

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), under its authority pursuant to M.G.L. c. 21A, St. 2007, c. 168 and M.G.L. c. 30 section 61 – 62H, and in conformance with M.G.L. c. 30A, will hold a public hearing on new regulations at 301 CMR 13.00 (Public Benefit Determination) and proposed amendments to the Massachusetts Environmental Policy Act regulations at 301 CMR 11.03 (Review Thresholds) 11.05 (ENF Preparation and Filing) 11.07 (EIR Preparation and Filing) and 11.16 (Filing and Circulation). The new regulations at 301 CMR 13.00 implement changes made in St. 2007, c. 168 (Chapter 168) which was enacted in November of 2007. Chapter 168 expressly exempts uses and structures in ‘landlocked tidelands’ from M.G.L. c. 91 licensing requirements, and requires the Secretary of the Executive Office of Energy and Environmental Affairs (the Secretary) to issue a public benefit determination for certain projects in ‘waterfront’ and landlocked tidelands. These regulations implement the public benefit determination review process.

The changes in 301 CMR 11.03 clarify the language of the Rare Species threshold in section 2 to make clear the circumstances requiring the submission of an ENF. Pursuant to Chapter 168, the changes in 11.05 and 11.07 require that proponents of new projects within landlocked tidelands identify measures to avoid, minimize or mitigate any adverse impact on the public’s right to access, use and enjoy tidelands protected by chapter 91. If a project is built in a community where low groundwater levels have been identified as a threat to building foundations, Chapter 168 modifies the MEPA process to require proponents to identify and commit to taking measures to avoid, minimize, or mitigate any adverse impact on groundwater levels. Information provided pursuant to these new MEPA requirements may also be combined with the information required for the public benefit review in 301 CMR 13.00. The changes in 11.16 eliminate the requirement to distribute unnecessary copies of documents including the third copy of the EIR to the MEPA Office.

A public hearing will be conducted on the following date at the following location to receive comments on the proposed amendments. Testimony may be presented orally or in writing at the hearings.

Thursday, August 7, 2008, 10:00 am
Leverett Saltonstall Building
100 Cambridge Street, 2nd floor Conference Room D
Boston, MA 02114

Written testimony will be accepted from the opening of the comment period on Wednesday, July 16, 2008 until 5 P.M. Friday, September 5, 2008. Written testimony should be submitted via email to margaret.callanan@state.ma.us or via mail to: Margaret Callanan, Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Suite 900, Boston, MA 02114. Copies of the proposed regulations are available on the Executive Office of Energy and Environmental Affairs web site at www.mass.gov/envir or may be obtained by calling Margaret Callanan at 617-626-1146.

For special accommodations for this event or to obtain this information in alternative format, you may contact Maurice Wright, Executive Office of Energy and Environmental Affairs, ADA coordinator, at 617-626-1161, 100 Cambridge Street, suite 900, Boston, MA 02114.

By order of the Executive Office of Energy and Environmental Affairs
Ian Bowles, Secretary