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June 21, 2022

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE AND FINAL MASTER PLAN UPDATE

PROJECT NAME : Raymond L. Flynn Marine Park Master Plan Update
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Boston Harbor
EEA NUMBER : 8161
PROJECT PROPONENT : Economic Development and Industrial Corporation d/b/a Boston
Planning and Development Agency
DATE NOTICED IN MONITOR : March 9, 2022

As Secretary of Environmental Affairs, I hereby determine that the Notice of Project Change (NPC) and Final Master Plan Update (FMPU) **adequately and properly comply** with the Massachusetts Environmental Policy Act (M.G.L. c.30 ss.61-62) and its implementing regulations (301 CMR 11.00). At the request of the City, I also propose to establish a Special Review Procedure (SRP) to guide subsequent review of projects proposed in the FMPU. The proposed SRP will be published in the Environmental Monitor following issuance of this Certificate for a 15-day public comment period. After reviewing comments received, I will publish notice of the final SRP in the Environmental Monitor.

Project Description

The City of Boston (City), through the Economic Development and Industrial Corporation (EDIC) d/b/a Boston Planning and Development Agency (BPDA),¹ has submitted this FMPU for the Raymond L. Flynn Marine Park (RLFMP). The majority of the RLFMP is located in the South Boston Designated Port Area (DPA), one of ten areas established by the Commonwealth where water-dependent industrial (WDI) activity is promoted through state funding, planning, policy and regulation. The site has been established and managed as a Marine Industrial Park (MIP), as defined in the Chapter 91 (c.91)

¹ The BPDA was created as an authority under G.L. c. 121B, § 4, and its membership was merged with the EDIC's in 1993 under St. 1993, c. 341. While the land underlying the RLFMP is owned by EDIC, the City has indicated that the FMPU was prepared with consultation by the BPDA, and the FMPU itself is identified as originating from the EDIC "d/b/a" BPDA. See <https://www.bostonplans.org/getattachment/1ce2cf5d-303a-4e68-a8aa-09d727b1c11a>.

Waterways regulations (310 CMR 9.00), and is the only such MIP in the Commonwealth. The designation recognizes its unique status as an appropriate site for predominately maritime uses, in large part due to the presence of marine infrastructure and land area necessary for WDI uses.

Under c. 91 Waterways regulations, in general two-thirds of a MIP (the RLFMP) located on tideland areas within the DPA must be reserved exclusively for WDI use. According to the City, an update to the existing master plan completed in 2000 is necessary to reflect a decline in “over-the-dock” industries and demand for port-related uses; the need for significant investment to maintain and improve WDI infrastructure such as drydocks and berthing facilities; and strong demand for general industrial space, which the RLFMP is well-suited to provide. To generate revenue for upgrades to WDI infrastructure and climate resilience, the FMPU outlines a strategy for attracting development for general industrial and commercial uses in a manner compatible with WDI uses to a portion of the RLFMP, while maintaining two-thirds of the DPA tideland area in maritime industrial use or reserved for such uses. The City has indicated that attracting such non-water dependent (NWD) supporting uses is critical and necessary to create a sustainable maritime industry and support WDI uses at the park over the long term. Proposed development sites and uses are described below. In contrast to the 2018 Draft Master Plan Update (DMPU), the City is no longer proposing changes to the regulations and policies that encourage WDI use as part of its implementation strategy. The City has established a Maritime Capital Reserve Fund to which proponents of NWD use projects will provide monetary contributions to fund water-dependent infrastructure improvements. The City proposes to establish a transportation advisory committee to advise the City on transportation infrastructure improvements needed to support future development at the RLFMP.

Project Site

The RLFMP is comprised of a land area of approximately 191 acres of filled and flowed tidelands. It is located on the South Boston waterfront and is generally bounded by Reserved Channel to the south, Boston Harbor to the north and east, and Summer Street, the Massport Haul Road and the Liberty Wharf complex on Northern Avenue to the west. It occupies most of the northern half of the South Boston DPA. Parcel M-1, known as the Massport Marine Terminal (MMT), is the largest parcel (40 acres) within the RLFMP and has the greatest potential for WDI development due to its location adjacent to the water and the existence of marine infrastructure on site. The MMT has been operated by Massport through a long-term lease with the BPDA/EDIC, which was recently extended for a term of 99 years.

The RLFMP includes 38 parcels, of which 29 parcels with a total land area of approximately 115 acres (4,977,725 square feet) are located on filled and flowed tidelands within the DPA and are subject to c. 91 licensing requirements.² Seven parcels are located outside the DPA. One of the seven parcels (Parcel A) is on tidelands subject to c. 91 licensing requirements. The six other parcels outside the DPA are not subject to c. 91 licensing; however, they are located on landlocked filled tidelands and, therefore, are subject to public benefit determination (PBD) requirements under M.G.L. c. 91, § 18B and 301 CMR 13.00. Parcel M-1 (MMT) has a total area of approximately 1,972,000 sf (45.3 acres), including 1,723,140 sf (39.6 acres) of land and approximately 249,000 sf (5.7 acres) of water.³ According to the

² Two other parcels, G-2 and Y, are located on filled tidelands in the DPA, but they are common facilities that serve both WDI and NWD uses in the RLFMP and their areas are excluded from the total.

³ The land area of the MMT (Parcel M-1) was reported in the FMPU as filed in February 2022 as 1,456,089 sf, which excluded the area of anticipated roadways within the MMT. The City’s supplemental information submitted on June 3, 2022 provided an updated area of 1,723,140 sf, which reflects the total land area of the MMT.

City, 75.1 percent of the land within the DPA is currently categorized as being in WDI use.

The RLFMP is within one mile of Environmental Justice (EJ) populations in East Boston, South Boston and Downtown Boston identified as Minority and one EJ population in South Boston identified as Minority, Income and English Isolation. The RLFMP is within five miles of EJ populations designated as Minority; Income; English Isolation; Minority and Income; Minority and English Isolation; Income and English Isolation; and Minority, Income and English Isolation, which are located in Winthrop, Revere, Chelsea, Everett, Medford, Somerville, Cambridge, Brookline, Quincy and other neighborhoods of Boston.

MEPA History

An Environmental Impact Report (EIR) including the first Master Plan for the RLFMP was reviewed by MEPA in 1978 (EEA #2474). In 1989, the City filed an NPC to the original Master Plan which proposed to construct a parking garage on Parcel E for the purpose of consolidating several surface parking lots. The Certificate on the NPC, issued on December 11, 1989, required that a new Master Plan be prepared to address significant changes to the c. 91 regulations, including licensing requirements for structures and uses on filled tidelands, and CZM policies guiding development in DPAs. A Special Review Procedure (SRP) was established for the Master Plan update in a Certificate issued on December 22, 1993, which also established a revised Scope for the Master Plan update. A Certificate on the Draft Master Plan EIR was issued on August 9, 1996 requiring the filing of an Interim Master Plan Update for the purpose of developing a regulatory framework for the c. 91 authorization of new uses and structures in the RLFMP. The Certificate on the Interim Master Plan Update was issued on November 16, 1998. It required the filing of a stand-alone Final Master Plan that would serve as an application to MassDEP for a Master c. 91 License and guide future development of the RLFMP. The Final Master Plan was prepared by the City in 1999 and a Certificate was issued on February 9, 2000, finding that the document adequately and properly complied with MEPA. The 2000 Final Master Plan, as implemented pursuant to the Master c. 91 License, has not been subsequently updated and remains in effect. New structures and changes in use within the RLFMP have been authorized consistent with the Master c. 91 License since it was issued in 2005.

Because the 2000 Final Master Plan resulted in a Master c. 91 License governing the entire proposed buildout within the DPA portions of the RLFMP subject to licensing, the plan did not envision the need for additional permitting or associated MEPA review of individual projects that were proposed to be consistent with the 2000 Final Master Plan.⁴ However, projects that were not subject to c. 91 licensing, such as WDI uses proposed by Massport in the MMT and projects within the RLFMP but outside the DPA on landlocked tidelands, were reviewed under normal MEPA procedures.⁵

The City submitted a Notice of Project Change/Draft Master Plan Update (the "DMPU") in December 2017 which provided an overview of the role of the RLFMP in the maritime economy of the region, examined trends in the demand for WDI and other uses and reviewed the status and condition of infrastructure available to support WDI uses. It provided analyses of the existing and potential use of each parcel and the results of interviews conducted with tenants of the marine park. Unlike prior master

⁴ This approach was confirmed in an Advisory Opinion issued on May 1, 2001, which found that a proposed parking garage did not require MEPA review because it required a Minor Modification to the c. 91 Master License, but was otherwise consistent with the 2000 Final Master Plan.

⁵ Examples of these types of reviews included Pilot Seafood Properties (EEA #15832) which proposed seafood processing facilities in the MMT and the Parcel Q-1 development (EEA #15598), which proposed a commercial building in the RLFMP outside of the DPA.

plans, the 2017 DMPU proposed a plan to substantially increase development of NWD (general industrial and commercial) uses through a combination of regulatory and policy changes, including increasing the allowable percentage of NWD development at the park and changing the method of calculating NWD/WDI allocations. The City has asserted that this level of NWD development is critical to supporting maritime and WDI uses long-term, given the transportation, maritime infrastructure and climate resilience needs of the park which would be supported through revenues generated through NWD development. On January 19, 2018, a Certificate on the DMPU was issued which included a Scope outlining additional information to be provided in the FMPU and established an Advisory Committee to evaluate the regulatory and policy changes proposed in the DMPU. The Advisory Committee was co-chaired by CZM and MassDEP in coordination with the City and included stakeholders representing maritime industry and advocacy groups.

CZM and MassDEP prepared a memorandum dated February 7, 2020 which reported on the stakeholder process and included recommendations to the City in preparing the FMPU. According to memorandum, major concerns of the stakeholders included the need for economic support for existing and future maritime industrial uses in the RLFMP. The memorandum also recommended that the FMPU include significantly greater analysis of the impacts and potential benefits associated with the NWD development in excess of that allowed in a marine industrial park under the c.91 regulations. The additional information to be provided in the FMPU included an alternatives analysis comparing impacts to WDI uses associated with general industrial and commercial development scenarios; potential revenue generated through increased NWD development and infrastructure investment priorities; a transportation analysis of impacts and mitigation measures associated with alternative buildout scenarios; and a discussion of infrastructure investments to enhance the climate resilience of water-dependent industrial uses in the RLFMP. The memorandum was attached to a Notice Regarding the Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change and Master Plan Update, which was issued on February 7, 2020. The FMPU was submitted to MEPA on February 18, 2022, and responded to the supplemental scope provided by the Secretary's February 7, 2020 Notice.

Jurisdiction and Permitting

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(5) of the MEPA regulations because it requires Agency Action and involves new or expanded non-water dependent use of more than one acre of tidelands. Chapter 91 regulations specifically require that any commitment of spaces and facilities to uses other than water-dependent industry in a marine industrial park must be governed by a comprehensive park plan (the FMPU), prepared in accordance with MEPA and approved by MassDEP. Unlike the 2000 Final Master Plan, the FMPU presents a plan for development on a discrete number of parcels, and indicates that the City will submit its plan for NWD buildout (including parcels with mixed WDI/NWD uses) within the DPA as part of an application for Consolidated Written Determination (CWD) presented to MassDEP. In turn, the CWD will require individual projects to demonstrate consistency with the FMPU to obtain individual c. 91 licenses from MassDEP. Individual projects may also require a Public Benefit Determination (PBD) under M.G.L. c. 91, § 18B and 301 CMR 13.00, and may require additional state, local and federal permits. The City will submit an application to MassDEP to renew the CWD every five years, to the extent the proposed buildout is not complete within that time frame. In addition, the existing Master c. 91 License (License #10233) will remain in effect for existing uses not covered by the FMPU.

New NWD projects located outside DPA and c. 91 licensing jurisdiction are within filled landlocked tidelands, and, therefore, subject to the PBD requirements of M.G.L. c. 91, § 18B and 301 CMR 13.00. These projects may also require additional state, local and federal permits, including a MassDOT Non-Vehicular Access Permit for projects near I-90. New WDI development is proposed only at the MMT, which is operated by Massport and therefore exempt from c. 91 licensing. However, these projects will require MEPA review and additional state, local and federal permitting as needed.

The majority of the RLFMP is located in the DPA and tideland areas subject to c. 91 licensing. Therefore, MEPA jurisdiction in these areas is broad in scope and extends to those aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations. In addition, for all areas in the RFLMP, the EDIC d/b/a BPDA, as land owner, will be undertaking Land Transfers in the form of ground leases to implement the FMPU. The BPDA was created as an authority under G.L. c. 121B, § 4,⁶ and its membership was merged with the EDIC's in 1993 under St. 1993, c. 341. While the land underlying the RLFMP is owned by EDIC, the City has indicated that the FMPU was prepared in consultation with the BPDA, and the FMPU is identified as originating from the EDIC "d/b/a" BPDA. BPDA/EDIC therefore may reasonably be considered an Agency within the meaning of 301 CMR 11.02 undertaking a Land Transfer of the entire project site; this confers broad scope MEPA jurisdiction.⁷ Even if EDIC/BPDA were not considered an Agency, future buildout of the RLFMP is proposed to occur as part of a comprehensive master plan as laid out in the FMPU; thus, review of all projects under the FMPU is warranted in light of anti-segmentation principles and to create consistency in reviews of the various projects proposed in the FMPU.

Review of the Final Master Plan

As with the DMPU, the FMPU reviewed the role of the RLFMP in the maritime economy of the region, examined trends in the demand for WDI and other uses, reviewed the status and condition of infrastructure available to support WDI uses and provided the results of interviews conducted with tenants of the RLFMP. It provided analyses of the existing and potential use of each parcel and the. It provided a transportation analysis of two potential buildout scenarios and described roadway improvements under way or proposed in the future to mitigate impacts of the buildout. It described the City's standards for building energy efficiency, minimization of GHG emissions and climate resiliency. The FMPU provided additional detailed regarding the mechanisms by which NWD development will help to finance WDI infrastructure and climate resiliency in the RLFMP and identified WDI infrastructure needs that could be funded by those means.

The most significant difference in the proposed approach outlined in the Draft and Final Master Plan Updates is that the City no longer seeks regulatory or policy changes to accommodate NWD development. The FMPU proposed additional NWD development of approximately 2.9 million sf in the DPA portion of the RLFMP while still maintaining two-thirds of the total land area in the DPA for maritime industrial uses. As a result, the industrial mixed-use development model emphasized in the DMPU, which included buildings with maritime industrial uses on the ground level and general industrial uses on upper floors, is proposed in the FMPU only for Parcels L and L-1, where the owner of

⁶ A municipal redevelopment agency created or acting in accordance with M.G.L. c. 121B is specifically included in the definition of "Agency" under 301 CMR 11.02. See also Boston Preservation Alliance, Inc. v. Sec. of Env. Affairs, 396 Mass. 489, 497-98 (1986).

⁷ I note that Land Transfers from EDIC/BPDA were noted as the basis for MEPA jurisdiction in EEA #15598 (ENF certificate dated 11/23/16) and the 2 Harbor Street project (EEA #8161) for which an FEIR certificate was issued on October 16, 2020.

Boston Ship Repair (BSR) is proposing mixed use buildings with BSR office and workshop space on the ground level and general industrial on upper floors, and on MMT Parcels 4 and 5B, where Massport intends to find developers who will provide ground floor space that is subsidized for WDI use by upper floor general industrial uses. For remaining parcels, the City proposes to relocate maritime users like seafood processing facilities to the MMT to concentrate NWD uses in the interior portions of the park away from the waterfront.

Chapter 91/Tidelands

The RLFMP is located on filled tidelands associated with Boston Harbor. All parcels within the RLFMP are located within the DPA, except for parcels A/A-1, Q, Q-1, T, T-1 and U. Parcels in the DPA are subject to the Master License (License No. 10233) issued by MassDEP for the RLFMP on March 16, 2005. Parcel A/A-1 is located on jurisdictional tidelands and is subject to c. 91 licensing requirements; however, since it is not in the DPA, it is not covered by the Master License. Parcels Q, Q-1, T, T-1 and U are located on landlocked tidelands on the west side of the RLFMP and are not in the DPA; therefore, these parcels are not subject to c. 91 licensing jurisdiction. However, these parcels are subject to PBD requirements under M.G.L. c. 91, § 18B and 301 CMR 13.00. Water-dependent industrial projects in the MMT are exempt from c. 91 licensing in accordance with Massport's enabling legislation (St. 1956, c. 465) and 310 CMR 9.03(3), which permit Massport to undertake WDI use projects in the Port of Boston without a license or permit from MassDEP.

As noted above, the c. 91 regulations require that, in general two-thirds of the land area in a designated marine industrial park be used exclusively for WDI uses. According to the City, 75.1 percent of the land area within the DPA is currently in WDI use or reserved for WDI use. Boston Ship Repair (Parcel L/Dry Dock #3) and Coastal Cement on Parcel K are the only WDI uses that involve "over the dock" activities.⁸ Eight buildings with seafood processing and distribution facilities operate on five parcels, including Parcels G, M-1 (three buildings), S, W-1 and X (two buildings). The seafood processing facilities rely on trucking for transportation needs; in addition, one of these facilities (Yankee Lobster on Parcel W-1) includes a seafood wholesale business which is a WDI use because it uses water drawn from Boston Harbor for its lobster and crab holding tanks. Most of the land area reserved for WDI use is in the MMT.

Since the DMPU was reviewed, non-water dependent development in the DPA approved pursuant to the existing Master License has included approximately 219,000 sf R&D on Parcels O/P and approximately 360,000 sf General Industrial use on Parcel R. New maritime industrial uses constructed since the DMPU was reviewed include the Boston Sword and Tuna seafood processing facility on MMT Sub-Parcel 6-A.

Proposed NWD Development Within DPA

The FMPU identified ten parcels located on filled tidelands within the DPA portion of the RLFMP where NWD use is proposed to occur. On four of the parcels, a mix of NWD and WDI uses are proposed; these projects will be reviewed by MassDEP as NWD use projects because they do not consist of only maritime industrial uses. As shown in Table 1 below, approximately 3,151,750 sf of NWD development is proposed, including 2.9 million sf of NWD use and approximately 226,000 sf of

⁸ Vessels delivering materials to Coastal Cement dock at Massport Berths 1 and 2, outside of the RLFMP, and pump material to the facility.

maritime industrial use. Development of each of the ten parcels will be included in the City's application for CWD presented to MassDEP; once approved, each project must seek an individual c. 91 License and demonstrate consistency with the CWD. According to the City, parcels in the DPA to be developed in the near term include parcels G/H, L-1, the second phase of development on O/P and X. Parcel R and the first phase of development on O/P are already under construction. Additional development proposed in the FMPU, including exclusively WDI development in the MMT and NWD outside the DPA, is discussed in the following sections.

