

Comments on Straw Poll #2: Procedural Regulations

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Public Hearings and Noticing (Page 4)

- Notices should be expanded to include not just abutters but indigenous tribal representatives given the understanding that land in Massachusetts has historical, cultural and spiritual significance to those people originally inhabiting a parcel where development is proposed
- Meetings should be held within the municipality where the project is located (line 1281 of statute)
- Good that new guidelines will be required regarding decommissioning, site restoration, and scope and timing of removal/restoration.
- Good that final decisions include statutorily required findings – these should be publicly available on dashboard

Board Business (Page 4)

Regulations regarding membership should include one private member that is representative of general community/municipal interests.

Consolidated Permits (Pages 5-6)

- Online dashboard should provide project specific documents and disaggregated data per project
- Regulations effective on March 1 should apply to projects filing after March 1, 2026 – not July. There is no reason to delay new regulations.
- The regulations should include a requirement that written findings be made when municipal/host, acting as intervenors, submits recommendations that are not supported by the EFSB

DeNovo Adjudication (page 7)

- It is good that the regulations would include “all documents produced for the local consolidated permit process”

REQUEST FOR COMMENTS

- Existing Siting Board regulations require newspaper notice of public comment hearings. Should the Siting Board eliminate the requirement for newspaper notice of public comment hearings? What type of notice would be more effective for these hearings?
 - o *The intent of noticing is to make the public and interested parties aware of a project in a timely manner. Therefore the EFSB should not be considering either or but “and/both”. Some newspapers are still read by people and given the size and cost of large clean energy projects the cost of a newspaper ad for 2 weeks is insignificant. The question should be what over online venues should be explored, including those local to the proposed site.*

- Should Siting Board staff site visits to the location of a proposed project be open to the public? How would the Siting Board manage such a process?
 - *Providing public access to a proposed site would be an excellent approach so that various stakeholders have access otherwise the landowner can deny access at other times in the process. This can be treated as an RSVP event with a requirement for some affiliation – organizational, municipal, abutter-wise or other legitimate interest.*
- How should the Siting Board reflect decommissioning activities and expectations?
 - *Totally. The expectation for what the land should be returned to after the life of the project, especially in areas where natural resources are destroyed or damaged by the development is crucial. There should also be defined penalties for inadequate decommissioning, backed up by the requirement for a front-end bonding process.*
- When local government, upon a showing that its resources, capacity and staffing do not allow for review of a small clean energy infrastructure facility's permit application within the required maximum 12-month timeframe for local government review, could request a de novo adjudication from the Siting Board Director, should the Siting Board establish a 12-month schedule for review, consistent with the 12-month schedule allowed for review at the local level?
 - *I think statutorily, a 12-month decision schedule would be required but the period should begin when the EFSB receives all the documentation from the applicant. The municipality should not be required to forward the application materials on the applicant's behalf. This will make the start of the review process clear.*
- For de novo adjudications, should the Siting Board regulations provide for the opportunity for a motion for reconsideration by the Director of a de novo adjudication final decision?
 - *Definitely in the situation where the EFSB is reviewing a local application forwarded to the EFSB due to lack of capacity; this would provide for a secondary level of decision. In the instance of a de novo review before the EFSB due to an appeal of a local decision, there should be no appeal if the decision of the municipality and of EFSB are consistent.*
- Permitting procedures for energy facilities in other states include steps that limit the scope of subject matter that may be explored during adjudication and decided upon in the final permit. This limitation can increase efficiency for issuing permits. Should the Siting Board adopt such practices? What limiting practices should the Siting Board consider? Describe any legal impediments for the Siting Board to adopt similar practices.
 - *There should be no limitations on what can be explored. This is especially important if important aspects of the project design and the impacts will be hidden behind claims of proprietary information. Applying for a project is not a right and therefore if an applicant seeks to enter into the process, it must be*

prepared to make all pertinent information available for a transparent decision made in the public interest.