

October 17, 2025

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

Comments on the Draft Guidance on Site Suitability Assessments

Dear Secretary Tepper,

Thank you for the opportunity to comment on the draft Guidance on Site Suitability Assessments. We greatly appreciate the enormous effort that your team is devoting to the implementation of the 2024 Climate Act. As members of the Commission on Clean Energy Infrastructure Siting and Permitting, New Leaf and BlueWave believe strongly in the compromise that was struck among the key stakeholder groups, and we believe that these permitting reforms are necessary in order to achieve our climate mandates and to deliver clean, affordable energy supply. However, we are concerned that the proposed guidance will not have the effect of streamlining deployment of clean energy, and will in fact represent significant new red tape that will increase the permitting burden on project proponents and give municipalities new tools to deny projects.

In order to meet our climate mandates, Massachusetts needs to deploy more than 20 gigawatts of solar by 2050. This is ambitious but achievable, though only if we have a permitting regime that allows projects to be developed and reserves permit denial to non-compliance with the regulations and to highly unsuitable projects on multiple criteria. It is important to recognize that even if all 20 gigawatts of solar are ground-mounted projects built on undeveloped land, that only represents 1.5% of Massachusetts land area, or 3% of forest land. Site Suitability was intended to be a tool for developers to use to inform prospecting for new sites, and for permitting authorities to use to inform permitting decisions. If, however, Site Suitability Scores are determinative of permitting outcomes without the proper guardrails, it will further threaten deployment of solar at a time when the industry is under direct attack from the Federal government.

There is a very small subset of land in Massachusetts that has access to interconnection capacity. Within those small oases where solar has the possibility of being viable from an interconnection standpoint, the available land is significantly whittled down by non-policy constraints such as wetlands, parcel size, slope, etc. Furthermore, **for every 100 parcels that appear viable from a desktop review, only an average of three result in a preliminary agreement with a landowner.** While they may be well-intended, policies that take large swaths of land entirely off the table have a disproportionate impact, because the potential opportunities

are already whittled down by so many other layers of non-overlapping constraints. Given the small number of opportunities that exist for viable solar development, New Leaf and BlueWave worked hard to build consensus with land conservation organizations, and we are bought in to the avoid/minimize/mitigate framework. However, the entire premise of that framework is that it is not always possible to avoid impacts – that’s where mitigation comes in. This is why EEA guidance should be clear that a high score on any single Site Suitability criterion is not grounds for permit denial. Further, even high scores on multiple criteria should not be viewed in a vacuum as grounds for permit denial. Wholistic, case-by-case decisions should be made based on the specific tradeoffs being proposed, which may mean that there are mutually beneficial outcomes even for projects with multiple high scores. For example, if a project will result in the conversion of a certain number of high-scoring acres and the permanent protection of a larger number of similarly high-scoring acres, that is an outcome that many stakeholders would consider a net benefit. This is especially true in light of the fact that the total number of acres needed to reach our decarbonization mandates is such a small fraction of the commonwealth’s land.

We understand that one of EEA’s goals is to standardize the local permitting process with a consistent framework for decisionmaking that can be further relied upon by the EFSB in de novo adjudications. Therefore, we understand that while the Site Suitability Guidance specifically states that scores should be only advisory in EFSB decisions, it implies that certain scores may be determinative for local permitting decisions.

We are not inherently opposed to the idea that high Total Site Suitability Scores could be determinative in the local permitting process. However, **the current guidance does not provide the appropriate safeguards to ensure that a determinative process would not prevent development of a large number of projects**. Below are the criteria that would be necessary in order for a determinative process to result in a productive siting process:

1. The data source relied upon for determining each Site Suitability criteria score would need to be publicly accessible and have a significant, tested history such that Applicants and stakeholders can easily understand and rely upon the data.
2. The Applicant would need to be able to proactively propose mitigation measures that would result in lower scores. Without the ability to propose score modifications based on proactive mitigation measures, scores would be artificially inflated. One of the main objectives of the permitting reform was to implement an avoid/minimize/mitigate framework in recognition of the fact that complete avoidance of impact is not always possible - thus mitigation must be a part of any determinative scoring.
3. A project must receive a high score on multiple criteria and receive a high overall Site Suitability Score in order for scores to lead to a denial. Receiving a high score on a single criterion cannot be grounds for permit denial.

