

**BY ELECTRONIC DELIVERY ONLY**

February 13, 2026

Massachusetts Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114  
[EnergyPermitting@mass.gov](mailto:EnergyPermitting@mass.gov)

**Re: EEA Proposed Site Suitability Criteria**  
*Comments submitted by Conservation Law Foundation*

Dear Executive Office of Energy and Environmental Affairs Staff:

**I. Introduction**

Conservation Law Foundation (“CLF”)<sup>1</sup> appreciates the opportunity to comment on the Executive Office of Energy and Environmental Affairs’ (“EEA”) Draft Guidance on Site Suitability for Clean Energy Infrastructure (“Guidance”),<sup>2</sup> as required by *An Act promoting a clean energy grid, advancing equity and protecting taxpayers* (“2024 Climate Act”).<sup>3</sup>

The comments here briefly reiterate points made in CLF’s letter to the Energy Facility Siting Board (“EFSB” or “the Board”) in response to the Decision on the rulemaking on cumulative impact analysis and site suitability criteria from December 19, 2025. Specifically, we ask the EEA to (1) reconsider the inclusion of Key Stakeholders and community groups in agreements that result in points deductions due to benefit agreements and (2) to ensure that benefits and mitigation are treated differently.

**I. EEA should explicitly clarify that social and environmental benefits are distinct from mitigation.**

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<sup>1</sup> CLF is a nonprofit, member-supported public interest advocacy group that acts to solve the environmental challenges that threaten people, natural resources, and communities across New England. CLF works to ensure that laws and policies are developed, implemented, and enforced to protect and restore New England’s natural resources, economy, and environment, to safeguard the health of our communities, and implement a just and equitable transition to Massachusetts’ clean energy future.

<sup>2</sup> See *Site Suitability Assessments for Clean Energy Infrastructure, Draft Guidance*, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS (Sept. 2025), <https://www.mass.gov/doc/draft-guidance-on-site-suitability-assessments-for-clean-energy-infrastructure/download> [hereinafter *Guidance*].

<sup>3</sup> St. 2024, c. 239.

EEA allows applicants to deduct points for benefits provided to the community. While this is a sensible way of rewarding applicants for addressing the impact of their project, EEA should clarify that benefits are different from mitigation. For example, while improvements to local habitat may be a benefit if they are made independently of damage to existing habitats, they should not be counted as a benefit eligible for points deduction if they are in fact providing mitigation to address damage caused by the project. Mitigating burdens caused by the project applicant is required by the 2024 Climate Act, and this statutory mandate should be explicitly noted in the section discussing points deductions for benefits. Furthermore, the benefits listed should align with the benefits identified in the Office of Environmental Justice and Equity's ("OEJE") Guidance on Community Benefit Plans and Community Benefit Agreements.

## **II. EEA should include community groups and key stakeholders in determination of social and environmental benefits that qualify for points reduction.**

Local community groups and other key stakeholders should play a crucial role in determining what benefits are eligible for a points deduction. Point deductions should only occur when a community benefit agreement is signed and incorporates priorities from community groups. These agreements should be made according to the OEJE guidance. When considering whether to grant a points deduction for a benefit provided by the project applicant, consideration should be given to whether any community groups oppose the agreement leading to the benefit. These negotiations should not be left entirely to the host municipality.

## **III. Conclusion**

As outlined above, there are a few areas where the site suitability guidance can better address various components of the 2024 Climate Act. These changes are necessary if the Commonwealth wants to achieve its 2030 and 2050 climate targets and additional statutory mandates. CLF looks forward to continuing to work with EEA and other agencies to achieve just, equitable, and effective solutions for the Commonwealth.

Respectfully Submitted,



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