Mystic River Watershed Association
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January 18, 2018

Secretary Matthew Beaton
Executive Office of Energy and Environmental Affairs
MEPA Office; Attn. Page Czepiga
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: EEA 15783, Suffolk Downs Redevelopment ENF

Dear Secretary Beaton:

The Mystic River Watershed Association (MyRWA) appreciates this opportunity to comment on the Environmental Notification Form filed for the proposed Suffolk Downs Redevelopment in Boston and Revere.

The Mystic River Watershed Association is a 501(c)(3) nonprofit organization founded in 1972. The organization's mission is to protect and restore clean water and related natural resources in the watershed's twenty-two communities and to promote responsible stewardship of our natural resources through educational initiatives. MyRWA accomplishes its mission by forging links with citizens' groups, universities, businesses and government agencies. These alliances enable MyRWA to accomplish work throughout the watershed, documenting current conditions and advocating for resource management and protection. This collaborative approach creates a strong watershed voice and attracts much-needed public and private resources to the Mystic.

As an environmental organization, MyRWA is particularly attuned to how proposed projects will affect existing conditions within urbanized areas. MyRWA notes that the Suffolk Downs Redevelopment ENF was comprehensive and thoughtfully prepared, and applauds the Proponent for including in its objectives:

- A path to LEED certification for the project,
- Climate change resiliency and consideration of the implications of sea level rise,
- Improvements to the existing stormwater collection, treatment, and conveyance systems,
- Protection of the Rumney Marsh (Sales Creek) ACEC, and
- Transit-oriented development incorporating commercial and residential uses.

Although MyRWA is supportive of sustainable, transit-oriented development, we ask that the Secretary deny the waiver for Phase 1 of the project and require an EIR for the entire project, including Phase 1. Our major concern is that stormwater from the site drains via Sales Creek into Belle Isle Marsh. Belle Isle Marsh is part of the Rumney Marsh, an area of critical environmental concern (ACEC) and the largest contiguous salt marsh in the Boston metropolitan area. Our assessment is that the information in the ENF is insufficient to provide adequate

assurance of environmental protection for this critical wetland resource. Phase 1 of the project therefore fails to meet the criteria for a Phase 1 waiver as outlined in 301 CMR 11.11, necessitating an EIR.

In particular, Phase 1 of the project will create significant impervious surface, which will increase the amount of stormwater flow into the stormwater management system. A new stormwater drainage system is proposed for the project, including Phase 1. Based on the potential impact to the ACEC, we recommend that the stormwater management design be evaluated in a DEIR to ensure full compliance with the stormwater management regulations (SMR) performance standards. The DEIR should demonstrate that the project's water quality and quantity impacts would be controlled with best management practices (BMPs) to comply with SMR standards. The DEIR should also demonstrate that source controls, pollution prevention measures, and erosion and sediment controls during construction, as well as the post-development drainage system, will be designed to comply with the SMR and standards for water quality and quantity impacts. It is critical that the stormwater system design protect wetlands resources in conformance with stormwater regulations and NPDES permits.

We recognize this project as an opportunity to contribute to the ongoing revitalization of a significant natural resource, and look forward to seeing details in the DEIR for these and other commitments made in the ENF. We expect your scope for the DEIR to include requirements for design details, appropriate modeling and calculations, and firm commitments on mitigation measures that will enhance and protect the human and natural environment.

In addition, we offer specific comments in the following areas:

Phase 1 Waiver Eligibility

Pursuant to 301 CMR 11.11, a Phase 1 Waiver may only be issued if the Secretary determines that:

> (a) the potential environmental impacts of phase one, taken alone, are insignificant;
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> (b) ample and unconstrained infrastructure facilities and services exist to support phase one;
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> (c) the Project is severable, such that phase one does not require the implementation of any other future phase of the Project or restrict the means by which potential environmental impacts from any other phase of the Project may be avoided, minimized or mitigated; and
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> (d) the Agency Action on phase one will contain terms such as a condition or restriction in a Permit, contract or other relevant document approving or allowing the Agency Action, or other evidence satisfactory to the Secretary, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to Commencement of any other phase of the Project.

MyRWA contests the Proponent's assertion that the environmental impacts of Phase 1, taken alone, are insignificant, and that the project is severable. No comment will be offered on the infrastructure needed to support Phase 1. MyRWA also asks that any agency action taken include consideration of the points in subsequent sections of this letter.

