

S. RUSSELL SYLVA
Commissioner

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The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Division of Wetlands and Waterways Regulation
One Winter Street, Boston 02108

October 24, 1986

Mr. Robert Tierney, Commissioner
Department of Public Works
Ten Park Plaza
Boston, MA 02116-3973

RE: Chapter 91 Written Determination, Application No. 86W-073N
DPW - CANA Project
Cities of Boston and Cambridge

Dear Commissioner Tierney:

Attached is the Chapter 91 Waterways Regulation Program's Written Determination for issuance of a Waterways License for nonwater-dependent use of historic tidelands for the above-referenced project. Any person aggrieved by this Determination to issue a Waterways License has a right to request an adjudicatory hearing pursuant to G.L.C. 30A, s. 10. Any Notice of Claim for an adjudicatory hearing must be filed in writing with the DEQE Docket Clerk within twenty-one (21) days of the date of issuance of this Determination.

A Waterways License will be issued for this project only after the Determination's appeal period has expired (presuming no appeal of the Determination has been filed) and you have provided the Waterways Regulation Program with the complete final mylar license plans.

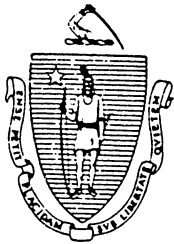
Should you have any questions or comments with regard to the foregoing and this Determination, please feel free to contact me at 292-5695.

Sincerely,

Charles J. Natale, Jr.
Charles J. Natale, Jr.
Section Chief
Waterways Regulation Program

CJN:lg

cc: Commissioner S. Russell Sylva, DEQE
Gary Clayton, Division Director, DWWP
Carl Dierker, Senior Deputy General Counsel, DEQE
Alden Raine, Director, Governor's Office of Economic Development
Richard Delaney, Director, Office of Coastal Zone Management
Julia O'Brien, Director of Planning, MDC
Frank Burke, DPW - CANA project
City Council, City of Boston
City Council, City of Cambridge
Mayor, City of Boston
Mayor, City of Cambridge
Michael Rosenberg, Assistant City Manager for Community Development,
City of Cambridge



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The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Department of Environmental Quality Engineering

Division of Wetlands and Waterways Regulation

One Winter Street, Boston 02108

DETERMINATION FOR ISSUANCE OF A WATERWAYS LICENSE FOR NONWATER-DEPENDENT USE OF TIDELANDS PURSUANT TO G.L. CHAPTER 91

I. PROJECT REFERENCE: Waterways License Application No. 86W-073-N, Commonwealth of Massachusetts, Department of Public Works, CANA project, Charles River Basin, Cities of Cambridge and Boston.

II. PROJECT DESCRIPTION: The Commonwealth of Massachusetts Department of Public Works (hereinafter "DPW") has applied for Chapter 91 authorization to construct and maintain the so-called Central Artery North Area project (hereinafter "CANA project") in the filled historic tidelands of the Charles River and Millers River in the cities of Boston and Cambridge. The CANA project will reconstruct the Interstate 93 - Route 1 interchange in Charlestown. The existing northbound and southbound weave sections between Route 1 and Storrow Drive will be considerably lengthened. Adequate acceleration and deceleration lanes, shoulders and site lines will be provided to improve safety and traffic flow. The hazardous S-curve alignment on the Route 1 southerly approach to the Tobin Bridge will be removed. Better access points between local street traffic and I-93 will be improved. Overhead ramps now shadowing Charlestown's City Square will be replaced with tunnels under the square with trumpet loop highway ramps over the industrial/railroad area west of Rutherford Avenue and I-93. Landscaping treatments will be provided by DPW including expansion of the Metropolitan District Commission's ("MDC") Paul Revere Landing Park, landscaped and grassed knolls in highway infield areas to mitigate visual impacts, and plantings throughout the area. Landscape treatment and paved pedestrian walkways and bridges will be provided along the Commonwealth's land at the northerly side of the Charles River in this area.

