

FORT POINT ASSOCIATES, INC.  
33 Union Street  
3rd Floor  
Boston, Massachusetts 02108

March 9, 2012

Secretary Richard K. Sullivan, Jr.  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn. MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Rows Wharf Water Transportation Access Floats  
50 Rows Wharf, Boston, MA  
EOEA #4992

Dear Secretary Sullivan:

The purpose of this letter is to request an advisory opinion from the Executive Office of Energy and Environmental Affairs regarding whether or not further environmental review under the Massachusetts Environmental Policy Act (MEPA), M.G.L. c.30, sec. 61-62I is required for the project described herein.

The Rows Wharf Commercial Maritime Facility is currently developed as a water transportation facility. Since its inception, the facility has developed into a thriving terminal serving numerous vessel transportation services including the MBTA Commuter Ferries, Harbor Cruises, Water Taxi Services, and Private Charters. The waterside components of Rows Wharf include the marina adjacent to the central and north piers, the northern float system (33' x 120'), the southern float system (20.4' x 200'), and the floats adjacent to the Harborwalk at 390-408 Atlantic Avenue (10' x 200'). The Southern float system, which supports the MBTA commuter ferries, are now some 25 years old and need to be replaced. In addition, the current docking facilities do not meet the new standards for universal accessibility nor easily accommodate the larger catamaran vessels now used to support increased commuter demand.

The southern float system is in need of serious repairs or replacement and this project is proposing to replace the floats with a slightly expanded float system to comply with current accessibility codes and better accommodate larger passenger ferries and their customers. The proposed floats will be 30' x 250' and constructed as one contiguous float platform. In addition to replacing the aging floats, this project will extend the berthing capacity for large vessels by

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50' on each side of the float, improve the pedestrian/customer traffic patterns on the floats, and reduce the float movement from wave action and impacts from berthing vessels. These changes will also improve safety for customers and employees. In addition to the new floats, two new 4 feet wide by 70 foot long ramps and landing platform are proposed to provide code compliant handicap access for the public water transportation floats.

The proposed project will increase the float area by 3,420 sf. This project exceeds the MEPA review threshold by increasing the size of a pile supported or bottom-held structure by more than 2,000 sf of base area. However, we believe this project qualifies as a replacement project to which the review thresholds do not apply (301 CMR 11.03). This project proposes an overall increase of less than 10% of the total float area within the Rowes Wharf marina and water transportation facility.

Pursuant to the MEPA regulations (301 CMR 11.02), a replacement project cannot: (a) increase potential environmental impacts or need additional or changed environmental Permits; or (b) result in any substantial (10% or more) expansion of the use or project, provided that the previous use or project has not been discontinued for more than three years and that the expansion does not meet or exceed any review thresholds. The Proposed Project meets this standard as there is no increase in impacts from the project as the same number of vessels and passengers will utilize the docks. A new Chapter 91 license will be required whether or not the replacement project is constructed due to the expiration of a special legislative authorization for the existing dock to extend beyond the State Harbor Line. Therefore, no additional permits will be needed beyond those already required. The Proposed Project would be licensed under recent special legislation which allows structures to be licensed beyond the State Harbor Line where the Boston Redevelopment Authority is the co-applicant. The replacement project does not expand the use, as the use will remain the same as it is today and the physical size expansion of the floats is less than 10% of the total float area at Rowes Wharf today.

The recent legislative approval of Chapter 204 of the Acts of 2010 allows DEP to grant a Chapter 91 license to the Boston Redevelopment Authority (BRA) and a co-applicant for structures proposed beyond the state harbor line of the Fort Point Channel. The proponent plans to work with the BRA as a co-applicant to apply for a Chapter 91 license for this project. The chapter 91 license review process will provide a review of any potential impacts of this project.

Therefore, I am requesting an advisory opinion that the proposed project as now envisioned requires no further review under MEPA.

I appreciate your time and consideration in this review of this request. Please do not hesitate to contact me at (617) 357-7044 x204 if you have any questions or require additional information.

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Sincerely,

A handwritten signature in blue ink that reads "Jamie M. Fay". The signature is written in a cursive style with a large, sweeping underline.

