

BY ELECTRONIC DELIVERY ONLY

October 31, 2025

Massachusetts Executive Office of Energy and Environmental Affairs
100 Cambridge Street
Boston, MA 02114
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”)¹ and the signatories listed below appreciate the opportunity to comment on the Executive Office of Energy and Environmental Affairs’ (“EEA”) Draft Guidance on Site Suitability for Clean Energy Infrastructure (“Guidance”)², as required by *An Act promoting a clean energy grid, advancing equity and protecting taxpayers* (“2024 Climate Act”).³

As the Commonwealth continues to take significant steps toward achieving its climate targets, effective and equitable policy frameworks are critical to guide the development of clean energy infrastructure. Even more so, clean energy is essential to meeting the Commonwealth’s climate goals of achieving net-zero greenhouse gas emissions by 2050, as required by the Global Warming Solutions Act (“GWSA”)⁴ and An Act to Create A Next-Generation Roadmap for Massachusetts Climate Policy (“Roadmap Law”).⁵ If properly implemented, the 2024 Climate

¹ 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.

² See *Site Suitability Assessments for Clean Energy Infrastructure, Draft Guidance*, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS (Sept. 2025), 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].

³ St. 2024, c. 239.

⁴ St. 2008, c. 298.

⁵ St. 2021, c. 8.

Act will play a pivotal role in balancing the urgency of meeting Massachusetts' climate targets with community engagement and environmental justice essential to the development of successful outcomes. This is especially needed in light of federal inaction on climate mitigation and rollback of environmental justice protections.

The proposed guidelines take a major step toward meeting the intention of the 2024 Climate Act, but several components, such as prioritizing burdened communities on the path to a just transition, require improvement to ensure implementation is equitable across municipalities. The comments below provide constructive feedback on how the proposed site suitability guidelines can be strengthened to better address various components of the 2024 Climate Act. With careful adjustments, Massachusetts can continue to lead the way in addressing the climate crisis while ensuring that all communities experience the benefits of this transition.

II. Comments and Recommendations from CLF and the Signatories Listed Below

A. General Comments

The 2024 Climate Act applies a mitigation hierarchy to all projects to which site suitability applies. This requires applicants to “avoid or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts.”⁶ EEA should better incorporate this mitigation hierarchy throughout the Guidance. Importantly, this framework makes inclusion of mitigation a floor to siting decisions: mitigation is required.⁷ Because mitigation is not optional, it cannot be treated as a benefit used to reduce site suitability scores, except in situations where the score is increased solely, and after, an impact has been entirely mitigated, *i.e.* eliminated. Furthermore, even for the lowest scoring sites on the site suitability framework (*i.e.* those that are most suitable), mitigation of any impact on people or the environment is necessary. Mitigation is not optional, and EEA should remove any such language from the Guidance.

B. Definitions

i. “Applicable Facility” Should Include Facilities in “Burdened Areas”

EEA notes that facilities that are located in “burdened areas” that are also required to complete a “Cumulative Impact Analysis” per 980 CMR 15.00 are excluded from the definition of “Applicable Facility.”⁸ The definition of “Applicable Facility” should be amended to include

⁶ M.G.L. c. 21A § 30.

⁷ *Id.* (containing the language “the executive office shall require facility development project proponents to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts and environmental and land use concerns) (emphasis added).

⁸ Guidance, *supra* note 2, at 3.

facilities conducting a “Cumulative Impact Analysis” to ensure that “burdened areas” are never any less protected than areas that do not qualify for a “Cumulative Impact Analysis” under 980 CMR 15.00. The enabling statute requires a site suitability analysis for “clean energy generation facilities, clean energy storage facilities and clean transmission and distribution infrastructure facilities in newly established public rights of way.”⁹ The statute does not exempt facilities or infrastructure located in areas where a “Cumulative Impact Analysis” is conducted; the Guidance should be consistent with statutory requirements.

ii. *The Definition of Previously Developed Land Should Exclude Impervious Surfaces Within Green Spaces*

