

MEPA Releases Draft Policy on Climate Change Adaptation and Resiliency

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The Massachusetts Executive Office of Energy and Environmental Affairs has released for public comment a draft policy on Climate Change Adaptation and Resiliency under the Massachusetts Environmental Policy Act (MEPA). Comments should be sent to Holly Johnson (Holly.S.Johnson@state.ma.us) in the MEPA office by not later than **February 9, 2015**.

MEPA's proposed policy, roughly a year in the making, would require a proponent to address both the impacts of climate change on a project and the project's impacts on climate change. Once the policy becomes effective (on a date yet to be determined) a proponent would be required to include a "Climate Impact Assessment" in an Environmental Notification Form (ENF). Projects that filed an ENF before the effective date of the policy would be exempt, except that for a project that has already submitted an ENF the MEPA office would determine on a case-by-case basis whether the subsequent filing of Notice of Project Change would trigger compliance with the policy.

Climate Assessment

The assessment is intended to evaluate the potential impacts of climate change on a proposed project, including sea level rise, coastal flooding, storm surge, and changes in precipitation and temperature, and to assess the effectiveness and feasibility of measures to reduce hazards and increase the project's resiliency. The assessment would also evaluate how a project could contribute to (or reduce, as applicable) climate change impacts. The Policy includes appendices with best practices and references to relevant literature.

Mitigation

Proponents are encouraged to identify specific measures that would reduce greenhouse gas emissions and/or serve as effective climate change adaptation. A project that completes the Climate Change Resiliency Questionnaire as part of Boston's Article 80 Large Project Review would likely comply at least in part with this new policy. The policy indicates that the MEPA office would be receptive to off-site mitigation (including payments in lieu) when on-site mitigation is not feasible.

Goulston & Storrs continues to follow developments related to the MEPA policy initiative and climate change more generally. For questions about the information contained in this advisory, please contact your usual Goulston & Storrs attorney or the attorneys listed below.

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