Table 1. Gross Square Footage of Proposed NWD Projects in the DPA (sf).

| Parcel | Address | Parcel Area | Maritime Industrial | General Industrial | Commercial | Total |
|--------|---|-------------|---------------------|--------------------|------------|-----------|
| F-1 | Design Center Parking Lot | 50,469 | -- | 164,717 | 37,159 | 201,876 |
| G/H | 339 Northern Ave./ 22 Drydock Ave. | 79,818 | -- | 319,272 | -- | 319,272 |
| L | Drydock #3 | 468,373 | 76,000 | 572,000 | -- | 648,000 |
| L-1 | 24-26 Drydock Ave. | 32,324 | 30,000 | 220,000 | -- | 250,000 |
| L-2 | 7 Tide Street | 58,400 | -- | 233,600 | -- | 233,600 |
| M-1 | MMT Sub-Parcel 4 | 129,000 | 50,000 | 150,000 | -- | 200,000 |
| M-1 | MMT Sub-Parcel 5-B | 167,833 | 70,000 | 200,000 | -- | 270,000 |
| O/P | 19 Fid Kennedy Ave./ 3 Anchor Way ⁹ | 115,023 | -- | 241,092 | -- | 241,092 |
| S | 306 Northern Ave. | 259,636 | -- | 83,069 | -- | 83,069 |
| X | 310-314 Northern Ave. | 183,105 | -- | 742,000 | -- | 742,000 |
| Total | -- | -- | 226,000 | 2,925,750 | -- | 3,151,750 |

Table 1 indicates potential NWD (general industrial) development of 350,000 sf in the MMT. This buildout, which was confirmed in supplemental material distributed by the City on June 3, 2022,¹⁰ assumes that 90 percent of exterior space associated with these parcels (Parcels 4 and 5-B) are dedicated to WDI uses. While the City's initial FMPU filing assumed 100 percent WDI uses on the MMT, Massport has indicated that allowing flexibility for NWD uses on upper floors is critical to provide the revenue needed for maritime investment and to cover the construction and startup costs needed to develop the parcel and sustain ground floor maritime users that may not be able to afford rents in this area of the City. The City's supplemental filing now acknowledges an initial NWD buildout of 350,000 sf on the MMT with accommodation for more (up to 500,000 sf) based on further regulatory approvals as described in MassDEP comments, including a demonstration that the park-wide two-thirds WDI use standard can be achieved. As noted above, the FMPU, as revised through supplemental information, now shows MMT as the only parcel (in addition to Parcel L/L-1) where upper floor general industrial development is proposed in a manner that directly subsidizes and supports ground floor uses; the remaining parcels show a plan to relocate maritime users to the MMT as a way of concentrating NWD uses in the interior part of the RLFMP. Given the MMT's unique and critical role in supporting maritime

⁹ The City's CWD application included in the Master Plan proposed 460,092 sf of general industrial development on Parcels O/P; however, a 219,000-sf portion of the 460,092-sf development was reviewed by MEPA (EEA# 16350; certificate on ENF issued on May 7, 2021) and approved by MassDEP as a Minor Revision to the c. 91 Master License; therefore, only 241,092 sf of development remains to be reviewed and approved on Parcel O/P.

¹⁰ Memo dated June 3, 2022 to EEA Secretary Bethany A. Card from Richard McGuinness, BPDA.

uses at the RLFMP, it is my expectation that the City will move expeditiously to amend its lease with Massport to allow for flexibility of uses consistent with the FMPU. I expect that lease terms will be crafted in a way that maximizes the amount of revenue that will be reinvested into maritime investments, including the North Jetty repairs and other infrastructure needs described below. For instance, the City could consider exempting the MMT or allowing deductions from revenue contributions and other impact fees, in light of the direct WDI subsidies that are planned to occur through development of the MMT itself.

NWD Development Outside DPA

The FMPU has identified NWD development on portions of the RLFMP that are either on jurisdictional tidelands but not within the DPA (Parcel A/A-1) or located on tidelands within the RLFMP but outside the DPA and therefore considered landlocked (parcels Q, Q-1, T, T-1, and U). Landlocked parcels are not subject to c. 91 licensing but must comply with PBD requirements under M.G.L. c. 91, § 18B. Since the DMPU was filed, construction has been completed on a 320,000-sf hotel on Parcel A/A-1 (EEA# 15585, reviewed by MEPA in 2016) and a 298,700-sf office building on Parcel Q-1 (EEA# 15598, reviewed by MEPA in 2016). In addition, a 380,000-sf lab/R&D building (2 Harbor Street, reviewed by MEPA in 2020) has been permitted on Parcel T-1 as the anticipated first phase of a project that will also include development of another lab/R&D building on Parcel T in the near term. According to the City, Parcel U is also anticipated to be developed in the near term, but a use has not yet been established.

Table 2. NWD development in the RLFMP outside of the DPA (gross sf).

| Parcel | Address | General Industrial | Commercial | Total | Status |
|--------|--------------------------|--------------------|------------|---------|-------------------------|
| Q | 12 Channel Street | 356,000 | -- | 356,000 | Ongoing use. |
| Q-1 | 2 Drydock Avenue | -- | 297,000 | 297,000 | Completed and occupied. |
| T | 2 Harbor Street, Phase 2 | 380,000 | --- | 380,000 | Proposed. |
| T-1 | 2 Harbor Street, Phase 1 | 380,000 | -- | 380,000 | Under construction. |
| U | 7 Channel Street | N/A | N/A | 181,240 | RFP to be released. |

Proposed WDI Development

The FMPU identified six sub-parcels in the MMT to be used solely for WDI purposes which will include the development of WDI use buildings with a combined gross square footage of 262,800 sf. These parcels will not be included in the City’s CWD application or otherwise subject to c. 91 licensing as WDI use in the MMT is exempt from c. 91 licensing under 310 CMR 9.03(3) and Massport’s enabling legislation (St. 1956, c. 465). These parcels will be developed through a series of ground leases issued by Massport to third party developers, and will be subject to the SRP established for the RLFMP.

According to Massport, potential maritime industrial development in the MMT includes the space to accommodate seafood industry businesses, including seafood processing facilities that will be displaced from Parcel X as it is redeveloped for NWD (general industrial) use. In addition, the South Boston Marine Multi-Port (SBMMP) has been proposed on approximately 13.7 acres comprised of Parcel M, MMT Sub-Parcels 7 and 8 and a portion of MMT Sub-Parcel 6-C. The SBMMP is intended to make the North Jetty an active marine cargo handling facility that will support the offshore wind

industry. Other than ground floor WDI uses proposed in two new mixed-use buildings to be constructed on Parcels L and L-1, new maritime industrial development is proposed only within the MMT. A total of approximately 478,000 sf of new maritime industrial building space is proposed in the FMPU, including the WDI building space shown in Table 3 below and WDI uses to be provided in the mixed-use development listed in Table 1 above.

Table 3. Proposed WDI development in the MMT (gross sf).

| Parcel | Address | Parcel Area | Maritime Industrial |
|--------|----------------------------------|-------------|---------------------|
| M-1 | MMT Sub-Parcel 3 | 70,251 | 30,000 |
| M-1 | MMT- Sub-Parcel 5-A | 47,522 | 28,650 |
| M-1 | MMT Sub-Parcel 5-C | 79,747 | 93,000 |
| M-1 | MMT Sub-Parcel 6-B | 92,323 | 36,290 |
| M-1 | MMT Sub-Parcel 6-C ¹¹ | 112,786 | 50,000 |
| M-1 | MMT Sub-Parcels 7 & 8 | 483,500 | 14,500 |
| Total | -- | -- | 252,440 |

Consolidated Written Determination

As proposed in the FMPU, the City will seek a CWD from MassDEP in connection with proposed NWD development (including parcels proposing mixed WDI/NWD uses) in the DPA portion of the RLFMP. As noted, NWD development is proposed to take place on parcels F-1, G/H, L, L-1, L-2, MMT Sub-Parcel 4, MMT Sub-Parcel 5B, O/P and X and will include a combined total of approximately 2.9 million sf of NWD use. Four of the ten parcels will include a combined total of 226,000 sf of first floor space for WDI use. Following review of a formal application, the CWD is anticipated to supplement the existing c. 91 Master License and will establish conditions and requirements for the licensing of future development on the identified parcels within the RLFMP. According to MassDEP, the CWD will include conditions to preserve, protect, and support water-dependent industry within the RLFMP and ensure that the RLFMP complies with the requirement to maintain or reserve in general two thirds of the land area for water-dependent industrial uses. As part of the licensing of each additional project, the licensee should provide an updated version of the FMPU's Table 7 that reflects building and exterior uses completed, approved and under construction, and proposed, and demonstrates continued compliance with the two-thirds WDI requirement. Additionally, non-water dependent industrial uses must demonstrate how they will provide direct economic and operational support to existing and future water-dependent industrial users to further strengthen the maritime economy in the South Boston DPA. As the FMPU is implemented, the BPDA should continue close coordination with CZM, to provide opportunities for technical assistance, especially regarding climate resilience and port planning. The CWD will identify a comprehensive set of standards and mitigation measures applicable to all proposed NWD development and a procedure for issuing a c. 91 license for individual projects as they are proposed. As detailed below, a maritime investments annual report should be developed to help guide the use of revenue from NWD leases for implementation of WDI infrastructure, transportation and climate resiliency improvements.

¹¹ Massport may seek to construct a 200,000-sf building with 50,000 sf of WDI use and 150,000 sf of general industrial use on this parcel.

As noted, the existing Master c. 91 License #10233 will remain in place for any projects previously authorized under such license. Any proposed modifications to such previously authorized uses would need to follow applicable procedures in the Master c. 91 License. To the extent any such existing uses fail to conform to the Master c. 91 License, a Notice of Project Change (NPC) must be filed with MEPA by the City or developer prior to seeking an amendment of the Master c. 91 License. Similarly, if future NWD or WDI development on any of the parcels identified above is inconsistent with the FMPU, an NPC may be required.

Maritime Infrastructure

Based on a capital needs assessment conducted in 2017, the FMPU identified Parcels L, M, M-1 and V as potentially benefiting from waterside infrastructure investments that could facilitate the use of these parcels for maritime industry requiring direct access to the water for shipping, ship repair and other purposes. The capital needs assessment identified the rehabilitation of the North, South and East Jetty structures as being the highest priority waterside infrastructure investments because they can provide berths for deep-draft vessels. According to the FMPU, repair of the North Jetty, which is located along Parcel M-1, and dredging of its berth to a depth of -45 ft at mean low water (MLW) was projected to cost approximately \$9 million in 2006. Massport has also evaluated extending the North Jetty by 900 linear feet and in 2002 estimated the cost of the extension as \$18.5 million. The East and South Jetties, which are located adjacent to Parcels M and L, require extensive repairs that were estimated at over \$18 million in 2010. The City rehabilitated the East Jetty in 2021 by addressing corrosion and adding backfill to stabilize a 465-ft long sheetpile bulkhead which protects adjacent land structures. However, additional repairs to the East Jetty and South Jetty are required before they can be used. Rehabilitation of the North Jetty would be necessary for the SBMMP to operate and an extension of the South Jetty has been identified by Boston Ship Repair as a priority for adding workspace along the shoreline for ship repair operations. The City worked with Boston Ship Repair to procure funding for significant upgrades to the Dry Dock #3 electrical system, including 880 feet of duct bank to carry an electrical power line to the site, new transformers and connections to plugs that provide electrical power to vessels in the drydock.

The capital needs assessment also identified substantial repair required to Dry Dock #4 on Parcel V before it can be used and the FMPU did not provide costs estimates for rehabilitation or reconstruction of the dry dock. The City has recently completed installation of a new sheetpile bulkhead and other repairs on Parcel V-1 adjacent to Fid Kennedy Avenue. This work will facilitate the realignment of Fid Kennedy Avenue to improve truck access to the RLFMP. According to the PCN filed by the Proponent of the 24 Drydock project on Parcel L-1, revenue from the leases of proposed buildings on Parcels L, L-1 and L-2 will be used to provide subsidized space for Boston Ship Repair on the ground level of the building and may be directed back to Dry Dock #3 to meet the facility's infrastructure needs.

The City established a Maritime Capital Reserve Fund in 2021 with an initial seed contribution of \$18 million which will be used to fund maritime infrastructure improvements. The fund will be set aside from the BPDA General Fund to exclusively invest in maritime infrastructure improvements. According to the FMPU, revenue generated through the BPDA's real estate portfolio, specifically from NWD development in the RLFMP, will be added to the fund on an annual basis. The amount of the annual contribution will be determined based on BPDA financial performance.

As the FMPU moves to implementation, the City should develop clear criteria, including public safety, asset utilization, and financial impact, for prioritizing water-dependent infrastructure investments

and for identifying additional needed infrastructure improvements. To ensure that funds collected through rents and other means are directly supporting water-dependent industrial uses and maritime infrastructure, BPDA should develop an annual report detailing both contributions and expenditures made towards maritime infrastructure investments. The annual report should include a list of short-term priority projects and identify funding sources for each project. For longer term projects, the City should identify priorities and an update on efforts to secure funding. As suggested by CZM, the annual report should include a specific accounting of the Maritime Capital Reserve Fund, including, at minimum: starting balance, how contributions were calculated, value of contributions, expenditures, identification of specific projects and initiatives that received funding, spending plan for the following year, and ending balance. An advisory group comprised of the City of Boston, MassDEP, MEPA, CZM, and the RLFMP Business Association should review the annual reports from the BPDA.

The details of the maritime investments annual report will be determined in MassDEP's CWD. The FMPU includes examples of additional supplemental funding sources to support water-dependent industrial uses. The BPDA should actively pursue these other funding opportunities to ensure robust and sustained support for water-dependent industry in the RLFMP.

Transportation

The FMPU included a planning-level transportation study that provides an evaluation of vehicular, transit and pedestrian/bicycle transportation in the RLFMP under existing and potential future buildout conditions. The analysis incorporates the data and findings of citywide, regional, and statewide planning efforts focused on the Seaport District, including the RLFMP. The study developed Existing (RLFMP buildout as of 2018 modeled as 2020 transportation conditions), No Build, Build FAR 2.0 and Build FAR 4.0 conditions, and for each scenario evaluated operations of the transit system, the roadway network for vehicles in general and commercial trucks associated with the RLFMP in particular, and bicycle and pedestrian accessibility in the RLFMP. The scenarios reflect buildout levels in the Seaport District and the RLFMP rather than time-based planning horizons. To present worse-case conditions with respect to traffic volumes, the No Build, Build FAR 2.0 and Build 4.0 scenarios reflect traffic volumes for the approximately 50-million sf full buildout of the Seaport District (excluding the RLFMP) identified in the City's South Boston Seaport Strategic Transit Plan and the MBTA's Silver Line Capacity Study. For purposes of the transportation study, the FAR 2.0 scenario would add approximately 4.1 million sf of development in the RLFMP to the existing 3.4 million sf (as of 2018) of building square footage for a total of 7.5 million sf; the FAR 4.0 scenario would add approximately 6.3 million sf to the existing 3.4 million sf in the RLFMP for a total of 9.7 million sf. Therefore, the estimated full buildout of the Seaport District, including the RLFMP, is approximately 60 million sf in the Build 4.0 scenario.

The transportation study analyzed existing and proposed conditions in a study area with the following ten intersections:

- Northern Avenue/Seaport Boulevard/D Street;
- Summer Street/Drydock Avenue/Pappas Way;
- Summer Street/Pumphouse Road;
- Haul Road/Pumphouse Road;
- Summer Street/D Street;
- Interstate-90 (I-90) Exit 25 Off-Ramp/Haul Road;
- Drydock Avenue/Tide Street;

- Northern Avenue/Tide Street;
- Summer Street/Fargo Street; and,
- Northern Avenue/Haul Road/Fid Kennedy Avenue.

Description of Analysis Scenarios

Existing vehicular traffic volumes were derived from traffic counts collected at study area intersections by MassDOT and private developers in connection with project review filings submitted to the BPDA, and adjusted to reflect 2020 conditions. Roadway volumes for the No Build scenario, including trips generated by new development in the Seaport District, were estimated by assigning a growth factor to existing volumes and assigning trips to travel mode shared identified in the City’s Go Boston 2030 transportation plan (25 percent of trips be personal vehicles and 75 percent of trips by transit, walking and bicycling). The No Build scenario incorporated the following roadway infrastructure improvements:

- Reconstruction of Northern Avenue between Tide Street and Haul Road/Fid Kennedy Avenue to provide two 12-foot travel lanes, six-foot separated bicycle lanes and raised cross-walks;
- Reconstruction of the Northern Avenue/Tide Street/Drydock Avenue intersection with new cross-walks and other pavement markings; and,
- Bus/truck lanes in each direction on Summer Street with the following associated changes to study area intersections:
 - Summer Street/Drydock Avenue/Pappas Way: a through and through/left turn lane in the westbound direction and a through/right-turn lane shared with the bus/truck lane and a dedicated left-turn lane in the eastbound direction;
 - Summer Street/Pumphouse Road: a through and a through/right-turn lane in the westbound direction and a through/left turn lane in the eastbound direction;
 - Summer Street/D Street: right-turn, through (shared with bus/truck lane) and left-turn lane in the westbound direction and a through/right-turn lane and a left-turn lane in the eastbound direction.

Trip generation associated with the Build FAR 2.0 and Build FAR 4.0 scenarios was estimated using trip generation rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Handbook, 10th Edition* for applicable research and development, marine industrial, hotel, office, retail and commercial land use codes. The unadjusted trip generation rates were converted to person-trips and assigned to the Go Boston 2030 travel modes. The Build 2.0 and Build 4.0 scenarios were estimated to generate the vehicle trips shown in Table 4 below.

Table 4. Vehicle trips under Build 2.0 and Build 4.0 scenarios (# trips)

| | Daily | AM peak | PM peak |
|-----------|--------|---------|---------|
| Build 2.0 | 17,260 | 836 | 806 |
| Build 4.0 | 23,597 | 1,076 | 1,080 |

In the Build 2.0 scenario, vehicle trips were assigned to enter and leave the RLFMP via either the Summer Street/Drydock Avenue/Pappas Way or Northern Avenue/Haul Road/Fid Kennedy Avenue intersections. No roadway improvements in addition to those identified in the No Build condition were

incorporated into the analysis of Build 2.0 conditions. The FAR 4.0 Build scenario incorporated the following roadway mitigation measures:

- Haul Road/Summer Street/Drydock Avenue Connector: a roadway connector between Haul Road, Summer Street and Drydock Avenue to provide more direct access to the RLFMP from Haul Road, I-90, and I-93, and lessen dependence upon the Northern Avenue corridor inside and outside the RLFMP;
- Northern Avenue/Haul Road/Fid Kennedy Avenue Improvements: signalization and reconfiguration of the Fid Kennedy Avenue approach to this intersection to facilitate truck access to marine industrial uses associated with the MMT; and,
- E Street Connector: a north/south freight access through the South Boston Waterfront to better emphasize use of Haul Road as a freight corridor and remove heavy vehicles from the D Street, Summer Street and Northern Avenue corridors leading to the RLFMP. Also includes a left-turn lane on the Summer Street eastbound approaches to the Summer Street/E Street, Summer Street/D Street and Summer Street/Pappas Way intersections.

Traffic Operations

Under No Build conditions, the intersections of Summer Street/D Street and Summer Street/Drydock Avenue/Pappas Way are expected to operate at LOS F in both peak periods, and the intersections of Summer Street/Pumphouse Road and Summer Street/Fargo Street will operate at LOS C or better in the AM peak period and LOS F in the PM peak period. All other intersections will operate at LOS D or better during both peak periods. Under the Build 2.0 scenario, traffic operations along Summer Street will not change significantly from the No Build scenario; however, the intersection of Northern Avenue/Seaport Boulevard/D Street will operate at LOS E in the AM peak period and the intersection of Northern Avenue/Haul Road/Fid Kennedy Avenue will operate at LOS E in the PM peak period. With the roadway improvements incorporated into the Build 4.0 scenario, the intersections of Summer Street/D Street and Summer Street/Fargo Street will improve to LOS D or better during both peak periods and operations at Northern Avenue/Haul Road/Fid Kennedy Avenue will not change from the Build 2.0 scenario. However, compared to the Build 2.0 scenario, operations at the intersection of Haul Road/Pumphouse Road will operate at LOS F during both peak periods, the intersection of Northern Avenue/Seaport Boulevard/D Street will operate at LOS E in the AM peak period (but improve to LOS C in the AM peak period) and the new Haul Road/Summer Street/Drydock Avenue connector intersection will operate at LOS E in both peak periods.

Truck Traffic

The FMPU recognized the need for freight to move into and out of the RLFMP in an efficient manner to meet the needs of maritime industrial uses in the RLFMP. Many commenters, including Massport and seafood companies operating in the RLFMP, emphasized that good truck access is critical to maritime industrial businesses.

