

Comments of the Nature Conservancy in Massachusetts on MA EEA's DRAFT GUIDANCE
on SITE SUITABILITY REPORTS FOR CLEAN ENERGY INFRASTRUCTURE FACILITIES

February 12, 2026

The Nature Conservancy ("TNC") respectfully submits its comments on SITE SUITABILITY REPORTS FOR CLEAN ENERGY INFRASTRUCTURE FACILITIES, DRAFT GUIDANCE ("Guidance"), developed by the MA Executive Office of Energy and Environmental Affairs (EEA) as issued on January 30, 2026. TNC is a global conservation organization committed to finding durable solutions that support ecosystems and communities with a mission to conserve the lands and waters on which all life depends. TNC has been deeply engaged in the policy, planning, and implementation of renewable energy policy in Massachusetts and across the globe.

TNC appreciates EEA's efforts in updating the Guidance. We are particularly pleased that the Guidance continues to include strong provisions regarding the Site Suitability Criteria, and the application of the mitigation hierarchy to avoid, minimize and mitigate impacts. As in our initial comments, we would like to thank the agency for the extensive thought, effort, and time focused on the Guidance. We support the conceptual approach to scoring, along with the criteria, the data, and methods designed to implement these criteria.

We will be providing comments on the draft proposals with respect to the Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria (980 CMR 15.00) and the Application and related Guidance (980 CMR 13.00) separately.

TNC Comments:

We are mindful that the process is nearing its final stage, and, accordingly, we have narrowed our comments to focus on the most important elements of the Guidance, particularly on provisions related to implementing the Guidance in the large-scale and small-scale siting and permitting processes.

Because the Site Suitability Scoring analysis and report are so closely tied to the Draft "Guideline on Avoidance, Minimization, and Mitigation Measures," the Site Suitability

Guidance should cross reference the Avoidance, Minimization and Mitigation Guidance where appropriate, and as noted below.

Please note: Our comments include a narrative, specific comments and recommendations. Suggestions for modified language will appear as ***italicized and bold***.

III. DEFINITIONS

Additions/Modifications: We appreciate the addition, modification, and improvements of definitions, particularly with respect to the definition of Applicable Facility, the addition of Avoidance, Minimization and Mitigation, the Site Suitability Mapping Tool and Site Suitability Report, and the enhancement of Site Footprint.

Site Suitability Score Reviewer: We also note the removal of the Site Suitability Score Reviewer and the related provisions relating to the Score Reviewer process. The Score Review process served as an important independent review of what would otherwise be the Applicant's opinion of the score. Even with use of the Site Suitability Mapping Tool, the process would benefit from a review by an independent third party. This independent review would serve as a necessary confirmation of the Applicant's scoring of the Site Suitability Criteria (before it reached the Energy Facilities Siting Board (EFSB, and would be a very helpful component of the process, particularly as it relates primarily to large scale solar (over 25 MWs) and energy storage facilities. In addition, an independent review early in the process would allow for more transparency and likely diminish the issues which would be adjudicated at the EFSB. We offered the same comments in our comments to 980 CMR 15.00. And we proposed two models as examples of the successful involvement of third parties: Massachusetts Department of Environmental Protection's Bureau of Waste Site Cleanup's Licensed Site Professionals and/or the Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness (MVP) Program's certified service providers.

IV. SITE SUITABILITY REPORT

The description of Site Suitability Report should include an additional paragraph referencing consideration of the mitigation hierarchy as follows: ***The Site Suitability Report shall describe how the Applicant applied the mitigation hierarchy and the steps taken to undertake Avoidance and Minimization and/or Mitigation for any impacts, consistent with these Guidelines, 225 CMR 29.00 and with DOER's Guideline on Avoidance, Minimization, and Mitigation.***

IV. B. SCORING PROCESS

Third Party Reviewers: As noted above, these provisions are important to ensure independent review of the Applicant's determination of Criteria-specific Suitability Scores and allow for an additional input and community review prior to submitting the Application. This is particularly helpful for a Consolidated Permit for a Large Clean Energy Generation Facilities, subject EFSB review, which are typically more complex projects that would benefit from third party review early in the process.

We support the removal of a "Total Site Suitability Score". The total score created an extra layer that we think made the avoid, minimize, and mitigate process less direct and more confusing. Using the Criteria-specific Site Suitability scores is a more direct and transparent approach to inform and define avoidance, minimization, and mitigation measures.

