

## **Highlighted Changes to Site Suitability Guidance in Response to Comments**

### I. Purpose

- Added cross-references to relevant Energy Facilities Siting Board (EFSB) and Department of Energy Resources (DOER) regulations.

### II. Guidance Development

- Added additional information on process since Guidance was released for public comment.

### III. Definitions

- Updated definition of Applicable Facility to reflect provisions in 980 CMR 15.00 that require facilities that must perform a Cumulative Impact Analysis to also complete a Site Suitability Report.
- Added cross-reference to definition of Applicable Facility to new provisions in 225 CMR 29.07(1) that establish exemptions from Site Suitability Reports for certain types of facilities.
- Added definition of Avoidance that is consistent with 225 CMR 29.02.
- Removed definition of Behind-the-Meter Small Clean Energy Generation Facility.
- Modified definition of Consolidated Local Permit to ensure consistency with 225 CMR 29.02.
- Fixed typo in definition of Criteria-specific Suitability Score.
- Removed definition of Cumulative Impact Analysis.
- Removed definition of Formal Score Determination.
- Added definitions of Local Government, Minimization, and Mitigation that are consistent with 225 CMR 29.02.
- Removed definition of On-site Load.
- Updated definition of Request for Score Revision to ensure consistency with updated provisions in 225 CMR 29.00 and proposed provisions in 980 CMR 15.00.
- Removed definition of Route and Site Scoring.
- Modified definition of Site Footprint to ensure consistency with 225 CMR 29.02.
- Removed definition of Site Suitability Assessment.
- Added definitions of Site Suitability Mapping Tool and Site Suitability Report to ensure consistency with 225 CMR 29.02 and 980 CMR 15.00.
- Updated definition of Site Suitability Score Modifiers to eliminate reference to Total Site Suitability Score.
- Removed definitions of Total Site Suitability Score and Burdened Areas.

### IV. Site Suitability Report

- Eliminated references to Total Site Suitability Score and made other clarifying edits to ensure consistency with 225 CMR 29.00 and 980 CMR 15.00.

#### IV.A. Applicable Facilities

- Clarified what types of facilities are exempt from completing a Site Suitability Report.
- Clarified that a Public Right of Way shall be considered to be “newly established” if created on or after February 18, 2025.

#### IV. B. Scoring Process

- Made several edits to ensure that description of the process for calculating scores is consistent with the procedures outlined in 225 CMR 29.00 and 980 CMR 15.00.

#### IV.C.ii. Carbon Storage and Sequestration

- Made minor edits to clarify how carbon index values will be determined in relation to a facility’s Site Footprint.
- Changed the lower end of the scoring system for Undeveloped land with a Total Ecosystem Carbon of  $\geq 200$  MgCO<sub>2</sub>e/acre from 1.0 to 2.0.

#### IV.C.iii. Biodiversity

- Made minor edits to clarify how biodiversity index values will be determined in relation to a facility’s Site Footprint.
- Clarified that Local Biomap layers will be used to determine scores.

#### IV.C.iv. Agricultural Resources

- Made minor edits to clarify how agricultural resource index values will be determined in relation to a facility’s Site Footprint.
- Made other minor clarifying and organizational edits.

#### IV.C.v. Social and Environmental Burdens

- Updated references and links to MassEnviroScreen (MES) tool.
- Changed scoring methodology to assess site suitability score based on the highest MES score from all census block groups that the project Site Footprint overlaps with, as opposed to the weighted average of all MES scores from the census block groups.

#### IV.D.i. Development Potential

- Eliminated Capital Investment Project (CIP) Provisional Program Score Modifier.
- Added language to clarify the process by which Applicable Facilities can seek a waiver from the EFSB Director or an advisory pre-determination from DOER that the Applicable Facility shall not be scored as if sited on Protected Open Space.
- Added clarification regarding the specific circumstances under which an Applicable Facility is eligible to not be scored as if it is sited on Protected Open Space.
- Added clarifying language explaining that facilities with a Site Footprint that intersects with Article 97 land must still take all necessary steps to remove the land’s Article 97 classification before the facility can be constructed.

#### IV.D.ii. Social and Environmental Benefits

- Added language stating that social and environmental benefits are presumed to have a positive impact on one or more MES indicators and that accordingly, such benefits can lead to a 0.5 point reduction of an Applicable Facility's social and environmental burdens Criteria-specific Suitability Score.
- Listed specific categories of Social and Environmental Benefits.
- Added a footnote clarifying that "benefits" are considered to be separate and distinct from Minimization and Mitigation measures, which may be separately required.
- Added clarifying language explaining that benefits should be considered proportional to the size of a facility and its impact (e.g., larger facilities with bigger impacts are generally expected to offer larger benefits to obtain a reduction in their score).
- Added language clarifying that a social and environmental benefits agreement signed by a Applicants and a host municipality is considered to be a Community Benefits Agreement.
- Added language encouraging Applicants and host municipalities to involve community groups and other interested stakeholders in the development of a social and environmental benefits agreement.
- Eliminated specific list of types of Social and Environmental Benefits and re-listed them in a table as example benefits, including examples of how such benefits could potentially be documented.

#### IV.E. Other Siting Considerations

- Removed all references to specific environmental regulations and rules and replaced with a single paragraph clarifying that Applicable Facilities are subject to all other state and local laws, regulations, bylaws, and rules pertaining to impacts to drinking water, wetlands, endangered species, noise, air quality, emissions, and public health, among others.

#### IV.F. Criteria and Scoring Table

- Removed reference to Total Possible Score.

#### IV.G. Site Suitability Score Modifier Table

- Removed reference to CIP Score Modifier.
- Removed specific list of social and environmental benefits and updated size of Score Modifier from 1 point per benefit to 0.5 points per benefit.

#### V. Use of Methodology at EFSB

- Updated pre-filing and application requirements to conform to 980 CMR 15.00.
- Eliminated steps that are no longer necessary because of proposed procedural requirements in 980 CMR 15.00.
- Eliminated reference to how Total Site Suitability Score is to be used by EFSB, as it is no longer needed because it has been removed as a factor to be reviewed.
- Added language clarifying that all Minimization and Mitigation measures should have a rational nexus to the impact or burden imposed by an Applicable Facility.

- Clarified that the EFSB Director shall not perform a Request for Score Revision for a Small Clean Energy Infrastructure Facility referred to the EFSB for a De Novo Adjudication unless parties to the proceeding were not afforded an opportunity to make a request to DOER before the application was referred to the EFSB Director.

#### VI. Use of Methodology for Consolidated Local Permitting

- Updated pre-filing and application requirements to conform to those in 225 CMR 29.00.
- Eliminated steps that are no longer necessary because of changes to procedural requirements in 225 CMR 29.00.
- Eliminated reference to how Total Site Suitability Score is to be used by Local Governments, as it has been removed as a factor to be reviewed.
- Removed language allowing for mitigation payments to a host community through a local community fund or an approved state trust fund or non-governmental organization to support conservation efforts to be consistent with the removal of similar provisions in 225 CMR 29.00.
- Added language clarifying that all Minimization and Mitigation measures should have a rational nexus to the impact or burden imposed by an Applicable Facility.
- Added language clarifying that one or more high Criteria-specific Suitability Score does not constitute grounds for an automatic denial of a Consolidated Local Permit by a Local Government.
- Updated score interpretation table to list fewer levels of expected Minimization and Mitigation measures.

#### VII. Future Updates to Methodology and Guidance

- Added language clarifying that EEA will commence its first review of the Site Suitability Guidance no later than March 1, 2028.