Under the current proposal, we have serious concerns about a number of the proposed data sources and scoring thresholds, as detailed below. Per the guidance, scores above 15 will lead to significant deference to municipal mitigation measures. Given our difficulties utilizing the

provided sources and estimating Site Suitability scores with confidence, we are unable to determine whether this threshold is reasonable. We urge EEA to provide additional opportunities for stakeholder testing of proposed data sources and thresholds before finalizing the criteria. In addition, the table under “USE OF CRITERIA-SPECIFIC SUITABILITY SCORES” is concerning in that it indicates that a score of greater than 4 on a single criteria may be grounds for permit denial. This has not been our understanding of the permitting reform compromise, especially with reliance on several new and untested data sources. **Project sites that have high scores on single criteria should be required to mitigate those criteria, but permits should only be denied in cases in which the project is unsuitable on multiple criteria.** Providing too broad of discretion to deny a permit will not allow us to deploy over 20 GW of solar and meet our climate commitments.

OVERALL COMMENTS

While BlueWave and New Leaf support the Site Suitability framework at a high level, the specifics of how it is implemented can have dramatic consequences on the viability of solar and storage development in Massachusetts. We appreciate EEA's efforts to base scoring on publicly available data sources. However, many of these data sources are not maintained by EEA or its sister agencies, nor is it clear if they are updated on any regular schedule. BlueWave and New Leaf are concerned by the reliance on external sources for the Site Suitability scoring because the data could change, or could be removed entirely, creating confusion in the market. We appreciate EEA's release of a webmap to help understand several of the siting criteria, and we urge EEA to go further and produce the GIS layers necessary for all of the Site Suitability scoring criteria to be accessible in one public and regularly-maintained database, to avoid confusion and ambiguity. The webmap should allow developers to overlay their projects' polygons and receive Site Suitability scores, and also should allow data layers to be downloaded and imported into other tools that developers may use for prospecting.

Importantly, when data sources are updated, there should be a transition exception for projects that were developed in good faith with reliance on the prior dataset. If the data underlying the Site Suitability scoring system changes, projects that submitted either a permit application or an interconnection application before the new data were published should be allowed to submit a Site Suitability score based on the prior datasets.

Several of the data sources utilized for the Site Suitability scoring are challenging for us to understand. We have extensive experience permitting in Massachusetts and the current proposed Site Suitability process would be far more burdensome than the current process, particularly for newer entrants to the market. Several of the criteria (particularly Climate Resilience, Biodiversity, and Carbon Sequestration) rely on new maps, data, and tools that we have never before used and, when testing the process on sample projects, we were unable to accurately determine a Site Suitability score. Again, we appreciate the provision of a publicly available webpage to help stakeholders understand the scores, however we note that confusion likely will still remain given the differing measurement guidance for each criteria (for instance the 25% highest provision in Biodiversity is confusing). **We urge EEA to delay finalizing this**

guidance until the final data sources have been published in an easily accessible format and stakeholders have had an opportunity to test them and provide additional feedback.

In addition, we have numerous documented examples of statewide GIS layers being inaccurate at the parcel level. Certain data sources being utilized in this scoring framework, such as BioMap Core Habitat, incorporate components that designate an area as Core Habitat due to an automatic offset of a certain distance from a landscape feature (such as a stream), with no reference to what the actual site conditions are. This leads to many instances where a clearly degraded site is being flagged as having high conservation value. **It is critically important that there be a clear and objective opportunity for applicants to request a modification to a proposed facility's estimated Site Suitability Score based on actual on-the-ground conditions.** Further, projects may be proposing mitigation features built into the project design (such as siting critical electrical infrastructure outside of areas prone to flooding) that should warrant a lower score than the map provides. **Applicants should be able to request modifications to the identified score based on project design features that avoid or mitigate the impact relevant to a particular criterion.**

DEVELOPMENT POTENTIAL

Section IV.C.i lists certain categories of projects that automatically receive a zero on Criteria-Specific Suitability Scores with the exception of Climate Resilience: Canopies, Brownfields, Landfills, and Previously Developed Lands. Dual-Use Agricultural Facilities are not included in this list, however section IV.C.v. states that such facilities receive an automatic zero score for the Agricultural Resources criterion. It is not clear why Dual-Use Agricultural Facilities should be subject to the Carbon Storage and Biodiversity Site Suitability criteria, since they are based on the assumption that a proposed Facility will be converting forest and/or wildlife habitat, which is not the case for Dual-Use Agricultural facilities¹. Therefore, we recommend that section IV.C.i be amended to include Dual-Use Agricultural facilities among the facility types that receive a zero on all criteria other than Climate Resilience. This would be more consistent with the SMART program, in which all Locational Adder projects, including Dual-Use Agriculture, are exempt from the Mitigation Fee. We understand that Dual-Use Agricultural Facilities are not the result of an inherent site condition (like Brownfield, Landfills, and Previously Developed Land), but rather are the result of commitments by the developer to operate the facility as a Dual-Use Agricultural Facility and that this necessitates additional consideration. We recommend that, for a proposed Dual-Use Agricultural Facility that avails itself of the automatic zero score on all criteria except Climate Resilience, the permit may have a condition of being accepted as an ASTGU in the SMART Program.

