



October 31, 2025

BY ELECTRONIC MAIL ONLY

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Director Tori Kim
Massachusetts Environmental Policy Act Office
Executive Office of Energy and Environmental Affairs
Saltonstall Building
100 Cambridge Street, 10th fl.
Boston, MA 02114

RE: Amendments Proposed to 301 CMR 11.00: MEPA Regulations on Sept 9, 2025

Dear Director Kim,

Thank you for the opportunity to comment on the **Amendments Proposed to 301 CMR 11.00: MEPA Regulations on Sept 9, 2025**. We represent a statewide network of individuals, organizations, and scientists who advocate for the protection of forests and urban trees because of their essential contributions to climate regulation and public health.

We agree with [US Senator Ed Markey that we need both housing and urban trees, both solar and forests](#). We take the position that **we need to increase access to affordable housing *without* increasing mortality, illness, and flooding—especially in environmental justice (EJ) communities**. The purpose of MEPA is to maximize environmental protections that increase climate resilience and protect public health.

The proposed removal of Environmental Impact Report requirements for housing projects that cut up to 5 acres (and in some cases 10 acres) of trees and that build in known flood zones (due to reliance on outdated FEMA maps) *will* increase mortality, illness, and flooding for residents in the targeted communities, which includes EJ communities.

Urban trees improve public health and save lives; they provide relief from excessive heat, air pollution, and stormwater flooding.¹ *Because of differential tree cover*, there are on average 190

¹ *Climate Adaptation Actions for Urban Forests and Human Health*, 2021, https://www.fs.usda.gov/nrs/pubs/gtr/gtr_nrs203.pdf; Rahman et al. 2023, "A Comparative Analysis of Urban Forests for Storm-Water Management," <https://doi.org/10.1038/s41598-023-28629-6>; Boston Tree

more deaths every year and 30,131 more doctor visits every year in US urban majority-POC neighborhoods with few trees than in majority-white US urban neighborhoods with more trees.² Fewer trees in low-income and environmental justice communities contribute to higher rates of respiratory illnesses and mortality. Cutting down urban trees for wall-to-wall-density housing creates heat islands and increases mortality rates.

Planting replacement trees is *not* sufficient. We must preserve the healthy trees that we have, especially the larger, older trees because they provide 90% more climate benefits than small trees and 44% more than medium trees—reducing more heat, pollution & flooding, and storing more carbon (fig. 1).³ Life expectancy of urban trees is 7–28 years, with high mortality for saplings. It takes 26–33 years for a new tree to provide the ecoservices that a mature tree provides.⁴ Urban trees require maintenance—watering, pruning, fertilizing and pest prevention. With care, urban trees can live and provide ecoservices for decades longer. MEPA regulations should be revised to retain the urban trees we have, especially in EJ communities, not to give waivers for cutting.



Fig. 1: Equivalency calculation by Robert Leverett, cited by Dr. William Moomaw

The proposed EIR exemption for cutting 5–10 acres of trees in urban areas does *not* in fact require *any* tree retention or even replacement. The requirement in 11.01(2)(c)1.c that a “Project proposes a tree retention and replanting plan that demonstrates measures to minimize tree removal and replace removed trees” is completely nullified by the remaining part of the sentence, “to the maximum extent *practicable*” (emphasis added). Public experience is that such phrases allow developers to claim nothing is “practicable” and the public suffers in the interests of “helping developers get their projects through” MEPA. The cited science shows that planting replacements is

Equity Maps, Speak for the Trees, <https://treeboston.org/tree-equity-maps/>; Keeping Cool, American Forests, <https://www.treeequityscore.org/stories/keeping-cool/>; McDonald et al 2021, “Tree Cover & Temperature Disparity in US Urbanized Areas,” <https://doi.org/10.1371/journal.pone.0249715>.

² McDonald et al. 2024, “Current inequality and future potential of US urban tree cover for reducing heat-related health impacts,” <https://doi.org/10.1038/s42949-024-00150-3>.

³ Dr. William Moomaw, [CCGW testimony](https://www.ccgw.org/testimony), 1:33:36 – 1:37:57, referring to the graphic in fig. 4. Also see Armour et al., 2012, “The Benefits of Large Species Trees in Urban Landscapes,” [http://hampsteadforum.org.uk/evidence/Natural Environment/Trees/Armour et al of Arup-Benefits of large species trees.pdf](http://hampsteadforum.org.uk/evidence/Natural%20Environment/Trees/Armour%20et%20al%20of%20Arup-Benefits%20of%20large%20species%20trees.pdf).

⁴ *Climate Adaptation Actions for Urban Forests and Human Health*, 2021, https://www.fs.usda.gov/nrs/pubs/gtr/gtr_nrs203.pdf; Roman and Scatena 2011, “Street Tree Survival Rates,” <https://doi.org/10.1016/j.ufug.2011.05.008>; Petri et al. 2016, “How Green are Trees?” <https://doi.org/10.24266/0738-2898-34.4.101>.

inadequate and reducing the urban tree canopy increases mortality and illness in those communities.

It is a violation of public trust to waive EIRs for cutting so many trees. At the very least, projects should be *required to retain* all large trees (over 20 inches DBH) and all trees outside the building footprints. The MEPA Office should be *requiring* [Low-Impact Development](#) practices that design around large trees and retain our shared Green Infrastructure.

The conditions where the EIR waivers do not apply *should retain and be expanded beyond* areas with high carbon sequestration, areas with priority habitat, and “prime” farmland. Areas should *also be excluded* where cutting trees raises the water table, increases soil erosion or destabilizes a slope, and increases stormwater flooding.

Industry-standard calculators, such as [iTree](#), recognize that one single urban tree can divert and absorb from hundreds to thousands of gallons of stormwater annually. Cutting acres of trees in an urban area means adding hundreds of thousands or even millions of gallons of stormwater to the urban drainage system.

The increased impact of tree loss in known flood zones will be particularly harsh. We are concerned that the sources for identifying restricted flood zones in 11.01(2)(c)1.d and 11.01(2)(c)2 are [out of date](#). Allowing building in areas already known to flood without any EIR oversight could bankrupt the many municipalities across the Commonwealth that are self insured for natural disasters.

Worst of all, all these foreseeable and significant public harms will be extended into EJ communities—which by definition are already suffering significant harms from past injustices—and *the housing is not even required to be affordable*. Economists recognize that “policies relying on ‘trickle-down economics’ are destined to fail.”⁵ In other words, more market-rate housing will *not* create more affordable housing.

We urge a major reconsideration of the proposed revisions to MEPA. These proposals will increase mortality, illness, and flooding and threaten the financial stability of self-insured municipalities. Instead, MEPA regulations should be working to promote affordable housing *and* public health and climate resilience. Environmental justice communities deserve to keep and expand their tree cover. **MEPA regulations should require Low-Impact Development practices that require retaining large trees. MEPA regulations should use the most current data to identify flood zones. MEPA regulations should not be waived in EJ communities.** We need housing that does not increase public harms.

Sincerely,

Melissa Brown, Co-Founder and Steering Committee Member
Trees as a Public Good Network

⁵ David Hope, “Tax cuts for the wealthy only benefit the rich: Debunking trickle-down economics,” Research for the World, London School of Economics and Political Science, January 24, 2023, <https://www.lse.ac.uk/research/research-for-the-world/economics/tax-cuts-for-the-wealthy-only-benefit-the-rich-debunking-trickle-down-economics>.