



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Bethany A. Card
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/eea>

NOTICE REGARDING CERTIFICATE OF THE
SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS ON THE
SPECIAL REVIEW PROCEDURE

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

On June 21, 2022, the Secretary of Energy and Environmental Affairs issued a Certificate on the Notice of Project Change (NPC) and Final Master Plan Update (FMPU) for the Raymond L. Flynn Marine Park (RLFMP), which found that these filings adequately and properly complied 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 of Boston, the Secretary also proposed to establish a Special Review Procedure (SRP) to guide subsequent review of projects proposed in the FMPU.

The proposed SRP was published in the June 24, 2022 Environmental Monitor for a 15-day public comment period. No public comments were received on the proposed SRP. The final SRP was issued by the Secretary on July 15, 2022, and is hereby published on this date in the Environmental Monitor. The final SRP is substantially the same as the proposed SRP with the exception of the following changes:

- The period for advance notification to the EJ Reference List for RLFMP projects has been extended from 20 days to 30 days (p. 9).
- To the extent certain parcels (e.g., Parcel 6B, EEA #15832) were previously reviewed by MEPA, such parcels may be addressed under NPC provisions at 301 CMR 11.10, in lieu of following the procedures set forth in this SRP (p. 9 n. 10).
- The SRP may be modified upon request by the City together with issuance of a Certificate on the City's 5-year update, or at any other time (p. 13).



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July 15, 2022

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
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DATE NOTICED IN MONITOR : March 9, 2022

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62I) and Section 11.09 of the MEPA regulations (301 CMR 11.00), I hereby establish a Special Review Procedure (“SRP”) to guide MEPA review of individual projects proposed under the Raymond L. Flynn Marine Park (RLFMP) Final Master Plan Update, for which a final MEPA certificate was issued on June 21, 2022. Notice of the issuance of this SRP was published in the Environmental Monitor on June 24, 2022 for a 15-day public review and comment period. I did not receive any public comments on the draft SRP. Accordingly, I will publish notice of the final SRP in the next 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

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>.

has been established and managed as a Marine Industrial Park (MIP), as defined in the Chapter 91 (c.91) 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 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 non-water dependent (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

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.

1,723,140 sf (39.6 acres) of land and approximately 249,000 sf (5.7 acres) of water.³ According to the 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.

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

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.

created as an authority under G.L. c. 121B, § 4,⁴ 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 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.⁵ 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 proposed projects outlined in the FMPU.

Proposed Buildout in FMPU

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 K1 are the only WDI uses that involve "over the dock" activities.⁶ 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, NWD 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 WDI uses constructed since the DMPU was reviewed include the Boston Sword and Tuna seafood processing facility on MMT Sub-Parcel 6-A.

⁴ A municipal redevelopment agency created or acting in accordance with M.G.L. c. 121B is specifically included in the definition of "Agency" in 301 CMR 11.02. See also Boston Preservation Alliance, Inc. v. Sec. of Env. Affairs, 396 Mass. 489, 497-98 (1986).

⁵ 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.

⁶ Vessels delivering materials to Coastal Cement dock at Massport Berths 1 and 2, outside of the RLFMP, and pump material to the facility.

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 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 ⁷	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, 2022,⁸ 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

⁷ 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.

⁸ Memo dated June 3, 2022 to EEA Secretary Bethany A. Card from Richard McGuinness, BPDA.

develop the parcel and sustain ground floor maritime users that may not be able to afford rents in this area of the City. As noted, 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 to concentrate NWD uses in the interior part of the RLFMP. Given the MMT's unique and critical role in supporting maritime 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. Proposed 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 ⁹	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. 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 Advisory Committee should be formed to help guide the use of revenue from NWD leases for implementation of WDI infrastructure, transportation and climate resiliency improvements.

⁹ Massport may seek to construct a 200,000-sf building with 50,000 sf of WDI use and 150,000 GI use on this parcel.

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.

SPECIAL REVIEW PROCEDURE

The City has requested an SRP to govern the future buildout of the RLFMP in accordance with the FMPU. An SRP is warranted to ensure that development in the RLFMP will minimize impacts and support water-dependent industrial uses, as envisioned in the FMPU, and will benefit the environment and serve the purposes of MEPA by providing meaningful opportunities for public review, analysis of alternatives, and consideration of cumulative environmental impacts. The area subject to this SRP is the entire site of the RLFMP, as shown in maps included in the FMPU. As compared to the 2000 Final Master Plan, the FMPU presents a buildout plan for discrete parcels, which will be required to seek individual c. 91 license pursuant to a CWD issued by MassDEP. The SRP is intended to provide a streamlined process for reviewing site-specific impacts of future projects and to create consistency in reviews of similar projects.