Jamie M. Fay

President

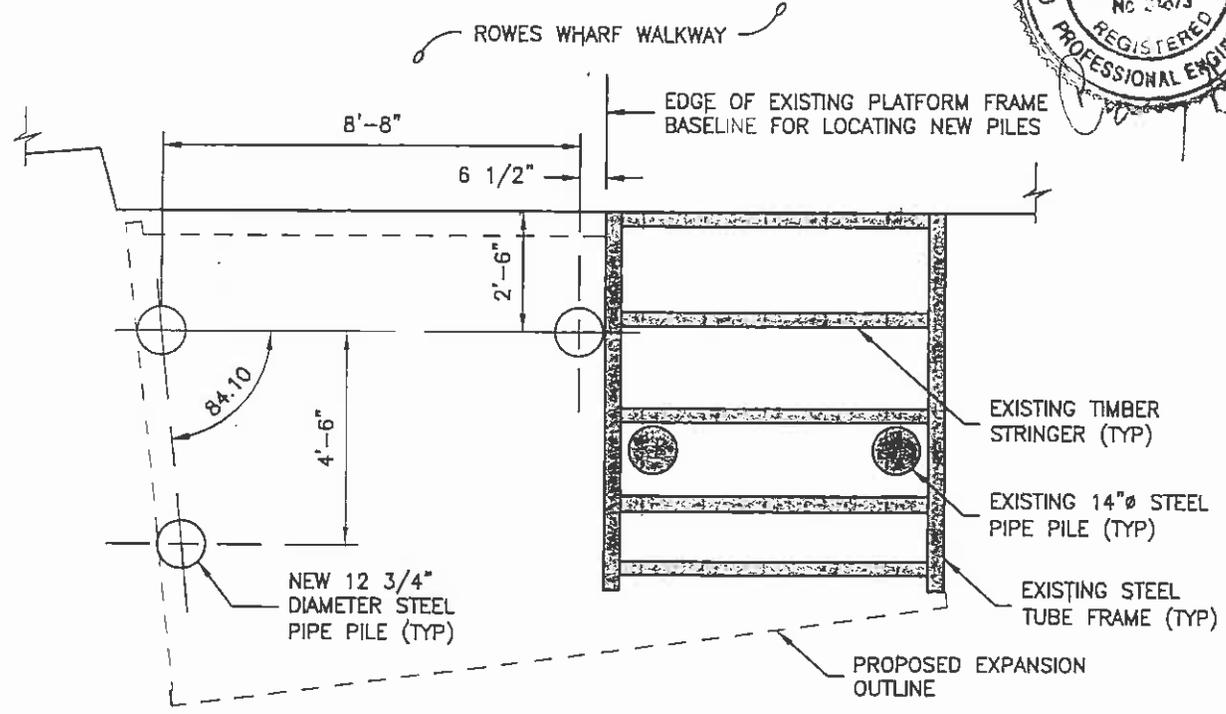
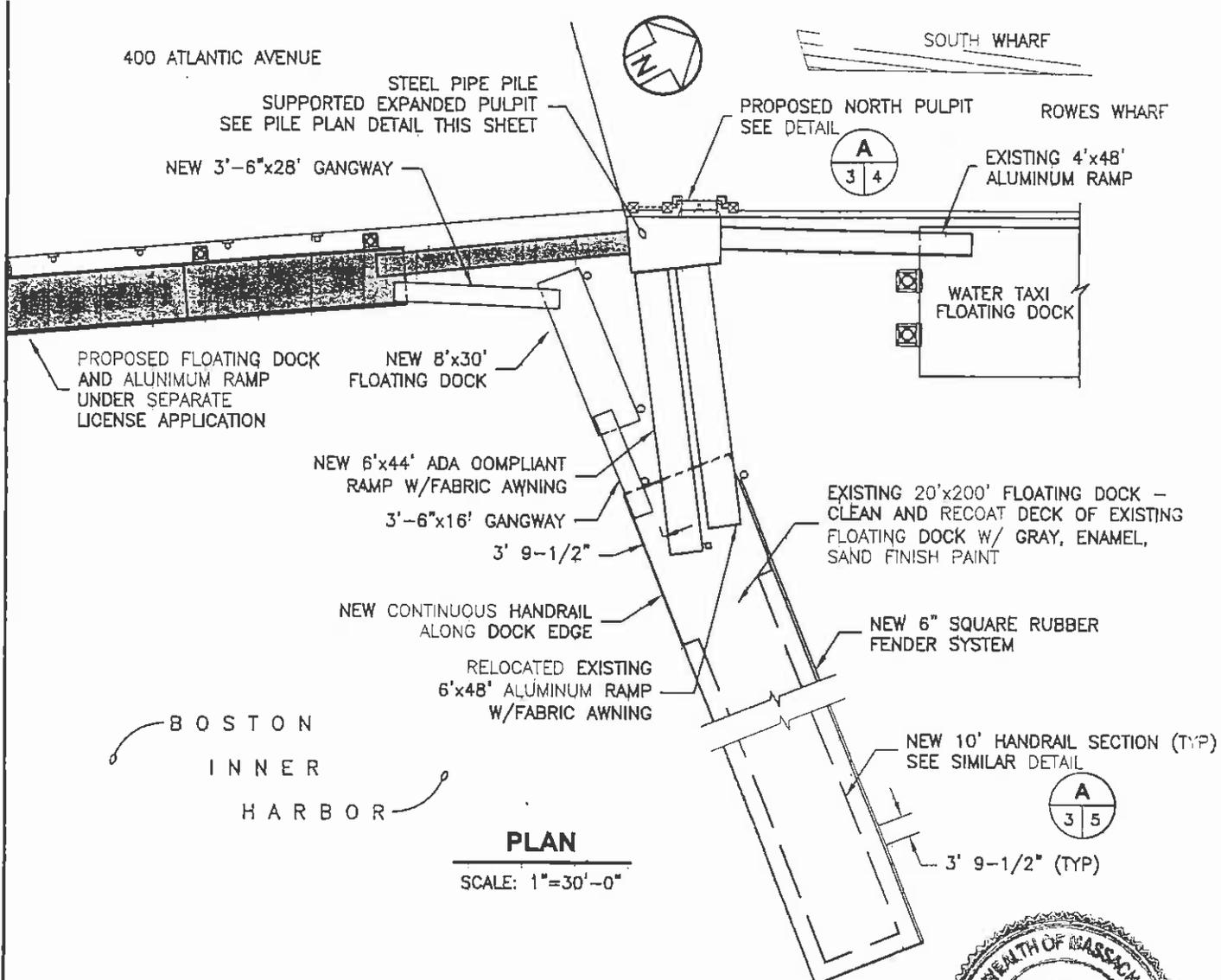
Enclosures:

Proposed Option 2A (11x17 Plan and Profile of Proposed Float System)

Ch91 Plan Set, W00-9522, dated June 13, 2000, Revised 12/14/00 (Sheet 3 of 5 shows current conditions)

Cc: Ben Lynch, DEP Waterways  
Andrea Langhauser, DEP Waterways  
Michael Fitzgerald, Equity Office  
Kristan McLaughlin, Equity Office  
John Stitzer, Fort Point Associates  
Vivien Li, Boston Harbor Association





**PULPIT PILE PLAN**

SCALE: 1/4"=1'-0"