According to the FMPU, major truck routes to and from the RLFMP include the Haul Road, Seaport Boulevard/Northern Avenue west of Haul Road, D Street and E Street south of Summer Street and Summer Street east of E Street; however, data collected in 2021 indicate that 75 percent of trucks entered the RLFMP through the Northern Avenue/Haul Road/Fid Kennedy Avenue intersection. Counts of truck traffic collected in 2019 documented that peak activity of trucks associated with the RLFMP

occurs in the late morning and early afternoon, which are outside of the traditional traffic peak periods. According to the FMPU, this suggests that commercial truck traffic may be less impacted by increased roadway congestion during peak periods.

As noted below, the City has identified near-term roadway improvements, including the reconfiguration of the Northern Avenue/Haul Road/Fid Kennedy Avenue intersection and realignment of Fid Kennedy Avenue north of this intersection, as high priority improvements necessary to maintain good freight access to the RLFMP. The FMPU also suggested that other proposed roadway improvements, such as the Summer Street bus/truck lanes will facilitate freight traffic. However, the bus/truck lanes could negatively impact operations along the Summer Street corridor operations and negate any potential benefits to trucks. As recommended by MassDOT, the City should continue consultation with the appropriate agencies to achieve the appropriate balance between general traffic and the truck/bus lane to improve corridor mobility.

Transit

The RLFMP is served by the MBTA transit system, including Bus Routes #4 and #7 and the Silver Line (SL1 and SL2), which provide access to South Station and points north of Boston. According to the FMPU, under Existing conditions, Silver Line Route 2 reaches capacity in the PM peak hour, but all other routes have excess capacity during peak periods. Under No Build conditions, Silver Line Routes 1 and 2 will exceed capacity during both peak periods and Bus Route 7 will exceed capacity during the AM peak period. The analysis did not evaluate transit operations under the Build FAR 2.0 condition. The Build 4.0 scenario incorporated a number of mitigation measures, including a North Station/South Station/Seaport direct bus link, the Seaport Circulator private bus shuttle providing service within the Seaport District, a private shuttle providing service between the RLFMP and Nubian Square and fleet expansion of Silver Line Routes 1 and 2. Additional transit improvements that were not modeled under the Build FAR 4.0 scenario include improved bus service in connection with the proposed bus lanes on Summer Street, passenger ferry service from Pier 10, consolidation of private shuttles operating in the Seaport District and expansion of local and regional ferry service to the Seaport District. According to the FMPU, under the modeled Build FAR 4.0 conditions, Silver Line Routes will continue to exceed capacity during both peak periods, but to a degree that is less than under No Build conditions (due to the mitigation measures assumed in the FAR 4.0 scenario); however, Bus Route 7 is anticipated to greatly exceed capacity, particularly during the AM peak period.

The BPDA, in coordination with MassDOT and the MBTA, is developing a South Boston Seaport Strategic Transit Plan to determine the transit needs of the Seaport District. According to MassDOT, additional transit improvement options identified for further study, planning, and future implementation include:

- South Station/Dorchester Avenue shuttle bus transfer upgrades;
- New bus service connections to the RLFMP including Andrew Square via D Street and South Station via the RLFMP;
- Installing transit signal priority or half-cycling the Transitway/D Street signal for SL1 and SL2 services, or eliminating this at-grade intersection;
- Installing transit signal priority and queue jump lanes at South Boston Waterfront intersections, where applicable; and,
- Extending transit service along Track 61 to the RLFMP.

The City should continue discussions and pursue implementation of these mitigation measures and consult with MassDOT and the MBTA to identify the level of transit improvements required along with a schedule of implementation to improve both passenger comfort and reliability of the Silver Line. These improvements should be consistent with or not preclude those identified by other parties within or near the study area. While transit conditions under the FAR 2.0 scenario was not modeled, the City's analysis shows that the transit system will exceed capacity through the cumulative effect of the Seaport development and RLFMP projects. Therefore, appropriate mitigation should be identified for each RLFMP project as it is implemented. In the near term, the City has identified, as shown below, two improvements (the Nubian Square shuttle and Pier 10 ferry service) for which funding has been identified through developer contributions and City funds. The Transportation Advisory Committee should be consulted as future projects are developed to identify the level of mitigation needed.

Bicycle and Pedestrian Access

Pedestrian facilities, including sidewalks and crosswalks, are present along most streets and intersections in the RLFMP. According to the FMPU, the City intends to reconstruct sidewalks in the RLFMP to provide wider sidewalks and improved pedestrian crossings at intersections. Bicycle sharrows are located along Fid Kennedy Avenue, Northern Avenue and Drydock Avenue; however, the streets do not provide comfortable riding conditions for bicyclists due to the volume of trucks and other traffic. The Northern Avenue reconstruction project will provide separated bicycle lanes in each direction. The City will add protected bicycle lanes in each direction on Summer Street and Northern Avenue and install a new BlueBikes station near the RLFMP. Bicycle and pedestrian improvements are a key strategy for the City to minimize vehicular traffic in the RLFMP; however, they should be prioritized for streets that do not serve as commercial truck routes.

Parking

The number of parking spaces in South Boston is capped at 30,389 off-street parking spaces, of which 5,271 spaces may be located within the RLFMP. According to the FMPU, there are currently 4,336 off-street parking spaces in the RLFMP and the City does not have plans to increase this number. The City encourages shared parking within the RLFMP by managing the total number of spaces, setting parking prices and encourage TDM measures to minimize demand. Strategies to minimize parking demand include:

- Parking Pricing, unbundling, and cashout;
- Transit subsidies;
- Bus stop enhancements;
- Carpooling; and,
- A guaranteed Ride Home Program

According to MassDOT, these TDM strategies are based on measures that have so far proven or are considered effective in reducing vehicle trip generation in the Seaport District.

Mitigation

The FMPU includes a comprehensive list of potential mitigation measures to improve transit and roadway conditions for pedestrians and bicyclists, commercial trucks, and other vehicular traffic. As noted above, a number of improvements are proposed to be completed in the near-term and were included in the No Build scenario. During the review period, the City provided an updated list of near-term transportation projects which included a schedule for implementation, costs and funding sources; these short-term transportation mitigation projects are listed in Table 5 below.

Table 5. Near Term Transportation Projects

| Project | Jurisdiction | Approx. Cost | Funding Status | Schedule |
|---|---------------------|----------------------------------|---|---|
| Northern Ave Reconstruction | BPDA, BTD | \$2,750,000 | Identified | In construction |
| Interim Haul Road Pedestrian Crossing | Massport | \$200,000 | Identified | Partial design; to be completed in 18-24 months |
| Fid Kennedy Ave. Realignment Design | BPDA, BTD | \$2,000,000 | Partially funded | To be completed in 2022 |
| Northern Ave/ Haul Rd/ Fid Kennedy Ave Reconstruction | BPDA, BTD, Massport | \$2,500,000 | Partial funding of design only | December 2024 |
| Pier 10 Ferry | BPDA, MCCA | \$2,000,000 plus operating costs | Identified (City and Maritime Capital Reserve Fund) | Construction proposed for FY 2023 |
| Nubian Shuttle | BTD | \$800,000 | Identified (Developer contributions) | To be coordinated with development projects |
| Summer Street Bus Lanes Pilot | BTD | \$800,000 | Partial funding | Possible Fall 2022 |
| Total | --- | \$10,950,000 | ---- | ---- |

These transportation mitigation projects will be funded through local, state and federal funding sources. According to the City, approximately \$4.85 million of additional funding is needed to complete the list of improvements. The City will establish a Transportation Mitigation Fund into which individual projects will contribute at a rate of \$4.29 per square foot of building area. The City estimates that approximately \$7.9 million will be contributed by developers of projects undergoing the approval process or approved but not under construction.

The City has indicated that the Fid Kennedy realignment will be completed by the later of 2024 or the Massport-managed traffic circle conversion. Given the importance of this alignment for maritime truck routes, it is my strong expectation that this improvement be completed prior to construction of the near-term NWD projects identified by the City (particularly, Parcel X, which is a sizable (733,620 building sf) development proposed directly adjacent to Fid Kennedy Avenue). Comments from MassDEP indicate that the Department will consider milestones to be included in the CWD that will support the BPDA attaining this critical transportation goal. The CWD will also include a requirement that the BPDA submit to the Department and CZM, and published in the Environmental Monitor an

annual status report on the planned transportation improvements with regard to design, funding and schedule for completion. This status report should be incorporated into the maritime investments annual report. The failure to complete the identified near-term transportation projects by the next five-year update could jeopardize renewal of the CWD and approval of future NWD projects.

A key strategy for implementation of the transportation commitments is the formation of a Transportation Advisory Committee (TAC) that will monitor and guide the transportation studies for the different projects to be developed in the RLFMP and help prioritize mitigation measures. As proposed by the City, the TAC will include representatives of the BPDA, BTD, MassDOT, MBTA, Massport and the RLFMP Business Park Association. As described in more detail in the associated SRP for RLFMP, the TAC should be consulted as future projects are proposed. The TAC should be provided with a copy of the maritime investments annual report identified above.

Climate Change

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and direct Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change. I note that the MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

Adaptation and Resiliency

The City completed the Climate Ready Boston report in 2016 and the Coastal Resilience Solutions for South Boston study in 2018. According to the City's data, nearly all of the RLFMP will experience flooding in a 100-year storm event by 2050. The BPDA will require the elevation of the first floor of buildings to be constructed at the BPDA's recommended Sea Level Rise Design Flood Elevation (SLR-DFE) of 20.5 feet Boston City Base (BCB), which is one foot above the BPDA's Sea level Rise Base Flood Elevation (SLR-BFE) for the site. Projects in the RLFMP will be required to incorporate resilience design measures in accordance with BPDA's Coastal Flood Resilience Design Guidelines and/or Massport's Floodproofing Design Guidelines. In addition, the City is evaluating district scale flood protection around the RLFMP and adjacent Reserved Channel, including a design that would raise the seawall along the shoreline and another design that would construct a flood protection system in the interior of the RLFMP; the estimated costs of a district-wide flood protection system is \$132 million to \$193 million.

The City will undertake an analysis of flood protection solutions for the RLFMP in FY 2022 and anticipates constructing flood mitigation measures over time and seek reimbursement from RLFMP tenants. Tenants will contribute a pro rata share (based on built square footage), amortized over 30 years and capped at \$250,000 per year, to a Resilience Fund established by the City; according to the FMPU, the cap for maritime tenants will be lower than the cap for non-maritime tenants to ease the financial burden on WDI uses. In addition to the Resilience Fund, the City should continue seeking resiliency funding from other federal and state programs. The City should also continue identifying and

prioritizing investments or improvements that will promote the long-term resilience of the RLFMP, possibly as a co-benefit of other improvements (e.g., elevating roadways). As detailed in the SRP, future projects undergoing MEPA review will be required to provide an analysis of the project's climate risks and mitigation measures, including designing stormwater management systems with the capacity to handle flows from large storm events under future climate conditions. Given the rapid changes in climate change data and standards, future projects should assess climate resilience strategies in light of state, federal and local standards and protocols in place at the time each project is proposed. To the extent discrepancies exist between the City's standards and other applicable guidelines, proponents will be expected to address the feasibility of attaining more stringent standards or guidelines.

MassDEP comments confirm that any request for a license pursuant to the CWD will be required to identify potential impacts to the project due to climate driven sea-level rise during the life of the project and the requested term of the License and how such impacts will be avoided, minimized or mitigated without causing additional impacts on other parcels or projects either within or outside the marine park. MassDEP anticipates that the CWD will include a requirement for annual reporting to the Department and CZM, and published in the Environmental Monitor regarding the status of the Climate Resiliency Funding Mechanism described in the FMPU, contributions and expenditures during the prior year and projections of same for the upcoming year. This status report should be incorporated in the maritime investments annual report identified above.

Greenhouse Gas Emissions

The FMPU described the City's goals for reducing GHG emissions from buildings and identified expectations for energy-efficiency design measures to be incorporated into NWD buildings. Projects will comply with Article 37 of the Boston Zoning Code, which requires a Carbon Neutral Building Assessment, and will be expected to minimize the use of energy generated by fossil fuels. The FMPU described strategies by which buildings with conditioned space can meet these goals, including efficient electrification of space heating systems and minimizing building heating needs with an energy-efficient building envelope that reduces thermal energy demand intensity (TEDI).

Projects in the RLFMP that require MEPA review will be required to include an analysis of greenhouse gas emissions conducted in accordance with the MEPA Greenhouse Gas Emissions Policy and Protocol in effect at the time of filing for any conditioned building spaces and mobile sources. Proponents should consult with DOER prior to filing the PCN. According to the FMPU, lab/R&D space is anticipated to occupy much of the building area of the proposed NWD buildings. Proponents of these uses should consult with DOER regarding recommended building envelope and heating and ventilation systems for these building types and the potential to streamline GHG analyses.

Cultural Resources

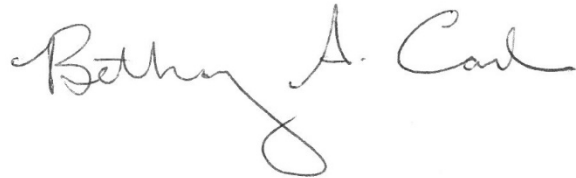
According to the Massachusetts Historical Commission (MHC), the RLFMP is historically known as the Boston Army Supply Base area (MHC# BOS.RT), which is included in the Inventory of Historic and Archaeological Assets of the Commonwealth (Inventory) and eligible for listing in the National Register of Historic Places. At its June 8, 2022 meeting, the MHC, acting as the State Review Board, nominated the Boston Army Supply Base to the National Park Service for formal listing in the National Register of Historic Places as a historic district. Sixteen buildings, 16 structures and 18 objects contribute to the significance of the historic district. MHC has recommended that the FMPU be updated to identify all of the buildings, structures and objects in the historic district nominated to be listed in the

National Register of Historic Places and to describe existing incentive programs, such as historic rehabilitation tax credit programs, that are available to owners and lessees of historic properties.

The City objected to the nomination in a letter to MHC dated August 31, 2021 but expressed its willingness to revisit the nomination after the FMPU. As appropriate, the City’s annual or five-year reports should identify any districts, properties and structures in the RLFMP that have been listed in the National Register of Historic Places and describe any resulting changes to the master plan. Future projects undergoing MEPA review should report on the status of any new designations that may affect development on individual parcels.

Conclusion

The FMPU has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the FMPU and comments received on it, and in consultation with Agencies, I have determined that no further review of the FMPU is required. Proponents of projects subject to MEPA jurisdiction should submit PCNs in accordance with the SRP. MassDEP is directed to issue Section 61 findings in accordance with M.G.L. c. 30, § 61, prior to issuance of the CWD.



June 21, 2022
Date

Bethany A. Card

Comments received:

- 05/05/2022 Massachusetts Water Resources Authority (MWRA)
- 05/06/2022 South Boston Marine Multi-Port LLC
- 05/06/2022 Boston Harbor Now
- 06/09/2022 Massachusetts Historical Commission (MHC)
- 06/09/2022 Massachusetts Seafood Collaborative
- 06/10/2022 Boston Sword and Tuna
- 06/10/2022 John Nagle Company
- 06/10/2022 Massachusetts Department of Transportation (MassDOT)
- 06/10/2022 Massachusetts Port Authority (Massport)
- 06/16/2022 Massachusetts Department of Environmental Protection (MassDEP)/Waterways Regulation Program (WRP)
- 06/17/2022 Massachusetts Office of Coastal Zone Management (CZM)

BAC/AJS/ajs



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May 6, 2022

Via email: alexander.strysky@mass.gov

Ms. Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Alex Strysky

Re: Raymond L. Flynn Marine Park Master Plan Update

Dear Mr. Strysky,

Boston Harbor Now respectfully submits the following comments on the *Raymond L. Flynn Marine Park Master Plan Update* prepared by the Boston Planning and Development Agency (BPDA). Our organization has been closely following this project since its inception and has previously submitted comments on its development in a May 2017 letter to the BPDA and again in a July 2019 letter to the Office of Coastal Zone Management (CZM). We have also served on the Raymond L. Flynn Marine Park (RLFMP) Advisory Committee and, most recently, watched a recording of the April 5, 2022 site visit.

Both Boston Harbor Now, and our predecessors at The Boston Harbor Association, have continuously supported efforts by the City and the State to create and maintain a vibrant working port in Boston in order to contribute to the region's economy and provide high quality jobs in the maritime sector. We recognize that development pressures combined with the need for major investments in both maritime facilities and adaptation measures that address climate change impacts have prompted a reimagining of this part of the City. Overall, we believe that this is a thoughtful plan for balancing those needs while preserving the essential functions of this maritime industrial district. As we've noted previously, we appreciate the opportunity to blend the innovation economy and flexible new industrial spaces with well-paying blue-collar jobs and future maritime industrial uses. We are particularly focused on the sequencing of infrastructure investments to ensure that the existing and future maritime uses have the means to survive and thrive as other uses emerge.



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Benefits of Clustering

Today, the RLFMP and nearby parcels, including the Fish Pier, provide a home to a significant amount of seafood processing. Additional maritime activities happening on the edges of the Marine Park include the Black Falcon Cruise Terminal, which offers berthing to up to three vessels alongside supporting uses; the Boston Ship Repair, one of the few dry dock facilities of its size in the northeast; and the North Jetty, which is going to be repaired in order to accommodate a greater range of cargo at that location. These features make the Park a unique asset to the city and the region that benefit and diversify the economy. The current clustering enables significant truck and bus traffic and generates few complaints about the sounds or smells.

Fortunately, the changes proposed in the Master Plan Update largely preserve areas near the waterfront for maritime uses and cluster new industrial uses on the interior. This interior collection of parcels, which seem likely to be developed for research and development in labs, provides the added benefit of creating a new R&D cluster that might encourage lab buildings to converge here rather than being scattered throughout residential parts of the city. The proximity of these buildings can also sustain a small number of commercial businesses to serve the needs of workers in these buildings without creating destination retail that would draw additional pedestrian and vehicular traffic into the industrial district.

Change of Uses

The adjustment to the percentage of allowable uses, as measured on the ground floor, has responded to the needs of existing tenants and is focused on supporting maritime use. Previous drafts proposed reducing marine-industrial uses from 67% to 51% and increasing commercial uses to 10%. The final version indicates that the Marine Park's present ground floor usage is 75% marine industrial use, and it is proposed to be 67.8% in the future. Meanwhile, other industrial uses are proposed to increase from 21.9% to 29.1% with commercial use being just 3%. In addition to these requirements, we want to ensure that these proportions and their functionality are monitored by the BPDA or the State in order to ensure that ground floor spaces designed for maritime tenants remain affordable to them and are consistently designed to meet their unique needs.



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Infrastructure Investments

Many of the changes in use for the plan are premised on the need for significant investments in the area to improve maritime infrastructure, design better transportation infrastructure, and implement climate adaptation measures. These are commendable goals with transparent value-capture mechanisms. The new funds established by the BPDA are precedent-setting, and we hope that they are replicated in other parts of the City where coordinated funding can enable bolder solutions and important capital investments.

The Maritime Capital Reserve Fund is unique to designated port areas (DPAs) like this one, but it may also be applicable to changes in the DPAs in East Boston, along Chelsea Creek, and along the Mystic River where new development can contribute to the financial sustainability and operability of maritime infrastructure along the coastline. Many potential projects were proposed for the use of these funds, and we hope to see a clear process for prioritizing the investments that serve the existing and emerging maritime uses. The North Jetty and the Marine Cargo Terminal stand out as the most pressing projects for implementation.