Thank you for subtracting a point from the total Site Suitability Score for projects in CIP areas. We believe that this is an important reflection of the fact that the public has an interest in ensuring that all of the interconnection capacity created by the CIPs is utilized in a timely manner. In addition, siting may be more difficult in CIP areas than elsewhere, because those

¹ 25 CMR 28.07(5)(b)3.c.i.(i) Clearcutting Prohibition. No Newly Created Farmland Project Footprint shall be a result of the clearing or conversion of forest land.

areas by definition have already seen significant solar development, which may mean that there are fewer available sites remaining that can receive a low Site Suitability score. Fully utilizing the CIP upgrades may therefore depend upon developing some sites with higher scores, and thus we recommend that two points be deducted for projects located in an area with approved CIP or ESMP upgrades.

CLIMATE CHANGE RESILIENCE

It is unclear why certain types of clean energy facilities are threatened by exposure to flooding. For example, solar facilities typically have panels raised above the ground in order to allow periodic mowing of the vegetation under the panels, with electrical wiring at the midpoint of the panels or higher, typically 5+ feet off the ground. There should be design-specific criteria, and **projects should be allowed to get a waiver, or a reduced score, from a Climate Resilience criterion if they can demonstrate that they are designed in such a way that their operations are not threatened by flooding.** Solar and energy storage projects undergo significant flood analysis, as the cost of flood insurance can be prohibitive, often leading to project designs that already significantly mitigate flood risk, such as siting any electrical infrastructure (energy storage, transformers, etc.) outside areas of any flood risk.

In addition, EEA should clarify that it is the project footprint, not the entire parcel, that is being evaluated for flood exposure, as it is typical for facilities to be located on only a small portion of a parcel.

Further, the tool provided in the Guidance is both confusing and far too untested of an instrument to rely on in the permitting process². The myriad of questions an Applicant must answer, many of which are up to interpretation, will lead to significant variability between developers in the answers and, thus, the outcomes. It also appears that simply selecting “Yes” when prompted whether the project will increase the impervious area leads to a higher score, with no consideration of the amount of impervious area or of the mitigation measures proposed to be in place (e.g., stormwater basins).