The definition of “Previously Developed Land” should be clarified to ensure that “Green Spaces” that include impervious surfaces for use as paths or for recreation are not treated as previously developed land for purposes of site suitability analysis.¹⁰

iii. *The Definition of Cumulative Impacts Analysis Should Indicate that a Cumulative Impacts Analysis is Required for All Facilities*

980 CMR 15.00 applies to all facilities seeking permits from the EFSB. This includes both clean and non-clean legacy facilities. To maintain consistency with that regulation, EEA should add either “non-clean facilities and” or “Facilities and” before “Clean Energy Infrastructure Facilities” as part of the definition of “Cumulative Impact Analysis.”¹¹

iv. *EEA Should Harmonize the Definitions of Small and Large Clean Energy Infrastructure Facilities*

The definition of “Small Clean Energy Generation Facility” includes “any other type of generation facility that produces no greenhouse gas emissions or other pollutant emissions known to have negative health effects.”¹² The language “or other pollutant emissions known to have negative health effects” is not currently included in the definition of “Large Clean Energy Generation Facility” and should be added.¹³

⁹ M.G.L. c. 21A § 30.

¹⁰ See Guidance, *supra* note 2, at 6 for the definition.

¹¹ *Id.* at 5.

¹² *Id.* at 6-7.

¹³ *Id.* at 5.

v. *EEA Should Clarify What Guidance Governs Route and Site Scoring*

EEA should clarify how “Route and Site Scoring”¹⁴ by the Energy Facilities Siting Board (“EFSB”) interacts with this Guidance and where information on the EFSB’s “Route and Site Scoring” can be found. It should also be clarified whether “Route and Site Scoring” will be conducted for all sites, including those where a “Cumulative Impact Analysis” is conducted and whether it will be required for consolidated permits applied for through local governments.

C. Site Suitability Assessment: Applicable Facilities

As noted above, the 2024 Climate Act does not limit site suitability analysis to those facilities where a “Cumulative Impact Analysis” is not conducted. In fact, the statute includes in its requirement for site suitability analysis, without qualification, “clean energy generation facilities, clean energy storage facilities and clean transmission and distribution infrastructure facilities in newly established public rights of way.”¹⁵ EEA should require site suitability analysis for all project proposals.

EEA has only applied site suitability requirements to clean transmission and distribution infrastructure facilities in “newly established Public Rights of Way.” While this language reflects the statutory mandate, EEA should clarify what “newly established” means. Based on the statutory language, EEA should include all “Public Rights of Way” created after the statute was enacted as “newly established Public Rights of Way.”

It appears the Guidance also contains a typo where the second line of the first paragraph of the Applicable Facilities Section reads: “Consolidates Local Permit are required to complete a site suitability assessment” instead of “Consolidated Local Permit are required to complete a site suitability assessment.”¹⁶

D. Site Suitability Assessment: Scoring Process

Requests for a score review by the Department of Energy Resources (“DOER”) or EFSB should include a window defining the amount of time parties have to appeal a final site suitability determination. While EEA has included timelines for both the formal score determination and the cure process, it has not established a period during which an applicant, local government, or “substantially and specifically affected” party are permitted to request a review of the formal score determination from the EFSB or DOER.¹⁷ DOER and EFSB have 30

¹⁴ *Id.* at 6.

¹⁵ M.G.L. c. 21A § 30.

¹⁶ Guidance, *supra* note 2, at 8.

¹⁷ *Id.* at 9-10.

days to review the request, but EEA should establish a window that governs the parties' timeframe to submit a request. This will provide more clarity to those seeking a review.

E. Site Suitability Assessment: Criteria

i. *EEA Should Consider Additional Factors in its Evaluation of Climate Resilience*

EEA should account for both climate impacts to the facility and the facility's climate impacts to the surrounding area. As currently drafted, the Guidance only accounts for factors that are "likely to compromise the operations of the facility."¹⁸ Each site will also contribute to climate risks in the surrounding area. EEA should account for this by incorporating a measure for how a given site will impact climate resilience in the surrounding area, either positively or negatively. For example, projects that increase impervious surfaces should account for the increased flood risk associated with that increase. On the other hand, projects that incorporate climate hazard mitigation measures should be credited for the inclusion of these protections.