The FMPU provided an initial description of the cumulative impacts and mitigation for the future buildout of the RLFMP, including a parcel-by-parcel description of proposed NWD/WDI uses that would keep the RLFMP overall at a minimum two-thirds WDI allocation as required by c. 91 regulations; analysis of the transportation impacts under two buildout scenarios and potential mitigation measures; description of general standards that will be applicable to individual projects to address climate change, including building energy-efficiency, design standards and district-wide solutions to minimize building flooding; and identification of construction-period mitigation measures that projects will be required to implement. The FMPU also described measures that the City will take to ensure adequate funding for needed transportation and maritime infrastructure improvements in the RLFMP, including required contributions by developers to the Maritime Capital Reserve Fund, as well as other transportation and climate resilience contributions. In light of the extensive MEPA review that has occurred over the FMPU as a whole, future reviews of individual projects will be focused on confirming consistency with the FMPU and disclosures of project-specific impacts and mitigation that were not fully described at this master planning stage. In particular, individual project filings will be required to focus on transportation, climate change, and environmental justice impacts, and should clearly demonstrate that NWD buildout at the RLFMP will be implemented in a manner that will not hinder WDI uses and will support the ultimate purpose of the marine park planning process to promote a sustainable maritime industry in the Commonwealth.

Subsequent Filings

Developers selected by the City or Massport will prepare more detailed information on future projects proposed under the FMPU in the form of Project Commencement Notices (PCNs), in lieu of following normal MEPA procedures. PCNs will be submitted to MEPA for Agency and public review.

Agencies shall not take required Agency Actions for individual projects until MEPA review on the applicable project is complete.¹⁰

NWD or Mixed Use Projects in DPA

The developer of each parcel within c. 91 licensing jurisdiction shall file a PCN for each project that is consistent with the approved FMPU and that exceeds a MEPA review threshold.¹¹ Each PCN will include information commensurate with an ENF and include a detailed project narrative, a quantification of project-related impacts with a comparison to impacts anticipated for the applicable parcel under the FMPU, and an updated FMPU “Table 7” showing how the proposed project will affect the overall WDI/NWD allocation across the RLFMP. The application for MassDEP c. 91 license may be submitted in lieu of the PCN, provided that the specific provisions below are incorporated into the filing.

Specific procedures are as follows:

- 1) Prior to filing, the MEPA EJ Screening Form shall be circulated to an EJ Reference List provided by the MEPA Office at least 30 days prior to filing the PCN. The MEPA Office will develop a standard EJ Reference List for RLFMP projects, which may be updated over time as needed. Each Proponent is encouraged to conduct additional pre-filing outreach to surrounding EJ populations within 1 or more miles of the RLFMP. The EJ Screening Form shall be translated into languages to be determined by the MEPA Office in consultation with the EEA EJ Director.
- 2) If deemed complete, the PCN will be noticed in the Environmental Monitor for a 30-day public comment period with certificate to be issued within 7 days after close of the comment period. The comment period may be extended in accordance with 301 CMR 11.06(3).
- 3) Absent extenuating circumstances, and regardless of whether the project exceeds ENF or EIR thresholds, upon review of any PCN and the comments received thereon, the Secretary shall issue a Certificate concluding MEPA review at the end of the 37-day review period. Should a discretionary EIR be required, there shall be a presumption of a Single EIR.
- 4) Each PCN shall include a discussion of any MEPA review thresholds exceeded and identify proposed mitigation measures, and shall discuss any other environmental impacts itemized in the ENF form (such as water/wastewater demand) anticipated from the project even if they do not exceed review thresholds. Any technical analyses used to support this discussion, including stormwater reports, traffic studies, water/wastewater reports, and/or wetlands delineations, shall be submitted with the PCN.
- 5) PCNs shall include an analysis of the project’s consistency with the FMPU and c. 91 regulations, including allocation WDIU/NWD on building and exterior space, and the impact on total WDIU/NWD for the park as result of development. An alternatives analysis should be presented within the parameters and uses allowed under the FMPU.
- 6) PCNs must include a discussion of the project’s benefits to WDI uses/infrastructure in the RLFMP, including contribution to the City’s maritime reserve fund and specific mechanisms by which revenue from the project will be used to benefit ground floor maritime industry.