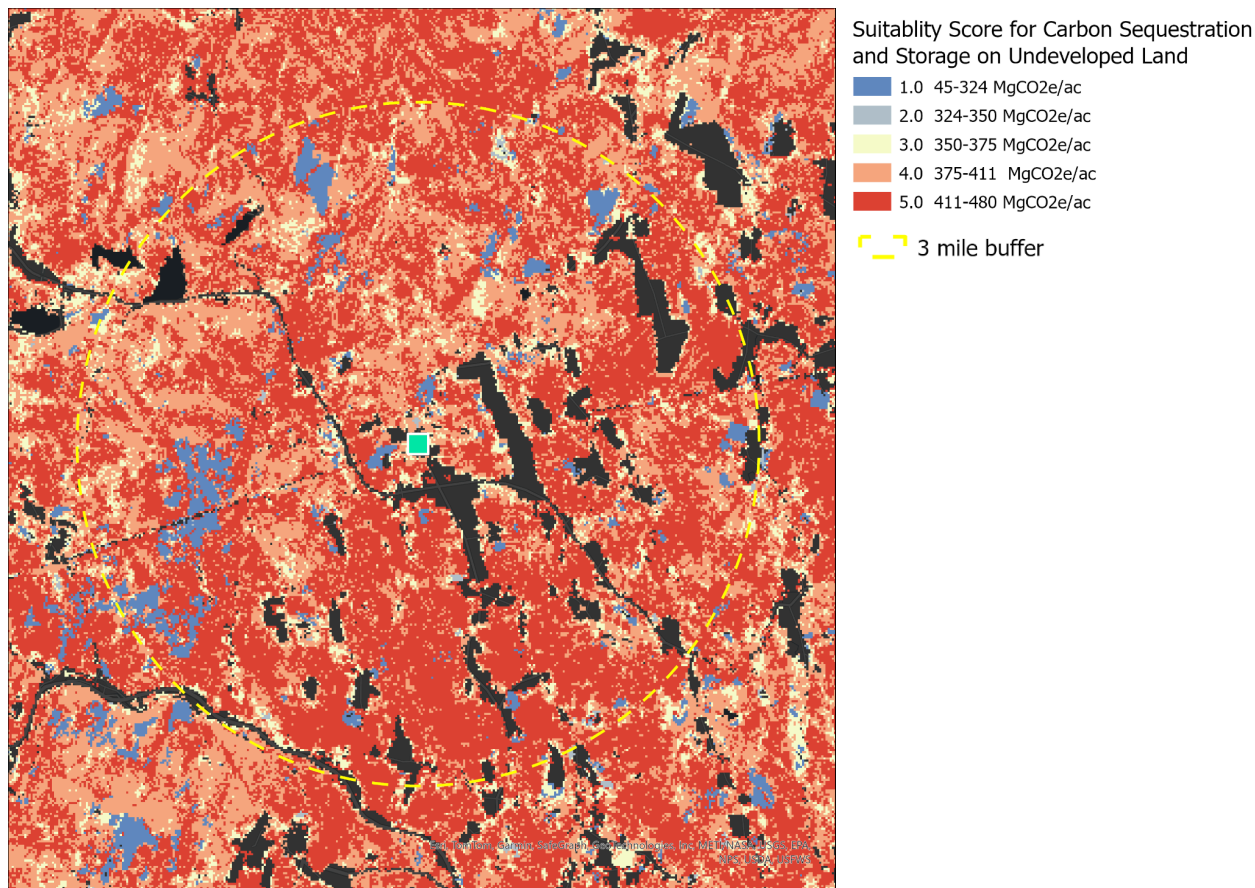
We recognize that EEA is planning to release a publicly available version of the data (which we appreciate and which will help us better understand the impact of this criterion), however **we encourage EEA to utilize more well understood and verified data, such as FEMA flood risk maps.** This would be much easier for developers and stakeholders alike to understand the risks of climate change. The scoring scale could be based on location in mapped flood areas, as well as distance above those levels.

² BlueWave noticed an instance in which a sample project received a Moderate score of 2.5. One of the factors noted in the Moderate Score is that the site was <500 feet from a body of water, yet we are unaware of any body of water within 3,000 feet of that site.

CARBON STORAGE AND SEQUESTRATION

The Carbon Storage and Sequestration criterion is likely to produce a score that is misaligned with the impact of the project. We agree that a project located on Developed Land should receive a score of 0. However, land that is Undeveloped and $<200\text{MgCO}_2\text{e/ac}$ results in a score of 1, despite representing only 1,234 acres in the whole state - that should result in a score of zero. At a minimum, anything Undeveloped and $>200\text{MgCO}_2\text{e/acre}$, should scale between 1 and 5, rather than 2 and 5. However, this framing is likely to render the large areas of the state as scoring poorly on Carbon Storage and Sequestration, including a number of approved CIP areas. We thus reiterate our earlier point that it is critically important to allow for score modifications for applicant-proposed mitigation measures, such as setting aside commensurate land for permanent conservation.

Developers have responded to the policy of the state to drive development towards CIP areas in order to ensure the ratepayer-funded upgrades are ultimately repaid through solar and energy storage development. We worry that, if projects in CIP areas receive a high score on Carbon Storage and Sequestration, they will be challenged in receiving permits from the Local Government. This would be a poor outcome for our climate commitments and for ratepayers. To illustrate the potential impact on CIP development, the image below shows the carbon sequestration scores within a three mile radius of the Plainfield substation, which is receiving upgrades through one of the Eversource CIPs.



As the map above shows, there is almost no land available in this CIP area that can receive a score lower than 4 for Carbon Sequestration. Our strong recommendation is that no single high score on any given criterion be grounds for permit denial, because as this map shows, there are certain areas where there is a public interest in allowing some solar development, but where it is almost impossible to avoid a high score.

BIODIVERSITY

It is unclear if the forthcoming “integrated biodiversity index” will produce a single score for each pixel, because the scoring criteria reference separate datasets. Even if the forthcoming data layer produces a single score per pixel, scoring still requires calculating the top 25% of scores and then calculating the average for those pixels. Performing two separate calculations per site footprint may be feasible once a site has been selected, but it is very burdensome for prospecting new sites, which requires screening a large number of potential sites to determine suitability.