When completed, the work will substantially reduce rush-hour delays for motorists entering or leaving Boston on Route 1 and on the I-93 double-decked Central Artery Bridge over the Charles River. The project will also have beneficial impacts on the Charlestown neighborhood by opening up approximately 12 acres in Charlestown's City Square area to redevelopment, improving traffic safety and circulation on local streets, and providing landscaping and improved access to the Charles River waterfront.

III. PROJECT LOCATION: The CANA project is located in the area bounded by Front Street, Austin Street and the Charles River in the Charlestown section of Boston and and Charles River Dam Road in East Cambridge.

IV. DEPARTMENT'S DETERMINATION OF WATER DEPENDENCY: The Department has determined that the proposal constitutes a nonwater-dependent use of historic tidelands of Boston Harbor and the Charles and Millers Rivers. The proposed highway reconstruction and its related amenities does not fall within the "water-dependent" use categories found in G.L. Chapter 91, s. 1 and is therefore determined to be a nonwater-dependent use of tidelands.

V. PUBLIC HEARING NOTICE: DPW was notified in writing on May 2, 1986 of the Department's Determination of nonwater-dependent use as well as the date, time and place of the Department's public hearing on the project pursuant to c. 91, s.18. Public notice was published by DPW in the Boston Globe on May 7, 1986.

VI. PUBLIC HEARING: In accordance with the provisions and procedures established in G.L. Chapter 91, s.18, the Department's Waterways Regulation Program conducted a public hearing for the CANA project on Friday, May 16, 1986 at the DEQE Boston Office, One Winter Street, Boston. Representatives of the Department, Cities of Boston and Cambridge, the applicant and interested parties participated in the hearing. Exhibits and testimony submitted to the record at the hearing and within the 10 day comment period subsequent to the hearing are on file with the Waterways Regulation Program.

VII. PUBLIC HEARING COMMENTS: Testimony given by DPW, state and local government representatives and interested parties is summarized as follows:

A. PROJECT PROPONENT'S SUMMARY: Mr. Glenn Sadulsky, representing DPW as their management consultant for the CANA project, reviewed the project scope of work and its time windows for each phase of construction which will last approximately 5 years from the date of commencement of construction. Mr. Sadulsky stated that the principal public purpose of the CANA project is to dramatically improve traffic flow and safety at the Interstate 93 - Route 1 (Tobin Bridge) interchange - one of the most notorious traffic bottlenecks in the state. When completed the improvements will aim to reduce rush-hour delays and the number of vehicle accidents on the double-decked Central Artery Bridge and improve traffic circulation and congestion on the local streets in the Charlestown-City Square Area. The project will also serve a public benefit by opening up the City Square area to redevelopment, providing landscaped highway infields and open-space areas adjacent thereto and new opportunities for enhanced public access and recreational use of this area of Charlestown's waterfront through the construction of pedestrian walkways.

Skip Waldrige, representing Wallace-Flyod Associates - DPW's landscaping consultant for the CANA project, reviewed the conceptual landscaping plan for the project. Mr. Waldrige stated that the project will result in an increase in public access to the Charles River and historic tidelands which is presently limited, at best unattractive, and in some areas even dangerous. The project proposal includes cleaning up this blighted area and provision of elevated ramp structures over the Massachusetts Bay Transportation Authority (MBTA) railroad tracks, foot bridges and walkways along the banks of the Charles and Millers River; allowing public access along this waterfront area which is not obstructed by the proposed highway improvements.

Deneen Crosby, also representing Wallace-Floyd Associates, reviewed the conceptual urban landscape design for the CANA project. Ms. Crosby stated that creative landscaping of the interchange's loop ramp areas will provide an aesthetic visual impact to an interchange that has long been an eyesore. Carefully planned grading and plantings will enhance the visual aspects of the project as seen from the Charlestown neighborhood, from the Charles River and from Boston. Landscaped pedestrian walkways with lighting and benches along the Charles River Waterfront will extend and enhance waterfront public use from Paul Revere Landing Park to the Millers River. Ms. Crosby also stated that some portions of the banks of the Millers River will be restored and made more attractive by grading and landscaping as part of the overall landscaping design. The elements of the landscaping design will be consistent with that of the MDC's Paul Revere Landing Park.