The Resilience Fund is a similarly commendable feature of this plan that will leverage private dollars to pay for climate adaptation measures in the district. The existing maritime properties would not have been able to make climate adaptation investments at the scale proposed on their own; however, by their very nature, many of the coastal protections recommended elsewhere in the city will be at odds with water-dependent uses along the shoreline for this district. We expect that this will be addressed by flood protection measures. We are similarly excited that this model will be used for developing district scale solutions across property boundaries, but we are concerned that the number of new projects already in the design and construction phase prior to selecting an alignment for flood protection measures will limit where the needed adaptation infrastructure can be built.

Transportation investments are also critical. Ensuring that the maritime tenants are able to move goods in a timely manner is key to the longevity and economic vitality of this inherently marine-industrial district. New non-maritime growth in the district should be limited until the infrastructure upgrades have been made. The Chapter 91 process or another point in development review may be appropriate benchmarks for checking that



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necessary infrastructure projects are being completed prior to or at least concurrently with the increase in non-maritime buildings and uses.

As private development and infrastructure investments take place in the RLFMP, we will continue to monitor the balance of uses and investments made in the needed maritime, resilience, and transportation infrastructure. Although not addressed in the plan directly, we also hope that the parts of the park with higher rates of employment and multistory buildings offer a public realm that remains consistent with the character of the park while offering respite to the people working there.

We appreciate the opportunity to comment and will continue to remain engaged in the development of the RLFMP as projects adhering to the Master Plan work their way through the BDPA's development review process as well as Chapter 91. We would be happy to speak with you further if there are additional questions.

Sincerely,

A handwritten signature in black ink that reads "Katherine F. Abbott".

Katherine F. Abbott
President and CEO
Boston Harbor Now

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
MASSACHUSETTS ENVIRONMENTAL POLICY ACT**

Raymond L. Flynn Marine Park Master Plan

Notice of Project Change

**City of Boston Economic Development and Industrial
Corporation d/b/a Boston Planning and Development
Agency**

EEA # 8161

**Comment on the RLFMP Master Plan Update
By South Boston Marine Multi-Port LLC**

South Boston Marine Multi-Port, LLC ("SBMMP") is designated to develop portions of the Massport Marine Terminal ("MMT", a/k/a Parcel M-1), and the adjacent Parcel M in the Raymond L. Flynn Marine Park (the "Marine Park"). As explained in more detail below, SBMMP is pursuing the rehabilitation and revitalization of the North Jetty and its adjoining MMT Parcels 6C, 7, and 8. Parcel M, which abuts the MMT at Parcel 8 and the North Jetty, is also part of the proposed revitalization. SBMMP's goal—in partnership with Massport and the BPDA—is to make the North Jetty an active marine cargo handling facility that will provide important support to the windfarm industry offshore of the Commonwealth. *See* SBMMP's wind-support rendering at Figure 3, *infra*. A revived North Jetty should also be capable of efficiently handling break-bulk, dry-bulk, and special project cargos. *See* preliminary rendering at Figure 4, *infra*.

The Marine Park consists of filled tidelands and is wholly within a Designated Port Area ("DPA"). In response to real estate development demand for lab space, R&D space, and other non-water-dependent uses, the Master Plan Update proposes an "Upper Floor Carve Out" that will relieve the central core of the Marine Park from many Chapter 91 restraints in order to unlock as much as 2.8 million square feet of upper-floor space for non-water-dependent uses not ordinarily permitted within DPAs. While we recognize and respect the financial rewards that the EDIC/BPDA might reap, measures must be in place so that this massive change in the Marine Park's character does not suffocate the maritime industrial uses that are the *raison d'etre* of the Marine Park itself. Before the Master Plan is approved:

- There must be defined requirements in the Master Plan approval, Chapter 91 licenses, and public-benefit determinations that are enforceable and ensure that the monies captured from non-maritime uses are actually spent in a timely way upon improvements to maritime infrastructure, transportation infrastructure, and maritime uses in and near the Marine Park.
- Key transportation improvements that have been proposed by Massport and others in and near the Marine Park should be approved and constructed before as much as 2.8 million square feet of non-maritime uses become occupied and active in the Marine Park. An after-the-fact approach will put maritime uses at risk, will make traffic improvements more expensive, and will increase negative environmental impacts.

- In light of the compromises to the public trust doctrine inherent in the Upper Floor Carve Out, the non-water-dependent beneficiaries of that carve out should pay for the measures that will be needed to mitigate the impacts of sea-level rise.
- Enforceable conditions should be included in the Chapter 91 licenses issued to non-water-dependent beneficiaries of the Upper Floor Carve Out. License conditions should require them to recognize the primacy and proximity of maritime uses in the Marine Park; and require them to support and not oppose the impacts inherent in maritime shipping and cargo-handling operations.

1. Who We Are and Why We Are Interested

SBMMP is a family-owned business affiliated with Eastern Salt Company, Inc. and managed by Shelagh E. Mahoney. Ms. Mahoney's family has created and operated bulk materials and cargo-handling businesses in New England for more than three quarters of a century. Her family has operated marine terminals in Boston Harbor (including, for a time, in South Boston) for 65 years. The family's marine operations have included the extensive renovation and rebuilding of maritime industrial terminals in both Boston Harbor and New York Harbor. Ms. Mahoney's companies handle and transship cargos through marine terminals along the Atlantic Seaboard from Maine to Maryland.

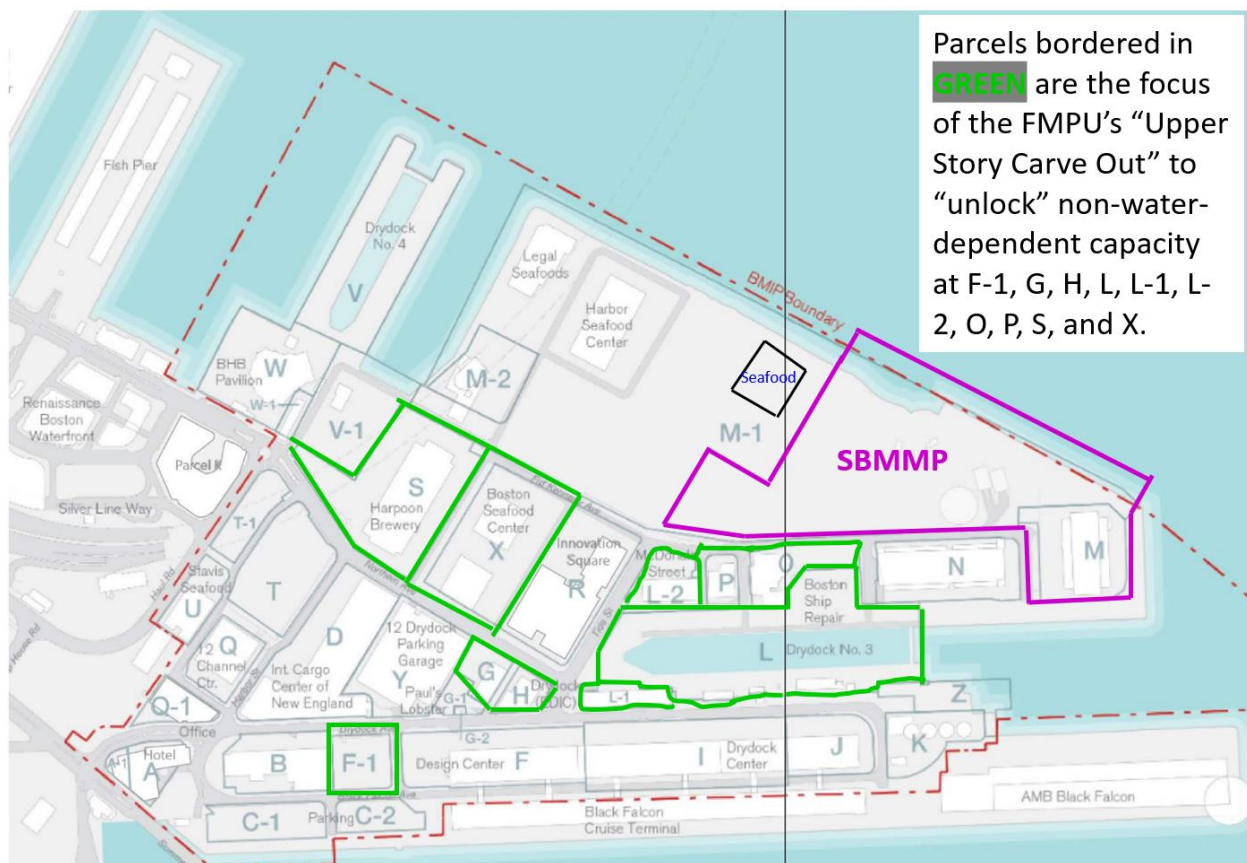


Figure 1: We have marked this map from the Final Master Plan Update (FMPU) to illustrate where SBMMP plans to reestablish marine-cargo handling activities in the MMT. The map has also been marked to highlight the parcels potentially eligible for an Upper Floors exception to the water-dependent use status required on filled tidelands in Designated Port Areas.

The Eastern Salt Group's companies provide good-paying jobs to a diverse work force. Training and other support is provided so that employees have the opportunity to transition from laborer to loader operator to crane operator to terminal manager and other positions. Ms. Mahoney's marine operations draw a substantial number of employees from their host communities. Her companies also devote significant time and resources to community relationships. In Boston Harbor, Eastern Salt has provided its host neighborhood with an award-winning point of public access to a designated port area waterway. In 2010, the Eastern Salt subsidiary Atlantic Salt, Inc. received a Small Business of the Year Award from the City of New York.

2. The Commonwealth Flats, the Marine Park, and the Public Trust

The Marine Park is situated on made land, *i.e.* filled land located on formerly submerged sediments that were fully submerged or at least subject to the ebb and flow of the tides. Through most of the 19th century and much of the 20th century, this area of the harbor was known as the "Commonwealth Flats" or—more specifically—the "South Boston Flats." By the mid-19th century, the South Boston Flats were already viewed as positioned to play a key role in reviving the flagging fortunes of Boston's maritime economy. *See*, Nancy S. Seasholes, *Gaining Ground: A History of Landmaking in Boston*, at chapter 11 (The MIT Press 2003). The South Boston Flats were even part of the motivation for creating the first Board of Harbor Commissioners, who were charged with "the general care and supervision of all the harbors and tidewaters, and of all the flats and lands flowed thereby...." 1866 Acts & Resolves c. 149, §2. The commissioners were also expressly charged with inquiring into the Commonwealth's rights in the South Boston Flats and to "prepare a plan for the improvement of said flats." *Id.* The area that is now the Marine Park was, consequently, a motivating factor in the creation of Chapter 91—the Commonwealth's chief tool to promote, preserve and protect the public trust that encompasses tidelands. Ironically, the Marine Park area of the South Boston Flats remains to this day part of the drive to revive and strengthen Boston Harbor's maritime economy.



Figure 2: Harbor and Land Commissioners' survey showing proposed filling and development of the South Boston Flats in 1910. This plan went through many iterations from the second half of the 19th century and into the 20th century. Filling of the area that is now the MMT did not begin in earnest until the U.S. Navy, in 1920, acquired Drydock #3 and the area that became the Marine Park. The Navy completed the North Jetty in December 1941.

Under the Commonwealth's 375-year-old public trust doctrine, water-dependent maritime industrial uses should be the touchstone for how the Marine Park is developed and nurtured. The plain truth, however, is that it is not. The primary economic motivation for the Master Plan and now the Master Plan Update is the so-called "Upper Floors Carve Out" to the water-dependent core of Chapter 91. Ordinarily, the filled tidelands in a DPA like the Marine Park should be reserved and used for water-dependent industrial uses. The Master Plan, however, advocates something entirely different. With respect to a large, central core of the Marine Park, eight parcels (10 if each lettered parcel is counted) will be included within the Upper Floors Carve Out. *See* Figure 1, *supra*. They will be eligible for a proposed new form of Chapter 91 license that will allow buildings with upper stories to be deployed for "general industrial" uses—life sciences research and development, offices, and life sciences and hi-tech manufacturing. According to Table 7 in the proposed "Consolidated Written Determination Chapter 91 License Application," *see* Appendix 4 of the *Final Master Plan Update* at page 347, adoption of the Master Plan will unlock more than 2.8-million square feet of Upper Floor space for lucrative, non-water-dependent uses. This high-rent space will rest on a ground-floor, maritime-industrial inventory of less than 200,000 square feet. In other words, the proposed non-maritime to maritime space ratio in this core section of the Marine Park will be 14 square feet to 1.

The tension between water-dependent, marine cargo-handling uses as against high-end, speculative real estate development in the tidal flats of Boston Harbor is not new. It is an age-old saga. In the leading public-trust case of *Boston Waterfront Development Corporation v. Commonwealth*, 378 Mass. 629 (1979), the Supreme Judicial Court ("SJC") observed that as early as 1837 there was "increasing concern with encroachment upon the harbor, as wharf property became very valuable, and great portions of the harbor were reclaimed as filled land." *Id.* at 640. By mid-century, the pressure against water-dependent uses remained unabated. It had continued to increase:

Investors who speculated in harbor property pressured the Legislature to grant away the Commonwealth's flats to private owners. An 1850 report by the harbor commissioners considered whether or not to adopt such a policy and recommended against it, saying "The demand for land is, in a great degree, an individual demand, the demand of companies engaged in speculations; while the demand for water is a demand of the public, a demand of commerce, in which the State and nation have a deep and vital interest." 1850 Sen.Doc. No. 3, at 28.

378 Mass. at 640. The SJC went on to note that the "continuing pressure for development caused the Legislature in 1866 to create a permanent Board of Harbor Commissioners whose approval would be required for any proposed building or filling on the tidelands." *Id.*

While the City of Boston owns the lands of the Marine Park, that ownership—like all ownership of flowed or filled tidelands throughout the Commonwealth—comes with "strings attached." 378 Mass. at 637. Since the earliest days, ownership of tidelands has been "subject to the rights of the public to use the coastal waters for fishing and navigation." *Arno v. Commonwealth*, 457 Mass. 434, 449, *quoting Opinion of the Justices*, 365 Mass. 681, 684 (1974); *Commonwealth v. Alger*, 61 Mass. 53, 95 (1851)("[The seashore] should be held subject to somewhat more restrictive regulations in its use, [as compared to] ... interior and upland estates remote from places in which the public have a common right."). Those rights of the public in flowed or formerly-flowed tidelands are public trust rights, and that public trust is held by the Commonwealth on a fiduciary basis for the public good. There are significant restraints on what the Legislature or its delegated agent, MassDEP, may do regarding public trust rights. "These constraints on

the Legislature's authority reflect its role not as an owner, but as a fiduciary for the public" *Arno, supra*, at 451.

The public trust in the filled tidelands of the Marine Park is a pearl of great price. The Commonwealth's authorization for the development and use of those lands outside the bounds of the core Chapter 91 and DPA uses—fishing, fowling, and navigating—may not be lightly given. The unlocking of more than 2.8 million square feet for lucrative non-water-dependent uses demands the payment of a meaningful dividend to the public trust.

3. Will the "Upper Floors" Rental Income Actually be Spent Upon Meaningful Maritime Infrastructure, Uses, and Core Public Trust Functions?

The Master Plan Update declares—without providing much detail—that R&D lab space built in the Upper Floors Carve Out will generate substantial revenues that will subsidize construction and improvement of marine infrastructure and maritime, water-dependent uses in the Marine Park. In its Executive Summary, the Master Plan Update states:

To harness the development pressure around the park and its inherent real estate value, a redevelopment approach is advanced for a multi-story, mixed-use building typology.... **The upper-floor uses will provide increased rents that can subsidize the ground-floor industrial businesses and facilitate reinvestment in Park infrastructure.** The intent is for this building arrangement to preserve the capacity for water-dependent industrial uses, should they return, and sustain existing industrial jobs in the RLFMP. **Other sites that may be better suited for exclusive general industrial use including lab space will support offsite marine industrial uses and infrastructure through lease payments and contributions to the Maritime Capital Fund.**

Raymond L. Flynn Marine Park Masterplan Update at page 8 (emphasis added).

Unfortunately, the Master Plan provides little detail as to how financial support to marine industries and marine infrastructure will be accomplished. Leasehold rent from Upper Floor Carve Out space will flow to EDIC/BPDA, but are the assurances strong enough that the subsidies justifying the departure from water-dependent public trust requirements will actually find their way to the maritime resources in need? In most commercial arrangements, the conveyance of valuable resources like public trust resources would be for valuable consideration up front. In the Marine Park, however, the payment of consideration to benefit marine infrastructure, transportation, and marine uses is a promise, not an in-hand payment.

We applaud the EDIC/BPDA's February 11, 2021, board vote to establish a Maritime Capital Reserve Fund and we welcome the representation that this "fund will utilize revenue generated throughout the agency's real estate portfolio, with a specific focus on the future redevelopment efforts in the Raymond L. Flynn Marine Park, to accelerate investment in the City's maritime economy." See <https://www.bostonplans.org/news-calendar/news-updates/2021/02/11/bpda-approves-new-housing-economic-development,-c> (visited May 5, 2022). Political winds shift, however, and perhaps the political winds driven by fiscal needs and appropriations are more cantankerous and shift the most. Stronger safeguards would provide a more reliable platform for the revitalization and growth of true maritime industrial businesses that are the reason the Marine Park exists.

The good intentions underpinning the Maritime Capital Reserve Fund should be reinforced by strong, clearly articulated requirements in the Chapter 91 licenses and the Secretary's determinations of public benefit that will be issued in connection with the developments that profit from the Upper Floors Carve Out that is the main thrust of the Master Plan Update. Licenses and Public Benefit Determinations already of record have used language that is too tentative. For example, one of the more recent public benefit determinations in the Marine Park states that "revenue from the lease of the site may be used by BPDA to invest in other infrastructure improvements in the RLFMP." Elsewhere the certificate states the "Proponent will make annual lease payments to the City that could be used to fund water-dependent industrial infrastructure improvements in accordance with a reinvestment strategy anticipated to be included in the FMPU." See "Public Benefit Determination," EEA # 8161, 2 Harbor Street Project (November 13, 2020) (emphasis added). The language of the licenses to be issued and public-benefit determinations to be made for the Upper Floors Carve Out parcels should be stronger given the importance of the public trust interests at stake in the Marine Park.



Figure 3: The North Jetty and its adjacent backland configured as a marine terminal providing mainland support to the offshore windfarm industry.

The Master Plan Update hints at the possibility of a legal restriction or covenant in an analogous context important to the maritime industrial community. The Master Plan Update correctly identifies gentrification in the Marine Park as a social and cultural factor that constitutes a negative impact on marine industrial uses. Speaking about the Boston Ship Repair Company that uses Drydock No. 3 at Parcel L, the Master Plan Update states that the "biggest challenge ... remains gentrification. As local non-maritime activities encroach on the dry dock footprint, activities such as hull blasting and painting are becoming more difficult." *Masterplan Update* at page 16. After making this observation, the Master Plan Update makes the following recommendation: "A stipulation of the expected impacts from hull blasting and painting should be considered in lease agreements with existing and future tenants." *Id.*

The land uses and changes of use in the Marine Park require Chapter 91 licenses and determinations of public benefit. Those licenses and determinations govern the use of parcels; are

recorded in the Registry of Deeds; and they run with the land until they either expire under their express terms, are amended, or are terminated. Accordingly, the licenses authorizing non-water-dependent uses should contain enforceable covenants that require material contributions from lease income to be made in support of maritime uses and infrastructure in the Marine Park. The licenses should also include anti-displacement (*i.e.*, anti-gentrification) covenants that require license holders to affirmatively recognize the proximity and primacy of maritime uses, the impacts associated with such uses—ship traffic, noise, truck traffic, and other impacts that flow from marine cargo operations, ship maintenance, and cargo handling. The covenants should affirmatively require the beneficiaries of the Upper Floor Carve Outs—ground tenants, use tenants, and the EDIC/BPDA itself—to support the Marine Park's maritime uses and to refrain from opposition to the maritime uses that are the fundamental core of the public trust "strings attached" to the entire Marine Park.