Project applicants should use the ResilientMass Climate Resilience Design Standards Tool ("RMAT") to account for additional risks from stormwater flooding and heat.¹⁹ The RMAT tool includes data on riverine flooding, coastal flooding, and stormwater flooding. Stormwater flooding and associated flash floods can be a major threat to facilities and surrounding areas during periods of extreme rain that are made more likely by climate change. This can be particularly pronounced in areas with significant coverage from impervious surfaces.²⁰ EEA should add stormwater flooding to the existing climate change resilience hazards. RMAT can also be used to measure risk exposure to heat. Heat can impact workers on site, facility operations, and the surrounding areas. EEA should also incorporate a heat index in the required analysis that accounts for impacts on the facility, its workers, and the surrounding community.

ii. *EEA Should Use a Larger Radius to Identify Census Blocks Impacted by a Project*

Identifying burdens based exclusively on the footprint of a facility does not capture the effects of the facility on the surrounding area. Consistent with other tools for identifying and

¹⁸ *Id.* at 10.

¹⁹ *Id.*

²⁰ Jiada Li and Steven J. Buria, *Effects of Nonstationarity in Urban Land Cover and Rainfall on Historical Flooding Intensity in a Semiarid Catchment*, 8 J. SUSTAINABLE WATER IN THE BUILT ENVIRONMENT 2 (JAN. 20, 2022), [HTTPS://DOI.ORG/10.1061/JSWBAY.0000978](https://doi.org/10.1061/JSWBAY.0000978).

addressing burdens in the permitting of facilities,²¹ EEA should account for MassEnviroScores from all census blocks contained within a certain radius of the project. The Overly Impacted & Rarely Heard Report produced by the Massachusetts Attorney General’s Stakeholder Working Group recommends a radius of 5-miles for siting of facilities that are location-specific particularly when they go before the EFSB. This distance should be applied to legacy facilities that generate air pollution in a manner consistent with DEP requirements.²² Other radii should be developed on a technology-specific basis with different distances to account for the most far-reaching impact of the technology used in the project. It would also be appropriate for the relevant agency to adjust these on a project-specific basis. In addition to air pollution, impacts like noise should be considered.²³

iii. EEA Should not Use a Weighted Average When Calculating MassEnviroScores for Census Blocks

Using weighted averages across different census block groups risks erasing impacts on burdened communities. A weighted average will reduce the value assigned to a project that is sited near a highly burdened community, particularly when the project has impacts on that community but that does not have a significant physical presence in that community. For example, a project that is 90% in a community scoring a 10 on the MassEnviroScreen tool and 10% in a community scoring a 100 on the MassEnviroScreen tool would be treated as if it scored a 19 on the tool due to weighed averaging. This would greatly reduce the social and environmental score for the project but would do little to account for the actual impacts on a burdened community. When assessing the burden imposed on a given community, EEA should instead apply the highest MassEnviroScore from any census block group captured within the project’s radius. Using a weighted average will discount the impact on the most burdened communities (despite the reality that the community will be exposed to the full impact of the project).

If EEA incorporates the indicators received from MassEnviroScreen in other parts of the site suitability analysis, it should do so for any indicators falling in any census block group that is within the project radius, regardless of whether that census bock group was used to generate the social and environmental burden score.

²¹ See e.g. 310 CMR 7.02(14) (incorporating cumulative impacts analysis into air permitting requirements governed by the Massachusetts Department of Environmental Protection). This would also be consistent with the approach taken to defining community for purposes of pre-filing engagement.

²² See 310 CMR 7.02(14)(a)(3)-(4) (requiring a cumulative impact analysis for major sources of air pollution when a facility is located within a five (5) mile radius of an environmental justice community).