B. SUMMARY OF PUBLIC COMMENTS:

Mr. James Cambell, representing the City of Cambridge, Community Development Department, expressed some of the City's concern on the portion of the CANA project located in East Cambridge. A letter by the City of Cambridge Community Development Department was submitted to the record subsequent to the public hearing which reiterated Mr. Cambell's comments. The City of Cambridge generally supports the proposed roadway improvements as a public benefit to alleviate heavy traffic congestion and to improve vehicular access, however, they have concerns about the present design, the resulting limitations on public use of the Charles River, and the negative influence for future development of adjacent sites in this area. The proposed CANA project abuts a 70-acre site in Cambridge known as the North Terminal Area and the city has initiated a comprehensive planning study of the site which will form the basis for a preliminary urban design plan that would guide future development of this area. The preliminary plan indicates a vision for future development that includes mixed-income housing along this area of the Charles River. The City stated that construction by the DPW of the ramps for a major interchange and for a future maintenance facility has given them concern about the viability of the proposed housing. The City, however, felt that the impacts of the DPW project can be mitigated by proper landscaping and a realignment of the access road for the proposed maintenance facility. The City also raised concerns about the open-space system and the necessity for making it possible for the public to have continuous access along the Charles River from the North Point area to the Charlestown park system. They stated that future development in the North Point area would need the link to the open space in the Charlestown area and therefore supports the fact that DPW has included the design and construction of a pedestrian access bridge over the MBTA railroad tracks. The City of Cambridge feels that this bridge should be included as part of the planned construction.

The City of Cambridge then concluded that DPW should adequately address the following issues as a condition for construction of the roadway interchange and maintenance facility: adequate landscaped buffer of the interchange loops to include maximum depth of plant materials and five foot berm, commitment to an alternate access route to the maintenance facility so that maintenance trucks do not penetrate the housing development area, and construction of the pedestrian bridge to allow continuous access to the public along the banks of the Charles River.

Lorraine Downey, Chairperson of the City of Boston's Harborpark Committee, stated the committee is supportive of the CANA project, however, public access and open-space should be designed and constructed to provide continuous access along the Charles River and should be a necessary ingredient of the project proposal. Planning, design and construction of these public amenities should be consistent with the type and quality of the MDC's parkland in this area.

Nancy Lin and Thomas Maguire, representing the City of Cambridge Conservation Commission, stated that the DPW's public access plan is short-sighted since it does not incorporate full restoration of the Millers River. Ms. Lin and Mr. Maguire stated that the Millers River can become a valuable recreational resource for both passive and active recreation and that DPW's plan should not preclude future recreational use of the Millers River. Specifically the highway trumpet loops' support piers should not be placed in locations adjacent to the river that would preclude its restoration and not impede navigation if the Millers river was opened up to the Charles River. They also expressed concern that storm water run-off should be controlled so as not to drain into the adjacent Millers or Charles Rivers.

Julia O'Brien, Director of Planning for MDC, stated that the CANA project area has been under scrutiny by the MDC for development of parkland. The MDC is interested in extending parkland along the Charles River Basin so that public access can be made possible along both sides of the Basin. It is the MDC's position that the proposed CANA project will seriously affect parkland plans on the Charlestown side of the Charles River. MDC offered comments at the hearing and in a letter submitted to the record, dated July 10, 1986. These comments addressed certain issues with which the MDC indicated its desire to work closely with the DPW during planning and construction of the CANA project to ensure that the project can be adapted, where possible, to the MDC's requirements for parkland development in the site area. These issues include handling of contaminated soils, delineation of property lines, planting specifications, seawall extensions, pedestrian overpass design and construction, historic preservation and final review. MDC has stated that they have discussed those issues with DPW, and DPW has agreed to carry out MDC's requests that will enhance the opportunities for creating a public park and access along the North Point area of the Charles River that will be both viable and popular. The MDC letter

concluded by stating that the enormous beauty of Charles River contributes to the social and recreational quality of life in the Metropolitan area. The MDC has not lost sight of extending that Reservation for the last distance left - from the Old to the New Charles River Dam - in a design which respects the final passage of the Charles River as it enters Boston Harbor.

