



# Commonwealth of Massachusetts

*Executive Office of Energy and  
Environmental Affairs*

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**Massachusetts Environmental Policy Act  
M.G.L. c. 30A Rulemaking Proposal**

***Effective January 30, 2026***



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# MEPA Review

## Overview



# MEPA OVERVIEW

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## ➤ MEPA statute (M.G.L. c. 30, s. 61 et seq.): Basic rule

- MEPA review needed if there is Agency Action **and** “review thresholds” (defined in regulation) are exceeded

## ➤ MEPA regulations (301 CMR 11.00)

- Review thresholds define project impacts that are **“likely to cause Damage to the Environment”**
  - “ENF” thresholds require filing of environmental notification form (ENF)
  - “Mandatory EIR” thresholds require environmental impact report (EIR)



## EIR based on location (M.G.L. c. 30, § 62B)

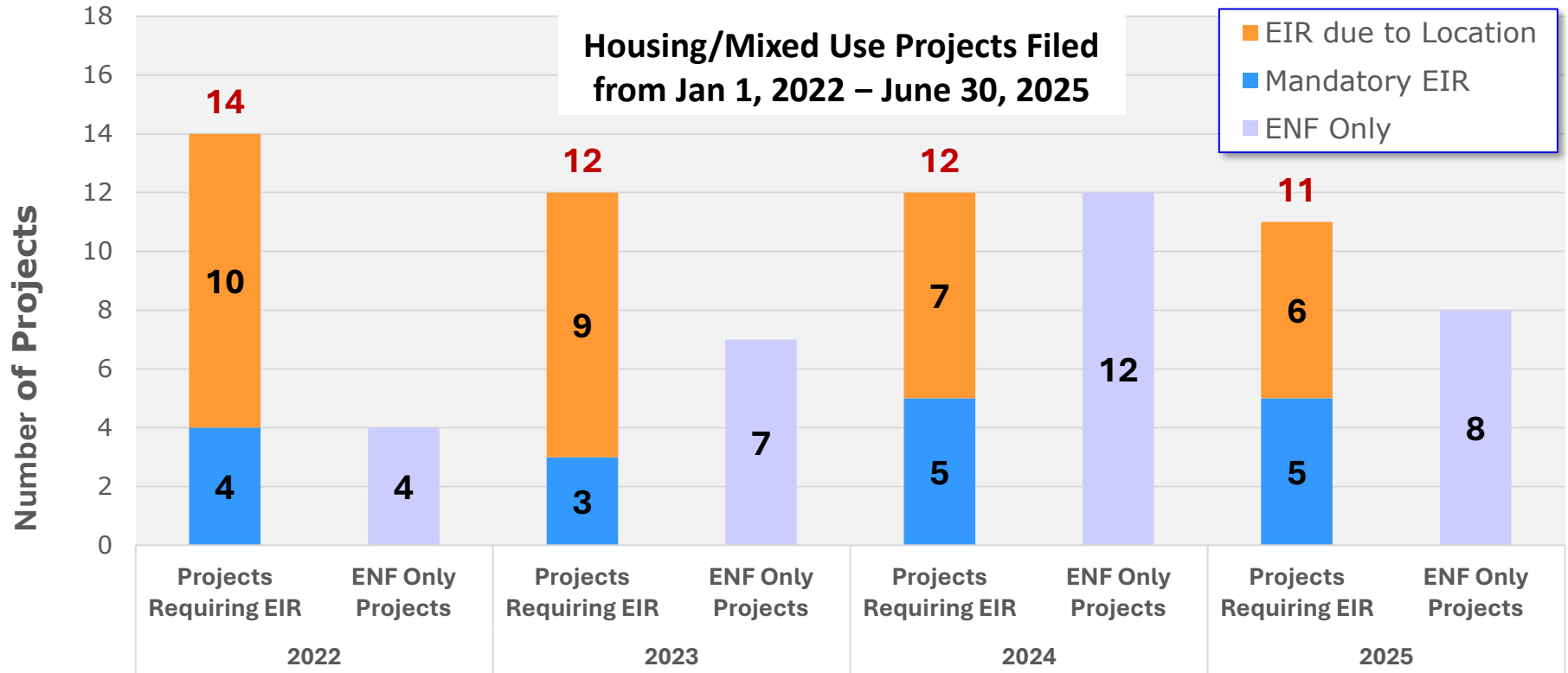
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- EIR is required for project that is “likely to cause Damage to the Environment” and located within 1 mile of EJ population (5 miles if project impacts air quality)
- EIR must analyze existing unfair or inequitable environmental burden and public health consequences from any prior or current project or operation, as well as potential for “disproportionate adverse effects” on EJ population
- Added by Climate Roadmap Act (St. 2021, Section 58)
  - New requirements became **effective January 1, 2022**, with amended regulations and EJ protocols. EJ outreach requirements include 45-day advance notice to designated entities.