²³ Stakeholder Working Group, *Overly Impacted & Rarely Heard*, MASS. OFF. OF THE ATTORNEY GENERAL (May 2023), <https://www.nclc.org/wp-content/uploads/2023/05/Overly-Impacted-and-Rarely-Heard.pdf>.

iv. *EEA Should Adjust Scoring Criteria for Social and Environmental Burdens to Reward Siting in Unburdened Areas*

EEA's site suitability scoring should be adjusted to incentivize siting in unburdened areas by removing points (*i.e.* adding a negative score category) for MassEnviroScreen Scores below 10 and increasing points for scores that would trigger a "Cumulative Impact Analysis". EEA's site suitability scoring currently ranges from 0.0 for the least burdened communities up to 5.0 for the most burdened communities, according to MassEnviroScreen. Adjusting the scoring framework as noted above will better guide project applicants towards unburdened communities by implementing rewards alongside costs. Facilities in locations that score on the bottom end of the MassEnviroScreen would receive a points deduction, as opposed to a 0.0. Additionally, those at the top of the scale scoring in ranges that would trigger a "Cumulative Impact Analysis" could have scores increased by more than the current 4 or 5 points. A new scoring framework can more accurately identify communities that are less suitable for certain projects and where the most benefits would be required to justify additional infrastructure. The proposed scoring change would also better balance the fact that several criteria currently dissuade siting in less burdened communities while only the social and environmental burdens criteria address siting in burdened communities. Since each criterion is on a five-point scale, there is a risk of tipping siting decisions towards "burdened areas" under the current proposal.

The Scoring Criteria should also account for instances when a project is proposed in a "burdened area" but has community support because it is beneficial to the community, and there is a community benefits agreement, and/or where there is a lack of community opposition. In these cases, additional points added to the existing score because of a project's location in a "burdened area" could be removed based on the changes suggested above.

EEA should also include a measurement that incorporates other indicators used to identify areas requiring a cumulative impacts analysis, such as income, where that is not captured by MassEnviroScreen. This will ensure consistency across permitting processes and will ensure that no community is left behind in assessing the burdens they may face.

v. *EEA Should Use MassEnviroScreen Indicators to Guide Benefits Application*

EEA should require project applicants to evaluate the indicators that contribute to a higher MassEnviroScreen score and to propose benefits that are related to those indicators which have been identified as burdening a community. For example, in a burdened community with a high MassEnviroScreen score related to heat, the applicant might propose benefits related to increasing shade and reducing the effect of heat islands. Alternatively, in a community identified by MassEnviroScreen as suffering from exposure to certain toxics, the applicant might contribute

to clean-up and remediation funds. Linking benefits to existing burdens provides a lens through which municipalities can assess the value of the benefits provided.

At the same time, EEA should emphasize that any mitigation of factors that the applicant contributes to existing burdens are corrections and will not be rewarded as benefits. It is particularly important that impacts from a given project that contribute to existing burdens in a community are avoided. If burdens cannot be avoided, they should be minimized, and any remaining impacts must be mitigated. Identifying existing burdens in already impacted communities through this site suitability process will help ensure that applicants adhere to the mitigation framework by first avoiding, then minimizing, and then mitigating impacts.

vi. EEA Should Explicitly Clarify that Social and Environmental Benefits Are Distinct from Mitigation

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 purposes to the habitat that are caused by the project. As noted, 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 ("CBPs") and Community Benefit Agreements ("CBAs").

vii. EEA Should Include Community Groups and Key Stakeholders in Determination of Social and Environmental Benefits

Local community groups and other key stakeholders should play a crucial role in determining what benefits are eligible for a points deduction. Points 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.

viii. Utilities Should Bear the Cost of CBPs and CBAs

When benefits are agreed to in already burdened communities, as determined by 980 CMR 15.00, the cost of these benefits should not be imposed on ratepayers. Utilities should not be allowed to pass on the cost of benefits promised in a CBP and/or a CBA to customers as part of their rate base. Rather, utility companies should provide benefits, not customers. If, contrary to this recommendation, the Department of Public Utilities (“DPU”) does allow a utility to include the cost of any benefits in a CBP and/or CBA as part of their rate base, the Guidance should include a DPU mandated rate discount to the host municipality.