Cassie Thomas, representing the Charles River Watershed Association, stated that the Association encourages and supports the development of comprehensive open-space plan for this section of the Charles River which provides new opportunities for pedestrian access and recreational use along the waterfront. She also stated that they strongly support the pedestrian link between Charlestown and Cambridge along the Charles River waterfront.

Lester Smith of BSC Engineering, representing Guilford Transportation Industries, Inc. submitted a comment letter to the record on the CANA project dated July 28, 1986 on behalf of their client. This letter expressed concerns with potential impacts of the CANA project on adjacent Guilford properties and the public's use of this portion of the Charles River waterfront. BSC comments stated that Guilford is concerned with the new DPW maintenance facility which DPW has proposed to be located adjacent to the Charles River in historic tidelands. While BSC understands that this facility is not included in this license application, they want to be sure that their objection to this location is on record. Their concern was raised so that any future study of the proposed maintenance facility would include an assessment of the impacts of this facility on property considered to be a potential site for housing and mixed-use development by the City of Cambridge.

It should be noted for this determination that public review and comment on the CANA project was also facilitated through MEPA review and certification. The Final Environmental Impact Report was certified to be adequate and in proper compliance with MEPA and its regulations by the Secretary of Environmental Affairs on October 22, 1979.

VIII. DEPARTMENT'S SUMMARY OF THE PROJECT:

- A. TIDELANDS JURISDICTION: The filling of historic tidelands in the CANA project site was authorized by D.P.W. License No.'s 1080, 1079, 2683, 3386 and 4272. License No. 1080 was issued to the Boston and Maine Railroad on November 5, 1929 to place solid filling in the Millers River Basin. License No. 1079 was issued on December 24, 1929 to the Boston and Maine Railroad to build and maintain a seawall and to fill solid in the Charles River. License No. 2683 was issued to the Boston and Maine Railroad on August 24, 1944 to replace an existing pipeline with three 48" pipes in the Millers River. License No. 3386 was issued to the Boston and Maine Railroad on December 28, 1951 to fill solid an area in the lower basin, so-called Millers River and to erect thereon a crane in the cities of Boston and Cambridge. License No. 4272 was issued to Boston Sand and Gravel Company on January 18, 1960 to construct a solid fill pier, pile fender and to dredge in the Millers River. License No. 1079 was subsequently made irrevocable by the Chapters 627 and 737 of the Acts of 1962.

Review of these historical license plans and documents conclude that the tidelands filled pursuant to these licenses consist of historic "commonwealth tidelands" of the Charles and Millers Rivers. The approximate area of historic commonwealth tidelands at the CANA project site is delineated on a plan submitted to the Department by Fay, Spofford and Thorndike Engineers, Lexington MA, dated March 1986 and revised on April 11, 1986 to show property ownership and April 17, 1986 and to delineate historic tidelands at the site.

B. PUBLIC COMMENTS

Public comments generated by the Chapter 91 review process generally support the CANA project's principal public purpose which includes reducing traffic congestion on the existing Route 1 - I-93 interchange, improving traffic flow and safety at the interchange, improving traffic circulation on local streets near the interchange, and, the resultant beneficial impacts on the Charlestown neighborhood such as opening up City Square to redevelopment and providing better public access to the waterfront.

Concerns raised by commentators during the Chapter 91 review process, particularly by the MDC, regarding the extent and quality of landscaping, open-space area and public access facilities to be provided by DPW along this area of the Charles River waterfront as part of the CANA project, have been substantially addressed by the DPW. A letter from DPW Commissioner Robert T. Tierney, dated August 18, 1986, clarified the DPW's position on those concerns raised by the MDC and others through suggested additional conditions that DEQE would include as conditions of the Waterways License. These special conditions would require the DPW to provide well-defined landscaping treatments along the banks of the Charles River, the eastern bank of the Millers River and the highway loop infield areas. These proposed conditions also require DPW to provide design of a pedestrian bridge over the MBTA railroad tracks and adequate space along the northern edge of the Rutherford Avenue access ramp to allow for future development of a pedestrian pathway from Rutherford Avenue to the

banks of the Charles River. This letter also stated that the DPW is willing to execute a side agreement with the MDC prior to commencement of construction of the CANA project which would address any remaining issues that MDC may have relating to the projects impact on their plans to continue waterfront parkland development in this area of the lower Charles River Basin.