¹⁰ To the extent certain parcels (e.g., Parcel 6B, EEA #15832) were previously reviewed by MEPA, such parcels may be addressed under NPC provisions at 301 CMR 11.10, in lieu of following the procedures set forth in this SRP.

¹¹ Because the entire RLFMP site is located within Land Subject to Coastal Storm Flowage (LSCSF), it is anticipated that most, if not all, proposed NWD projects will exceed, among others, the “alteration of ½ or more acres of any other wetlands” threshold at 301 CMR 11.03(3)(b)1.f.

- 7) Each PCN shall include all required attachments for an ENF, including a copy of the output report generated from the RMAAT Climate Resilience Design Standards Tool (the “MA Resilience Design Tool”) . The PCN should comply with the MEPA Interim Protocol for Climate Adaptation and Resiliency (or successor policy in effect at the time of filing), and address the design recommendations provided by the MA Resilience Design Tool, including as applied to building elevation and stormwater design. The PCN should address the feasibility of meeting these design recommendations, even if the project is anticipated to comply with the City’s resiliency standards. The PCN should also address compliance with any other state, local and federal mandates related to climate resilience in effect at the time of filing. The PCN should describe any adaptive management strategies being considered including contributions to regional solutions and the climate resiliency funding mechanism established by the City for the RLFMP.
- 8) PCNs shall 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. 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. Should the project meet DOER’s recommendations for energy efficiency for the proposed building type, the project may opt out of modeling requirements with the consent of DOER. Projects qualifying for such opt-outs must still describe the proposed energy efficiency measures of the building in the PCN in a format recommended by DOER.
- 9) Each PCN shall include a copy of the transportation study prepared for City or, if a permit from MassDOT is required, an analysis prepared in accordance with MassDOT/EEA Transportation Impact Assessment Guidelines. In addition, the PCN should include a review of project’s consistency with the FMPU traffic study assumptions and mitigation; must include discussion of specific mitigation measures anticipated to address cumulative impacts of park development (i.e., relative to short term and long term projects identified in the FMPU), including any required monetary contributions paid to the City, and consultation with transportation advisory committee about appropriate mitigation.
- 10) Each PCN must provide analysis of EJ impacts consistent with the MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations (or successor protocol in effect at the time of filing). The PCN must review public health data from the DPH EJ Tool and relevant environmental indicators from the EPA EJ Screen, and must provide air quality analysis consistent with MassDEP *Guidelines for Performing Mesoscale Analysis of Indirect Sources* (or any successor policy or guidance). Additional microscale analysis must be provided to the extent project-generated traffic will extend through or adjacent to EJ census blocks that exhibit high levels of existing air pollution risk (for instance, through indicators shown in EPA EJ Screen).
- 11) Each PCN should report on the status of any new designation of the site as qualified for listing in the National Register of Historic Places, and describe how such designation may affect development on the subject parcel.
- 12) Each PCN must provide a list of final mitigation commitments for the project in a tabular format organized by subject matter (traffic, water/wastewater, GHG, environmental justice, etc.) and identify any Agency Actions associated with each category of impact. The list shall be used by Agencies to update Section 61 findings as appropriate.

NWD or Mixed Use Projects Not in DPA

Projects that are not subject to c. 91 and exceed MEPA review thresholds shall submit a PCN with information commensurate with an ENF and include a detailed project narrative and a quantification of project-related impacts with a comparison to impacts anticipated for the applicable parcel under the FMPU. The PCNs for these projects shall comply with items #1-4 and #7-12 above applicable to projects within the DPA, and shall address any other requirements imposed by the City to support WDI development at the RLFMP; an alternatives analysis should be presented within the parameters and uses allowed under the FMPU. The time frames in items #1-3 above shall specifically apply. The PCN should describe the public benefits provided by each project so as to inform the PBD to be issued by the Secretary. The Secretary shall issue a PBD within 30 days of the final MEPA certificate issued for the project.