Environmental Significance of Project and Phase 1 Impacts

Creation of Impervious Surface

The project Phase 1 and the Master Plan significantly increase the amount of impervious surface on a 161-acre tract of land. While Phase 1 construction remains below the mandatory EIR threshold of creation of ten or more acres of impervious area (CMR 11.03(1)(a)(2)), the project as a whole will surpass this threshold. Increasing impervious surface increases the burden on the stormwater system.

As stated in the ENF, Phase 1 construction is anticipated to create six acres of impervious surface and alter nine acres of land subject to coastal storm flowage (LSCSF). Given that the new access road and two large buildings planned for Phase 1 will drain to the infield pond, and overflow from this pond drains to Sales Creek, the creation of six acres of impervious surface near the infield pond has significant environmental implications.

We ask that the Secretary restrict the increase in impervious surface as described in the Project Master Plan or otherwise require additional mitigation for the environmental impact.

Groundwater

The Proponent addresses groundwater protection in section 4.6.8 of the ENF, but does not provide an in-depth discussion of the project's potential impact on groundwater during Phase 1 construction and as part of the Master Plan. For instance, the two buildings planned as part of Phase 1 construction will be connected by below-grade parking. Proponent states that "dewatering effluent will be recharged on-site to the greatest extent possible" and does not anticipate "adverse impacts to adjacent structures or to area groundwater levels." In the DEIR, Proponent should provide specific and appropriate evidence to demonstrate that the project will not have a negative long-term impact on groundwater flow patterns at the project site.

Wetland Resource Areas/Floodplains

The floodplains on the site have been regulated as Bordering Land Subject to Flooding (BLSF) under the Wetlands Protection Act in the past by both Boston and Revere Conservation Commissions, and should be analyzed as such in the DEIR. Sales Creek and the onsite ditches have Inland Bank and Land Under Water which, technically, should be bound by BLSF. Land Subject to Coastal Storm Flowage (although listed in the Wetland Protection Act and Regulations) does not have performance standards in the regulations against which to judge impact. Since the Proponent intends to impact the floodplain, a BLSF analysis of mitigation required for storage and/or flow disruption per 310 CMR 10.57 should be provided in the DEIR.

As the Proponent recognizes in the ENF, Sales Creek is bordered by portions of Bordering Vegetated Wetlands (BVW) within the infield of the race track. The project is therefore subject to regulation pursuant to 310 CMR 10.55. The Proponent should therefore include an appropriate alternative analysis in the DEIR to demonstrate that wetland alteration has been avoided and minimized to the extent feasible.

Rumney Marsh ACEC

Portions of the project site are located within the Belle Isle Marsh portion of the Rumney Marsh ACEC. Within the project site, ACEC limits coincide with the 100-foot buffer zone to Bank and BVW along Sales Creek. The

Rumney Marsh is a valuable wetland resource, and previous disturbances within the ACEC do not justify reduced care in planning for the Suffolk Downs development.

The ENF states that, in accordance with the Massachusetts Wetlands Protection Act, the DEIR/DPIR will provide a discussion of applicable performance standards for individual resource areas. Undertaking Phase 1 construction without accounting for these standards is unwise, since individual resource areas of interest may be located near the Phase 1 site. Though the Proponent intends to evaluate opportunities to restore degraded resource areas as the Master Plan Project is advanced, we ask that the Secretary require consideration of these opportunities within the entire development area, including the Phase 1 project site.

Stormwater Quality

MyRWA asks that the same considerations EEA expressed for water quality improvement/protection in the Secretary's Certificates on the ENFs for EEA 14747 (Suffolk Downs Stabling Area and Racecourse Stormwater Improvements) and for EEA 15006 (Caesar's Resort at Suffolk Downs/Mohegan Sun Massachusetts) be incorporated into the design of the stormwater system proposed for discharge to the Rumney Marsh ACEC under the current proposal. The DEIR should detail how the newly proposed system builds upon the concepts presented in the EEA 14747 and EEA 15006 projects.

In the ENF, Proponent commits to achieving 80 percent total suspended solids (TSS) removal in the Master Plan project. These standards should be applied to Phase 1 design as well. Proponent should provide additional detail on the on-site treatment trains and structural Best Management Practices (BMPs), including the deep sump hooded catch basins and water quality treatment systems mentioned in the ENF. We ask that the Secretary require calculations in the DEIR that demonstrate that stormwater management systems are appropriately sized and request the Proponent use NOAA Atlas 14 rainfall data. The DEIR for Phase 1 would provide the opportunity to determine the impacts of using these data compared to the TP-40 data.