IX. DEPARTMENT'S DETERMINATIONS PURSUANT TO G.L. CHAPTER 91:

- A. Proper Public Purpose: The Department has determined that the proposed structural alteration and change in use of previously licensed fill and structures in historic commonwealth tidelands of the Charles and Millers River will serve a proper public purpose. The rationale for this determination is as follows:

The proposed CANA project's public purpose principally relates to regional transportation improvements to the U.S. Route 1 and Interstate-93 interchange in Boston. This includes improved traffic flow and safety, reduced rush-hour delays, better access points between local street traffic and I-93, and improved traffic circulation and reduced congestion on the local streets. Severe transportation problems have plagued the Route 1/I-93 interchange for many years. The proposed traffic improvements will reduce intolerable traffic delays and high accident rates at the existing interchange.

As part of the CANA project, the DPW will provide landscape treatments for highway infield areas, expansion of the MDC's Paul Revere Landing Park and land along the Charles River owned by the Commonwealth. DPW will also design and construct a pedestrian bridge which will span the MBTA railroad tracks and provide pedestrian and wheelchair access along the Charles River and from Rutherford Avenue to the Charles Riverbank as an integral work element of the Depressed Central Artery Project. This will provide an integral link in the MDC parkland development plan for the Charles River Basin between their riverfront parkland from Watertown to the Old Dam in East Cambridge and the existing Paul Revere Landing Park in Charlestown which will be improved and expanded as part of the CANA project.

The project will also have beneficial impacts to the Charlestown neighborhood by opening up land area in City Square through the removal of existing overhead ramps replaced with tunnels under the square and highway loop ramps. This will improve local traffic flow and safety as well as open-up approximately 12 acres of Charlestown land for parks or development, while linking the neighborhood with the now obscured waterfront and providing better access.

- B. Public Benefit v. Public Detriment: The Department has determined that the aforesaid public purpose will provide a greater public benefit than detriment to the rights of the public in these tidelands. The rationale for this determination is based on the following:

The CANA project will provide a regional public benefit of transportation improvements to the Route 1 - I-93 interchange thereby reducing travel delays and high accident rates while providing better access points between local street traffic and I-93 and improved traffic circulation and reduced congestion on the local streets. The CANA project will also have beneficial impacts on the Charlestown neighborhood by opening up City Square to development, improving local traffic circulation and providing better access to the Charles River thereby linking the neighborhood with the now obscured waterfront. As an important part of the CANA project, the DPW will also clean-up the project area which is now considerably blighted and provide landscaping of the loop ramp areas and open-space areas along the Charles and Millers Rivers' waterfront. They will also design and construct pedestrian bridges and walkways which will extend and enhance waterfront public use from Paul Revere Park to the Millers River, providing the public with attractive and safe access to and along the water's edge.

The principal detriment of this project is the physical obstruction of the highway ramps and infield areas as it relates to preclusion of future water-dependent uses in this area. However, along the banks of the Charles and Millers Rivers, proposed ramp structures are elevated, allowing access beneath them and not significantly obstructing the public's use of these banks. DPW will also landscape the loop ramp areas to provide an improved aesthetic visual impact to an interchange that has long been an eyesore. Carefully planned gradings and plantings will enhance the visual impacts of the project as seen from the Charlestown neighborhood from the Charles River and from downtown Boston. Concerns raised regarding the proposed DPW maintenance facility and access roadway have not been addressed in this determination since said facility and roadway will not be authorized by this license application. In the event that construction of said facility is proposed by DPW in the future, those concerns will be addressed by the Department during that licensing proceeding. Concerns raised regarding storm water run-off control from the highway structures should be addressed by the DPW in applications to the conservation commissions of the cities of Boston and Cambridge for permits under the Wetlands Protection Act, G.L. Ch. 131, s. 40.