When reviewing and acting upon requests for public benefit determinations, the Secretary should require similar enforceable commitments in order to establish a proper foundation on which to base a public benefit determination.



Figure 4: Preliminary concept rendering of the North Jetty and its backlands configured as a general break-bulk, dry-bulk, and special project cargo marine terminal.

4. Conclusion

Most citizens in our complex, contemporary society are able to go about their daily lives without thinking or worrying about the maritime economy. For many citizens the maritime economy is out of sight and out of mind until something goes wrong—a container ship longer than the Hancock Tower is tall goes sideways and blocks the Suez Canal for weeks; the pandemic results in more than 100 ships riding at anchor for weeks and months off Long Beach/Los Angeles; or a shipping line reacting to worldwide maritime traffic jams decides to "skip Boston"—with the result that some cargos only reach Boston with the final segment of the journey consisting of hundreds of miles of truck driving. Most people in the Commonwealth do not realize that due to a shortage of marine terminals in Boston Harbor, cargos like lumber, steel coils, heavy machinery, and similar break-bulk items are landed at ports in other states and driven by truck to final destinations in Boston and its environs. In some respects, we have failed the public trust and allowed the seashore—a common resource of vast importance to the public—to be gobbled up

by uses that do not require proximity to the sea. We have a dearth of port facilities. Such facilities are scarce resources "without access to which, the use of the sea for navigation would be of little value." *Alger, supra*, at 95.

The treatment of the Marine Park recommended by the Master Plan Update is a compromise. A vast inventory of space is being set free for non-water-dependent uses as a *quid pro quo* for financial resources that must be used to improve and subsidize maritime infrastructure and maritime uses. The Commonwealth has the power to impose the *quid pro quo* because

The land in question is not, like ordinary private land held in fee simple absolute, subject to development at the sole whim of the owner, but it is impressed with a public trust, which gives the public's representatives an interest and responsibility in its development. ... We are not dealing with the allocation of property rights between private individuals when we are concerned with a public resource such as Boston Harbor.

Boston Waterfront Development Corporation, supra, at 649. That seminal case goes on to say that the "State ... grants these lands for a particular purpose; namely to further its commercial interests depending upon navigation." *Id.* at 650. Delivery of the Master Plan's non-water-dependent *quid* should only be in consideration for actual delivery of the promised maritime *quo*.

Thank you for the opportunity to comment on the Marine Park Master Plan Update. We look forward to working with the Secretary and other public officials, agencies, and authorities as we attempt to infuse new energy and life into one of the last remaining segments of Boston Harbor's working waterfront.

**SOUTH BOSTON MARINE MULTI-PORT LLC
EASTERN SALT COMPANY, INC.**

By their counsel,

s/Robert E. McDonnell

Robert E. McDonnell
remcdonnellaw@gmail.com

Dated: May 6, 2022

cc: Alex Strysky, EEA / MEPA
Richard McGuinness, BPDA
Lisa Berry Engler, CZM
Daniel Padien, Mass DEP Waterways
Lisa Wieland, CEO Massport
Andrew Hargens, Massport
Shelagh E. Mahoney, SBMMP
Daniel Adams, Landing Studio
Skip Sullivan, Esq., Morgan Lewis
Elizabeth M. Bresnahan, Esq. Morgan Lewis
(all copies by email)



Secretary Beth Card
MA Executive Office of Energy & Environmental Affairs
100 Cambridge St., Suite 900
Boston, MA 02114

Attn: Alex Stryisky, EEA # 8161

Re: South Boston Seaport Strategic Transit Plan

June 9, 2022

Dear Secretary Card,

The Massachusetts Seafood Collaborative (MSC) is a non-profit organization that represents the seafood industry in the Bay State. Among our members are Boston Sword & Tuna, John Nagle Co., North Coast Seafoods, and many of the other seafood businesses in the Raymond L. Flynn Marine Park and Boston Fish Pier, which shall henceforth be referred to as the South Boston Seaport.

The South Boston Seaport is one of the most important commercial and industrial centers in the Commonwealth. The fifty-eight seafood businesses annually account for over \$716 million in revenue, along with the 2,165 vessel landings which bring in over 17 million pounds of fresh local catch each year. Our industry acts as an economic district within a district and catalyzes much of our community's surrounding economy. This makes us a critical bedrock to the South Boston Seaport community, acting as the hub for the spokes of a locally concentrated set of interrelated businesses, of which many are immigrant owned and staffed. This environment is also fertile for people's entrepreneurial endeavors, who see opportunity in the chance to service our dynamic industry.

The seafood industry around the South Boston Seaport has local, national, and global importance. For example, seafood is the number one export and import commodity out of Logan Airport. It accounts for 19% of export market share and 23% of import market share, which in turn accounts for over 10% of total US seafood imports.



Most significantly, our industry, accounts for 1,555 jobs and over \$96.8 million in payroll within the South Boston Seaport and rises to 3,300 jobs and \$695 million in payroll when indirect impacts are also considered. These are dignified, lifelong jobs without high barriers to entry, with average weekly employee take home pay coming in between \$1,065 and \$1,230. The industry is also growing each year, as exemplified by the period from 2012-2016, which saw job and payroll growth rise by 17% and 14%, respectively.

Coming out of Covid-19, the seafood industry has been a success story. Despite our business being down by nearly half during the pandemic—due largely to reliance on shuttered restaurants—the value of the Massachusetts seafood industry reached an all-time high in 2021. Thus, the South Boston Seaport continues to provide an indispensable food source for our entire nation, held up by the efforts of our diverse workforce and strong working waterfront.

Unlike other cities, such as San Francisco or New York, Boston has maintained a blue collar, community-based working class, for which the seafood industry provides the ballast. This makes us unique, and allows Boston to remain an equitable, culturally vibrant place to live and work. It would be a mistake to allow this to disappear into homogeneity.

The South Boston Seaport Strategic Plan (the Plan) does not appear to take into consideration many of the facts laid out above, nor their implications. For example, each day there are many thousands of semi-trucks which travel in and out of the South Boston Seaport to service the seafood industry. In the Plan as currently envisioned, many of the trucks would be incapable of navigating the altered streetscape. This would lead to traffic buildup and dramatic increase in idling diesel trucks, therein significantly undermining efforts to contain CO2 fumes, and putrefying the community environment. Unfortunately, the ubiquity of diesel trucks leaves little room for alternatives.

Additionally, we have concerns with the process employed for scoping these plans. A letter sent to the office of Boston Mayor Michelle Wu on April 25th from the South Boston legislative delegation



regarding the Plan provides a detailed and exhaustive breakdown of those problems.

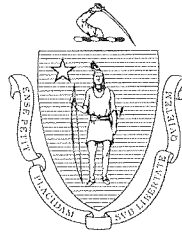
We want to work to ensure the South Boston Seaport remains a dynamic local, national, and global business hub; a unique cultural mainstay; a reliable employer for immigrant and working-class communities, and a critical bedrock for our community. It is clear your Administration shares these goals, and we look forward to the opportunity to work constructively together.

Best,

A handwritten signature in black ink that reads "Mark E DeCristoforo". The signature is written in a cursive, slightly slanted style.

Mark E. DeCristoforo, Executive Director

Massachusetts Seafood Collaborative



The Commonwealth of Massachusetts

June 9, 2022

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

Secretary Bethany Card
Executive Office of Energy and Environmental Affairs (EEA)
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Alex Strycky, MEPA Office

RE: Raymond L. Flynn Marine Park Master Plan, Boston (South Boston), MA; MHC# RC.5383,
EEA#8161

Dear Secretary Card:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Raymond L. Flynn Marine Park Master Plan Update which was received at this office on April 1, 2022. Staff of the MHC have the following comments.

The proposed Master Plan Update for the Raymond L. Flynn Marine Park in Boston, includes building renovation, demolition, and new construction.

Review of the MHC's *Inventory of Historic and Archaeological Assets of the Commonwealth* and the information submitted indicates that the Raymond L. Flynn Marine Park, historically known as the Boston Army Supply Base (BOS.RT), is included in the Inventory. It is the opinion of MHC staff that the Boston Army Supply Base (BOS.RT) meets the criteria of eligibility for listing in the State and National Registers of Historic Places.

At its June 8, 2022 meeting, the Massachusetts Historical Commission, acting as the State Review Board, voted to submit the National Register nomination for the historic Boston Army Supply Base (BOS.RT) to the Keeper of the National Register at the National Park Service for formal listing in the National Register of Historic Places as a historic district. The historic district contains 16 buildings, 16 structures, and 18 objects that contribute to the significance of the historic district.

The MHC recommends that the Master Plan Update be revised to indicate specifically which buildings, structures, and objects will be listed in the National Register of Historic Places. In addition, the Update should be revised to include a description of existing incentive programs such as the state and federal historic rehabilitation tax credit programs that are available to private owners or long-term lessees of income-producing properties listed in the National Register of Historic Places. A recent beneficiary of the historic tax credits was the developer of 25 fid Kennedy, aptly demonstrating the adaptive reuse of Building 16/Machine Shop.

In addition, MHC staff have reviewed the Project Commencement Form for 24 Drydock Avenue. The subject property includes the Administration Building (BOS:12955) which is included in MHC's Inventory and in the National Register nomination for the Boston Army Supply Base. The proposed demolition of the historic Administration Building (BOS.12955) constitutes an "adverse effect"

950 CMR 71.05(a). The MHC requests that alternatives to demolition such as rehabilitation and reuse be carefully studied, taking into account the potential financial advantages of the historic rehabilitation tax credit programs.

The MHC looks forward to consulting with the Boston Planning and Development Agency and the City of Boston as this important revitalization plan moves forward.

These comments are offered to assist in compliance with M.G.L. Chapter 9, sections 26-27C (950 CMR 71.00) and MEPA (301 CMR 11). Please contact me if you have any questions.

Sincerely,



Brona Simon
State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission

xc: DHCD – Urban Renewal
Boston Planning and Development Agency
Boston Landmarks Commission
DEP – NERO
Cronin Drydock LLC
VHB



June 10, 2022

Secretary Beth Card
Mass. Executive Office of Energy
And Environmental Affairs
100 Cambridge St, Suite 900
Boston, MA 02210

Attn: Alex Strycky, EEA # 8161

Dear Secretary Card:

We are reaching out to you as we are very concerned about the proposed traffic reconfiguration for the Seaport District.

Boston Sword and Tuna is a fifth-generation business that has been operating in the Seaport for over 100 years. The proposed changes will have a negative impact on our company. The Seaport district is already extremely congested, and the changes will only have a further impact on the businesses down here. We will lose customers if there is no viable access to the area. The truck and trailer traffic are necessary to our business. If they are unable to drop off product, they will just sell it somewhere else. This area was intended to be for Maritime/Commercial use only. It feels like the State is trying to force out the Seafood industry that has been so vital to this city for hundreds of years. The empty buildings of PJ Lobster and Stavits remain empty as no other seafood company was allowed to go into them. We are constantly forced to work within the City's and Massport's parameters and are not allowed the opportunity to question them.

Boston Sword and Tuna currently employs approximately 200 employees, many of them are multi-generational as well, and the infrastructure for them is not effective. Transit service is limited down here, and emergency personnel are frequently hung up as the area is already extremely congested. There is still approximately 40% still to be developed which will only further impact this area.

Boston Sword and Tuna utilizes Logan airport every day.... all day. We move approximately a million pounds in and out of Logan every month. These changes will severely affect our day-to-day business.

Boston Sword & Tuna | 10 Codfish Way | Boston, MA 02210 | 617-946-9850
www.bstseafood.com

"America's One-Stop-Shop for Seafood"

We implore you to take our concerns into consideration when reevaluating the traffic in the Seaport district.

Thank you for your time.

Sincerely,



Michael Scola
CEO



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By Email (alexander.strysky@mass.gov)

Alexander Strysky
Executive Office of Energy and Environmental Affairs
MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: BMIP/Raymond L. Flynn Marine Park Master Plan (EEA No. 8161)

Dear Mr. Strysky:

John Nagle Co. (JNC) is a seafood processor, distributor, and wholesaler located within the Raymond L. Flynn Marine Park (Marine Park) at 306 Northern Avenue on Parcel S. As you are aware, the Marine Park is home to a cluster of seafood processing and distribution businesses that provide an essential food source to the area, provide blue collar jobs to the local economy, and are often small businesses. JNC has been operating on the Boston Waterfront for over 120 years and out of the Marine Park for more than 37 years, and currently has a long-term lease with the City of Boston Economic Development Industrial Corporation for its facility on Parcel S. It is critical that any development or modifications to infrastructure or uses within the Marine Park does not impact or displace existing marine industrial uses or preclude the expansion of existing facilities or the relocation of new marine industrial uses to the Marine Park.

We have reviewed in detail the Raymond L. Flynn Marine Park Master Plan Update dated February 15, 2022 (Master Plan Update). While JNC is long-term tenant of the Marine Park, JNC was not contacted by the City directly to provide information on its current and future uses. On Page 110 of the Master Plan Update, it indicates that JNC has no current or future plans for development. In fact, JNC has been working on upgrades to its interior and exterior refrigeration space to increase both efficiency and the quantity of products that can be received and processed at its facility and will be seeking to expand its loading docks, which will result in a growth of vehicle traffic to the JNC facility to a total of 500-1000 vehicles per day, the majority of which will be truck trips.

As a seafood processing and distribution business, JNC's marine industrial use is reliant on safe and efficient tractor trailer movements within the Marine Park and between the Marine Park and the interstate highway system. The Master Plan Update acknowledges the importance of truck traffic to the viability of marine uses; however the Master Plan Update largely focuses its transportation efforts on improvements to the movement of trucks between the Marine Park and the interstate highway system and provides little information or detail on efforts to improve the environment for trucks on all streets within the Marine Park.



By way of example, the Master Plan Update indicates that “[t]he primary challenge for the streets in the [Marine Park] is that first and foremost, they must accommodate frequent and widespread truck traffic” which generally require “larger lane widths, larger turning radii and intersections that might seem out of scale compared to a traditional street” (page 30).

Notwithstanding this statement that roads must accommodate frequent and widespread truck traffic, the Master Plan Update clearly indicates a desire to make Northern Avenue, a key thoroughfare through the Marine Park, less hospitable for truck traffic.¹ Moreover, the proposed Northern Avenue Reconstruction, which includes dedicated bicycle infrastructure and sidewalks, reduces the width of the drive aisle and the widths and angles of truck movements at various intersections, including the intersections at Northern Avenue/Parcel S curb cut and Northern Avenue/Seafood Way. As a result of these changes, truck movements along Northern Avenue will become more difficult due to the more confined geometry and could result in increased conflicts between trucks and pedestrians and bicycles. This is of particular concern to JNC given that tractor trailers servicing the JNC facility make left and right turns into and out of the JNC facility through the Parcel S curb cut on Northern Avenue and also through the Seafood Way frontage, requiring a right or left turn into or out of the Northern Avenue.

The Master Plan Update advocates for truck traffic to use certain roadways, such as Fid Kennedy Avenue. While certain deliveries to the JNC Facility can utilize the Parcel S/Fid Kennedy curb cut or access Seafood Way via the Fid Kennedy/Seafood Way intersection, all trucks to the JNC facility cannot solely utilize these entrances and exits. In addition, Fid Kennedy Avenue cannot safely and efficiently accommodate increased truck traffic. As noted in the Master Plan Update, Fid Kennedy is narrow and less than the minimum feasible width for bi-directional travel. In addition, truck movements into and out of the JNC facility, the Leader Bank Pavilion, and Yankee Lobster obstruct the movement of traffic on Fid Kennedy Avenue while the truck is maneuvering or require trucks to swing into both travel lanes to maneuver into and out of loading areas, causing safety issues and increased gridlock if more trucks will be using Fid Kennedy Avenue.

The Master Plan Update also contemplates the addition of traffic signals at the Northern Avenue/Fid Kennedy Avenue/Haul Road intersection. JNC has concerns that this traffic signal has not been adequately studied, as a traffic signal will likely cause a queue of traffic to build waiting for the light to turn, causing obstructions to trucks accessing the JNC facility through the Northern Avenue/Parcel S curb cut, Northern Avenue/Seafood Way intersection, Fid Kennedy Avenue/Parcel S curb cut, and Fid Kennedy Avenue/Seafood Way intersection. This is also further complicated by the fact that the sharp 90-degree turn on Fid Kennedy Avenue proximate to the loading docks for the Leader Bank Pavilion precludes two trucks from passing each other simultaneously and the width of Fid Kennedy Avenue restricts trucks from passing vehicles that are stopped or turning from Fid Kennedy Avenue.

¹ See, for example, Page 52 (“The City is actively planning roadway improvement projects which will re-define RLFMP and South Boston Waterfront truck routes, directing freight activity to roadways of more industrial nature and preserving corridors with high amounts of foot traffic from increased truck travel”); Page 199 (“The Northern Avenue Reconstruction project will prioritize safety for pedestrian and bicycle movements with truck traffic diverted to Fid Kennedy Avenue”).

Moreover, safe and efficient trucking necessitates a staging and layover area within the Marine Park, a concern that was voiced in March 2015 by Stavis Seafoods (page 281). With reductions in travel lane street widths and the elimination of vacant lots, trucks will no longer have an area to stage or layover. While the Master Plan Update notes that this was an issue in the 2017 DPMU, the Master Plan Update fails to address this issue instead relying on Massport to “examine the adequacy of proposed staging and layover spaces as part of new development projects in the Massport Marine Terminal.”

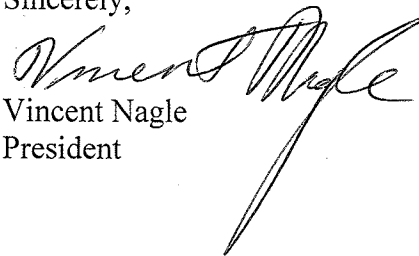
While the Master Plan Update does include suggested transportation improvements to facilitate better movement of trucks between the Marine Park and the interstate highway, we believe additional infrastructure improvements, to be coordinated with the Massachusetts Department of Transportation, are warranted in the immediate vicinity of the Marine Park to improve truck access to the I-90 Massachusetts Turnpike and Route 93. These improvements should include modifications to the ramps proximate to the Boston Convention and Exhibition Center by widening the ramp to I-90 West from one to two lanes and the widening of the road to I-90 East from one lane to two lanes to that there one lane dedicated to I-90 East and one lane for the Haul Road feeding I-93 North and South so that traffic back-ups from the Ted Williams Tunnel do not preclude trucks accessing I-93.

In summary, JNC believes that the Master Plan Update should include the following to facilitate the continued success and growth of existing and future marine industrial uses within the Marine Park and to increase the safety of all users of the Marine Park:

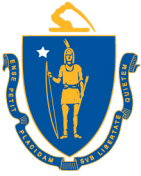
- Ensure that all roadways, and particularly Northern Avenue, Seafood Way, and Fid Kennedy Avenue, remain as industrial vehicle thoroughfares suitable for supporting the largest commonly used 53-foot tractor trailer movements necessary for the marine industrial uses within the Marine Park, and that all transportation studies and plans include truck turning studies at each intersection and curb cut and study the impacts that truck maneuvers that block one or more lanes of traffic have on the movement of traffic and gridlock;
- That the intersections of Northern Avenue/Parcel S curb cut, Northern Avenue/Seafood Way, Fid Kennedy Avenue/Parcel S curb cut, and Fid Kennedy Avenue/Seafood Way accommodate right and left turns in all directions by 53-foot tractor trailers;
- That the Northern Avenue/Fid Kennedy Avenue/Haul Road rotary intersection not be signalized without a plan that guarantees successful safe and efficient traffic flow.
- That the angle of the sharp turn on Fid Kennedy Avenue proximate to the Leader Bank Pavilion be reduced to allow for two trucks to use this stretch of road at the same time;
- Include a dedicated truck staging and layover area;
- Include funding of improvements, to be coordinated with the Massachusetts Department of Transportation, to widen the ramps to I-90 West and Route 93/I-90 East to facilitate more efficient truck access;
- Incorporate flush sidewalks where necessary and place streetlights in appropriate locations to accommodate safe tractor trailer movements; and
- Install clear signage to warn bicyclists and pedestrians that they are entering an industrial zone with heavy truck traffic.