ix. Any Benefits Based Score Increases from Job Creation Should Be Linked to Burdens Faced by a Community

Situations where job creation is used to obtain a reduction in an applicant’s site suitability score should be linked to instances where unemployment is identified as a burden by MassEnviroScreen. EEA should also consider establishing certain criteria to identify high quality job creation. This could include instances where an applicant commits to hiring local workers for long-term and full-time positions; to hiring a skilled and trained credentialed workforce with a national journey credential; to funding workforce training working with organizations representing burdened, underrepresented, or marginalized communities; to identifying robust and inclusive workforce development investments, including critical supportive services; to supporting apprenticeship readiness and registered apprenticeships; to recruiting with Historically Black Colleges and Universities, Tribal Colleges and Universities, and other Minority Serving Institutions; to supporting worker organizing and collective bargaining; to profit sharing with the host community; and to providing high quality jobs in the 75th percentile wages compared against comparable industry jobs alongside paid training, tuition reimbursement, and establishment of health and safety committees with participation and training of hourly production workers.

F. Other Considerations of Note: Noise

The Commonwealth should utilize this opportunity to assess and update the noise regulation at 310 CMR 7.10 and the Massachusetts Department of Environmental Protection’s (“MassDEP”) Noise Policy, which was established in 1990.²⁴ Massachusetts should update its policy to account for recent science on noise impacts. The policy could also allow for more discretion in setting allowed noise levels for clean energy development based on where the

²⁴ MA Executive Office of Environmental Affairs, Division of Air Quality Control Policy: Noise Policy (Feb. 1, 1990), <https://www.mass.gov/doc/massdep-noise-policy/download> (Note, MA’s Noise Policy considers any noise source that (1) “[i]ncreases the broadband sound level by more than 10 dBA above the ambient, or (2) [p]roduces a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure level by 3 decimals or more,” to be in violation).

facility will be placed, *i.e.*, in either a commercial or residential area. Noise control regulations in Maine, for example, vary based on the time of day and zoning in the area where certain clean energy facilities are built.²⁵ CLF plans to comment on the Draft Model Bylaws to help guide the zoning and permitting for solar facilities and battery energy storage systems and will provide more detail on this topic.

G. Use of Methodology for Consolidated State and Local Permitting at the EFSB: Permitting Adjudication

EEA should remove the language exempting project applicants who complete a “Cumulative Impact Analysis” from completing a site suitability analysis.²⁶ As stated above, including a requirement that applicants conduct both a site suitability analysis and a “Cumulative Impact Analysis” will ensure that the statute’s goal of promoting climate justice and protecting burdened communities is achieved by ensuring that these communities are no less protected than unburdened communities. The language in this section should reflect any changes made to this approach elsewhere. Because the Guidance requires incorporation of site suitability criteria in “Cumulative Impact Analysis” and “Route and Site Scoring”, it will likely be clearer and may be less burdensome to complete an established site suitability assessment alongside those other requirements rather than incorporating some portion of the criteria outlined in this Guidance.

EEA should require EFSB to consider site suitability scores in its decisions by replacing “EFSB is recommended to consider” with “EFSB must consider” in the section titled “iii. Use of Total Site Suitability Score.”²⁷ Making this change will be consistent with the 2024 Climate Act which requires EFSB to develop standards for applying site suitability criteria developed by EEA.²⁸

Site suitability criteria must be used to identify opportunities for minimization of impacts and to require mitigation of impacts. Benefits must be treated separately. The 2024 Climate Act requires applicants to “avoid or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts.”²⁹ Consistent with the statute, EEA must amend section “iv. Use of Criteria-Specific Suitability Scores” on page 18 of the Guidance to reflect this requirement. The scores should not be used to determine “if minimization or environmental mitigation measures

²⁵ 06-096 CMR Ch. 375, § 10(A) (In Maine, the state adds 5 dBA to the observed levels of any tonal sounds resulting from routine operation of a development. For development in a protected location that is not predominantly commercial, transportation, or industrial, Maine’s sound level limits are 60 dBA during the daytime and 50 dBA during the nighttime. For development in a protected location that is predominantly commercial, transportation, or industrial, Maine sets limits being 70dBA during the daytime and 60 dBA during the nighttime).

