

Via Electronic Mail: EnergyPermitting@mass.gov

October 31, 2025

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114

Joint Clean Energy Group Comments: Draft Guidance on Site Suitability Assessments

Dear Secretary Tepper,

The Alliance for Climate Transition ("ACT"), Solar Energy Industries Association ("SEIA"), Coalition for Community Solar Access ("CCSA"), and Advanced Energy United, jointly, the "Clean Energy Groups," or "Industry," appreciate the opportunity to submit comments to the Executive Office of Energy and Environmental Affairs ("EEA") guidance regarding the Site Suitability Assessments for Clean Energy Infrastructure ("the EEA guidance or the Guidance") released on September 12, 2025.

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. Our 300+ members include companies based in Massachusetts, doing business, or hoping to make future investments in the state.

SEIA is the national trade association for the solar and storage industry, leading the transformation to a clean energy economy. SEIA works with its 1,000+ 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. There are at least 453 solar companies based in Massachusetts along with regional and national companies doing business in the Commonwealth. The Massachusetts solar market value is 12.4 billion, creating over 11,600 jobs. Massachusetts is currently ranked 13th in the nation for total installed solar capacity, with 5,477 megawatts (MW) installed, enough to power more than 936,000 homes.

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.

Advanced Energy United is a national association of businesses that works to accelerate the move to 100% clean energy and electrified transportation in the U.S. The term advanced energy encompasses a broad range of products and services that constitute the best available technologies for meeting our energy needs today and tomorrow. These include electric vehicles ("EVs"), energy efficiency, demand response ("DR"), energy storage, solar, wind, hydro, nuclear, heat pumps (air- and ground-sourced), and smart grid technologies.

We appreciate the opportunity to comment on the draft Guidance on Site Suitability Assessments and acknowledge the tremendous time and effort that has gone into implementing the 2024 Climate Act. As Massachusetts works to address energy affordability while also meeting growing electricity demand, it is essential that the complicated and lengthy siting and permitting processes across the Commonwealth are streamlined to reduce costs, speed up deployment and ensure effective stakeholder engagement.

The Clean Energy Groups urge EEA to consider these comments in the context of the unprecedented transition currently facing renewable development in the Commonwealth. The Trump Administration's anti-renewable policies have removed developers' financial certainty through the early termination of the Investment Tax Credit ("ITC"), introduced yet-to-be-fully-detailed sourcing requirements that limit procurements from certain Foreign Entities of Concern ("FEOC"), and significantly increased development costs through both broad and industry-specific tariffs.

Small Clean Energy Infrastructure Facilities ("SCEIFs")—including those developed by many members of the Clean Energy Groups—face additional programmatic changes and challenges. The Department of Energy Resources ("DOER") is concluding more than two years worth of work to develop new SMART 3.0 regulations. We are working with DOER to ensure the program will facilitate a new wave solar and battery energy storage deployment, providing much-needed generation that will help the Commonwealth meet its clean energy goals.

The DPU continues to address the significant interconnection capacity challenges that currently limit SCEIFs development via the ongoing Capital Improvement Programs ("CIPs") and the proposed Long Term System Planning Program ("LTSP"). Additionally, the Clean Energy Groups membership faces interconnection timing delays due to the protracted approval of ISO-New England's Cluster Study process, and related impacts on Affected System Operator Studies ("ASO"). Taken together, the draft EEA guidance is part of a broader policy framework that will shape the Commonwealth's clean energy landscape.

As currently proposed, the Clean Energy Groups share concerns that the Guidance, while well-intentioned, will have impacts that run counter to the Governor's vision and the intent of the 2024 Climate Act which initiated these reforms. It is the Clean Energy Groups' understanding that the intent of creating "site suitability" determinations was similar to that of an environmental impact review under the Massachusetts Environmental Policy Act ("MEPA").