In addition, it is unclear precisely how this is intended to work. If 25% of a project footprint is in NHESP Priority Habitat, does that indicate that the project would receive a score of 5? And is this based on majority pixels, such that a pixel is only counted if the center of the pixel is in the project footprint? This again introduces significant complexity into estimation of a Site Suitability Score, which is very early on in the permitting process. We stress the need for easily understood metrics that rely on tested data.

In addition, in our very brief experience using the Carbon Storage scoring system proposed by DOER for the SMART program, we have found that using pixellated data is extremely challenging. With other datasets like BioMap Core Habitat, which are solid polygons, projects can be designed to avoid impacting those areas. However, it is much more difficult to design a project so that it can avoid a specific threshold of overlap when the map is a checkerboard of pixels that are lower and higher than the relevant threshold. Indeed, it would meet the letter of the guidance but not the intent for a project to be designed in such a way that within a solar array covering, say, 40 acres, there were a number of 30 meter by 30 meter squares in the middle of the array where no panels were installed. A much better outcome is for the project to be designed in a rational way that concentrates its footprint on the lower-impact areas of the site. In these cases, **an average score across the entire project footprint is a much more effective way to gauge the impact than a percentage overlap based on the pixels.**

NHESP is another example of why a high score on a single criterion should not be grounds for permit denial. Clean energy developers are experienced in working with NHESP, and for projects going through the local permitting process, we will continue to work directly with NHESP, as it will not be included in the Local Consolidated Permit. It is not typical that NHESP denies a project altogether based on habitat impact; rather, NHESP takes an approach that prioritizes mitigation, allowing projects to proceed if they improve or preserve an equal or greater number of acres. **Projects that have established a mitigation plan approved through NHESP should have their Biodiversity Site Suitability Score adjusted**

accordingly, and the NHESP-approved mitigation should be incorporated into any mitigation required through the local permitting process.

AGRICULTURAL RESOURCES

It appears that there is a drafting error in the Agricultural Resources section, which states at the end: “The agricultural resources score will therefore reflect a facility’s anticipated impact on the highest biodiversity value areas (top 25%) within a Site Footprint.” This sentence appears to have been copied from the previous section, as it is unclear what agricultural resources have to do with biodiversity value areas. Further, this is the only mention within the Agricultural Resources section of a top 25% calculation.

If this is not indeed in error, we are confused by how the top 25% calculation would be applied to Agricultural Resources. Is this saying that, if 25% is on Agriculture Land Cover and Prime Farmland Soils, then the project would receive a 5? And is this based on majority pixels, such that a pixel is only counted if the center of the pixel is in the project footprint? This again introduces significant complexity into estimation of a Site Suitability Score, which is very early on in the permitting process. We stress the need for easily understood metrics that rely on tested data.

This section also appears to be missing a crucial project situation, in which **a project is located on Other Undeveloped land (or perhaps even Agriculture land) per the NLCD data, but is not located on Prime Farmland, Farmland of Statewide Importance, or Farmland of Unique Importance. In these instances, the project’s score should be 0.**

SOCIAL AND ENVIRONMENTAL BURDENS

We note that MassEnviroScreen is still in development, so it is difficult for us to assess whether this will ultimately be workable once fully implemented. As noted above, **it is essential that EEA provide stakeholders with the data proposed for each criterion and allow for testing and feedback before the datasets and thresholds are finalized.**

Further, the Guidance presumes that solar and energy storage development necessarily presents a burden on EJ populations. We stress that one of the main objectives of solar and storage deployment is to reduce the burden on EJ communities by reducing pollution from fossil fuel power plants. In addition, projects will introduce new local tax revenue for relatively minimal impact; solar does not utilize the school system and does not materially increase use of the roadways, all while paying for grid upgrades that can improve local reliability, and delivering clean energy to the grid. Therefore, while we agree that it is very important to evaluate whether a project will be sited in a community that has higher historical and existing social and environmental burdens, it is not guaranteed that clean generation and storage projects, on balance, represent an additional burden.

Producing an automatic score based simply on project location is therefore concerning in light of the ambiguity about whether projects can be denied a permit if they have a score above 4 for any of the Scoring Criteria, and/or a total score higher than 15. Our concerns about including an automatic Social and Environmental Burdens score based solely on location would be diminished if it was clearer that scores should be used to inform permitting decisions, but are not determinative of a certain permitting result. Even so, **we respectfully disagree that siting a clean energy project in an environmental justice community necessarily represents a net incremental burden to that community.** Project proponents should be able to reduce their score in this category by providing a letter of support for the project from municipal officials and/or a community based organization(s) representing environmental justice communities in the vicinity of the project.