We appreciate the City and the Commonwealth listening to our concerns and look forward to working with all parties to ensure that the Marine Park remains a place where marine industrial uses can thrive.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Nagle". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Vincent Nagle
President



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO



June 10, 2022

Bethany A. Card, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114-2150

RE: Boston – Ray L. Flynn Marine Park – NPC
(EEA #8161)

ATTN: MEPA Unit
Alex Strysky

Dear Secretary Card:

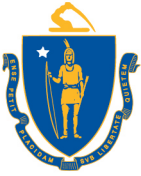
On behalf of the Massachusetts Department of Transportation, I am submitting comments regarding the Notice of Project Change for the Ray L. Flynn Marine Park Project as prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please contact J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (857) 368-8862.

Sincerely,

David J. Mobler
Executive Director
Office of Transportation Planning

DJM/jll

cc: Jonathan Gulliver, Administrator, Highway Division
Carrie Lavalley, P.E., Chief Engineer, Highway Division
John McInerney, P.E., District 6 Highway Director
Neil Boudreau, Assistant Administrator of Traffic and Highway Safety
Boston Region Metropolitan Planning Organization
Boston Planning and Development Agency, City of Boston
Boston Transportation Department
Massachusetts Port Authority
Massachusetts Bay Transportation Authority



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO



TO: David J. Mohler, Executive Director
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E, Manager
Public/Private Development Unit

DATE: June 10, 2022

RE: Boston: Raymond L. Flynn Marine Park – NPC
EEA # 8161

The Public/Private Development Unit has reviewed the Notice of Project Change (NPC) submitted by the Boston Planning and Development Agency (“BPDA”) for the Final Master Plan Update (“FMPU”) for the Raymond L. Flynn Marine Park (“RLFMP”). The RLFMP is located within Boston Harbor at the confluence of the Main Ship Channel and the Reserved Channel. It is one of the most seaward industrial properties in the Port of Boston, along with Massport’s Conley Terminal. The Project site includes several parcels totaling approximately 190 acres and will provide approximately 4,336 surface and garage parking spaces.

The RLFMP project has a long MEPA history dating back to 1978. The City of Boston, proponent of the RLFMP project, filed a Final Master Plan for the Marine Park in 1999, which identified a mix of uses to support industrial and marine businesses in Boston. The Final Master Plan received a MEPA Certificate in 1999. The City of Boston subsequently filed an NPC for a Draft Master Plan Update (DMPU) in 2017 that outlined a strategy to fund and improve the RLFMP’s infrastructure and further support industrial and marine businesses by encouraging more types and density of uses within the RLFMP. The anticipated build out was greater than planned in the 1999 Master Plan increasing from a Floor Area Ratio (“FAR”) of 2 to 4. The DMPU received a MEPA Certificate on January 19, 2018, finding that it adequately and properly complied with MEPA.

The development program for the RLFMP based on a FAR of 4 consisted of the construction of 2,323,557 square feet of research and development (R&D); 1,262,690 sf of marine industrial, 316,500 sf (411 rooms) of hotel; 211,700 sf of office; 21,900 sf of retail; and 7,200 sf of commercial uses. The Secretary of Energy and Environmental Affairs issued a certificate requiring the preparation of a FMPU for the RLFMP.

This NPC includes an increase of the development under two Build condition scenarios. Under a Build condition with a FAR 4.0, the Project will add approximately 6.3 million sf of development to the South Boston Waterfront over No-Build conditions. The Build condition under a FAR 2.0 scenario adds approximately 4.2 million sf of development.

The NPC has evaluated the transportation impacts of the proposed project based on the adjusted trip generation estimates along with future transportation demands due to projected

traffic and transit growth, independent of the proposed development. Under the FAR 4.0 scenario, the Project is expected to generate 23,597 net vehicle trips, 16,850 new pedestrian/bicycle trips, and 33,647 new transit trips on an average weekday. During the peak hours, the Project is estimated to generate 1,076 vehicle trips (790 entering, 386 exiting) in the morning, and 1,060 vehicle trips (322 entering and 758 exiting) in the afternoon. Under the FAR 2.0 scenario, the Project is expected to generate 17,260 net vehicle trips, 9,692 new pedestrian/bicycle trips, and 19,384 new transit trips on an average weekday. During the peak hours, the Project is expected to generate 836 vehicle trips (514 entering, 322 exiting) in the morning and 806 vehicle trips (276 entering and 528 exiting) in the afternoon. These trip generation estimates take into account the mode share for this area of Boston.

State infrastructure within the RLFMP consists of the Ted Williams Tunnel (I-90) that passes beneath the northern portion of the site within a subsurface easement. Additionally, Track 61, the only remaining rail link within the RLFMP, runs along the site parallel to Drydock Avenue. Service on the line ended during the construction of the Central Artery project; however, the right-of-way has been preserved to enable re-establishment of the rail infrastructure in the future should circumstances merit. The NPC did not identify any needed agency actions relative to these facilities.

The NPC includes a transportation study that provides a comprehensive assessment of transportation in the project study area for the existing and future conditions. Although not fully consistent with the *MassDOT/EEA Guidelines for Transportation Impact Assessments*, the transportation study was prepared with guidance received from the MEPA Office and follows a number of citywide, regional, and statewide planning efforts conducted or underway by several city and state agencies that operate in the Seaport District, specifically in the vicinity of the RLFMP.

The methodology used for the transportation study is generally based on long-range transportation planning issues to address the impact of a future condition where development potential in the RLFMP has been maximized. Accordingly, background growth in the study area assumes full buildout of the South Boston Waterfront. However, no horizon year is cited and no allowance for growth in work from home activity is assumed despite potential long-term changes in travel activity stemming from the COVID-19 pandemic. We note that the transportation mitigation program is informed by a number of collaborative efforts between state and city agencies over the years to improve transportation within the Seaport Waterfront. The recommendations of these studies are factored in the analysis to evaluate traffic and transit operations within the study area.

The infrastructure assessment undertaken for the Master Plan Update identifies five key considerations to address the RLFMP impacts in the study area:

- Vehicular Traffic
- Maintaining Freight Efficiency
- Transit Considerations

- Accommodation Active Transportation
- Parking

MassDOT offers the following comments on the NPC.

Vehicular Traffic

Vehicle operations within and in the vicinity of the RLFMP are vital to the ability to achieve full RLFMP buildout, as defined in this Master Plan Update. Particularly, it is important that adequate access be provided for freight to the regional transportation system. Similarly, adequate access via transit, bicycling, and walking is important to employees and tenants of the RLFMP.

The NPC transportation study includes a comprehensive traffic analysis of the study area intersections. The study area includes a number of key intersections that provide access to the RLFMP as well as the regional transportation system. Under both the No-Build and Future Build scenarios, the analysis indicates that these intersections are expected to operate at overall LOS F, in some instances with excessive delay or with volume to capacity greater than one depending on the peak hour direction. The NPC has identified several projects that the Proponent has committed to implement in collaboration with agency partners. These projects include but are not limited to:

• Haul Road/Summer Street/Drydock Avenue Connector – a roadway connector between Haul Road, Summer Street and Drydock Avenue, providing more direct access to the RLFMP from Haul Road, the Mass Pike, and I-93 and lessening dependence upon the Northern Avenue corridor inside and outside the RLFMP.

• Northern Avenue/Haul Road/Fid Kennedy Avenue Improvements – signalization and reconfiguration of the Fid Kennedy approach to this intersection will facilitate truck access to marine industrial uses associated with the Massport Marine Terminal and improve safety for all modes.

• E Street Connector –north/south freight access through the South Boston Waterfront better emphasizes use of Haul Road as a freight corridor and removes heavy vehicles from the more densely-developed D Street, Summer Street and Northern Avenue corridors leading to the RLFMP.

• Northern Avenue Reconstruction – improvements in walking and bicycling accommodations, along with better truck access to the Fid Kennedy Avenue corridor, reduces conflicts between freight and non-motorized users.

While these projects provide significant benefits with respect to access in and out of the RLFMP, particularly for truck traffic, the full buildout of the RLFMP under the FAR 4.0

scenario, is still expected to exacerbate already worsening conditions associated with full development of the South Boston Waterfront. It is, therefore, critically important that this mitigation/construction occur prior to buildout. We are particularly pleased to note the City's commitment to the short-term (no later than 2024) implementation of the Northern Avenue/Haul Road/Fid Kennedy improvements. The failure to implement these improvements by 2024 would have a significant detrimental impact on freight movement in and out of the area and, by extension, the region.

Freight

To maintain the existing marine industrial use and potentially expand and attract additional industrial uses, freight access to the RLFMP is a critical component of the transportation infrastructure. The projects listed above along with additional projects are expected to improve freight access to the regional highway network. In particular, the projects would provide for the following:

- The orientation of the Haul Road/Summer Street/Drydock Avenue Connector and Northern Avenue/Haul Road/Fid Kennedy Avenue Reconfiguration projects will encourage more freight travel along the Haul Road corridor at the expense of the more heavily-populated Northern Avenue and Summer Street corridors.
- The new Haul Road/Summer Street/Drydock Avenue Connector will allow for easier vehicular access to the RLFMP from the Mass Pike and I-93, potentially diverting traffic from the Northern Avenue corridor.
- Use of Haul Road for vehicle access to the RLFMP will allow for improved transit and freight operations to the RLFMP for the more imminent Summer Street Bus/Truck Lanes.
- The reconfiguration of Fid Kennedy Avenue and geometric improvements north of the Northern Avenue/Haul Road/Fid Kennedy Avenue intersection will better facilitate freight access to the Massport Marine Terminal.
- The Northern Avenue Reconstruction project will prioritize safety for pedestrian and bicycle movements with truck traffic diverted to Fid Kennedy Avenue.

Additionally, the Proponent is working with the MBTA to create a Bus/Truck Lane along Summer Street to improve transit travel time for the MBTA Bus Route #7 and also facilitate truck travel along Summer Street. While MassDOT and the MBTA generally support transit improvements, there are still some concerns to be addressed to finalize this concept. In particular, traffic operations along the Summer Street corridor are expected to be significantly impacted as a result of the implementation of the proposed Bus/Truck Lane project. Several intersections along the corridor are expected to operate at levels of service F

with excessive delay. The Proponent has indicated that the benefit to truck and transit operations outweigh the congested operating conditions for general traffic. However, these worsening conditions could result in severe impacts to corridor operations and negate the benefit of the truck/bus lane. The Proponent should continue consultation with the appropriate agencies to achieve the appropriate balance between general traffic and the truck/bus lane to improve corridor mobility.

Transit Operations

The MBTA currently operates extensive transit within the study area via Bus Routes #4 and #7, and the Silver Line (SL1 and SL2) that provides access to South Station and points north of Boston. The NPC includes transit analyses of existing service provided by the Silver Line and the two bus routes with the study area. The NPC includes a transit study based on ridership to capacity (R\C) ratio as the metric. This methodology is no longer consistent with the MBTA's Service Delivery Policy (SDP), which uses as metrics passenger comfort (the percentage of passenger travel time experienced in comfortable conditions) and reliability (the percentage of on-time weekday reliability of bus service).

Nevertheless, according to the Existing Conditions analysis, the NPC indicates that the Silver Line 2 is expected to reach a R\C ratio equal to 1. Bus Routes #4 and 7 however are expected to experience ridership to capacity ratio below 1, although the transit study for the 2 Harbor Street project indicated that the Bus Route #7 was expected to fall below the minimum and target standards for the passenger comfort metric. For the Future No-Build conditions, without improvements, the transit network is expected to continue to experience worsening operating conditions. The NPC analysis indicate that SL1, SL2, and Bus Route # 7 are expected to experience a R\C greater than 1 in one or both peak hours. The NPC did not include a transit analysis of future build conditions within the RLFMP within the study area, but it can be inferred that without significant transit improvements, the added ridership associated with the full buildout of the RLFMP will continue to exacerbate crowding on the transit system.

The Boston Planning and Development Agency (BPDA) - working with several agencies, including MassDOT and the MBTA - is leading an effort to develop a South Boston Seaport Strategic Transit Plan to determine the transit needs of the Seaport District. The study team has previously identified a number of potential strategies that are currently being explored. Options identified for further study, planning, and future implementation include:

- A North Station/South Station/Seaport direct bus link
- South Station/Dorchester Avenue shuttle bus transfer upgrades
- New bus service connections to the RLFMP including Andrew Square via D Street and South Station via the RLFMP
- Consolidation of private shuttles
- Fleet expansion and/or bus platooning for SL1 and SL2 services
- Installing transit signal priority or half-cycling the Transitway/D Street signal for SL1 and SL2 services, or eliminating this at-grade intersection

- Installing transit signal priority and queue jump lanes at South Boston Waterfront intersections, where applicable
- Expanding local and regional ferry services
- Extending transit service along Track 61 to the RLFMP

The Proponent should continue discussions and pursue implementation of these mitigation measures to address the project's transit impacts on the Silver Line. Based on the transit analysis, the Proponent should consult with the City of Boston, MassDOT and the MBTA to identify the level of transit improvements required along with a schedule of implementation to improve both passenger comfort and reliability of the Silver Line. These improvements should be consistent with or not preclude those identified by other parties within or near the study area.

Active Transportation

The TIA provides a comprehensive inventory of all existing, planned, and recently built services, facilities, and routes for accessing the site. As indicated in the NPC, the RFLMP project is located within an area that already includes excellent pedestrian accommodations with a robust network of sidewalks and crosswalks at all study area intersections. As part of this NPC, the Proponent has committed to improve bicycle and pedestrian accommodations within the RLFMP and at all intersections where improvements are being proposed. The sidewalks along Northern Avenue between Tide Street and Fid Kennedy Avenue will be reconstructed to create a more-pedestrian friendly environment.

The NPC also includes a detailed inventory of the bicycle network including on-street bike lanes, cycle tracks, and multi-use pathways. The Proponent has committed to work with the City to enhance bicycle infrastructure and to expand bike sharing programs. The Proponent has committed to install a new BlueBikes station near the RLFMP.

Parking

In the NPC, the Proponent is committed to continuing the practice of maintaining a majority shared parking system and keep the supply under the permitted cap of 4,336 spaces. The parking system will be monitored, and parking prices regulated when needed to adjust demand within the RLFMP. The Parking system will be coordinated with a comprehensive TDM program, which would meet or exceed mode share targets identified for the RLFMP. To meet those targets, new development projects in the RLFMP will be encouraged if not required to implement a number of these TDM strategies. Examples of the strategies include the following:

- Parking Pricing, unbundling, and cashout
- Transit subsidies
- Bus stop enhancements
- Carpooling
- Guaranteed Ride Home Program

These TDM strategies are based on measures that have so far proven or are considered effective in reducing vehicle trip generation in the Seaport District.

Mitigation

Overall, the NPC includes a comprehensive mitigation package to address the key considerations for the RLFMP project: vehicular operations, freight access, transit, active transportation, and parking. The Proponent has provided during the review process a more detailed plan that outlines the priorities and the sequence of implementation of these improvements. We generally support the overall mitigation approach and urge the Proponent move forward and complete these improvements as expeditiously as possible as they would not only benefit the RLFMP project but also the overall development of the South Boston Waterfront. MassDOT notes however the following concerns:

First, the NPC along with the additional submission did not fully present a fully funded plan for these improvements. The Proponent has indicated that developer mitigation funds to be collected over time along with state and grant funds are expected to be used toward the construction of these improvements. While some of these improvements are still a long way from implementation, we ask the Proponent to come up with a better financing plan tied to different phases or levels of development within the RLFMP, including interim milestones, and that does not assume the availability of state funding.

Second, the Proponent has identified a mitigation fee of \$4.29 per square foot of building area as a fair transportation mitigation payment in the RLFMP. Given the uncertainty regarding of the full build out of the RLFMP, we are concerned that not enough funds would be collected to keep up with the increased costs of construction.

Lastly, the NPC did not include a clear mechanism to follow up on the implementation of the mitigation. This is concerning considering the need to implement the outlined near term mitigation in a tight timeframe; as an example, the Fid Kennedy improvements are expected to be complete by 2024. The Proponent has offered however to create a Transportation Advisory Committee to monitor and guide the transportation studies for the different projects to be developed in the RLFMP. MassDOT is listed as one of the agencies to be part of the Committee to work collaboratively with other agencies to ensure consistency of the RLFMP with a number of transportation planning initiatives already underway.

MassDOT looks forward to continuing collaboration with the Proponent and the partner agencies to implement the transportation improvements necessitated by the RLFMP and to support the larger transportation improvements needed for the South Boston Waterfront. The Proponent should continue consultation with the Public/Private Development Unit, the Highway Division District 6 Office, and the MBTA during the development of the RLFMP. If you have any questions regarding these comments, please contact me (857) 368-8862.



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www.massport.com

June 10, 2022

Secretary Beth Card
Massachusetts Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114
ATTN: Alex Strysky, EEA #8161

Re: Raymond L Flynn Marine Park Master Plan Update – NPC (EEA #8161)

Dear Secretary Card:

The Massachusetts Port Authority (Massport) appreciates the opportunity to comment on the proposed Notice of Project Change for the Raymond L. Flynn Marine Park (hereinafter, "the Park" or RFMP) Master Plan Update. We thank you and the MEPA staff as well as the Department of Environmental Protection and the Office of Coastal Zone Management for the attention and care you and they have taken in reviewing the Master Plan Update to ensure it achieves the desired policy goals of supporting and encouraging maritime industrial and water-dependent industrial activity in this portion of the South Boston Designated Port Area.

Massport understands the City of Boston's request to allow a higher percentage of non-maritime industrial uses in the Park, balanced by protections and investments to support maritime industrial uses. We recognize the need to foster a diverse mix of job opportunities and economic activity in the Park, which must include preserving and promoting the long-term health of the area's vibrant and growing maritime industrial sector. We believe the proposed approach can be justified if more non-maritime development supports and subsidizes more maritime industrial development in the Park. An important shared goal of the city, state and Massport must be supporting the viability of maritime industrial businesses that want to move to or expand in the Park. The high cost of development and threats to efficient truck access are two key hurdles for these businesses the Plan Update must help address.

Supporting Maritime Industrial Businesses

Recent activity in Boston Harbor demonstrates demand from maritime industrial and water-dependent businesses, such as the seafood and warehousing, for space in the Park appears to be much stronger than when the initial research supporting the Plan Update was undertaken several years ago. A great example of this strong demand is the success of the state-of-the-art processing plant Boston Sword & Tuna built and opened at the Massport Marine Terminal (MMT) in 2020, which already they are seeking to expand. With the emergence and rapid ramp-up of the off-shore wind industry in New England, demand for waterfront industrial sites in Boston Harbor is stronger than ever. Massport's partnership with Eastern Salt to create a modern cargo terminal at the MMT is expected to help address this demand and strengthen the competitiveness of the Port of Boston overall. Massport routinely receives inquiries about available maritime industrial land in the port and in South Boston for traditional maritime uses and, increasingly, cutting-edge bluetech uses, which, unfortunately, often cannot be satisfied.