As we have previously highlighted in our October 17, 2025 comments to DOER on the proposed 225 CMR 29.00 Small Clean Energy Infrastructure Facility Siting and Permitting Regulations, a MEPA review requires that applicants and permitting authorities take a "hard look" at certain impacts relating to a proposed project and inform decisions as to whether and under what special conditions a permit may be issued. Put simply, a site suitability determination should inform the permitting process, but it should not become an additional layer of complexity to the existing permitting and approval standards for SCEIFs.

To meet growing electricity demand and comply with climate mandates, Massachusetts must deploy solar and storage at an unprecedented scale and pace. In order to build a project, developers must consider grid access for interconnection, topography, wetlands, and parcel size among other factors. Should all the land criteria align and a site appear workable, the developer must also be able to sign an agreement with a willing landowner. All of this takes place alongside the policy restrictions contemplated in the Site Suitability Guidance.

The Clean Energy Groups are concerned that the Guidance as currently drafted introduces additional red tape, which will add costs and risks severely restricting the Commonwealth's ability to bring affordable clean energy and storage resources online. With this in mind, we urge EEA to keep in mind that this Guidance is proposed to apply to needed clean energy infrastructure, and that the Guidance as drafted goes above and beyond requirements that apply to other uses available to landowners, many of which have greater environmental and societal impacts.

While site suitability scores may provide information as part of the permitting process, if the scores are determinative of permit approvals or denials, they will add a new, duplicative and significant barrier to deployment—making it harder and more costly to bring much needed new energy resources online, and undercutting the intent of the 2024 Climate Act.

The Clean Energy Groups appreciate the effort and consideration that EEA has dedicated to developing the Draft Site Suitability Guidance. However, given the importance of ensuring the success of siting and permitting reform, we respectfully request that EEA postpone final issuance of this guidance until the following concerns are adequately addressed. In particular, stakeholders must have an opportunity to test the specific data sources and thresholds for each criterion before they are finalized.

Despite the interconnection challenges noted above, SCEIFs can be deployed to the grid at speed—providing critical generation that will help the Commonwealth address near-term energy affordability and supply challenges. This is of critical importance given the federal headwinds faced by the clean energy industry—and the impact on offshore wind, in particular. Because these systems can be deployed rapidly, SCEIFs represent the most cost-effective opportunity to develop renewable energy, with project development timelines that can be placed in service in time to attain the ITC. EEA can advance Governor Healey’s vision to reduce red tape, decrease costs, and drive renewable energy deployment, but only with necessary changes to the proposed Guidance.

Permitting Process - Consolidated Local Permit

Use of Total Site Suitability Score

As written, the Guidance states that projects with Site Suitability scores above 15 are subject to significant deference to municipal mitigation measures. Given the unfamiliar or complicated nature of the applicable datasets it is difficult to determine if this is a workable threshold. However, the Clean Energy Groups are concerned that the Guidance as written does not clearly articulate that site suitability scores inform the permitting process and rather creates a “pass/fail” threshold. Specifically, the inclusion of the phrase “if permitted” in the “Criteria Score Range Greater than 4.0” section of the chart found in the “Use of Criteria-Specific Suitability Scores” section suggests that projects that score above a 4.0 in any single criterion may be denied a permit. The Clean Energy Groups strongly assert that denying permits in this manner runs counter to the spirit of mitigation as envisioned by the 2024 Climate Act. Mitigation is intended to allow clean energy projects that may be in the public interest despite siting constraints, to proceed while also addressing local impacts, and should not be grounds for denying a permit based on score alone.

Use of Criteria-Specific Suitability Scores

Additionally, the Clean Energy Groups are concerned that the EEA guidance does not clearly articulate the circumstances where a municipality may reasonably require a mitigation measure, potentially creating confusion and delays. As written, the Guidance departs significantly from DOER’s proposed 225 CMR 29.00 regulations by failing to directly incorporate the “rational nexus” standard. For example, when discussing the range of mitigation measures a municipality may take to address impacts within their community, the Guidance states that potential mitigation payments “preferably” have a nexus to the impact. The Guidance further states that “*when possible*, requirements should be relevant to the category in which the score was assessed” and “*where necessary*, mitigation can be required to address other social or environmental burdens” (emphasis added).

