

Kim, Tori (EEA)

From: Nathaniel Thomas <nathaniel_thomas@live.com>
Sent: Monday, November 29, 2021 10:38 PM
To: MEPA-regs (EEA)
Cc: Reddi, Rishi P (EEA); Kim, Tori (EEA); Czepiga, Page (EEA); Heidi Ricci
Subject: Comment: NEW MEPA Protocol for Analysis of Project Impacts on Environmental Justice Populations

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Dear Dedicated Persons for Our Environment,

I write to you to strongly advocate for the following in support of Environmental Justice Populations. The text in red is not only meant for 301 CMR 11.00 to enhance equity, but to ensure protocols for the Analysis of Project Impacts on Environmental Justice Populations follow suit.

301 CMR 11.05(4)(d)

For Projects located within 5 miles of one or more Environmental Justice Populations, the Proponent shall provide, as an attachment to the ENF under 301 CMR 11.05(6), a printout of a map showing Environmental Justice Populations within a 1-mile and 5-mile radius of the Project site. The ENF shall also provide a narrative describing whether the Project is reasonably likely to negatively affect Environmental Justice Populations within 1 mile of the Project site, and **within 5 miles if the Project impacts air quality**; provided, that the Project shall be determined to impact air quality if it meets or exceeds MEPA review thresholds under 301 CMR 11.03(8)(a)-(b), or generates 150 or more New adt of diesel vehicle traffic over a duration of 1 year or more, **or removes equal to or greater than one quarter acre of tree canopy, or exists within 5 miles of a heat island**. If the Project is determined to be reasonably likely to have negative effects within a 1-mile or 5-mile radius of the Project site, the Proponent must provide meaningful opportunities for public involvement by Environmental Justice Populations within such geographical areas. In complying with this 301 CMR 11.05(4)(d), the Proponent shall consult the MEPA Protocol for Public Involvement for Environmental Justice Populations, as it may be amended from to time, and may consult with the Secretary for specific advice as to the form and content of the ENF or measures to be taken to promote public involvement by Environmental Justice Populations.

301 CMR 11.06(7)(b)

The Secretary shall require an EIR for any Project that is located within 1 mile of an Environmental Justice Population, or **within 5 miles of an Environmental Justice Population for any Project that will impact air quality**; provided, that the Project shall be determined to impact air quality if it meets or exceeds MEPA review thresholds under 301 CMR 11.03(8)(a)-(b), or generates 150 or more New adt of diesel vehicle traffic over a duration of 1 year or more, **or removes equal to or greater than one quarter acre of tree canopy, or exists within 5 miles of a heat island**. For such Projects, the EIR shall contain all the content in 301 CMR 11.07(6)(n), in addition to any other elements specified by the Secretary in the Scope. The Secretary's failure to issue a timely certificate on the ENF shall have the effect of a determination that an EIR is required, and that it shall address, in addition to the content in 301 CMR 11.07(6)(n), all aspects of the Project that are likely, directly or indirectly, to cause Damage to the Environment and related public health impacts, provided that such aspects are within any applicable jurisdictional limitations in accordance with 301 CMR 11.06(9)(b).

301 CMR 11.07(6)(n)1&3

For Projects required to file an EIR under 301 CMR 11.06(7)(b), the EIR shall contain the following elements, in addition to any other elements specified in the Scope:

1. statements about the results of an assessment of any existing unfair or inequitable Environmental Burden and related public health consequences impacting the Environmental Justice Population from any prior or current private, industrial, commercial, state, or municipal operation or project that has caused or continues to cause Damage to the Environment.

If there are no results of an assessment of any existing unfair or inequitable Environmental Burden, an assessment shall occur to determine if Damage to the Environment will create an Environmental Burden;

3. description of alternatives and measures to avoid, or, if unavoidable, to minimize and mitigate to the greatest extent practicable, potential environmental and public health impacts so as to address disproportionate adverse effects, or an increase in the effects of climate change, on Environmental Justice Populations. If alternatives and avoidable or

unavoidable measures are unsatisfactory in their ability to address disproportionate adverse effects on Environmental Justice Populations, permits under the jurisdiction of EEA, including those with subject matter conceptually or physically related to MEPA review thresholds, may be denied at the Secretary's discretion.

Please continue to support our Environmental Justice communities. Thank you for your time and commitment.

All my best,

Nathaniel