WDI Projects in MMT

WDI projects within the MMT that exceed MEPA review thresholds shall submit a PCN with information commensurate with an ENF and include a detailed project narrative and a quantification of project-related impacts with a comparison to impacts anticipated for the applicable parcel under the FMPU. The PCNs for these projects shall comply with items #1-4 and #7-12 above applicable to projects within the DPA, and shall address how the project serves to support WDI development at the RLFMP; an alternatives analysis should be presented within the parameters and uses allowed under the FMPU. The time frames in items #1-3 above shall specifically apply. These projects shall be exempt from GHG analysis requirements for stationary sources, but must provide mobile source GHG analysis and air quality analysis consistent with applicable protocols in effect at the time of filing.

Advisory Committees and Reporting

The following advisory committees shall be established to work with the City to implement mitigation measures identified in the FMPU.

Transportation Advisory Committee

In the FMPU, the City proposed to establish a Transportation Advisory Committee (TAC) to review proposed development projects, provide feedback on each project's transportation analysis and impacts and monitor the implementation of the transit and roadway infrastructure improvements identified in the FMPU. Proponents filing with MEPA under this SRP should provide a copy of the transportation analysis to the TAC prior to filing a PCN. The TAC will review the project's traffic impacts and determine appropriate mitigation measures to be implemented to minimize impacts to freight, the roadway network in general and transit facilities. The TAC should also provide input and guidance on each five-year update by the City to MEPA required by this SRP, including input on the scope of the updated traffic analysis.

Maritime Investments Annual Report

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, including provisions for public disclosure. 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 maritime investments annual report shall also include a status report on planned transportation improvements with regard to design, funding and schedule for completion, and a status update on the climate resiliency funding mechanism described in the FMPU, including contributions and expenditures during the prior year and projections of same for the upcoming year. These annual status updates are anticipated to be requirements of the CWD to be issued by MassDEP.

Five-Year Updates

In addition to the annual reports described above, the City shall prepare an update every five years for filing with MEPA prior to requesting a renewal of the CWD. The five-year update shall be published in the Environmental Monitor for a 30-day public review and comment period, unless extended with consent of the City. The update shall include a comparison of cumulative impacts of projects approved and/or constructed as compared to FMPU, review of mitigation completed and outstanding, and any additional mitigation required. The update should contain a traffic analysis prepared in consultation with the TAC. It should specifically discuss progress made towards maritime infrastructure improvements, transportation improvements, and climate resiliency measures, and identify funding sources and time tables for all such improvements. The five-year update should clearly demonstrate that the City's plan for development will continue to support maritime industry at the park through actual investments and completion of infrastructure to support such uses. In particular, each five-year update should include a list of priority transportation, maritime infrastructure and climate resiliency infrastructure projects, a timetable for completion, and identified funding sources, and should include a commitment that the priority list of projects will be completed prior to permitting the next identified phase of development at the park. Upon review of the five-year update and public comments received, the Secretary shall issue a certificate determining whether the update is adequate, or whether further review is warranted in the form of an EIR. MassDEP may not issue a renewal of the CWD until the completion of MEPA review of the five-year update.

EEA# 8161

SRP Certificate

July 15, 2022

Term of SRP

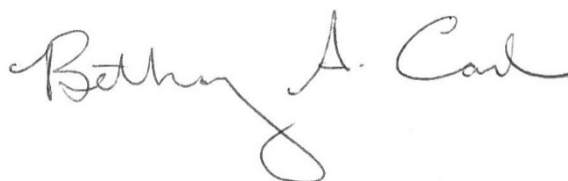
This SRP shall expire five years from the date of the last signature below, or when the buildout plan under the FMPU is completed whichever is later. The SRP may be modified upon request by the City together with issuance of a Certificate on the City's 5-year update, or at any other time.

Conclusion

The City's signature below indicates consent to the establishment of a Special Review Procedure and the specific provisions outlined in this Certificate. The City shall ensure compliance with this SRP by any third party developer or other entity contracted by the City to carry out the projects that are subject to the procedures set forth in this SRP.

July 15, 2022

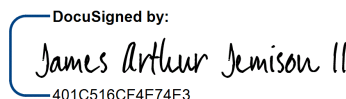
Date



Bethany A. Card
Secretary of Energy and Environmental Affairs

24 July 22

Date

DocuSigned by:

401C516CF4E74E3...

James Arthur Jemison II
Boston Planning and Development Agency