The Phase 1 project site includes two key drainage areas, and stormwater from both of these has the potential to impact water quality in Sales Creek. The race track and infield areas included in Phase 1 drain to the infield pond, and overflow from this pond drains to Sales Creek. Drainage from the existing overflow parking area and area outside of the racetrack also discharges to Sales Creek via an intermittent stream. Stormwater quality in the Phase 1 project area must therefore be carefully evaluated for its potential impact on Sales Creek and the Rumney Marsh ACEC.

Flooding and Sea Level Rise

The Phase 1 Project finished floor elevation will be elevated to 22 feet Boston City Base, which is over 52 inches above the 100-year FEMA flood elevation. MyRWA applauds the Proponent for its consideration of potential sea level rise and storm surge impacts on the project site. However, as noted in the ENF, Bennington Street and nearby project site low points are particularly vulnerable to coastal flooding. As part of the DEIR, additional plans should be provided to demonstrate that the proposed development will have no adverse impacts on the ability of the Bennington Street stormwater pumping station to manage flows during severe weather events.

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Severability of Project Phase 1

Stormwater Infrastructure

Runoff from the Phase 1 project site will drain into the infield pond in a fifteen-acre central common, which is designed as an open space that will have improved public access as part of the Master Plan. This infield pond and central common both drain to Sales Creek. Elements of the Phase 1 design will therefore have a direct impact on the extent to which the central common and infield pond are viable destinations for runoff in later phases of the project. The DEIR should detail the extent to which runoff from the Phase 1 area will affect the capacity of the infield pond, and include concrete steps that the Proponent will use to minimize overflow events that will affect Sales Creek and the Rumney Marsh ACEC. Because Belle Isle Marsh and the Rumney Marsh ACEC are possible destinations for runoff from impervious area created during Phase 1 construction, and because the infield pond is a destination for runoff from regions beyond those altered during Phase 1, Phase 1 should not be treated as independent of later project phases.

Regulatory Context

A National Pollutant Discharge Elimination System (NPDES) Construction General Permit is required for projects that involve more than one acre of disturbed lands. Additionally, Section 13.10.020 of the City of Revere Bylaws requires that an Erosion and Sediment Control plan be approved by the Department of Public Works prior to any land-disturbing activities. The Proponent intends to satisfy these regulatory requirements by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP).

In the ENF, Proponent states that "source control and pollution prevention measures will be essential to maintaining the quality of the receiving waters," and that this point will be addressed further in the Long-Term Pollution Prevention Plan and the SWPPP. MyRWA feels that an adequate SWPPP must be developed prior to any site construction and implemented during Phase 1, and that beginning Phase 1 construction without an SWPPP in place would limit the Proponent's ability to carry out later-stage environmental mitigation activities. In a regulatory context, then, the Phase 1 site should not be treated as severable from the remainder of the project site.

Topography and Sedimentation

Proponent plans to raise and re-grade "major portions of the Project Site" in order to protect the site from storm surge and increase resiliency to the impact of sea level rise. The topography of the site, along with the materials and methods used to raise and re-grade the site, will affect runoff flow and quality within and around the development area. Raising and re-grading of the Phase 1 project site are not mentioned specifically in the ENF, but any raising or re-grading decisions made during Phase 1 construction would affect the project site as a whole and thus are not severable. We ask that the Secretary request that specific plans for the sections of the project site that will be raised and re-graded, including within the Phase 1 site, be included in the DEIR.

Additionally, the ENF reveals an intent to "develop and implement an erosion and sedimentation control plan for all construction activities for the Phase 1 Project." Appropriate calculations and relevant details from this plan should be provided before construction commences.

Amazon Proposal Timeline

In the ENF, Proponent states that "full MEPA review would result in undue and unnecessary hardship to the Proponent," as changes to the project timeline would affect Proponent's ability to meet deadlines for the Amazon HQ2 proposal. Whether or not Proponent's Amazon HQ2 proposal is successful, Proponent requests a Phase 1 waiver under the assumption that Phase 1 construction could be a starting point for the construction of a larger Amazon campus. All development activities at the project site therefore constitute a common plan, and Phase 1 is not severable from the remainder of the development. Accordingly, a DEIR should be required for the entire project site, and the Phase 1 waiver should be denied.

Thank you again for this opportunity to comment on this significant project proposal. If you have any questions or require additional information please contact me at (781) 316 3438 or patrick@mysticriver.org.

Sincerely,

Patrick Herron, Executive Director
Mystic River Watershed Association