# Housing/Mixed Use Projects Since 2022

## ENF/EIR Requirements for Filings



**80\*** housing/mixed use projects were filed between January 2022 and June 2025

**32** projects did not exceed mandatory EIR thresholds, but required EIR due to location

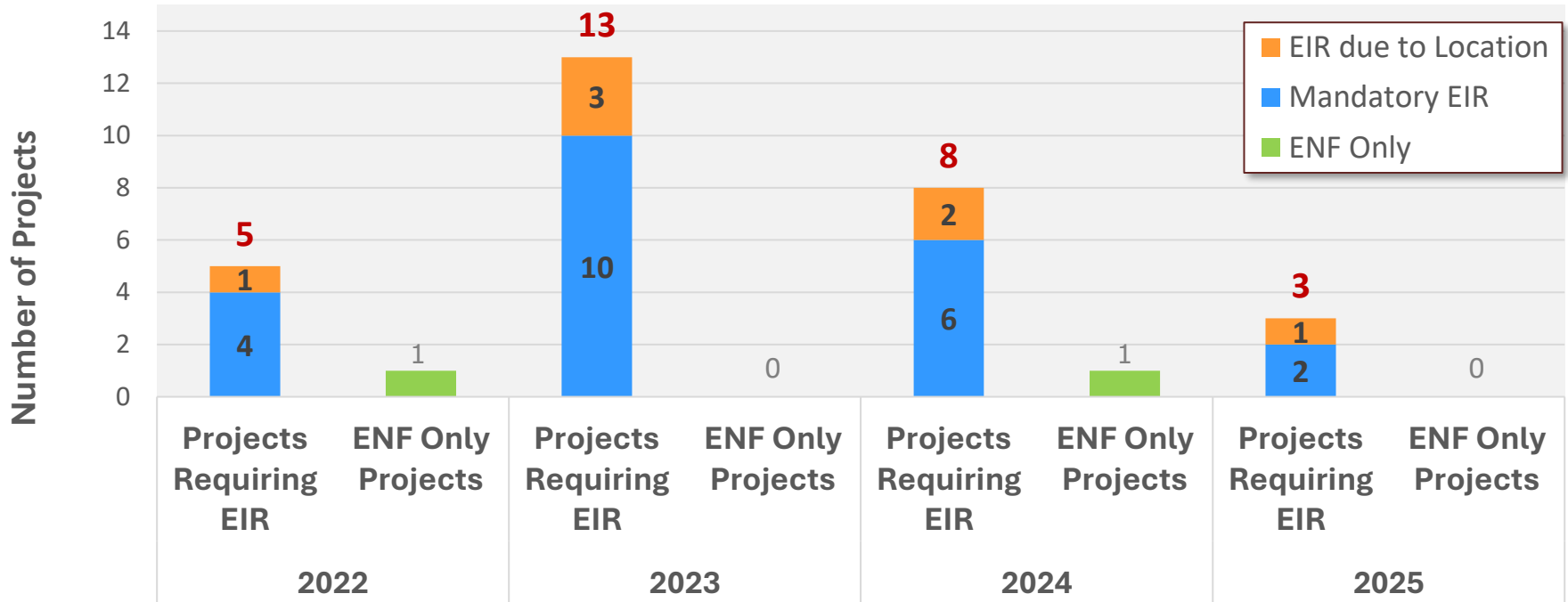
\*This count does not include new project filings that were subsequently withdrawn.