SOCIAL AND ENVIRONMENTAL BENEFITS

Thank you for recognizing that clean energy projects can provide many benefits, and creating an opportunity for those benefits to be recognized within the permitting process. However, we are concerned that, as written, project proponents and municipalities must come to an agreement in order for the project to adjust its score based on social and environmental benefits. Unfortunately, developers have encountered not-infrequent situations where municipalities are seeking opportunities to deny projects rather than negotiating in good faith. In addition, while certain potential benefits, such as improving local quality of life, are subjective and at the municipality's discretion, there are others for which the municipality is not in the best position to evaluate whether the benefit is indeed being provided. For example, the guidance notes that UMass Clean Energy Extension is the arbiter of pollinator-friendly design, while DOER is likely a better entity than most municipalities to evaluate whether a given project will displace emitting resources. For the types of benefits that are evaluated by an entity other than the municipality, or which can be objectively evaluated, **there should be standard criteria for how projects can demonstrate each type of benefit and how many points are subtracted for different measures.** Even for subjective criteria, **if a project and a municipality are unable to negotiate an agreement, there should be an opportunity for the developer to propose benefits and receive an independent review**, perhaps from the Regulatory Circuit Rider proposed in 25 CMR 29.11.

OTHER CONSIDERATIONS

Drinking Water Supply

Applicants intend to comply with the drinking water regulations and guidance of the Commonwealth, as they are in effect at the time of permitting. It is unnecessary for EEA to detail the drinking water guidance for the siting of energy storage projects. We do not object to the Zone I restrictions but we believe these are sufficiently detailed in the DEP guidance and unnecessary to spell out in the EEA guidance.

Noise

Applicants intend to comply with the noise regulations of the Commonwealth, as they are in effect at the time of permitting. It is unnecessary for EEA to detail the DEP noise policy within these guidelines, in contrast to other topics such as wetlands protection where the guidance simply references the relevant regulations and policies. DEP may change its noise policy in the future, and if so that would create a conflict between DEP regulations and this guidance.

PROCESS

Alternative Sites

Section IV.B. states that “Applicants should estimate the Total Site Suitability Score and Criteria-Specific Suitability Scores...as early as possible prior to submitting an application...to allow time to make design changes or *choose a different site* if the Applicable Facility is determined to be likely to receive a high Total Site Suitability Score or one or more high Criteria-Specific Suitability Scores” (emphasis added). Clean generation and storage stakeholders have raised numerous times during the permitting reform process to date that the concept of “alternative sites” is not appropriate for clean generation and storage projects. If there is a second site that is potentially viable, that site is a separate project, not an alternative to a prior site. With a need for gigawatts of new solar and storage deployment to achieve our climate mandates, each site should be evaluated on its own merits and not evaluated in the context of alternatives. We respectfully request once again that regulatory language be clear that any mention of alternative sites is applicable only to clean transmission and generation facilities (for which there is a specific need that could be met by multiple alternative sites or routes, of which only one is needed). In this particular instance, we recommend simply deleting the phrase “or choose a different site,” or else clarifying that it refers only to clean transmission and generation facilities. Section V.B. also references alternative sites: “Applicants should include the following information for each Applicable Facility, *including alternative sites*, in their applications to relevant permitting authorities.” Again, this reference to alternative sites should be deleted, or at a minimum, it should be indicated that alternative sites are only applicable to clean transmission and distribution facilities.

Requests for Score Review

Section IV.B.iv. gives any party substantially and specifically affected by a proposed facility or any party to an EFSB proceeding on a proposed facility the ability to request a Site Suitability Score Review. In order for this provision to not become an intentional delay tactic, EEA should specify that requests for a Score Review must be made within a certain period of time following the Score Determination, such as ten business days. In addition, we recommend that EEA clarify that the rest of the permitting process should continue to proceed while the Score Review is taking place.

New Leaf and BlueWave greatly appreciate the effort that EEA has put into developing this Guidance, and we appreciate the opportunity to provide these comments. Please do not hesitate to reach out with any questions or to discuss these issues further. We look forward to continued cooperative efforts to improve the siting of clean energy projects while streamlining and facilitating the deployment of clean energy.

Sincerely,

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