

*Via Electronic Mail
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Subject: Executive Office of Energy and Environmental Affairs Site Suitability Assessments for Clean Energy Infrastructure & Site Suitability Tool

The Alliance for Climate Transition ("ACT"), the Solar Energy Industries Association ("SEIA"), and the Coalition for Community Solar Access (CCSA) collectively "Clean Energy Groups" or "industry," appreciate the opportunity to submit joint comments to the Executive Office of Energy and Environmental Affairs ("EEA") on the request for written comments on its draft Guidance on Site Suitability Assessments for Clean Energy Infrastructure, accompanied by a draft Site Suitability Mapping Tool.

ACT leads the just, equitable, and rapid transition to a clean energy future and a diverse climate economy. ACT is the only organization in the Northeast that covers all of the clean energy market segments, representing the business perspectives of investors and clean energy companies across every stage of development. ACT members span the broad spectrum of the clean energy industry, including clean transportation, energy efficiency, wind, solar, energy storage, microgrids, fuel cells, and advanced technologies.

SEIA is the national trade association for the solar and storage industry, leading the transformation to a clean energy economy. SEIA works with its 1,200+ member companies and other strategic partners to fight for policies that create jobs in every community and shape fair market rules that promote competition and the growth of flexible, reliable, low-cost solar power.

CCSA is a national coalition of over 120 businesses and non-profits working to expand customer choice and access to solar to all American households and businesses through community solar. Together, we are building the electric grid of the future where every customer has the freedom to support the generation of clean, local solar energy to power their lives. Through legislative and regulatory advocacy, and the support of a diverse coalition—including advocates for competition, clean energy, ratepayers, landowners, farmers, and environmental justice—we enable policies that unlock the potential of distributed energy resources, starting with community solar.

The Clean Energy Groups appreciate the opportunity to provide additional comments in support of the development of EEA's Site Suitability Guidelines ("the Guidance"). As the Commonwealth continues to implement the 2024 Climate Act to accelerate a clean energy future, these guidelines will be instrumental in ensuring that the transition centers robust public engagement and transparency. For Small Clean Energy Infrastructure Facilities ("SCEIF") developers, like the members of the Clean Energy Groups, these guidelines will serve as a key reference for municipalities in implementing the new Consolidated Local Permitting process. This reliance means that it is crucial that EEA ensure that the standards balance both the interests of municipalities and the physical

realities of clean energy deployment in the Commonwealth.

We are encouraged by EEA's proactive response to incorporate our feedback regarding ways to improve the initial guidance. Specifically, we appreciate the removal of the "if permitted" language in the scoring table and the explicit inclusion of the "rational nexus" standard for mitigation measures. These changes significantly reduce the risks to our members and provide clarity to the permitting framework.

However, the Clean Energy Groups are disappointed by the removal of the Capital Improvement Program ("CIP") score modifier in Section Four of the Guidance. We feel strongly that additional consideration should be given to SCEIFs sited in CIP areas. These areas have received significant ratepayer investment after extensive review by the DPU in order to expand renewable energy deployment. The CIPs represent a commitment by the Commonwealth to promote renewable energy adoption in specific locations. Each CIP requires a significant initial output of ratepayer funds designed to be paid back by private development over a twenty year period. The Clean Energy Groups have responded to this signal and deployed significant resources to advance SCEIF deployment in these areas.

The removal of the CIP modifier creates a direct conflict between the Commonwealth's grid modernization efforts and the EEA's siting guidance, and saddles developers with additional financial burdens. In particular, several of National Grid's CIPs have high CIP fees, and are also located in areas of the commonwealth where it is extremely difficult to avoid a moderate to high Carbon Storage score, requiring additional mitigation measures. DOER's recently released *"Guideline on Avoidance, Minimization, and Mitigation Matters"* provides ratios between these measures and the burden imposed by the project, ranging from 2:1 for low impact scores up to 4:1 for high impact scores.

Without the ability to modify individual criteria for CIP area projects, these projects will receive higher mitigation ratios and thus higher mitigation fees. These will layer on top of CIP specific interconnection fees that are often higher than a traditional project estimate. Without a score modifier, projects in CIP areas (where the Commonwealth has approved investments to facilitate clean energy development) will face a potentially prohibitive combination of CIP fees and mitigation costs. If projects do not find a viable path forward, the cost burden of the CIP investments will ultimately remain with ratepayers.