²⁶ Guidance, *supra* note 2, at 19.

²⁷ *Id.* at 19.

²⁸ M.G.L. c. 164 § 69T(b)(iv).

²⁹ M.G.L. c. 21A § 30.

should be required for a project”, but instead to ensure that they are required.³⁰ Criteria specific suitability scores will be useful in determining how impacts can be minimized, and where this is impossible, mitigated. These mitigations measures must include a required nexus to the impacts that are identified by the site suitability criteria. Distinct from minimization and mitigation, benefits provided to communities should be included where site suitability scores for social and environmental benefits and burdens have been identified.

H. Use of Methodology for Consolidated Local Permitting: Permitting Process

As noted above, site suitability criteria must be used to identify opportunities for minimization of impacts and to require mitigation of impacts. The 2024 Climate Act requires applicants to “avoid or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts.”³¹ Consistent with the statute, EEA must amend sections “i. Use of Total Site Suitability Score” and “ii. Use of Criteria-Specific Suitability Scores” on pages 19-20 of the Guidance to reflect this requirement.³² Criteria-specific suitability scores will be useful in determining how impacts can be minimized, and where this is impossible, mitigated. These mitigations measures must include a required nexus to the impacts that are identified. Distinct from minimization and mitigation, benefits provided to communities should be included where site suitability scores for social and environmental benefits and burdens have been identified by the site suitability criteria.

I. Future Updates to Methodology and Guidance

i. EEA Should Re-evaluate Regulations Within the Next Two Years

EEA should include an amendment in the guidelines to require a review of the site suitability guidelines, including a period for public comment, sometime within the next two years to determine whether any components should be amended. This provision has previously been included in the cumulative impact regulations on air pollution control in 310 CMR 7.00.³³ The Guidance must be aligned with supporting the goal of the 2024 Climate Act, which is to ensure that the Commonwealth meets its 2030 and 2050 climate targets and mandates as outlined by the GWSA and the Roadmap Law, while also meaningfully including environmental justice populations in decision-making and protecting communities from being unfairly burdened by facilities.

³⁰ Guidance, *supra* note 2, at 18.

³¹ *Id.*

³² *Id.* at 19-20.

³³ 310 CMR 7.00: Cumulative Impact Analysis Final Amendments (March 28, 2024), <https://www.mass.gov/doc/310-cmr-70214-cumulative-impact-analysis-amendments/download>.

J. Additional Commentary

i. *Applicants Should Disclose Site Suitability Calculations*

Applicants should disclose the values and calculations used in any self-calculated elements of their site suitability score in a manner that is easily accessible to community members. This information should be made available to both government entities evaluating site suitability scores and to the public as part of pre-filing engagement disclosures, including on the project website if one is required. Transparency in score calculation is essential to ensuring that key stakeholders and the community can engage meaningfully in the permitting process during an expedited timeline.

ii. *EEA Should Consider Reclassifying the Agricultural Resources Index to Protect Prime Farmland and Farmlands Already in Use*

Undeveloped “Prime Farmland Soils” are a limited resource for Massachusetts and EEA should consider increasing the value assigned to those areas in the Guidance. Although this land is undeveloped, EEA should consider increasing the score assigned to all prime farmlands because of their unique importance and the risk that development would permanently restrict any future agricultural benefit from the state’s most productive soils. EEA might also consider adjusting the scores for farmland of “unique” or “statewide” importance to reflect an increased prioritization of farmlands that are currently producing fuel, food, and fiber.³⁴

III. Conclusion

As outlined above, the signatories make several recommendations as to how the proposed regulations can be strengthened to 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 and the signatories listed below are ready and able to work with EEA and other agencies to amend the Guidance, as needed, to meet the pressing timeline facing Massachusetts. We look forward to continuing to work together to achieve just, equitable, and effective solutions for the Commonwealth.

³⁴ Guidance, *supra* note 2, at 12-13.

Respectfully Submitted,



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