



February 5, 2020

Boston Conservation Commission
1 City Hall Square, Room 709
Boston, MA 02110

By email to: CC@boston.gov
Re: Notice of Intent for the Eversource Substation 131

Dear Boston Conservation Commission Members,

We are submitting comments regarding the above referenced project in East Boston. The Mystic River Watershed Association (MyRWA), was founded in 1972 to protect and restore the river, its tributaries, and watershed lands for the benefit of present and future generations. Through our Climate Resiliency program, we are working to prepare our watershed communities for increased flooding, drought and heat that come with a changing climate.

We have two specific concerns about the Eversource substation proposal. First, the site of the proposed substation is located within a Chapter 91 Designated Port Area, which expressly prohibits such non-water-dependent uses. Second, we have concerns about the flood modeling used to justify the design of critical infrastructure in an area vulnerable to storm surge and sea level rise.

Designated Port Area

According to 301 CMR 25, Waterways regulations (301 CMR 9) and Municipal Harbor Plans regulations (301 CMR 23), DPAs seek to ensure that water-dependent industrial uses are encouraged in areas that contain three essential components for their success:

- Waterways and developed waterfronts (especially those with deep enough channels to support larger vessels),
- Backlands (the land situated behind these waterways and waterfronts) of supporting industrial facilities and operations, and
- Transportation and public utilities appropriate to service industrial operations.

As an increasing percentage of Boston's waterfront is converted to residential and commercial development, such areas appropriate for water-dependent industrial uses are becoming increasingly rare. Therefore, the "industrialized coast should be preserved to the maximum extent practicable in order to meet the long term, cumulative space needs of the water-dependent industries" (301 CMR 25).

As a result, DPAs are currently restricted to those activities defined in 310 CMR 9.12(2)(b-d), including as examples marine terminals, commercial fishing facilities, marine repair and construction facilities, manufacturing facilities that rely primarily on bulk receipt, or facilities accommodating the shipment of goods by water. The proposed substation is not serving as an ancillary use to the DPA. In fact, the growth of energy demands are not being driven by an increase in DPA industries, but rather by the development of the larger community of East Boston and Logan Airport needs. The proposed

substation is a non-water-dependent use unrelated to the requirements of adjacent maritime industry and therefore should not be sited within the DPA.

Further, as recently as August 2018, the Department of Environmental Protection Waterways Regulation Program has found that “the use of filled tidelands for an electrical substation, a 2-story electrical and gas utility operations facility, utility warehousing space and vehicle parking and repair are nonwater-dependent infrastructure facilities or accessory uses thereto pursuant to 310 CMR 9.55¹.”

We recognize the need for DPA regulations to be updated to address changes in maritime industrial uses and climate change risks. We don’t, however, support piecemeal development of existing DPAs for other uses. The following map indicates that Eversource’s property (see arrow) lies entirely within the Chelsea Creek DPA, one of only ten remaining DPAs in Massachusetts.



Flood Modeling

Second, we are concerned about placing critical infrastructure on our shorelines as we face the threats of sea level rise and increased storm surge. The independent sea level rise and flooding assessment of Professor Marcos Luna of Salem State University is not in agreement with the flooding assessment of Eversource’s consultant. This indicates that further analysis is needed. We recommend that the Conservation Commission encourage Eversource to request a continuance until additional information is made available. We understand that several City Councilors are convening a separate committee review to gather more information on this project. We encourage efforts to bring more, and better, data to light so as to protect East Boston residents.

¹ Waterways License Application No. W16-4967 Massachusetts Electric Company d/b/a National Grid and New England Power d/b/a National Grid – 170 Medford Street, Filled Tidelands of the Malden River, Malden, Middlesex County, 10 August, 2018.

Thank you for your attention to this important matter. I may be reached at 781-316-3438 or patrick.herron@mysticriver.org.

Sincerely,

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

Patrick Herron
Executive Director