As the Clean Energy Groups have previously commented, SCEIFs represent the fastest way the Commonwealth can address near-term energy affordability and supply challenges. Massachusetts has signaled additional support for SCEIF deployment through the proposed Long Term System Planning Program. It is crucial that the proposed Site Suitability Guidelines do not serve to obstruct these efforts by overly burdening deployment in areas the Commonwealth has previously determined to be preferable for clean energy development.

Therefore, the Clean Energy Groups respectfully request that EEA restore and refine the CIP score modifier provision. Specifically, projects located in a CIP area should be allowed to apply a .5 point reduction to one of their criteria-specific scores. The Clean Energy Groups feel strongly that a CIP area (.5) point deduction is necessary to ensure the significant ratepayer investments made by the Commonwealth and economic viability of projects are not threatened by potentially prohibitive mitigation requirements.

Criteria-Specific Comments

Given that individual Criteria-Specific scores are associated with mitigation ratios, the Clean Energy Groups feel it is imperative that the guidelines reflect the most accurate scientifically available data. The Clean Energy Groups are concerned that without additional refinement projects will score a 4.0 and be unfairly burdened with prohibitive mitigation measures beyond the scope of their impacts.

Because of the potential financial impacts and the fact that scores are determined via desktop review, we appreciate that 225 CMR 29.07 provides an opportunity for ground truthing for projects that seek to contest any single Criteria-Specific score. Additionally, the Clean Energy Groups encourage EEA to consider the following adjustments to the guidance to address potential scoring issues at the outset and reduce the administrative burden of future reviews.

Climate Change Resilience

The Clean Energy Groups reiterate their previous comments calling for clarity as to why certain types of clean energy facilities are considered threatened by flooding. We feel strongly that SCEIFs should not be punished for building on low elevation ground. **Solar and energy storage projects undergo extensive flooding analysis during their design phase, incorporating significant flood mitigation measures and siting considerations, and are engineered to comply with preexisting requirements for stormwater and floodzones.**

As written, the Guidance fails to correctly sequence mitigation measures for potential flooding as SCEIFs will already have mitigated for these concerns **before** they are penalized for their location. This misalignment is even more concerning when considering DOER's corresponding "*Guideline on Avoidance, Minimization, and Mitigation Matters*", which states qualifying mitigation measures for this category include:

- "Incorporate stormwater management techniques and best management practices, such as retention areas, swales, and dry wells to reduce soil erosion;"
- "Implement erosion and sedimentation controls;" and
- "Raise SCEIF equipment height above the Federal Emergency Management Agency (FEMA) flood levels"

These are all standard practices when designing solar & storage systems. While the DOER guidelines do allow an applicant to describe how the configuration and design of the project will avoid anticipated impacts, the Clean Energy Groups feel strongly that the EEA Guidance should incorporate a mechanism that considers these measures before the project receives a Site Suitability score. Otherwise, we expect that DOER will receive a high frequency of requests for score review.

Separately, the Clean Energy Groups repeat our encouragement that the Guidance utilize FEMA flood maps. Utilizing already existing, trusted data sources which provide a better ease of understanding is superior to creating new ones. Additionally, utilizing FEMA floodmaps will align the Guidance with DOER's "*Guideline on Common Conditions*" for Consolidated Local Permits receiving Constructive Approvals. In that document, DOER

specifically names FEMA floodmaps as the standard for projects to assess their potential periodic sea level rise impacts. The EEA should seek to harmonize these two categories by embracing a national standard for flood assessment, thereby ensuring an easier understanding of climate risks for all stakeholders involved.

Carbon Storage and Sequestration

The Clean Energy Groups note that while preserving sequestered carbon is important, the development of SCEIFs will displace far more carbon emissions over their useful life than would otherwise be sequestered. Unlike other forms of development, these resources can be removed following their useful life, allowing for reforestation and further carbon storage and sequestration. Rather than permanent conversion, SCEIFs temporarily transform the landscape into a working meadow habitat while preserving the ground beneath the panels for future ecological restoration.

