



Christine Hopps
Assistant Director, Waterways Program
Department of Environmental Protection
christine.hopps@mass.gov

May 5, 2022

RE: Waterways License Application Number W16-4697

Dear Ms. Hopps,

I am writing to you on behalf of the Mystic River Watershed Association (MyRWA) regarding the Chapter 91 Waterways License Application submitted then withdrawn by Massachusetts Electric Company and New England Power Company, each d/b/a National Grid, for a site along the Malden River in Everett, Malden, and Medford.

MyRWA is a nonprofit organization dedicated to the preservation and enhancement of the Mystic River, its tributaries and watershed lands for the benefit of present and future generations. We represent the interests of more than 600,000 residents in 21 towns and cities, including Everett, Malden, and Medford. MyRWA works to improve public access along our rivers, and especially for environmental justice populations whose recreational opportunities have been limited by the concentration of industrial development along the edges of the river.

Chapter 91 License History

On August 10, 2018 the DEP issued a Chapter 91 license condition that National Grid build and maintain a 10-foot wide half-mile waterfront path along its property within two years. This condition followed a public hearing held in fall 2016 in which dozens of city and elected officials, non-profit organizations and residents spoke up in support of public access along the Malden River at the National Grid site.

National Grid promptly appealed DEP's Written Determination in 2018 initiating adjudicatory proceedings before the Office of Appeals and Dispute Resolution ("OADR"). The appeal was subsequently stayed for about one year at the request of all parties. During

the stay, National Grid agreed to pay for an engineering and concept design study to understand the capital cost as well as technical feasibility of the path project. This study concluded that there were no security or technical concerns that would impede the construction of this path.

Following the withdrawal of the appeal and original license application, National Grid is now out of compliance with c. 91. As National Grid had submitted multiple projects that qualified as Minor Project Modifications, DEP issued a letter in 2016 that explicitly stated that "...A new license application covering the whole site, including work previously authorized by legislation, licenses, or Minor Project Modification, shall be filed with 60 days of the completion of the work authorized by this approval..." As made clear in the DEP letter, previous changes on property, needed to be addressed in a consolidated license.

In light of the significant delay caused by the 'appeal' of the issued license and then withdrawal of appeal and license application, we urge that DEP take enforcement action to return rightful access of this shoreline to the public.

Malden River Background

The Malden River flows through the cities of Medford, Malden, and Everett and is going through a once in a generation transformation, becoming an important community and environmental resource.

For nearly 150 years, this river has been walled off to the public, because commercial and industrial users found it a cheap and convenient place to locate their facilities, giving scant attention to public trust stewardship. At the same time, many of the surrounding communities lack the kinds of high-quality green spaces that have been shown to increase physical health and psychological well-being. Currently these communities have the lowest access to open space within Greater Boston.

The Malden River represents the best opportunity for waterfront access and green space for the thousands of residents of Malden and Everett - many of whom represent environmental justice populations.

This once-forlorn river has recently undergone renewed investment that has restored waterfront land, opened up public access and improved water quality. On May 4th of this year, the Boston Globe, in its' article: "[Take a look at the Malden waterway you may never have heard of](#)" highlighted efforts by the municipalities and community groups to revitalize the Malden River and shoreline. National Grid has the potential to contribute to this reinvestment and to a larger vision for a waterfront park system that provides public access to the Malden River.

Since its original siting on the Malden River, National Grid has never provided any access consistent with the c. 91 program despite millions of dollars of investment to upgrade infrastructure on the site. It is an especially egregious affront as National Grid is non-water dependent use.

Malden River Greenway

The Malden River Greenway is a shared-vision for a seamless waterfront park system along both sides of the Malden River, connecting communities in Medford, Malden, and Everett to this important natural resource.

Over the course of 2017, MyRWA partnered with cities, local developers/businesses, community groups and citizens to create a comprehensive vision that will support the implementation of vibrant and connected parklands along the river. During that year, MyRWA held three public meetings to collect public input and generally inform the community of plans for the Malden Greenway on the following dates: June 26, August 8, and October 4.

As of the date of this letter, completed and in-progress sections of the pathway amount to roughly 3.5 miles, representing 75% of the total Malden River Greenway plan. At approximately 0.5 miles, the shoreline of the National Grid parcel represents a relatively large portion of the total Malden River Greenway. If National Grid does not build this portion of the Riverwalk, the Malden River Greenway plan can never be completed.

Parcels directly adjacent to the National Grid site have already provided public access: the Combined Property site to the north (295 Canal Street, Malden) completed in 2018 and Rivergreen Park (Rivergreen Drive, Everett) to the south completed in 2019. Families and community members often gather at this previously inaccessible waterfront along Rivergreen Park for boating, recreation, and picnicking as well as using the park's many sports facilities.

Since 2011, there have been other significant public and private efforts to secure waterfront access along the Malden River: two underpasses connecting the Western and Eastern sides of the Greenway, completed in fall 2018; the Encore Harborwalk and Harborwalk Connector, completed summer 2019; and the Northern Strand Extension will be complete by summer 2022. Lastly, Malden River Works is a proposed new park directly across from the National Grid site in Malden that will include a new dock, boathouse, greenway and plantings. The project design is at 50% completion and is planned to be shovel-ready in 2023.

Conclusion

A seamless Malden River Greenway would serve tens of thousands of residents in Everett, Malden and Medford, including several environmental justice communities. Restoring full public access to the river and creating a community asset for recreation and active

transportation, would help to reverse some of the inequity that these residents have faced for decades. National Grid has an obligation to do this and DEP has an opportunity to lead.

Sincerely,

A handwritten signature in black ink that reads "Patrick M. Herron". The signature is written in a cursive style with a large initial "P" and "H".

Patrick Herron
Executive Director

CC:

Deanna Moran, Conservation Law Foundation

Karen Buck, Friends of the Malden River

Marcia Manong, Steering Committee of the Malden River Works

Erga Pierrette, Steering Committee of the Malden River Works

Commissioner Suuberg

Senator Jason Lewis

Representative Paul Donato

Representative Joe McGonagle

Representative Steven Ultrino

Mayor DeMaria

Mayor Christensen

Mayor Lungo-Koehn