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Dear Mr. Hokenson,

Thank you for the opportunity to comment on the East Boston Designated Port Area (DPA) boundary review. We understand that there is a minor proposed boundary adjustment in the Jeffrey's Point Neighborhood to exclude an area that should not have been part of the original designation. MyRWA is fully in support of that adjustment. Our specific concerns relate to DPA Sub-Areas 1-3 along Border Street. Our lack of comments on the other parcels should not be construed as support for their de-designation.

Our overarching concerns regard the need to be able to increase coastal flood resilience and economic benefits of DPAs without de-designating and redeveloping them.

Comments regarding the continued suitability of the East Boston DPA for water-dependent marine industrial use

We understand that you have very narrow criteria with which to evaluate whether DPAs may be de-designated, namely:

An area of water/land reviewed shall remain in a DPA if CZM finds that the area is in substantial conformance with the following criteria governing suitability to accommodate water-dependent industrial use (301 CMR 25.03)

First, we read "substantial conformance" in the context of 310 CMR 25.01, namely that CZM's policy is to not allow "these scarce and non-renewable resources of the marine economy to be irretrievably committed to, or otherwise significantly impaired by, non-industrial or non-water-dependent types of development." That is to say, whenever there is ambiguity as to whether a DPA is "substantially conforming" to the suitability criteria, CZM should rule in favor of keeping the area in the DPA.

Second, we understand that parcels are ineligible for review if they "consisted primarily of Water-dependent Industrial Use throughout the previous five years" (310 CMR 24.03). Two of the three Sub-Areas along Border Street host water-dependent marine industrial businesses:

- Sub-Area 1: Westerbeke Fishing Co. and BTT Marine Construction, LLC (Boston Towing & Transportation)
- Sub-Area 2: C. White Marine, and Incorporated, a marine construction business.

Under this prohibition, and the regulation’s strong bias toward preventing removal of parcels from DPA designation, we believe that only Sub-Area 3 of the Border Street parcels would potentially be eligible for review.

Eligibility of Sub-Area 3 for De-designation

Below is a table listing these criteria along with our comments.

Criteria	Condition satisfied?
The water area includes, or is contiguous with other DPA waters that include:	
Navigable entrance or main channel with a design depth of at least 20 feet and	Yes
Substantially developed shoreline with piers, wharves, bulkheads or other structures to connect land and water	Yes, and needs significant reinvestment
Configuration, size and location of water area is conducive to DPA uses	Has not changed since initial designation
DPA water area includes, at a minimum:	
All channels, mooring areas and turnaround areas serving as access channels to DPA lands/waters	Yes
Water lying between entrance/main channel and DPA land/waters	Yes
The land area includes or is contiguous with other DPA lands that include a substantially developed shoreline	Has not changed since initial designation
Reasonable proximity to:	
Rail/road links to major routes	Has not changed since initial designation; also close proximity to Logan Airport
Water and sewer facilities capable of supporting industrial use	Has not changed since initial designation
Topography that is conducive to or easily adapted to industrial use	Has not changed since initial designation
Use character is predominately industrial or does not contain a dense concentration of nonindustrial buildings	De-designation would further undermine adjacent DPA areas

Although others will undoubtedly provide more detailed legal rationale for opposing de-designation of these East Boston DPA sub-areas, we believe that Sub-Areas 1, 2 and 3 remain both viable and vitally important and should not be removed from the East Boston DPA.

Alternatives to De-designation

We understand and emphatically support the Boston Planning and Development Agency (BPDA)'s efforts to eliminate a critical coastal flood pathway entering East Boston via Sub-Area 2 behind Liberty Plaza. We also agree that this portion of the East Boston DPA—as well as other portions of the Mystic River and Chelsea Creek DPAs—needs investment in port infrastructure modernization and minor dredging.

It is also clear that East Boston's working port is facing multiple challenges not contemplated when the East Boston DPA was originally designated:

- Sea level rise and extreme coastal storms threaten inland neighborhoods; Sub-Area 2 includes a low-lying area behind Liberty Plaza that represents a current and projected significant flood pathway.
- The maritime economy—especially in the era of just-in-time supply chains and post-Panamax container ships—has radically changed. Similar to New England's smaller farms, smaller DPAs must focus on local needs and/or value-added products instead of competing for international bulk trade.
- For generations a low-income immigrant neighborhood, East Boston is undergoing rapid redevelopment and economic displacement. The waterfront on both sides of the DPA is being redeveloped into high-end residential buildings. Unquestionably this will also happen to the Border Street parcels in the DPA if they are de-designated.
- Although the Harborwalk is legally open to the public, BIPOC residents of nearby subsidized housing are reporting increased racial harassment along the waterfront in front of the new high-end developments. Redeveloping Central Square—a center of retail for lower-income residents and small businesses—into additional high-end housing would further accelerate cultural and economic displacement in East Boston.


Based on discussions with working port businesses, the East Boston DPA is underused by maritime businesses not for lack of interest, but because such businesses cannot afford the underlying investments needed to modernize port infrastructure. If these parcels were upgraded for the next generation (e.g., “blue tech”) maritime uses providing well-paying jobs not requiring post-secondary education, they could both serve as essential coastal flood barriers and provide local benefits to local residents and workers of color for whom high tech jobs in the Seaport are out of reach.

Such funding at scale has only recently become available as FEMA's Building Resilient Infrastructure and Communities (BRIC program) has grown to \$10 billion under the Biden Administration from an average of \$300 million over the past several years. Rather than

requiring East Boston DPA landowners and/or maritime businesses to invest in new port infrastructure with slim-to-no return on investment, BPDA could apply for BRIC grants up to \$50 million for the primary benefit of eliminating short- to mid-term coastal flood risks to inland neighborhoods and the strong co-benefit of reinvesting in Boston's working port.

We respectfully ask that you not de-designate the East Boston DPA parcels (with the exception of the Jeffrey's Point parcel) and work with working port stakeholders to identify any policy changes or clarifications needed to encourage water-dependent, flood resilient DPA uses that serve as the first line of defense for coastal flood management. We look forward to your response.

Sincerely,


Patrick Herron
Executive Director


Julie Wormser
Deputy Director for Programs