Read broadly, the Clean Energy Groups have significant concerns that SCEIFs will be faced with mitigation requirements that do not have a nexus to their supposed impacts, and could be used by municipalities to unreasonably block SCEIF development entirely.

Development Potential

The Clean Energy Groups request that Dual-Use Agricultural Facilities be included in the list of categories of projects that receive an automatic zero on Criteria-Specific Sustainability Scores with the exception of Climate Resilience. Currently, the Guidance limits these types of projects to receiving an automatic zero only for the Agricultural Resources criterion.

The Clean Energy Groups believe these types of projects should receive an automatic zero across all categories except Climate Resilience because they do not require the conversion of forest and/or wildlife habitat, which is the assumed impact for the Carbon Storage and Biodiversity Site Suitability criteria. This inclusion would align Site Suitability Criteria with the SMART program, which exempts all Locational Adder projects (including Dual-Use Agricultural Facilities) from the Mitigation Fee. To ensure compliance, permits for Dual-Use Agricultural Facilities that receive automatic zeros across all categories can be contingent on the project being accepted as an ASTGU in the SMART program.

Climate Change Resilience

The Clean Energy Groups request further clarity on why certain types of clean energy facilities are considered threatened by flooding. Solar and energy storage projects undergo extensive flooding analysis during their design phase, incorporating significant flood mitigation measures and siting considerations. A typical solar facility installs raised panels to allow for maintenance activities and typically runs electrical wiring a minimum of five feet off the ground. The proposed Guidance is overly restrictive in light of these considerations and the Clean Energy Groups recommend the inclusion of a flexibility provision that will allow for reduced scores based on flood mitigation design parameters within the project footprint, not the entire parcel.

Additionally, the Clean Energy Groups encourage EEA to utilize FEMA flood maps. Utilizing already existing, trusted data sources which provide a better ease of understanding is superior to creating new ones. We are concerned that the tool provided in the Guidance is more complicated than necessary and will introduce undue confusion to the permitting process. By requiring determinations based on an established data set like the FEMA flood maps, EEA will enable an easier understanding of climate risks for all stakeholders involved.

Carbon Storage and Sequestration

For SCEIFs, the Clean Energy Groups see an opportunity to harmonize the Carbon Storage and

Sequestration scoring metric with the mitigation payment mechanism proposed by the Clean Energy Groups in prior comments on DOER's *Land Use, Siting, and Project Segmentation Guideline*, submitted on October 17, 2025. The Clean Energy Groups are concerned that a single metric for all clean energy facilities does not accurately reflect the scale of carbon sequestration impacts between large and small facilities.

Due to their small size, the Clean Energy Groups believe the Carbon Storage and Sequestration criterion likely will not produce a score that reflects the impact of the project. We are concerned that the unintentional result of this more restrictive metric will be to chill development in CIP areas. To date, developers have responded to the policy choices to incentivize development in these areas and we are concerned that high Carbon Storage and Sequestration scores will allow Local Governments to deny permits. Given the significant ratepayer investments that CIPs represent, the Clean Energy Groups ask EEA to consider either harmonizing the Carbon Storage and Sequestration criterion to the Clean Energy Groups proposed SMART mechanism, or allow additional total point score deductions for projects located in these areas.

Further, the Clean Energy Groups note that while preserving sequestered carbon is important, using relatively modest changes to sequestered carbon as a basis for preventing the development of resources that will displace far more carbon emissions over their useful life, and that can be removed to allow reforestation after their useful life, is counterproductive. The current guidance does not balance these interests appropriately. The currently proposed maps would make it extremely difficult to develop projects with low scores on this criterion, resulting in projects either not moving forward, or moving forward at a higher cost than necessary because scores that are unduly high may lead to expensive mitigation demands from the municipality. This is not a desirable outcome for the Commonwealth where scores are misleading as to the actual benefits of the projects and not useful for assessing the actual extent to which a project has been well-sited to avoid impacts.