Supporting maritime industrial businesses in the Port of Boston is closely tied to Massport's mission. Massport has a longstanding build-out plan for the MMT to support growth of the South Boston Seafood Industry Cluster and optimize the use of the deepwater North Jetty Berth. The Plan Update identifies the MMT (or Parcel M-1) as the primary site for accommodating maritime industrial in the Park. In fact, the Plan Update calls for relocating maritime industrial uses to the MMT from several parcels in the Park slated for commercial / general industrial development. For example, Massport and Pilot Development are working with two seafood industry businesses, F.J. O'Hara and Pangea, to advance a project at the MMT to enable them to remain in the Park because their current home at 310 Northern Avenue is transitioning to lab use under the Plan Update.

It is important to recognize the proposal to expand commercial / general industrial uses in the Park as presented in the Plan Update is premised on the viability of maritime industrial and water-dependent industrial uses at the MMT. The primary challenges to building new maritime industrial facilities at the MMT have been limited lease term and high construction costs resulting in infeasible rents for maritime businesses. Massport is pleased to have recently executed with the city an amendment of the MMT ground lease, which extended the term to 99 years. This was a major accomplishment because the lease now provides adequate lease term for the seafood and other businesses to secure more favorable project financing.

The Plan Update states "Industrial rents are not high enough to finance new construction in urban areas where construction costs are relatively high". Massport agrees. High development costs remain a particularly vexing challenge for maritime industrial projects given current market conditions. Regretfully, due to high development costs, several seafood companies working to build facilities at the MMT have had to terminate their projects in the middle of design and permitting in the past year. In discussions with the BPDA, DEP, CZM and MEPA, Massport has requested the flexibility to build up to a total of 500,000 square feet of upper floor commercial or general industrial use at the MMT above ground floor maritime industrial uses on certain parcels to help subsidize the uses below. This would apply the same policy approach proposed in the Master Plan Update for the balance of the RFMP. Massport appreciates the supplemental Plan information the BPDA submitted to MEPA on June 3rd, which includes a revised Table 7 showing an allocation of upper floor use flexibility on two parcels at the MMT; however, Massport believes strongly 500,000 square feet are necessary to maximize maritime industrial development across the MMT. The scale of this allocation for the MMT is de-minimis relative to expanded development capacity in the Park that will accrue to the BPDA if the Plan Update is approved.

Allowing this use flexibility at the MMT will immediately unlock tens of thousands of square feet for ground floor maritime industrial development, which Massport is prepared to expeditiously deploy to support seafood and other maritime industrial businesses. The application of the upper floor uses at the MMT will be located along Fid Kennedy Avenue and the buildings will be designed to direct non-maritime access away from the center of the MMT site, where internal roads are intended for truck

access. The direct subsidy provided by the upper floor uses at the MMT will support the viability of maritime industrial businesses, and it will ensure that the intent of the Chapter 91 and DPA regulations are fulfilled. With this change, it will be feasible to build modern maritime industrial facilities on these sites, grow maritime businesses and create a significant amount of diverse maritime sector jobs.

Currently, non-maritime uses are not permitted under the MMT ground lease between Massport and the BPDA. Once the requisite flexible use allocation at the MMT is approved under the Plan Update, the MMT lease must be amended to allow commercial and general industrial uses up to the 500,000 square feet. Massport requests this happen quickly, as we are poised to offer to the market available development sites at the MMT to meet seafood industry and other maritime industrial demand. Further, it is important that the subsidizing revenue from the upper floor uses be preserved to support the ground floor maritime industrial tenants. Specifically, the amended lease should not require Massport to divert any additional portion of the rent stream from these multi-use projects to the BPDA as this will simply dilute the ability of the upper floor uses to support the maritime uses below. Without this subsidization mechanism, or some other form of subsidy tied to the BPDA's expanded commercial development in the Park, these sites at the MMT are likely to remain out of reach for the types of maritime industrial businesses for which the South Boston Designated Port Area was established.

Transportation Improvements

The increased density proposed in the Plan Update will result in more traffic in the Park and will impact the efficiency of truck trips. This is a great concern regularly expressed to Massport by maritime and industrial business owners in the Park. Reliable access to local customers, the interstate highways, Logan Airport and Conley Terminal is vital for maritime businesses, which often operate in a just-in-time and global marketplace. The proposed use changes will attract more traffic, as well as more pedestrian and bicycle activity on a limited number of streets. These modes, along with effective public transit, are no doubt important, but they have the potential to conflict with truck access if they are not managed well. The conversion of Northern Avenue in the Park, currently underway, from a key truck route to a two-lane "complete street" is likely to negatively impact truck access and must be married with significant, compensating truck route improvements in the near term. The use changes proposed in the Plan Update underscore the need to protect and enhance the essential truck network serving businesses in the Park. Major streets in the Park must be preserved and/or designed/built to support trucking by accounting for truck turning radii, layover needs, and other realities inherent to trucking intensive uses.

We are pleased to see the recent supplemental information supporting the Plan Update appears to have increased the priority of key early infrastructure. Nonetheless, we believe MEPA and DEP should insist upon hard deadlines and firm funding commitments from the BPDA given the scope and scale of the proposed use changes in the Park and the impacts they are likely to have on truck access. Several specific areas of Massport concern are described below.

Fid Kennedy Extension. Massport endorses the Plan concept to establish Fid Kennedy Avenue as a priority truck route connecting to the Massport Haul Road to serve seafood and industrial uses at the

MMT and on other RFMP parcels. As the Master Plan proposes, this connection will become the primary truck route serving the RFMP. Massport and the BPDA have reached agreement on a conceptual plan to reconfigure the Massport Haul Road and the Northern Avenue intersection to improve truck connections. Massport agreed to launch the design of this section to expedite the project, and Massport is currently leading a multi-agency design effort for this portion of the project. We understand the BPDA is planning to hire a consultant to design the portion of the improved Fid Kennedy Avenue connection to the north of Northern Avenue. As they move to final design and construction, the BPDA should advance all three components of the project (i.e., the Massport Haul Road, the preferred plan for the rotary / intersection, Fid Kennedy Avenue extension) through completion as a single, integrated project.

Putting this new segment of the South Boston truck route network in place quickly is critically important, and the BPDA has committed it will be built by 2024. We believe this is an achievable deadline if the project is fast-tracked through design, permitting, and construction. We strongly suggest that MEPA and DEP establish conditions to tie the approval and commencement of non-maritime industrial projects in the RFMP to the completion of this infrastructure project. For example, the development proposed on Parcel X (310 Northern Avenue) should not be permitted to open for business until the work on the truck route is complete. In addition, we suggest no commercial / general industrial projects filed after the Plan Update is approved should be allowed to commence construction until the truck route is complete. The full cost to design and construct the roadway should be paid for by commercial / general industrial development projects or from the Maritime Infrastructure Fund the BPDA recently established. Meeting the stated 2024 deadline may require the BPDA to commit funds upfront to be recovered from subsequent developer commitments and / or rent payments from the planned commercial / general industrial development projects in the Park.

Haul Road/Drydock/Summer Street Grid. The 2014 South Boston Waterfront Sustainable Transportation Plan endorsed a long-standing plan to extend a grid of streets to improve the roadway connections between the Massport Haul Road, Drydock Avenue, and Summer Street at the entrance to the Park. The concept will have many transportation benefits in and around the Park, including streamlining truck access from the interstates and reducing congestion on Summer Street corridor. Design and engineering for this improvement should be prioritized so the realignment can move forward as soon as the necessary parcels can be assembled.

Black Falcon Avenue. Flynn Cruiseport Boston is expecting a return to near-normal activity in the summer of 2022, with approximately 125 scheduled ship calls. Cruise activity in Boston is recognized as a major economic driver for the City of Boston and the Commonwealth. It is an unusual situation that Massport does not own or control either the street directly in front of the cruise terminal or Parcel C-2 directly to the west of the terminal. Both are owned and controlled by the BPDA, but are essential to access and parking for cruise operations. Massport and BPDA work collaboratively to meet operational needs on the street during the cruise season (April to November), and this collaborative dynamic must continue to enable cruise passenger growth. Massport has a short-term agreement in place for the use of Parcel C-2, which needs to be extended to a long-term ground lease, the terms of which should recognize the importance of the cruise industry as a maritime industrial use and as an economic

generator in Boston. The future success of cruise business in Boston depends on the prioritization of cruise operations on these assets.

Proposed Public Transit Service Changes

The Plan Update highlights the need for transit and access improvements in the Park, pointing to the City's goals for reducing greenhouse gas emissions. The closest major transit connection to the RFMP is the MBTA Silver Line stop at Silver Line Way, located on Massport property just west of the Park. Existing service there includes the MBTA's SL1, SL2, and SL3 routes, which provide connections to/from South Station, Logan Airport, East Boston, and Chelsea. Recently, however, the MBTA/MassDOT Bus Network Redesign Draft Plan, released on 5/16/2022, proposes to cut completely Silver Line Way service for the SL1 and SL3 routes, and to reduce SL2 service to weekday peak hours. Massport is concerned the proposed service cuts will reduce much-needed transit service to the RFMP for commercial and industrial employees. The BPDA should assess the impact of these proposed changes on the transportation analysis supporting the Plan.

Protecting Logan Airport Airspace

We appreciate MEPA's inclusion of building height considerations in several recent filings for projects in the RFMP as this is an important issue to Massport. We note the BPDA makes a clear commitment in the Plan Update to Logan Airport airspace mapping and the protection of critical airspace corridors. Massport's Logan Airspace Map defines the critical airspace around Logan. The Map was created with input from airlines, pilots, city officials, and the Federal Aviation Administration (FAA) to protect the flight corridors in and out of the airport and to help guide developers and regulatory authorities on building heights. It is intended to aid developers in their planning and design process and guide the FAA approval process for individual projects to determine if they present a potential hazard to air navigation. Failure to protect Logan's airspace will result in a reduction in safety, loss of airport efficiency, and impact runway utilization potentially shifting flights from one community to another. We look forward to continued MEPA and BPDA support to ensure compliance with the Airspace Map on future projects.

Again, we would like to thank you and your staff, as well as the staff at DEP and CZM, for your serious and thoughtful consideration of the needs of all stakeholders in the RFMP. We look forward to working with all of you and the BPDA to ensure the Plan Update preserves and strengthens maritime industrial business activity, which has served as the economic engine for Boston for centuries.

Sincerely,



Andrew G. Hargens, AICP | LEED AP
Chief Development Officer

cc: Massport -- L. Wieland, R. Passafaro, J. Barrera, A. Coppola
MEPA -- T. Kim; CZM -- Lisa Engler; DEP -- G. Moran, D. Padien; BPDA -- R. McGuiness



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MEMORANDUM

TO: Bethany A. Card, Secretary, EEA
ATTN: Alex Strysky, MEPA Reviewer
FROM: Daniel Padien, Chief Waterways Program
DATE: June 16, 2022
RE: EEA 8161 - Raymond L. Flynn Marine Park Master Plan Update, Boston

The Massachusetts Department of Environmental Protection's Waterways Regulation Program (the Department) has reviewed the Final Master Plan Update for the Raymond L. Flynn Marine Park (RLFMP), submitted by the City of Boston acting through the Boston Planning and Design Agency (BPDA) and noticed in the *Environmental Monitor* dated March 9, 2022, and supplemental information provided on June 6, 2022.

The Department has worked extensively with representatives of the BPDA, the Massachusetts Port Authority, as tenant of the Massachusetts Marine Terminal (MMT), the Office of Coastal Zone Management and the MEPA Team as the BPDA finalized the Master Plan Update. These discussions focused on the Marine Parks compliance with the Waterways Regulations at 310 CMR 9.00 specifically the regulatory imperative that the Marine Industrial Park be dedicated primarily to Water Dependent Industrial Uses. The regulations at 310 CMR 9.02 stipulate that a marine industrial park shall contain, in general, two-thirds Water Dependent Industrial uses (WDI).

Chapter 91 Jurisdiction

The Raymond L. Flynn Marine Industrial Park (marine park) comprises approximately 191 acres of filled and flowed Commonwealth tidelands located in the South Boston Designated Port Area of which approximately 179 acres are subject to Chapter 91 jurisdiction. The remaining approximately 12 acres are located outside the DPA and are therefore not subject to licensing under Chapter 91. Any construction, reconstruction, structural alteration or change in use within these jurisdictional filled tidelands requires approval pursuant to Chapter 91.

Chapter 91 Licensing

In 2005, the Department issued a Master Waterways License No. 10233 to serve as the sole vehicle for Chapter 91 Licensing in the marine park. This license established specific procedures for licensing projects subject to jurisdiction within the limits stipulated in Table 7, as published at that time. In 1998, more of the park was yet to be redeveloped and as a result, there was considerably more flexibility with regard to WDI vs. general industrial uses within the marine park while maintaining at least two-thirds WDI uses, as required by 310 CMR 9.02. The BPDA has revised Table 7 numerous times between 1998 and 2022, with the most recent version updated on June 6, 2022 and is the subject of the Department's comments herein and is expected to be the planning basis for the BPDA's Application for Consolidated Written Determination to be filed following the Secretary's Certificate on the Master Plan Update. We note the planned redevelopment of the marine park, as presented by the June 6, 2022 additional information proposes two-thirds of the marine park as WDI uses, consistent with the Waterways Regulations at 310 CMR 9.02.

Based on extensive interagency consultation among MassDEP, MassCZM, the Massachusetts Port Authority and the BPDA as property owner and Licensee under Master License 10233, the Department has requested, and the BPDA has agreed to file an Application for a Consolidated Written Determination (CWD) to serve as the licensing mechanism for future build-out of the marine park. The Department has encouraged the use of a CWD to:

- Facilitate parcel-by-parcel redevelopment in a manner that maintains measured flexibility in site design, within the limitations established by 310 CMR 9.00, this Master Plan and the CWD;
- Allows for consideration of appropriate uses for supporting DPA financial contributions on a parcel-by-parcel basis to facilitate attainment of various resiliency, transportation and direct support of WDI users;
- Allows the Department to issue individual licenses for each project to be recorded at the Suffolk County Registry of Deeds, providing another means for the public to access the license;

Following issuance of the Secretary's Certificate on the Master Plan Update, the Department anticipates the filing of a complete Application for a CWD by the BPDA. The Department's review will include a robust public process including one or more sessions of a public hearing and public comment period as required by 310 CMR 9.13.

Based on information reviewed to-date and pre-filing consultation with the BPDA, the Department anticipates that the CWD will include the following elements, subject to further review and public process:

- All authorizations and project approvals issued pursuant to Master Waterways License 10233 will remain in full force and effect and subject to all provisions of the license;
- The Minor Project Modifications provisions of 310 CMR 9.22(3), as cited in License 10233 will continue to be available to existing fill and structures authorized by the License.

- Future projects within the marine park that are subject to licensing will be subject to the provisions of the anticipated CWD;
- Project's seeking the issuance of a license under the CWD will be required to demonstrate consistency with all applicable provisions of 310 CMR 9.00 and with the CWD;
- Projected Build-out: No project will be licensed under the CWD which would result in the marine park – at full modeled buildout – containing less than two-thirds WDI uses. A request for license issuance pursuant to the CWD will be required to include a revised and updated Table 7 reflecting the current build-out status of the marine park, including interior and exterior uses.
- Climate Resiliency: Any Request for a License pursuant to the CWD will be required to identify potential impacts to the project due to climate driven sea-level rise during the life of the project and the requested term of the License and how such impacts will be avoided, minimized, or mitigated without causing additional impacts on other parcels or projects either within or outside the marine park.

Projects with Upper Floor Supporting (General Industrial) DPA Uses

- Ground Floor Programming. The ground floor shall be reserved exclusively for water-dependent industrial users, and shall include high bay ceilings to increase flexibility to accommodate a variety of WDI uses. Upper Floor Accessory Uses (UFAU), such as lobbies and vertical transport systems, shall be located in areas that minimize conflicts with water-dependent industrial users. UFAU shall be relatively confined in area to preserve flexibility and utility for water-dependent industrial users.
- General Industrial Uses: Upper Floor Programming Development projects with general industrial uses shall be located exclusively on said project's upper floors and must be Supporting DPA uses, pursuant to 310 CMR 9.02. That is, they must provide logistical, operational or financial support for the Water Dependent Industrial uses on the Project site.
- Disclosures of WDI in Lease Documents: The BPDA shall include language in any lease documents for projects subject to the CWD that disclose nearby or on-site water-dependent industrial users and an acknowledgment that those users may generate impacts related to sound, smells, and 24/7 operations.
- Massachusetts Marine Terminal (MMT): The planned land use within the Massachusetts Marine Terminal (MMT) reflected in the BPDA's Table 7 (June 6, 2022) assumes the redevelopment of two parcels with 90% exterior space dedicated to WDI uses, an overall site use of 65% WDI and 35% general industrial and 350,000 GSF of general industrial uses on those parcels. Massport has asserted that it plans to achieve an average dedication of exterior space within future MMT parcels of 90 percent achieving a total of 500,000 GSF of general industrial as Supporting DPA uses in the MMT while supporting the two-thirds WDI requirement in 310 CMR 9.00.

Based on the information reviewed to-date, the Department could support the development of this additional general industrial Supporting DPA use in the MMT with a

planned upset limit of 150,00 GSF contingent upon site design and utilization that maintains the marine park-wide two-thirds WDI uses. The Department anticipates reviewing the details of this site programming proposal in the Application for CWD.

- Supporting DPA Uses: The Department's review of the anticipated application for a CWD will include consideration and public review of leveraging Supporting DPA uses to provide financial contributions and/or in-kind support of marine park-wide projects that support WDI users, such as established transportation and resilience goals.

License applications will be reviewed on a case-by-case basis to ensure that the type, location, scale, duration, and operational characteristics of proposed Supporting DPA Uses are compatible with water-dependent industrial activities. A request for a license under the CWD that includes Supporting DPA Uses will be required to provide an accounting of the required financial support required to permit Supporting DPA uses within the DPA.

Annual Reporting

The Department anticipates that the CWD will require annual reporting by the BPDA of the status of various requirements of the Master Plan to support WDI uses within the marine park. At a minimum, annual reporting will be required to be provided to MassDEP, MassCZM and published in the Environmental Monitor. The Department would also support regular reporting to a Maritime Investment Advisory Group. This requirement is expected to include but not be limited to the following:

Transportation

- Contributions to the Marine Capital Reserve Fund for investment in WDI uses maritime infrastructure improvements.
- Status of the planned transportation improvements identified in the Master Plan Update including a schedule for improvements and funding mechanisms for each. We note BPDA's commitment to completion of the Fid Kennedy realignment by 2024 as a significant transportation need.

Climate Resiliency Fund

- The Department supports the BPDA's efforts to attain district-wide climate resiliency goals through the proposed Climate Resiliency Funding Mechanism described in the Master Plan Update. We anticipate that the CWD will include a requirement for annual reporting to the Department and CZM, and published in the Environmental Monitor regarding the status of the fund, contributions and expenditures during the prior year and projections of same for the upcoming year.

Conclusion

The Department is grateful for the extensive collaborative efforts by the BPDA, Massport, CZM and the MEPA team in advancing the Master Plan Update. In conclusion, we find that the Master

Plan Update addresses Chapter 91 Licensing matters sufficiently to advance to the review of an Application for Consolidated Written Determination.


The proposed extensive Supporting DPA Uses is intended to increase the long-term viability of WDI uses in the marine park. The Department sees these Supporting DPA Uses as an opportunity not just to support individual DPA uses on a specific parcel, but to further the important district-wide long-term goals related to climate resiliency and transportation. The marine park's future build-out, as described in the updated Table 7 is consistent with the use limitations stipulated in 310 CMR 9.00.

The Waterways Program looks forward to continued collaboration with BPDA towards issuance of a CWD and attainment of these goals.