Site Suitability Mapping Tool: The Nature Conservancy applauds the development of the Suitability Mapping Tool. The tool has a great user interface, and it is clear and easy to determine the index scores. We note that finding the underlying layers used to derive the criteria indicator layers (e.g., NFMCMS Total Ecosystem Carbon 2070 and Annual NLCD Land Cover 2024 used to derive the Ecosystem Carbon Index) was not immediately apparent and could use some instructions in the interface. The inclusion and availability of this data is important, as it will allow for better understanding of the Suitability Scores, and greater transparency.

IV. C. CRITERIA

- (i) **Climate Resilience:** As in our prior comments, we suggest the addition of community resilience (exacerbation of climate impacts on communities, people and natural areas caused by energy infrastructure) to this section. As drafted, this section focuses more on exposure of sites to climate hazards and does not address significant impacts from the construction, operation and maintenance of these facilities. For example, impervious surfaces may exacerbate natural hazards off-site such as increased flooding from stormwater runoff and higher neighborhood temperatures from the heat island effect. In the draft "Guideline on Minimization and Mitigation Measures" it seems clear that community resilience, i.e., reducing the exacerbation of climate impacts on communities, people, and natural areas caused by energy infrastructure, is also a

consideration for this criterion. TNC urges consistency between two guidance documents.

- (ii) **Carbon Storage and Sequestration:** We reiterate our prior recommendation to use the average of the highest 50% (or perhaps highest 75% or another appropriate percentage) of the carbon index to calculate values within the Site Footprint, rather than "1) Identifying the ecosystem carbon index values of all grid cells with centers falling inside the Site Footprint; and 2) Calculating the average of these ecosystem carbon index values. As with the Agricultural Resources and the Biodiversity scores, which use the highest 50% and 25% of the scores respectively, the Carbon Storage and Sequestration score will therefore reflect a facility's anticipated impact on the highest carbon value areas within a Site Footprint. The exact percentage should be determined by the EEA data team, defining a threshold that will more effectively reflect the impact of the proposed facility on forest carbon storage and sequestration. For example, using the highest 50% of cells to define the average would give the highest Site Suitability score (i.e., 5) to projects that significantly overlap with the highest quintile of the forest carbon data.

Regarding the NFCMS Total Ecosystem Carbon in 2070 data layer, we appreciate that the rescaled data will be published and available. Additionally, we would like to see how the raw data (in MgCO₂e/ac) translates to the Ecosystem Carbon Index values. It is especially important to understand the thresholds that define the four forest carbon categories (i.e., scoring 2 through 5) that are ≥200 MgCO₂e/acre. These thresholds should be clearly stated in the Guidance, in mtCO₂e/ac. This is important for clarity and transparency. We also advocate for using the same thresholds used in the DOER SMART 3.0 Program, e.g. the top quintile in SMART (currently 413 mtCO₂e/ac) should be used to define an index score of 5 in the EEA Site Suitability process, etc. (note that TNC advocates for the use of 411 mtCO₂e/ac as the threshold for the SMART 3.0 top category).

- (iii) **Biodiversity:** We applaud the addition of BioMap "Local Components" to the scoring, which will result in more meaningful, complete, and robust analysis for cities and towns. In keeping with this addition, and for clarification, the first sentence in the Table should be revised with the addition of "Local Components." The revised sentence should read "Not in BioMap Core Habitat,

Critical Natural Landscapes, Regional Connectivity, *Local Components*, or NHESP Priority Habitat.”

IV. D. SCORE MODIFIERS

- (i) **Development Potential:** The current draft provides that “Solar Canopies and Applicable Facilities that are located on a Brownfield, Eligible Landfill, or Previously Developed Lands will automatically receive a zero (0) for their carbon sequestration, biodiversity, agricultural, and social and environmental burdens Criteria-specific Scores.” TNC supports the automatic zero (0) score for Criteria-Specific Suitability Scores for lands that currently are “degraded by impervious surfaces from existing structures or pavement”. However, we do not support an automatic zero for Previously Developed Lands, and we recommend removing it from this list that automatically receives zero (0) scores. Previously Developed Lands involve a wide range of land use types, many of which have habitat, forest carbon, and other values. This is true for golf courses, and other land use categories. It is likely that many proposed sites, defined as Previously Developed Lands, will intersect and involve many of the scoring criteria. For instance, forest carbon values are likely to be documented on many golf courses, as are rare species’ habitats and other BioMap components. Previously Developed Lands should therefore NOT automatically receive a score of zero (0) for all Criteria-Specific Suitability Scores.

