



---

---

MEMORANDUM

---

---

**INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO  
THE MASSACHUSETTS ENVIRONMENTAL POLICY ACT**

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the Massachusetts Environmental Policy Act (MEPA) ([Mass. Gen. Laws ch. 30 §§ 61-62I](#)). When a proposed NEPA action also requires compliance with MEPA, it is critical that these practitioners familiarize themselves with MEPA and understand how MEPA compares to and contrasts with NEPA.

Both statutes are designed to facilitate informed decision-making and environmental review. MEPA requires that State agencies study the environmental consequences of their actions, including permitting and financial assistance. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment. This fact sheet compares MEPA and the resulting Code of Massachusetts Regulations ([301 CMR 11.00-11.17](#)) with CEQ's regulations for implementing the procedural provisions of NEPA, [40 CFR Parts 1500-1508](#).

This fact sheet only provides basic information and is intended to serve as a springboard for discussion with the MEPA Office of the Executive Office of Energy and Environmental Affairs staff when proposed projects trigger both Federal and State environmental review requirements. Project proponents are strongly encouraged to contact the MEPA Office in the early stages of project planning so that Federal and State environmental review processes, if applicable, can be appropriately aligned.

MEPA applies to projects that exceed MEPA review thresholds and that require a State agency action, specifically, projects that are either proposed by a State agency or are proposed by a municipal, nonprofit, or private party and require a permit, financial assistance, or a land transfer from State agencies. The MEPA Office reviews project applications and determines whether further review is necessary. Generally, the review process can be triggered in two ways: (1) a proposed action meets certain "review thresholds" ([301 CMR 11.03](#)) or (2) the Secretary requires MEPA review through discretionary power, or an agency or petition of 10 or more citizens invoke this discretionary power.

It is important to note that MEPA permits coordination of MEPA requirements with NEPA documents. MEPA makes clear that Draft and Final Environmental Impact Statements (EISs) under NEPA may be submitted in lieu of an Environmental Impact Report (EIR), provided that the NEPA documents comply with applicable State requirements and policies (e.g., Greenhouse Gas Emissions Policy, Environmental Justice Policy, and Article 97 Land Disposition Policy) ([Mass. Gen. Laws ch. 30, § 62G](#)). In addition, the regulations grant the Secretary of Energy and Environmental Affairs (Secretary) discretionary power to establish a Special Review Procedure to coordinate MEPA review with any other relevant permitting/review procedures. Other Federal environmental review documents such as Environmental Assessments (EAs) may also satisfy MEPA, as long as the coordinating/corresponding Federal agency "provides meaningful opportunities for public review, analyzes alternatives, and considers cumulative impacts." Ultimately, the Secretary determines to what extent a non-MEPA document satisfies MEPA,



---

---

**MEMORANDUM**

---

---

whether there is full or partial equivalence, there are adopted or deferred scoping determinations, or they are separate processes entirely.

### **Key Points of Comparison**

The table below is a comparison of NEPA terms and MEPA terms set forth in the Code of Massachusetts Regulations.

<b>NEPA</b>	<b>MEPA</b>
Categorical Exclusion, <a href="#">40 CFR 1508.4</a> , <a href="#">40 CFR 1507.3</a>	N/A
Environmental Assessment (EA), <a href="#">40 CFR 1508.9</a> , <a href="#">40 CFR 1501.3</a>	Environmental Notification Form (ENF), <a href="#">301 CMR 11.03</a> , <a href="#">301 CMR 11.05</a>
Finding of No Significant Impact (FONSI), <a href="#">40 CFR 1508.13</a>	Determination that project does not require an EIR
Notice of Intent, <a href="#">40 CFR 1508.22</a>	N/A
Draft Environmental Impact Statement (DEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	Draft Environmental Impact Report (DEIR), <a href="#">301 CMR 11.07(6)</a>
Final Environmental Impact Statement (FEIS), <a href="#">40 CFR 1502</a> , <a href="#">40 CFR 1508.11</a>	Final Environmental Impact Report (FEIR), <a href="#">301 CMR 11.07(6)</a>
Record of Decision, <a href="#">40 CFR 1505.2</a>	Determination that project adequately complies with MEPA

The bullets below provide a general comparison of processes:

- NEPA includes categorical exclusions for actions which do not individually or cumulatively have a significant effect on the human environment. [40 CFR 1508.4](#), [40 CFR 1507.3](#). MEPA regulations in [301 CMR 11.03](#) list the types of projects which require either an Environmental Notification Form (ENF) and mandatory EIR or an ENF and further review at the discretion of the Secretary. These are review thresholds, which trigger MEPA review. The regulations do not provide a list of actions which are specifically excluded from MEPA review.
- MEPA requires the completion of an ENF, which is a concise document that includes a description of the project, potential environmental impacts, proposed mitigation measures and alternatives, compliance with state-level codes and regulations, and any review thresholds the project may meet or exceed. Additionally, the project proponent is required to attach any site or U.S. Geological Survey maps of the site. [301 CMR 11.16\(2\)](#). The Secretary is required to publish the ENF in the *Environmental Monitor*, officially starting the ENF review period of 30 days. [301 CMR 11.15](#).
- Under NEPA, an EA may result in a FONSI. Under MEPA, after closing the public comment and review period of an ENF, the Secretary issues a written certification, determining whether an EIR is required and the scope of the EIR. [301 CMR 11.06\(9\)](#). If an EIR is not required, no further action is needed.



---

---

## MEMORANDUM

---

---

- MEPA permits a proponent to file an Expanded ENF, which is more extensive and detailed in addressing project alternatives, impacts, and mitigation measures. This is mandatory only when the proponent is requesting the allowance of an EIR ([301 CMR 11.06](#)), Special Review Procedure ([301 CMR 11.09](#)), or a waiver grant ([301 CMR 11.11](#)). In this situation, the review period is 37 days.
- The NEPA scoping process is described in [40 CFR 1501.7](#). NEPA scoping determinations are made by the lead Federal agency. Based upon the ENF, the Secretary issues a written certification determining whether an EIR is required and the scope of the EIR. In determining the scope, the Secretary has the authority to determine the form, content, level of detail, and the alternatives required for the EIR and may establish guidelines regarding timelines. Usually this certification will require the project proponent to produce both a draft and a final EIR, though the Secretary may allow a single EIR when the Expanded ENF is sufficient. [301 CMR 11.05\(7\)](#).
- MEPA specifically requires that an agency consider greenhouse gas emissions. An EIR review must include: (1) an identified project baseline; (2) a calculation of estimated greenhouse gas emissions from the project baseline condition; and (3) a calculation of estimated emissions reductions based on mitigation measures by comparing project alternatives to the baseline.

### Contact Information and Resources

- Deirdre Buckley  
Director, MEPA Office  
Executive Office of Energy and Environmental Affairs (EEA)  
100 Cambridge St., Suite 900  
Attn: MEPA Office  
Boston, MA 02114  
Phone: (617) 626-1031  
[Deirdre.Buckley@state.ma.us](mailto:Deirdre.Buckley@state.ma.us)
- MEPA Website: <http://www.mass.gov/eea/agencies/mepa/>



MEMORANDUM

Figure 1: MEPA Process

