



November 10, 2025

*Via email to MEPA-regs@mass.gov*

Tori Kim, Director  
Massachusetts Environmental Police Act Office  
100 Cambridge Street, 10th floor  
Boston, MA 02114

RE: EEA #16996, Certificate of the Secretary of Energy and Environmental Affairs Establishing a Special Review Procedure for Urban Renewal Plans

Dear Director Kim,

On behalf of the Mystic River Watershed Association (MyRWA), thank you for the opportunity to comment on the proposed *Certificate of the Secretary of Energy and Environmental Affairs Establishing a Special Review Procedure for Urban Renewal Plans* (EEA #16996).

Founded in 1972, MyRWA protects and restores the Mystic River, its tributaries, and watershed lands to preserve the value, importance, and beauty of these natural resources. We protect water quality, restore important habitat, build climate resilience, transform parks and paths, and inspire youth and community members. The Mystic River watershed is home to approximately 600,000 residents, 75% of whom are within Environmental Justice (EJ) Populations. In addition, many EJ populations in the watershed meet or exceed the Vulnerable Health EJ Criteria as shown in the MA Department of Public Health (DPH) Environmental Justice Tool and are inequitably vulnerable to climate change impacts.

Urban Renewal Plans (URPs) have historically worked alongside other discriminatory policies like redlining to concentrate undesirable land uses and associated pollution, public health, and socio-economic harms in low-income neighborhoods and communities of color. URPs have the potential to perpetuate or worsen these historical injustices. In the letter and spirit of *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the "2021 Act"), any project "likely to cause Damage to the Environment" within an EJ Designated Geographic Area (DGA) must file an Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act (MEPA).

The law does not specify that only projects likely to cause "direct" damage should file an EIR. We posit that conceptual URPs have a high likelihood of having significant "indirect" environmental and public health impacts, specifically on EJ Populations, given that they pave the way for individual projects with direct impacts across several categories with MEPA review thresholds. It is very likely that individual URP projects and Master Plans that come after a conceptual URP is approved will point back to the conceptual URP's MEPA approvals in justifying land use decisions and environmental impacts as necessary to achieve the URPs previously certified objectives and in dismissing environmentally less damaging alternatives. As such, it is important that even conceptual URPs affecting EJ DGAs undergo the EIR process.

In addition, the EIR process has the potential to help address past harms by proposing cleanup of legacy contamination, improving equity in open space, waterfront access, and access to healthy food. However, without the EJ analysis, additional agency and public review, and mitigation commitments that the EIR

provides, there are likely to be many missed opportunities for these potential benefits of urban renewal to be realized. As such, detailed review and public involvement as provided by the EIR process is an important safeguard to ensure damages are avoided, minimized, and mitigated from the start.

Given the history of URPs and the 2021 Act's intent, we believe great caution should be used when considering whether to reduce the level of environmental review of URPs, and decisions to do so should be based on evidence presented to the public for review alongside proposed changes. We do not believe that such evidence has been presented in the draft SRP, and we do not believe that MEPA review of conceptual URPs should be streamlined to the extent proposed in the draft SRP.

We provide these additional comments for consideration:

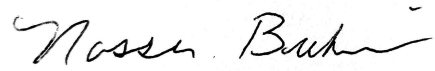
- URP with no immediate individual projects proposed:
  - 90 days should be required to provide adequate time for MEPA and EOHLC/EOED reviews, any modifications by the proponent to prepare a final URP addressing agency and public comments, and issuance of a MEPA Certificate and EOHLC/EOED approval. The proposed 30 day standard is inadequate to do all of the above. This proposed SRP together with the proposed MEPA regulatory changes already provide a high degree of streamlining benefit to URP proponents by exempting them from the time, analysis, and cost associated with preparing an EIR, which according to HLC's public statements can add up to 365 days.
  - Again, given the substantial streamlining benefits offered by the proposed SRP and MEPA regulatory changes, and given the substantially lower standard of review for ENFs as compared with EIRs, attachment of a copy of a draft URP or major modification to the ENF should not be at the discretion of the proponent. It should be mandatory. We strongly recommend striking the clause "if available at the time of the ENF filing."
  - The list of information to be included in the ENF's description of proposed land uses and development strategies is inadequately clear about what potential impact estimates should be included. We strongly recommend rewriting as ", including but not limited to" and expanding the list of impacts to include a reasonably comprehensive set of impacts that MEPA/EOHLC/EOED expects proponents to assess given information that may typically be known or can be estimated for conceptual URPs. Without additional clarity, this SRP will leave much uncertainty to project proponents, agencies reviewers, and public reviewers. We recommend adding categories such as GHGs, tree canopy, air quality, wetlands, climate change resiliency, and stormwater at a minimum. Other aspects such as water, wastewater, roadway, open space, and climate resilience appear to be covered by other items listed in this paragraph.
  - Regarding the required description of public involvement measures, we note that evidence from reviewing MEPA certificates for projects subject to the EJ public involvement requirements demonstrates that proponents generally make limited efforts beyond sending the EJ Screening Form and posting flyers and notifications of public meetings in multiple languages. This is not in the spirit of the EJ protocol, yet these projects ultimately receive their MEPA certificates. Given that this proposed SRP and the proposed MEPA regulations will reduce opportunities for EJ Populations to engage in URP development, we strongly recommend adding the following sentence. "The Proponent shall demonstrate in the ENF filing that measures undertaken prior to filing have been effective at involving residents of Environmental Justice Populations located within the Designated Geographic Area, including but not limited to the number and content of verbal and written comments received by such residents, the number of such residents who attended pre-filing public meetings, and, where languages other than English are spoken by 5% or more of such Environmental Justice Populations, the number of such residents that requested or utilized

translation services provided by the Proponent at such meetings. The Proponent shall also provide a table responding to each comment received that indicates whether or not the comment was incorporated in the Project, and, for comments not incorporated, and the Proponent's justification." The failure to demonstrate that measures undertaken to provide public involvement of Environmental Justice Populations prior to filing the ENF have been effective should allow the Secretary to extend or deny the ENF as incomplete.

- Again noting the significant streamlining benefits to proponents of exempting URPs from EIRs, the reduction in advanced notification relative to the standard 45-day minimum in the MEPA regulations - 301 CMR 11.05(4)(b) - is excessive and not justified or aligned with the Environmental Justice Principles in the 301 CMR 11.02. We strongly recommend deleting the sentence referencing 14 days of advanced notification. HLC/OED have indicated that the conceptual class of URPs that this SRP applies to do not include individual projects. Without the individual project-based financing and other elements on the line, there is no case for urgency that outweighs the public interest in advanced notification for projects with the potential to affect EJ Populations.
  - This section makes note of the notice of this SRP that was sent to the EJ list. We are disappointed with the unequal treatment of hypothetical negative and positive impacts to EJ communities that was evident in the EJ Screening Form distributed in regards to this proposed SRP. While potential negative impacts were broadly deferred to be explained in future conceptual URP ENFs on the basis that the conceptual URPs do not have individual projects, the potential benefits were elaborated on with examples such as brownfields remediation, new parks, and public amenities. If the potential benefits can be described hypothetically, the potential impacts, such as increased traffic and air pollution, GHGs, floodplain and other wetland impacts, stormwater quantity and quality, water use, etc., can as well.
- Citizens Advisory Committee (CAC)
    - There is a typo - reference should be to 301 CMR not 310 CMR.
    - We strongly recommend removing this section of the SRP. 301 CMR 110.9(3) allows but does not mandate a CAC for a municipally led URP. This proposed SRP has the effect of prohibiting or eliminating the standing of CACs in URP SRP and MEPA review. Again, evidence shows that the MEPA EJ public involvement protocol has had limited effectiveness in terms of eliciting meaningful engagement of EJ Populations, largely because proponents' engagement efforts generally are highly limited. Please see our prior recommendation allowing the Secretary to extend or deny an ENF as incomplete for failure to demonstrate effective and meaningful engagement of EJ communities. If that recommendation is implemented, then the second sentence of this section may be true, and this section could remain without harming EJ Principles if, and only if, this section is narrowed to apply only to conceptual URPs. Noting that the full content of this proposed SRP addresses all different kinds of URPs, not only conceptual URPs with no individual projects, the statement in this section is overly broad, leaving one to interpret that the Secretary has found that CACs are not warranted for any URP-related SRP or MEPA review, including URPs with Master Plans and Individual Projects.

Thank you for the opportunity to provide our comments on the proposed SRP.

Sincerely,

A handwritten signature in black ink, reading "Nasser Brahim". The signature is fluid and cursive, with a small horizontal line at the end of the last name.

Nasser Brahim, Director of Climate Resilience  
Mystic River Watershed Association