On the whole, the Department finds that the significant public benefits of this project, including improved traffic flow and safety, public use and access to tidelands and general urban waterfront renewal, substantially outweigh the project's negative aesthetic and structural impacts associated with the highway construction.

- C. Consistency With the Policies of the Office of Coastal Zone Management: The Department finds that the project is consistent with the applicable policies of the Office of Coastal Zone Management. Particularly Policies 21 and 26. The rationale for this determination is described as follows.

Policy 21: Policy 21 calls for the improvement of public access to coastal recreation facilities, and alleviate auto traffic and parking problems through improvements in public transportation. It also calls for linking existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicycles, pedestrians, etc.

The CANA project will improve public access and use of this area of the Charles River waterfront by constructing new public walkway systems and bridges which will connect and integrate with similar existing walkways in coastal parkland areas on each side. These new walkways and pedestrian bridges, as well as creation of new coastal parkland open-space area, will serve to link existing coastal recreational sites to each other in the Charles River Basin. Construction of the CANA project will serve to improve local traffic flow and parking problems in the Charlestown/City Square area thereby providing improved transportation access to existing coastal recreation facilities.

Policy 26: Policy 26 ensures that state and federally funded transportation projects primarily serve existing developed areas, assigning highest priority to projects which meet the needs of urban and community development centers. The Office of Coastal Zone Management has concluded that the CANA project is consistent with Policy 26 as articulated in that policy. At the time of CZM's adoption of this policy, the CANA project had proceeded past the systems planning stage and was thus considered by CZM to be consistent with Policy 26.

IX. FINAL DETERMINATION:

In conformance with the provisions and procedures established in G.L. Chapter 91 and its regulations 310 CMR 9.00, the Department has determined to issue a Waterways License on the basis of the foregoing analysis. This determination is made subject to the following special conditions, in addition to the standard license conditions, to be included in the Chapter 91 Waterways License to be issued pursuant hereto in substantially the form provided for below:

Condition 1: Prior to completion of construction of the CANA project the DPW shall provide landscaping along the banks of the Charles River according to the plan entitled "Central Artery/North Section, Schematic Site Plan by Wallace, Floyd, Associates, Inc." Said landscaping plan shall consist of grading, grass seeding, establishing trees, shrubbery, paved walkways, benches and lighting. This landscape design shall include pedestrian and bicycle path systems along the Charles River connecting the redesigned Paul Revere Landing Park area with the western boundary of the construction site within the waterfront parkland area. Said landscape design's plans and specifications including walkways, benches and lighting type and placement shall be subject to final review and approval by the MDC prior to commencement of construction of the CANA project. Boundary lines for parkland area along the banks of the Charles River shall be defined by professional land survey by the DPW for approval by the MDC prior to commencement of construction. Ownership and control of said defined parkland property shall be transferred to the MDC by the DPW upon to completion of construction of the CANA project.

Condition 2: Prior to completion of construction of the CANA project the DPW shall provide regrading and landscaping along the eastern bank of the Millers River in accordance with the Wallace, Floyd, Associates, Inc. plan referenced in Condition 1. Said landscape design's plans and specifications shall be subject to final review and approval by the MDC prior to commencement of construction of the CANA project. Boundary lines for parkland area along the eastern bank of the Millers River shall be defined by professional land survey by the DPW for approval by the MDC prior to commencement of construction of the CANA project. Ownership and control of said defined parkland property shall be transferred to the MDC by the DPW upon to completion of construction of the CANA project.

Condition 3: Prior to completion of construction of the CANA project the DPW shall define by professional land survey the Commonwealth of Massachusetts' property line along the western bank of the Millers River and shall erect a fence or other similar structure defining said boundary along the entire length of said property line. The DPW shall grade and landscape the Commonwealth's land area along the western bank of the Millers River prior to completion of the CANA project. The DPW shall transfer or cause to transfer ownership and control of this land to the MDC prior to completion of construction of the CANA project.