Biodiversity

The Biodiversity criterion as proposed will not facilitate the Commonwealth meeting its clean energy goals. Currently, the "integrated biodiversity index" relies on multiple datasets, with additional calculations required to determine 1) the top 25% of scores of pixels across a parcel and then 2) calculating the average of those pixels. These calculations introduce considerable time and complexity into the site hunting process, where developers survey a large number of potential parcels to determine where to site a project. Additionally, the methodology outlined introduces several questions that complicate making an estimation for the criterion. How exactly does a project footprint map into the 30 meter by 30 meter squares used to make a determination? If the project footprint touches a small corner of the square, is that included in the calculation? Does the project footprint need to cover the entirety of the square? Or half?

Ease in calculating a Biodiversity Score (and the Site Suitability Score as a whole) is crucial, because estimations will need to be made early in the development process. An overly complicated scoring process for any of the Site Suitability criteria risks limiting renewable development by further shrinking the limited quantity of land where a SCEIF can actually be built and placed into service.

Agricultural Resources

The Clean Energy Groups understand the desire to preserve agricultural resources within the Commonwealth but worry the Guidance fails to adequately consider landowner property rights and preferences. We commend EEA for scoring Dual-Use Agricultural Facilities at “0” but stress that the Guidance does not provide flexibility for solar projects on agricultural land that maintain potential for future farming.

Often, farmers will partner with solar developers to utilize existing fields that they no longer wish to farm, providing lease revenue to supplement farming income and financial certainty for years to come. While these arrangements temporarily transform active farmland to a working meadow habitat upon which solar panels are installed, they preserve the land’s agricultural potential for future use. Should these arrangements be restricted, landowners may instead pursue permanent conversion via other forms of development, removing agricultural potential from the landscape entirely.

Social and Environmental Burdens & Benefits

The Clean Energy Groups sincerely appreciate the inclusion of societal and environmental impacts as part of EEA’s Site Suitability methodology but are concerned that the Guidance equates development of clean energy resources with the legacy impacts of fossil and other industrial development.

As proposed, Site Suitability Scores for the Social and Environmental Burdens category use the MassEnviroScreen tool as a metric. This value is determined by historic data based on pollution, climate risks, the presence of sensitive or valuable populations, and socioeconomic demographics. The Clean Energy Groups strongly assert that SCEIFs offer unique societal values that reduce future environmental burdens—rather than adding to them—and therefore do not fit neatly into criteria-based on past industrial harms.

In fact, SCEIFs provide societal benefits across all four MassEnviroScreen metrics. They reduce CO₂ emissions and improve local air quality by reducing the Commonwealth’s reliance on fossil fuels. They help reduce the impacts of climate change and provide support to municipalities through an expanded tax base, providing financial support to address socioeconomic needs. Their relatively small project footprint means they can be tucked out of view within their host

communities and do not create expansive industrial sprawl. We believe the current framework that uses these benefits to offset burdens does not sufficiently recognize the positive impacts SCEIFs bring to their host communities.

Summary

While we appreciate the intent of the Site Suitability Guidance, the Clean Energy Groups are concerned that, as drafted, it would introduce substantial complexity with new untested data and questions about implementation that have potential to be used by those seeking to obstruct renewables development, thereby preventing needed clean energy generation from coming online. Currently, municipalities are constrained by existing law in their discretion to deny projects that meet applicable requirements, and those existing laws restrain their ability to preclude clean energy resources through zoning. If the site suitability guidance somehow were to convey broad discretion to deny projects that otherwise meet applicable requirements based on scoring crafted in this Guidance, that would be problematic for multiple reasons:

1. It is potentially contrary to existing law;
2. It creates a situation where permitting will be unpredictable (raising costs and chilling investment); and,
3. It empowers small constituencies to thwart the public interest in developing clean energy facilities.

Taken together, unintended consequences from rushing to implement the Site Suitability Guidelines could create a major barrier to achieving the Commonwealth's clean energy and climate policy objectives. On behalf of all of our members currently doing business in Massachusetts and those who hope to be part of our clean energy future, we thank you for your consideration and commitment to developing policies that will help unleash the many benefits of clean, affordable and reliable energy resources in the Commonwealth.

Sincerely,

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