MEMORANDUM

TO: Bethany Card, Secretary, EEA
ATTN: Tori Kim, MEPA Office
FROM: Lisa Berry Engler, Director, CZM
DATE: June 17, 2022
RE: EEA 8161 - Raymond L. Flynn Marine Park Master Plan Update/24 Dry Dock, Boston



The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the City of Boston's Final Master Plan Update for the Raymond L. Flynn Marine Park (RLFMP), noticed in the *Environmental Monitor* dated March 9, 2022, and supplemental information provided on June 6, 2022. Based on review of this information and participation throughout the Master Plan Update process including coordination with Massport, MassDEP, and the Boston Planning and Development Agency (BPDA), CZM provides the following comments on the RLFMP FMPU and the associated 24 Dry Dock Avenue project.

Project Description

The Final Master Plan Update (FMPU) identifies up to 4.2 million square feet (sf) of additional development within the RLFMP for maritime industrial, general industrial, commercial uses, and parking. The FMPU provides an overview of the purpose and goals of the RLFMP, a waterfront infrastructure assessment, outreach to tenants in the marine park, a parcel-by-parcel analysis of current and proposed uses, a transportation study and analysis to inform necessary improvements to support the buildout of the RLFMP, a climate vulnerability assessment with adaptation considerations and recommendations, and a proposed regulatory and policy framework for achieving buildout of the RLFMP. A specific goal of the FMPU is to ensure the viability of current and future water-dependent industrial uses. As such, the FMPU proposes opportunities to formalize revenue streams derived from general industrial uses to invest in maritime infrastructure, transportation improvements, and climate resilience which will support existing and future maritime industrial uses in the RLFMP. The FMPU reflects comments on the Notice of Project Change and Draft Master Plan Update (DMPU) filed in December 2017 as well as recommendations from the Advisory Committee process.

The FMPU was prepared in accordance with the guidance for marine industrial parks in the Massachusetts Department of Environmental Protection's (MassDEP's) Waterways Regulations (310 CMR 9.00), the Secretary's Certificate on the DMPU (January 18, 2019), and the Secretary's Notice on the Certificate (February 7, 2020). The FMPU includes an application for a Consolidated Written Determination (CWD) for a subset of parcels in the RLFMP. The City has requested that a MEPA Special Review Procedure (SRP) be established to guide review of individual projects within the RLFMP.

Background

The RLFMP, formerly the Boston Marine Industrial Park, includes 129 acres of filled and 63 acres of flowed tidelands. The majority of the RLFMP lies within the South Boston Designated Port Area (DPA). The original RLFMP Master Plan was finalized in 1999 and in 2000 the Secretary issued a MEPA certificate that required development within the RLFMP to meet standards for Marine



Industrial Parks pursuant to 310 CMR 9.00. In 2005, MassDEP issued a Master c. 91 License, consistent with regulatory standards for Marine Industrial Parks under 310 CMR 9.00 that codified the requirement for a minimum of two thirds of development within the RLFMP be reserved for water-dependent industrial uses. The license allowed for the remainder of uses in the RLFMP to comprise general industrial and commercial uses that are incidental and/or supportive of water-dependent industrial uses, with commercial uses capped at 5%. The license further specified use percentages and development guidelines on a parcel-by-parcel basis according to Table 7.

In December 2017, the Boston Planning & Development Agency (BPDA) submitted the DMPU to MEPA as a Notice of Project Change. The DMPU explained the history, status, and trends of water-dependent industry in the RLFMP, provided a high-level plan for the future of the RLFMP, and outlined options to capitalize on the economic opportunity of underutilized land, improve aging infrastructure, and preserve the area's capacity for future water-dependent industry. The economic analysis of uses in the RLFMP performed as the backdrop for the DMPU showed a decreasing demand for space by "over-the-dock" water-dependent industrial uses. The Secretary's Certificate on the DMPU issued January 19, 2018, allowed development associated with one specific parcel, Wharf 8/Pier 7, to proceed to permitting but required other changes proposed within the RLFMP to undergo final MEPA review through submission of a FMPU. The Secretary required that a stakeholder process be conducted through the creation of an Advisory Committee co-chaired by CZM and MassDEP and in coordination with the City of Boston to evaluate regulatory and policy changes proposed in the DMPU.

The overarching theme of the Advisory Committee and comment letters was ensuring the viability of existing and future water-dependent industrial uses within the RLFMP through three specific areas: economic support for water-dependent industrial uses, specifically through capital investments in marine infrastructure, transportation planning, and climate resilience. In a memorandum dated February 7, 2020, attached to the Secretary's Notice on the Certificate, CZM provided an overview of the stakeholder process and recommendations from CZM and MassDEP, informed by comments and feedback received from the stakeholder groups for the content of the City's FMPU filing to the MEPA Office.

As recommended by the Notice on the Certificate, between February 2020 and February 2022, the BPDA consulted with CZM, MassDEP, and MEPA in development of the FMPU prior to filing. The BPDA submitted the FMPU to CZM, MassDEP, and MEPA on February 18, 2022.

Comments on the Final RLFMP Master Plan Update

As with the Commonwealth's nine other DPAs, the South Boston DPA was established to promote water-dependent industrial uses which are a critical component of the state's economy. The DPA policies and regulations recognize that in addition to water-dependent industry, DPAs can accommodate limited amounts of supporting industrial and commercial uses that are compatible with water-dependent industrial uses. Because the RLFMP comprises a significant portion of the South Boston DPA, it is uniquely situated to support the interests of the Commonwealth's DPA Program in hosting primarily water-dependent industrial uses alongside supporting industrial and commercial uses while preserving space for such water-dependent industrial uses in the future. In keeping with these original purposes and in acknowledgement of the continuing importance of maritime industry to the state's economy, the future development of the RLFMP should continue to primarily provide areas suitable for existing and future water-dependent industrial uses. The vision for the future of the

RLFMP as presented in the FMPU illustrates the commitment of the BPDA and partners such as Massport to the maritime economy for the long term.

In furtherance of these goals, and in consideration of the recommendations for the FMPU from the February 7, 2020, memorandum, CZM provides the following comments and additional recommendations:

Flexibility in Distribution of Uses

The FMPU and supplemental information, includes a revised Table 7 incorporating changes in uses since the filing of the DMPU, information about existing conditions in the RLFMP (building footprint and building gross floor area), comparison of previously approved uses to proposed changes in use, and proposed marine park allowed uses. The revised Table 7 reflects the Preferred Alternative identified in the FMPU and includes the geographic distribution of general industrial and commercial uses; planning justification(s) for the proposed changes; an analysis of potential impacts on water-dependent industrial uses resulting from these changes; a demonstration that the impacts are avoided, minimized, and mitigated; and a map of the geographic distribution of current and proposed uses in the RLFMP. The FMPU also includes a parcel-by-parcel analysis of future development opportunities within the RLFMP.

As required by the Master c. 91 License and consistent with MassDEP's regulatory standards for Marine Industrial Parks under 310 CMR 9.00, the RLFMP is required to reserve a minimum of two thirds of development within the RLFMP for water-dependent industrial uses. The updated Table 7 indicates that under the proposed future buildout scenario described in the FMPU, two-thirds of the RLFMP will comprise water-dependent industrial uses. Future development in the RLFMP is required to meet a minimum of two thirds water-dependent industrial uses within the RLFMP.

A significant change since the DMPU is the allowance for upper floor use flexibility on the MMT which had been reserved for 100% water-dependent industrial use in the Master c. 91 License. Since the filing of the DMPU and in consultation with Massport, the BPDA allocated non-water dependent industrial use to the MMT in order to facilitate development of maritime industry. This allowance for non-water dependent use on the MMT maintains two-thirds of the RLFMP for water-dependent industrial uses. While a change from the original filing, it acknowledges the conclusions by the BPDA regarding the increasing economic and development pressures facing water-dependent industrial uses and allows upper use flexibility to provide direct financial support to first floor water dependent industry. Specifically, allowance of 350,000 sf of upper floor non-water-dependent industrial uses was documented in the supplemental information on Parcels 4 and 5-B. The revised Table 7 further indicates that depending on site-specific review and licensing by MassDEP, up to 500,000 sf of upper floor non-water dependent industrial uses may be allowed. The specific parcel breakdown and final overall percentage for the MMT and the RLFMP will be determined during permitting in consultation with MassDEP but must maintain at least two-thirds water dependent industrial use park-wide. To minimize operational conflicts with water-dependent industrial operations, general industrial and commercial uses on the MMT should be limited in size, configured to mitigate MMT-wide impacts to potential water-dependent uses, sited in close proximity to Fid Kennedy and distanced from the waterfront. Additionally, any legal documents (e.g., leases) for general industrial and commercial uses on the MMT or elsewhere in the RLFMP should disclose the proximity of water-dependent industrial uses and contain provisions acknowledging the normal aspects and impacts of their operations (e.g., sounds, smells, transportation, 24/7 operations). Further, the transportation needs and patterns of current and proposed water-dependent industry shall be

prioritized over those of non-maritime industry. Analysis of transportation impacts shall be included in the review of individual projects on the MMT.

The additional flexibility in uses of 350,000 sf on the MMT is intended to directly support the development of maritime industry and therefore should not change the existing conditions or requirements of Massport's lease with the BPDA. The RLFMP and the MMT are unique in their capacity to protect and enhance space for current and future maritime industry of the Commonwealth. Given this, special consideration should be taken to ensure that revenue from upper floor non-water dependent industrial uses directly supports the physical and operational capacity of the water-dependent industry to grow and thrive. As such, the lease terms established between Massport and the BPDA for the MMT should further this overarching goal and ensure the specific purpose of economic support to water-dependent industry on the first floor.

Maritime Capital Reserve Fund

The FMPU discusses the development of the Maritime Capital Reserve Fund, established by the BPDA in 2021. The Maritime Capital Reserve Fund is an important revenue mechanism for investing in maritime infrastructure, water-dependent industrial uses, and other activities that retain and attract water-dependent industrial uses to the RLFMP. Through the Maritime Capital Reserve Fund, the BPDA commits to leveraging independently generated funds to support water-dependent industrial uses in the RLFMP. These funds should be directed exclusively to investment in water-dependent industrial uses and maritime infrastructure improvement projects. To ensure these funds are directly supporting water-dependent industrial uses and maritime infrastructure, BPDA should develop an annual report of the Maritime Capital Reserve Fund. The annual report should include, at minimum: starting balance, how contributions were calculated, value of contributions, expenditures, identification of specific projects and initiatives that received funding, spending plan for the following year, and ending balance. An Advisory Group comprised of representatives from the City of Boston, MassDEP, MEPA, CZM, and the RLFMP Business Association may be created to review the annual reports from the BPDA. The report should be filed with MEPA, publicly noticed in the *Environmental Monitor*, and sent to the Advisory Group. Additional details of the Maritime Capital Reserve Fund annual report will be determined in MassDEP's permitting process. The FMPU includes examples of additional supplemental funding sources to support water-dependent industrial uses. The BPDA should actively pursue these other funding opportunities to ensure robust and sustained support for water-dependent industry in the RLFMP.

The FMPU identifies several critical maritime-supporting infrastructure improvement projects to be implemented to ensure the RLFMP will continue to attract water-dependent industry. This list of projects should be updated as projects are completed, and new projects are identified. The BPDA should develop clear criteria, including public safety, asset utilization, and financial impact, for evaluation of additional projects to support water-dependent industrial uses. In addition to infrastructure projects, BPDA should continue supporting water-dependent industrial users within the RLFMP through initiatives like off-hour commuting by water-dependent industry employees by subsidizing parking for water-dependent industry employees and other efforts to strengthen support for retaining and attracting water-dependent industrial users in the RLFMP.

Transportation

In order for DPAs to function effectively it is critical to ensure a connection to safe and efficient transportation networks for water-dependent industrial uses. Current water-dependent industrial users in the RLFMP are experiencing an increasing amount of general industrial and

commercial traffic within the RLFMP road network. This additional traffic can negatively impact water-dependent industrial activities and operations in the RLFMP. Additionally, due to the increase in these other uses, there is an increasing number of cyclists and pedestrians within the RLFMP. As greater general industrial and commercial uses are developed within the RLFMP, these traffic conflicts may also increase. With an anticipated increase in general industrial, commercial, bike, and pedestrian traffic, transit design and buildout of the RLFMP must support water-dependent industrial users' connection to safe and efficient transportation networks by including design elements such as wide turning lanes and low curbs as well as prioritizing the separation of water-dependent industrial traffic from non-water-dependent industrial traffic.

The FMPU contains a traffic study evaluating potential impacts to the RLFMP transportation network from increased development. In both the FMPU and supplementation information, the BPDA has identified short-term transportation infrastructure improvements and mitigation projects that support water-dependent industrial users and enables these operations to continue with minimal disruption. With the supplemental filing, the BPDA committed to completing the Fid Kennedy realignment by 2024, which is intended to support truck traffic and is an important transportation improvement for the RLFMP and water-dependent industrial users. The BPDA should outline and commit to implementation milestones for other key transportation improvements which align with buildout thresholds of the RLFMP. As a condition of the CWD and through individual waterways license applications to MassDEP, projects will be reviewed for alignment with the improvement schedule to ensure the transportation improvements are realized and there are direct economic or operational support commitments to water-dependent industrial users.

The FMPU also identifies and evaluates existing and planned public access and public realm areas. The BPDA should ensure that these public access and public realm areas meet regulatory standards, are appropriate for the RLFMP and do not conflict with water-dependent industrial operations within the RLFMP. The BPDA, should continue consultation with transportation advocacy groups (e.g., Livable Streets Alliance, MassBike, Seaport TMA, and WalkBoston) to identify opportunities and best practices to promote non-vehicular (e.g., pedestrian and bicycle) and mass transit within the RLFMP as new development and transportation improvement projects occur.

Climate Resilience

The RLFMP is vulnerable to climate-related impacts, especially sea level rise and increasingly intense and more frequent coastal storms, and faces unique resilience challenges due to its location and primary purpose of connecting water-dependent industry to the water for functional and operational needs. The FMPU opportunities to improve and fund resiliency in the RLFMP.

The FMPU identifies the RLFMP Climate Resiliency Infrastructure Funding Mechanism, as a resource for investments in the resiliency of the RLFMP. The FMPU proposes a lower annual contribution cap for water-dependent industrial users which will reduce the financial burden on these users, while still allowing them to benefit from important resiliency investments. In addition to the RLFMP Climate Resiliency Infrastructure Funding Mechanism, the BPDA should continue seeking resiliency funding from other federal and state programs. The BPDA should also continue identifying and prioritizing investments or improvements that will promote the long-term resilience of the RLFMP, possibly as a co-benefit of other improvements (e.g., elevating roadways). As with funding to support water-dependent industrial infrastructure and transportation improvements, required reporting on projects funded through the Climate Resiliency Infrastructure Funding Mechanism to increase the climate resilience of the park will be a condition of the CWD.

Additionally, the incorporation of future climate conditions in individual license applications will be reviewed through the CWD process to ensure the projects incorporates future climate conditions. Planned improvements to infrastructure and proposed development within the RLFMP should incorporate current and future climate vulnerabilities and risks, based on the best available science and evolving state and local standards.

Implementation of the FMPU

As part of the FMPU, the BPDA submitted a draft application for a Consolidated Written Determination (CWD) to MassDEP. The draft CWD application includes eight parcels excluding the MMT. The City's formal application should describe the licensing approach for projects within the MMT. Following review and approval of a formal application by MassDEP, the CWD is anticipated to supplement the existing c. 91 Master License and will establish conditions and requirements for the licensing of future development projects within the RLFMP. In addition to the annual reporting of the Maritime Capital Reserve Fund and the creation of the Advisory Group, the CWD should contain parameters to preserve, protect, and support water-dependent industry within the RLFMP. This includes ensuring that future development maintains that the required minimum of two thirds development within the RLFMP be reserved for water-dependent industrial uses. With the licensing of each additional project, the City should provide an updated Table 7 that reflects building and exterior uses completed, approved and under construction, and proposed. Additionally, non-water dependent industrial uses must demonstrate how they provide direct economic and operational support to existing and future water-dependent industrial users to further strengthen the maritime economy in the South Boston DPA. As the FMPU is implemented, the BPDA should continue close coordination with CZM and MassDEP.

24 Dry Dock Ave.

The 24 Dry Dock Avenue project, located within the RLFMP, is under review concurrently with the FMPU and will be subject to the proposed CWD for the RLFMP. The City of Boston's Project Commencement Notice (PCN) for the 24 Dry Dock Avenue was noticed in the *Environmental Monitor* dated March 9, 2022. Based on review of this information, CZM's participation in the MEPA consultation meeting held on April 12, 2022, and familiarity with the site through technical assistance on the RLFMP Master Plan Update process, CZM provides the following comments.

Project Description

The proposed 24 Dry Dock Avenue project involves the demolition of an existing three-story, 30,000-square foot (sf) building and construction of an eight-story, 235,000-sf building with a below-grade parking structure with 133 parking spaces. The building will contain 10,000 sf of marine industrial use and 8,300 sf for a lunch counter and non-profit space on the ground floor and 217,200 sf of lab/research and development space on the upper floors. The project will generate 2,757 average daily trips, use 30,899 gallons per day (gpd) of water and generate 28,089 gpd of wastewater. The project requires a Chapter 91 License and potentially a 401 Water Quality Certificate from MassDEP; a Chapter 40 Section 54A approval from the Massachusetts Department of Transportation and a Construction Dewatering Permit and Sewer Discharge Permit from the Massachusetts Water Resources Authority.

South Boston DPA

The entirety of the 24 Dry Dock Avenue project is located within the South Boston DPA. The South Boston DPA is an important local and regional resource for the Commonwealth's maritime industry, and this project is located directly next to one of the few remaining functional dry docks in

the region. The project proposes to have ground floor water-dependent industrial uses with upper floor non-water dependent industrial uses. To avoid disruption of existing and future water-dependent industrial operations and users, the proponents should ensure that during both project construction and once completed, including normal operations of the non-water dependent users, impacts to water-dependent industrial users are avoided and minimized. The proponent should utilize strategies and measures to protect existing and future water-dependent industrial users. Any legal documents (e.g., leases) for the upper floor non-water dependent industrial uses at the project should disclose the proximity of water-dependent industrial uses and contain provisions acknowledging the normal aspects and impacts of their operations (e.g., sounds, smells, transportation, 24/7 operations) to minimize conflicts with water-dependent industrial uses.

The proponent proposes to use increased rents from the upper floor non-water dependent uses to subsidize ground floor water-dependent uses. The specifics and details of how this rent subsidization will function (e.g., amount and duration of subsidy) should be detailed further in licensing with MassDEP. The proponent should also consider additional measures to provide direct economic or operational support to existing (i.e., Boston Ship Repair) and future water-dependent industrial users, for example providing adequate space for equipment storage, lay down, and metal fabrication activities.

Coastal Resilience

The project site is located entirely in an AE Zone, as mapped by the Federal Emergency Management Agency on the current Flood Insurance Rate Maps. The frequency, duration, and depth of flooding on the project site will increase over the design life of the project. While the project is proposed to meet the City of Boston's 2070 sea level rise projections, the proponent is encouraged to incorporate design elements for greater resilience from current and future flooding events and future flooding projections, based on the best available science and evolving state standards, as well as local standards. The project proposes resilience design measures for the project including: increasing ground and upper floor elevations, locating critical mechanical, electrical, plumbing, and HVAC systems and equipment on upper floors, and placing an emergency generator and standby power systems on the roof. The proposed resiliency measures for the project site also include temporary four-foot-high deployable flood barriers when necessary to protect the building. The project proponent should develop a plan for where the deployable barriers will be stored, threshold for deployment, and identification of personnel to be trained in deployment.

Federal Consistency Review

The proposed project may be subject to CZM federal consistency review and if so must be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Robert Boeri, Project Review Coordinator, at robertr.boeri@mass.gov, or visit the CZM web site at <https://www.mass.gov/federal-consistency-review-program>.

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