# Ecological Restoration Projects Since 2022

ENF/EIR Requirements for Filings

Ecological Restoration Projects Filed from Jan 1, 2022 – June 30, 2025



**7 out of 31 projects did not exceed mandatory EIR thresholds, but required EIR due to location**

**Note:** 19 additional projects proposed as “full” (not limited) ecological restoration under wetlands regulations qualified for streamlining effective January 6, 2023, and did not file an ENF.



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# **MEPA Regulations**

## **Proposed Amendments**



# Regulatory Proposal for Housing

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## Identify characteristics of housing projects that are not presumed likely to cause damage to the environment.

- **Qualifying housing projects criteria are based on core principles:**
  - Housing-centered
  - Dense
  - Infill
  - Flood and erosion
  - Energy efficient
  - Adequately served by utilities
  - Accessible
- **Housing projects meeting all criteria will not require an EIR.**
- **Housing projects that do not exceed any mandatory EIR threshold and meet select criteria will not require an EIR.**
- **Single family homes proposing 1 dwelling unit are exempt if the only MEPA trigger is a wetlands appeal to MassDEP (Superseding Order of Conditions).**
- **Environmental justice (EJ) outreach and 45-day advance notice requirements will remain for all projects within designated geographic area of EJ neighborhoods.**



# Regulatory Proposal for Restoration Projects

## **Ecological restoration limited projects benefit the environment and are not presumed likely to cause damage to the environment.**

- Must qualify as ecological restoration limited project under wetlands regulations at 310 CMR 10.00 and cannot exceed mandatory EIR threshold. Full ecological restoration is already streamlined under MEPA regulations.
- Qualifying projects will not be required to file an EIR.
- EJ outreach requirements, including 45-day advance notice, will remain for all projects within designated geographic area of EJ neighborhoods.
- Technical clarification to definition of “replacement project” will exempt projects, as long as permits are not needed for new impacts.
- Anticipated to affect ~23% of new ecological restoration filings based on 2022-25 data, though more projects may seek streamlining in the future.



# Regulatory Proposal for Regulations and Planning

**Urban renewal plans with no immediate work, project, or activity proposed are not presumed likely to cause damage to the environment.**

- Create new threshold category in 301 CMR 11.03, consolidating existing thresholds related to agency regulations and urban renewal plans.
- Because no immediate work is proposed, these thresholds are not presumed likely or reasonably likely to cause damage to the environment.
- Qualifying regulations and plans will not be required to file an EIR.
- **Separate “Special Review Procedure” (SRP) proposed under 301 CMR 11.09 to be issued for public comment as an alternative to regulatory amendment.**
  - **Seeking comment on whether regulatory or SRP approach is preferred.**



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# **Final MEPA Regulations**

***(effective January 30, 2026)***



# Final Changes After Public Comment

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## Changes Between Draft and Final Regulations

- Expanded allowable “non-residential” uses to include “cultural, educational, community, and/or civic” uses
- Modified description of one data source to refer to newly issued Massachusetts Forest Carbon Top Quintile data layer
- Clarified that qualifying projects may be located within ½ mile of a transit stop serviced either by MBTA or applicable local or regional transit authority
- Expanded exemption for projects requiring only MassDEP “superseding” wetlands order to include multifamily housing up to 50 dwelling units

## Next Steps

- Final regulation filed with Secretary of State with effective date of January 30, 2026
- Amendments to ENF form and other guidance will be published in the January 23, 2026 Environmental Monitor
- New ENFs seeking to qualify for new streamlining will be accepted starting with February 3-17 filing cycle.