA review. NAIOP thinks the Proposed Amendments will appropriately adjust thresholds for projects that have *de minimis* environmental impacts and they will clarify certain procedures and definitions to enable certainty around MEPA review requirements. NAIOP also supports the replacement of the "insignificance finding" procedure with advisory rulings, as this is a good example of where case-by-case adjudication is likely to be more effective than categorical rules that can often be challenging to apply to projects.

Lastly, NAIOP fully supports a future change to the regulations as it relates to the Financial Assistance (as discussed in the Note to Reviewers in the Background Document released with the Proposed Amendments). This potential revision is another example of a relatively minor change that has the opportunity to provide needed clarification to project proponents while also appropriately targeting MEPA review to projects that have the potential to cause Damage to the Environment.

As the MEPA office looks ahead to 2023, NAIOP encourages the continued periodic meeting of the Advisory Committee so that stakeholders may provide feedback to the MEPA office on how MEPA regulations are affecting project development and achieving legislative intent; discuss opportunities for further updates or revisions to support review efficiencies; and hear from MEPA staff about the challenges they may be experiencing during the project review process.

NAIOP Massachusetts represents the interests of companies involved with the development, ownership, management, and financing of commercial properties. NAIOP has over 1,800 members who are involved with office, research & development, lab, industrial, mixed use, multifamily, retail and institutional space.

Thank you for your consideration of our comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Anastasia Nicolaou".

Anastasia Nicolaou  
Vice President of Policy & Public Affairs  
NAIOP Massachusetts, The Commercial Real Estate Development Association

NAIOP Comments Regarding Potential Regulatory Update  
November 14, 2022

CC: Bethany Card, Secretary, Executive Office of Energy and Environmental Affairs  
Michael Kennealy, Secretary, Executive Office of Housing and Economic Development  
Jonathan Cosco, General Counsel, Executive Office of Housing and Economic Development  
Benjamin Goldberger, General Counsel, Executive Office of Energy and Environmental Affairs  
Ashley Stolba, Undersecretary, Executive Office of Housing and Economic Development  
Gary Moran, Undersecretary, Executive Office of Energy and Environmental Affairs