Condition 4: The DPW shall provide and maintain landscaping treatments within the highway loop infield areas of the CANA project in accordance with the Wallace, Floyd, Associates, Inc. landscaping plan dated August 6, 1986 referenced to in Condition 1.

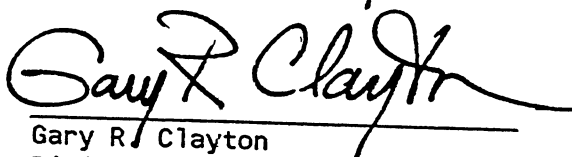
Condition 5: Prior to completion of construction of the CANA project the DPW shall design and construct a six (6) - foot wide paved pedestrian walkway and related landscaping in adequate space provided by the DPW along the northern edge of the Rutherford Avenue access ramp to provide continuous pedestrian access from Rutherford Avenue to existing and future pedestrian walkways along the banks of the Charles River. Said final design shall be subject to review and approval by the MDC. Said pedestrian walkway shall be maintained by the DPW.

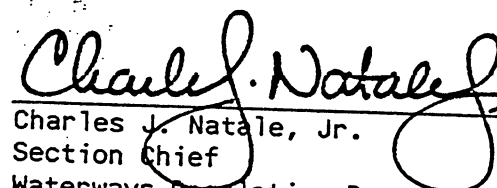
Condition 6: Prior to commencement of construction of the CANA project the DPW shall prepare and submit to DEQE and the MDC for review and approval a detailed conceptual design of a bridge over the existing MBTA railroad tracks to carry pedestrians, bicycles and the handicapped over said railroad tracks. This bridge shall connect on both ends with any existing or future pedestrian walkway system(s) along the banks of the Charles River.

Condition 7: Prior to completion of construction of the CANA project the DPW shall construct the aforesaid pedestrian bridge over the existing MBTA railroad tracks and transfer ownership and control of said bridge to the MDC, or the DPW shall transfer to the MDC sufficient funds necessary to complete construction of said pedestrian bridge in order for the MDC to assume the responsibility of completing said bridge construction. Should MDC assume the responsibility of construction of said bridge, the MDC shall complete said construction in conjunction with completion of the CANA project.

XI. NOTICE OF APPEAL RIGHTS: Any person aggrieved by this decision to grant a Waterways License pursuant to M.G.L. c. 91 is hereby notified of the right to request an adjudicatory hearing under the Massachusetts Administrative Procedure Act, M.G.L. c. 30A, s. 10. In accordance with the Department Rules of Conduct of Adjudicatory Hearing, an appeal must be filed in writing within twenty-one (21) days of the date of issuance of this decision; must state clearly and concisely the facts which are grounds for the proceeding and the relief sought; and must be addressed to: Docket Clerk, Office of the General Counsel, Department of Environmental Quality Engineering, One Winter Street, Boston, MA 02108.

THIS DETERMINATION IS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING ON THE 24th DAY OF OCTOBER, 1986.


Gary R. Clayton
Division Director
DEQE Division of Wetlands and
Waterways Regulation


Charles J. Natale, Jr.
Section Chief
Waterways Regulation Program
DEQE Division of Wetlands and
Waterways Regulation

S-616

Comm. from Charles J. Natale, Jr., Section Chief,
Mass. EDQE Waterways Regulation Program, trans-
mitting their Chapter 91 written determination
on issuing a waterways license for nonwater
dependent use of tidelands on application # 86W-
073-N by the Mass. Dept. of Public Works to
construct & maintain the so-called Central Art-
ery North Area project, Charles River Basin.

11/3/86

Placed on E. Le
Copy to Community
Development and
Public Works
Departments

In City Council,

November 3, 1986

11/5/86 copy sent to Mr. Rosenberg, Community
Development & Everett Kennedy, Commissioner
of Public Works, mbr

cc Mr. Rosenberg
E. Kennedy