The Clean Energy Groups feel that the currently proposed scoring metrics do not adequately balance these interests and could result in projects either not moving forward or moving forward at a higher cost than necessary due to inflated mitigation requirements. This is not a desirable outcome for the Commonwealth where misleading scores fail to represent the actual benefits SCEIFs provide against relatively modest changes to sequestered carbon.

Biodiversity

The Clean Energy Groups are appreciative of EEA's responsiveness to streamline the workability of the Biodiversity criteria. The edits incorporated into this draft and the corresponding Site Suitability Tool have reduced the previous complexities. We look forward to continuing to collaborate with EEA on feedback as the Site Suitability tool comes into broader use.

Agricultural Resources

The Clean Energy Groups appreciate the inclusion of an automatic 0 score for Agricultural Solar Tariff Generation Units for this category, but maintain that Dual-Use Agrivoltaic projects ("Agrivoltaics") should receive an automatic zero across all four categories. Agrivoltaics keep the land in active agricultural use, maintaining both vegetative and soil health, supporting a better biodiversity and carbon profile than a capped landfill or brownfield. They also provide supplemental lease revenues to farmers that ensures the financial certainty required to keep the land in agricultural use rather than pursue permanent conversion via other forms of development.

Further, the SMART program already treats these projects separately from traditional greenfield development by exempting them from its mitigation framework. By failing to extend the "Development Potential" modifier to Agrivoltaics projects the Guidelines miss the opportunity to harmonize with existing development directives within the Commonwealth. **The Clean Energy Groups respectfully urge EEA to amend the Guidance to support the Commonwealth's deployment of Agrivoltaics by extending the automatic 0 score across all four categories.**

Social and Environmental Burdens

The Clean Energy Groups continue to appreciate the inclusion of societal and environmental impacts in the Site Suitability methodology. **However, we remain concerned that the Guidance functionally equates small clean energy development with industrial pollution, creating a presumption of harm that developers must “buy their way out of” through negotiated agreements.**

The Guidance continues to propose scoring the *Social & Environmental Burdens* category using the MassEnviroScreen tool. This effectively penalizes developers for siting projects in the very communities that the Commonwealth has prioritized for clean energy access. Because SCEIFs do not emit GHG pollutants, generate hazardous waste, or create significant noise pollution, they do not contribute to the cumulative pollution burdens measured by MassEnviroScreen.

The impacts of this score could materially affect project development in Environmental Justice communities. Under DOER's companion *“Guidance on Avoidance, Minimization, and Mitigation”*, a higher score triggers a significantly higher mitigation ratio (up to 4:1 for SCEIFs located in the most “burdened” areas). The Clean Energy groups are concerned that such a metric runs contrary to the Commonwealth's clean energy and environmental justice goals and could have the unintended consequence of driving SCEIF development toward wealthier, less “burdened” areas.

The Clean Energy Groups assert the benefits provided by SCEIFs are intrinsic and objective. SCEIFs displace fossil generation often located in legacy burdened communities. They provide additional tax revenues, jobs, and economic development. However, as written, the Guidance states that score modification based on these benefits requires written agreements with local governments.

We are concerned that should a municipality fail to enter into such an agreement, individual SCEIFs could be unfairly forced to pay for “mitigation” of industrial burdens (like air pollution) that it did not cause. Functionally, such a payment would fail to demonstrate a “rational nexus” between the solar panels and the “burden” of existing neighborhood pollution. We are concerned that this criteria and scoring metric runs counter to the intent of the guidance to tie mitigation measures to tangible impacts of the project.

The Clean Energy Groups respectfully request that EEA amend the Guidance to allow for automatic point deductions based on the intrinsic benefits SCEIFs provide, independent of further agreements with the host municipality. This will ensure the Commonwealth facilitates the responsible development of clean energy resources that support the communities most impacted by the legacy of industrial development.

Mapping Tool

We appreciate the user-friendliness of the map tool and the automatic scoring. However, Applicants need much more detailed information about how the scores were generated in order to propose appropriate minimization and mitigation measures. In addition, the underlying data need to be available in a downloadable format so that developers can pull them into the other software tools typically used for prospecting. In order to meet EEA's

stated goal of prioritizing avoidance of impacts, developers need to be able to use the data across larger geographic areas than a project footprint.

Sincerely,

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