



ENVIRONMENTAL LEAGUE
OF MASSACHUSETTS

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BY ELECTRONIC MAIL ONLY

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Executive Office of Energy and Environmental Affairs (EEA)

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Subject: EEA Mapping Tool and Updated Draft Guidance on Site Suitability Assessments for Clean Energy Infrastructure

Dear EEA Staff,

The Environmental League of Massachusetts ("ELM") appreciates the opportunity to comment on the Executive Office of Energy and Environmental Affairs (EEA)'s mapping tool and revised draft guidance for site suitability assessments of large and small clean energy infrastructure facilities, related to regulations required by Ch. 239 of the Acts of 2024, *An Act promoting a clean energy grid, advancing equity and protecting taxpayers*. ELM respectfully submits comments on the overall draft guidance.

General Comments

The Site Suitability Mapping Tool will add clarity and speed to the permitting process while protecting critical natural landscapes and burdened areas

ELM applauds EEA's updated Site Suitability Mapping tool, which quickly enables applicants, stakeholders, local governments, and EFSB to understand which sites are suitable for clean energy infrastructure. At a high level, the Site Suitability scoring framework balances streamlining siting and permitting decisions while upholding critical social and environmental protections. Ultimately, requiring Applicants to complete a Site Suitability Report acts to screen the areas least suitable for development and, in doing so, serves the "avoid" function of the Avoid, Minimize, Mitigate hierarchy. The Site Suitability Mapping tool quickly conveys critical information and ensures that clean energy projects are sited and permitted not just faster, but better.

Earlier versions of the Site Suitability scoring methodology were confusing and difficult to navigate, as applicants were required to use multiple different tools with varying geographic resolution to calculate each Criteria Score. By updating the tool to enable Applicants to draw a polygon around the proposed project site and automatically generate multiple Criteria Scores, the tool makes the process faster and more transparent for all parties.

ELM is especially pleased to see that the updated Site Suitability Mapping Tool incorporates Mass EnviroScreen (MES) as a standalone data layer to calculate the Environmental Burdens Criteria Score. This addition provides consistency by ensuring that proponents of both large and small projects are required to account for the same set of environmental and health indicators.

The addition of a Program Evaluation framework adds certainty that the Guidance will be updated when it is needed

ELM is pleased that EEA added a provision to update its methodology and guidance no later than March 1, 2028. ELM encourages EEA to consider program updates as early as July 1, 2027 (i.e., one year after the regulatory effective date of July 1, 2026) if there are ongoing areas of confusion or consternation among Applicants, Stakeholders, or local governments during the first year of the program's administration.

Specific Recommendations and Comments

III - Definitions

i. EEA should add a definition for "Benefits"

ELM appreciates that EEA added definitions for "Avoidance," "Minimization," and "Mitigation" and recommends that EEA better distinguish these terms relative to Benefits throughout the Guidance. Mitigation addresses harm caused by a project and should not be conflated with or counted as a community benefit for purposes of a score modifier. Benefits should be considered separately and should not be presumed to offset unmitigated adverse impacts. However, as currently drafted, the guidance appears to conflate benefits and mitigation.

ELM recommends that EEA add a definition for "Benefits" to aid in distinguishing them from Avoidance, Minimization, and Mitigation measures throughout the Guidance. This could be taken directly from the definition used in 980 CMR 15.02.

IV.D.ii - Site Suitability Report, Score Modifiers, Social and Environmental Benefits

i. EEA should explicitly state the difference between benefits vs. minimization and mitigation, and refine the examples of benefits listed in each category

In its updated guidance, EEA states that "social and environmental benefits are presumed to have a positive impact on one or more Mass EnviroScreen (MES) indicator." While it is appropriate for minimization or mitigation measures to reduce the Environmental Burden Criteria Score, ELM emphasizes that only added benefits should contribute towards an Environmental Benefits Score Modifier.



To clarify this distinction, ELM recommends that EEA explicitly distinguish between benefits vs. minimization and mitigation. EEA should also explicitly state that an Applicant's efforts to minimize or mitigate negative project impacts do not count as a benefit and cannot be used as a basis for securing an Environmental Benefit Score Modifier.

Additionally, ELM recommends that EEA adjust some of the examples listed in the categories of social and environmental benefits to avoid confusion. For instance, the *Environmental Justice and Equity* category states that "reducing environmental burdens" counts as a benefit, when this just describes minimization of a project's impacts. Further, the *Implementation of Environmental and Public Health Protections* category states that "pollution prevention and controls" counts as a benefit, when it is actually avoidance or minimization. Including these examples among the list of benefits creates confusion for both Applicants and Host Communities, and ELM encourages EEA to update the examples of benefits to remove any measures that are actually minimization or mitigation.

V.A-B - Use of Methodology at the Energy Facilities Siting Board, Pre-Filing and Application Requirements

- i. Until EEA adds Climate Resilience data to the Site Suitability Mapping Tool, Applicants should be required to provide enough information in their Site Suitability Report so that stakeholders and EFSB can understand how the Climate Resilience Criteria Score was derived**

At the time of this writing, EEA's draft Site Suitability Mapping Tool does not include a data layer for the Climate Resilience Criteria Score. As a result, Applicants will be required to calculate this Criteria Score themselves using the ResilientMass Climate Resilience Design Standards Tool.

The Guidance directs Applicants to share all five estimated Criteria Scores with stakeholders during Pre-Filing outreach, and to include all Criteria Scores in the Site Suitability Report required as part of their Application. EEA's Site Suitability Mapping Tool automatically generates a score for four out of the five Criteria Scores (e.g., all criteria scores except climate resilience). This capability makes it easy and transparent for stakeholders, during Pre-Filing, to understand how each Criteria Score was derived, and for EFSB to verify these scores during their review of the project. However, the ResilientMass tool is different and does not provide a paper trail showing how the Climate Resilience Criteria Scores were calculated.

ResilientMass is structured such that Applicants are tasked with populating the details of their project into the tool and answering a series of Yes or No questions to assess a project's overall risk exposure to climate hazards. However, without knowing the inputs that went into the tool, it is nearly impossible for anyone besides the Applicant to understand how the score was derived. During Pre-Filing and permit decision making (and in cases where there is a Request for Score Review), it will be important to have documentation on how an Applicant arrived at their criteria score to settle any disputes. ELM recommends that, as part of the Site



Suitability Report, Applicants be required to include documentation showing the answers they submitted into the tool to arrive at their Climate Change Resiliency Score. This ensures that the permitting agency (whether a local government or EFSB), impacted stakeholders, and the Score Reviewer have transparency and trust in this criteria score.

VI.A-B - Use of Methodology for Consolidated Local Permitting, Pre-Filing and Application Requirements

- i. Until EEA adds Climate Resilience data layers to the Site Suitability Mapping Tool, Applicants should be required to provide enough information in their Site Suitability Report so that permitting authorities can understand how the Climate Resilience Criteria Score was derived**

EEA should update the language in this section consistent with ELM's recommendations for Section V.A-B. See ELM's recommendation above.

Sincerely,

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