Article 97: Under some circumstances, for Article 97 land, the Applicable Facility may qualify for a waiver from the EFSB Director which will allow the Criteria Specific Scores to be calculated as if no part of the Applicable Facility is located on Protected Open Space. We understand and agree that if the Applicable Facility is on Article 97 land, the Applicant will be required to take action to remove the land’s Article 97 classification “before the Applicable Facility may be constructed.” Given the recent changes to Article 97 regulations, we would like to see some clarity and consistency on the disposition process. The process should be included as part of any conditions for approval of the Applicable Facility.

- (ii) **Social and Environmental Benefits:** We appreciate the modification that provides a rational nexus between the Social and Environmental Benefits score modifiers, and the Social and Environmental Burdens Criteria-specific Suitability Score. Previously the modifier applied to the Total Site Suitability Score, which

will no longer be calculated. We appreciate that this score modifier will not impact the Forest Carbon, Biodiversity, Climate Resilience, and Agricultural Resources Criteria-specific Suitability Scores. We also appreciate the related reduction of the modifier to 0.5 points, from 1.0 point.

We appreciate the more well-defined “documentation or agreement” approach to the “Improvement to Local Habitat” Social and Environmental Benefits score modifier, requiring “Signed agreement, confirmed by municipal conservation or planning commission or equivalent body.” Other score modifier criteria have similarly well-defined documentation or agreement definitions.

V. USE OF METHODOLOGY AT THE ENERGY FACILITIES SITING BOARD

B. Application Requirements: The application requirements should be clarified as noted below:

- Criteria-specific Suitability Scores ***and supporting documentation***;
- Explanation of why the site was chosen;
- Description of proposed Minimization and/or Mitigation measures, and efforts to avoid impacts, for any impacts identified in Criteria-specific Suitability Scores, pursuant to 225 CMR 29.07(3) and with consideration of ***DOER’s Guideline on Avoidance, Minimization, and Mitigation***; and
- Documentation of any proposed Site Suitability Score Modifiers, if applicable.

C. Permitting Adjudication

(i) Use of Criteria Specific Scores:

We recommend specific reference to DOER’s Guideline on Avoidance, Minimization, and Mitigation for specific minimization and mitigation recommendations to be considered in this Section.

We recommend removing the “tree planting” example for mitigation in the third paragraph. The removal of trees in a forest cannot be mitigated by tree planting in the community. Forests are complex ecosystems that provide ecosystem functions and benefits that are not replaced by planting trees in a non-forest setting (e.g., carbon storage, water filtration, flood risk reduction, drought-risk reduction, wildlife habitat, etc.).

We recommend restoring the second example, which was deleted, i.e., “making a mitigation payment to the host community/communities through a local community fund

or an approved state trust fund or non-governmental organization to support conservation efforts.” Another example from the Avoidance, Minimization and Mitigation Guidance could be used, such as “Execute land conservation agreements, such as easements or land purchases on site or on other undeveloped land purchased by the Applicant.”

VI. USE OF METHODOLOGY FOR CONSOLIDATED LOCAL PERMITTING

B. Application Requirements: This should be the same as requirements referenced for the EFSB above.

- Criteria-specific Suitability Scores ***and supporting documentation***;
- Explanation of why the site was chosen;
- Description of proposed Minimization and/or Mitigation measures, and efforts to avoid impacts, for any impacts identified in Criteria-specific Suitability Scores, pursuant to 225 CMR 29.07(3) and with consideration of ***DOER’s Guideline on Avoidance, Minimization, and Mitigation***; and
- Documentation of any proposed Site Suitability Score Modifiers, if applicable.\

C. Permitting Process: As we noted in our prior comments, in the table on page 20, the use of “and/or” in the last column in the table is problematic, e.g., “minimization and/or mitigation measures” required. Using “and/or” allows developers to choose minimization over mitigation, reducing the opportunity to achieve the least impactful solutions. We recommend that these statements be revised to read “Significant minimization ***and*** mitigation measures” required. This would require both minimization actions, generally onsite, and mitigation, either onsite or offsite. These are often separate actions, and both are necessary to avoid harm to important resources.

Thank you for your time and consideration. Please feel free to contact us if you have any questions.

Sincerely,

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