

# Special Committee Convened to Develop MEPA Climate Change Adaptation Policy

June 2, 2014

Matthew J. Kiefer and Christian G. Regnier

---

The Massachusetts Executive Office of Energy and Environmental Affairs (“EEA”) has convened an Adaptation Advisory Committee to advise the EEA on incorporating the potential impacts of climate change into environmental impact review for projects subject to review under the Massachusetts Environmental Policy Act (“MEPA”). This is intended to fulfill Section 7 of the Global Warming Solutions Act of 2008, which requires that state agencies “consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise” when issuing permits and other administrative approvals. Goulston & Storrs attorneys are members of the Adaptation Advisory Committee.

The EEA intends that the resulting Climate Change Adaptation Policy—first proposed in the Massachusetts Climate Change Adaptation Report (available [here](#))—will build on the MEPA Greenhouse Gas Policy Protocol and will:

1. apply to projects required to prepare an Environmental Impact Report (“EIR”) as part of MEPA review;
2. identify the specific climate change effects that should be considered (e.g., sea level rise, heat, and/or precipitation);
3. establish review protocols and procedures;
4. identify relevant measures to avoid, minimize and mitigate Damage to the Environment (as defined in the MEPA regulations) to the maximum extent feasible; and
5. incorporate the identified mitigation measures into the findings issued by state agencies as required by the MEPA statute.

In moving toward adopting a Climate Change Adaptation Policy, Massachusetts builds on the work of the federal government, which in 2010 published guidance on how Federal agencies should analyze the environmental effects of climate change when reviewing projects or other undertakings subject to review under the National Environmental Policy Act (“NEPA”). The City of Boston has also taken steps to prepare for the predicted effects of climate change by sponsoring the Climate Action Plan (available [here](#)), and more recently by developing a suite of regulatory initiatives to advance that Plan (available [here](#)).

For questions about the information contained in this advisory, please contact your usual Goulston & Storrs attorney or the attorneys listed below.

Matthew J. Kiefer

Director

(617) 574-6597

[mkiefer@goulstonstorrs.com](mailto:mkiefer@goulstonstorrs.com)

Christian G. Regnier

Associate

(617) 574-6591

[cregnier@goulstonstorrs.com](mailto:cregnier@goulstonstorrs.com)

*This advisory should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer concerning your situation and any specific legal questions you may have.*

© 2014 Goulston & Storrs PC All Rights Reserved