

July 29, 2025

Via electronic mail: JointCommittee.Environment@malegislature.gov

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Massachusetts State House, Room 214  
Boston, MA 02133

Chair Barber  
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Chair Rausch, Chair Barber, and Members of the Joint Committee on Environment and Natural Resources:

On behalf of our coalition of Boston-based waterfront advocates, thank you for your leadership in setting and implementing bold policies on climate, environmental justice, and environmental protection. Our coalition works independently and collaboratively in the Greater Boston metro area to address policy issues, improve open space, and develop programs that strengthen and improve access to our waterfronts. Our work focuses on bringing new, marginalized, and excluded communities to the waterfront and improving the character and sustainability of our working waterfronts.

With these goals in mind, we respectfully urge you to incorporate the following priorities in the Mass Ready Act (“the Act”).

I. Designated Port Areas

We are thrilled to see that Section 67 of the Act proposes the creation of a Special Commission on Commonwealth Port Development (“the Commission”). In the Boston Waterfront Partners’ recent report, [“Strengthening The Urban Harbor: Policy & Investment Recommendations for Boston’s Working Ports,”](#) we identified the lack of a shared forum for long-term planning and collaborative decision-making around Designated Port Areas (“DPAs”). We highlighted the need for more engagement between government decisionmakers, maritime industrial business owners, and the communities that live in and around DPAs.

A Commonwealth Port Development Commission is vital towards creating a well-resourced, holistic vision for our maritime economy that is guided by centralized state leadership. The Commission should consider how DPAs are a tool to ensure that statewide energy and economic needs are met, and assess whether it is prudent to revise the DPA regulations to reflect the current context of our working ports. State-level maritime industrial policy is needed to ensure that the Commonwealth’s water-dependent goals are met, while also reflecting the need to evaluate our working ports on a municipal and regional level. Our state’s

10 DPAs each have very different channel conditions, existing uses, parcel sizes, near shore conditions, transportation, and other infrastructure, each of which affects how desirable they are to maritime industrial development. Additionally, the diverse communities living adjacent to DPAs each have local needs and desires for their waterfront. Municipal, community, and industry leaders have vital insights into the needs of communities surrounding DPAs and must be consulted in any regulatory reform process.

*A. Composition of Commission*

We agree that each city and town that hosts a DPA should be represented on the Commission, and we appreciate that the commission will be composed primarily of community members, waterfront advocates, and water-dependent industrial users. We are hopeful that, by centering the voices of 18 appointed community and industry representatives, the Commission will develop a vision of the working waterfront as a vital economic engine that meets community expectations for environmental equity, waterfront accessibility, and public amenities.

We are concerned, however, that the provision providing that “no more than 1 representative shall be from the same city or town” will conflict with the geographic reality of DPAs. For instance, Boston hosts both the East Boston DPA and the South Boston DPA, and touches the Chelsea Creek and Mystic DPAs. If only one representative is allowed from Boston, then the distinct and unique neighborhoods of East Boston, Charlestown, and South Boston will not be adequately represented. Rather than limiting each city or town to one member of the commission, we suggest the following alternative language:

“... 10 of whom shall be representatives of the 10 designated port areas, **provided that no more than 1 representative will be from each DPA community.**”

As local experts long engaged in waterfront policy and development initiatives, we further ask that the Boston Waterfront Partners are consulted when identifying the Commission’s representative from a Boston Harbor region community group.

*B. Commission Focus*

We are pleased to see that the viability and market trends of water-dependent industries are central to the proposed Commission’s report. We agree that the Commission must conduct and publish comprehensive economic analyses around current and future demand for DPA spaces. We ask that the Commission also assess the potential for health equity, climate resilience, and public waterfront access for each industry sector.

We ask that the Commission make recommendations for future state, municipal, and regional planning initiatives to implement its statewide vision. Regulatory changes suggested by the Commission must also consider new and creative ways to increase equitable access to the waterfront for the host communities that have historically been cut off from these important

resources. While not all marine industrial uses are conducive to public access, some industries may provide a critical opportunity to reconnect communities to the waterfront.

We suggest the following language:

“. . . For each industry sector, the report shall assess . . . (iii) opportunities for growth, taking into account infrastructure, costs, **health equity concerns**, limiting geographic constraints, **climate resilience, public access to the waterfront**, and workforce development needs.”

Finally, the Commission should examine whether existing DPA boundaries are consistent with the new state vision for our working ports. Some DPAs are fragmented into small, separated parcels. Others include parcels of land that may no longer be geographically suitable for maritime industrial use and could better serve the community if taken out of the DPA. Still more land may exist outside of a DPA which would be ripe for maritime industrial use. By considering alternative boundaries for DPAs, the Commonwealth may be better able to stimulate the opportunities posed by our working ports. We suggest adding the following language to this effect:

“. . . The commission shall also consider, for each industry sector, the existing conditions, **geographic boundaries**, and potential for development in each designated port area to achieve the vision for growth.”

## II. Nature-Based Solutions

We are pleased to see an emphasis on nature-based solutions in the Act. When done right, these approaches offer several benefits, such as stormwater capture and filtration, improved biodiversity, recreation, and climate resilience. We support Section 50 of the Act, which amends the Wetlands Protection Act (“WPA”) to allow projects with minor impacts to move forward with a Determination of Applicability and projects with insignificant impacts to move forward with local administrative approval.

### *A. General License and General Permit*

We are excited about the language in Section 31 and Section 51 of the Act which will permit the Department of Environmental Protection (“DEP”) to issue a general license or general permit for certain natural restoration and climate resilience projects. This will help speed up the implementation of these projects and other critical resilience measures. Section 51 also adds “resilience for changing climate conditions” as a 9th interest under the WPA, further strengthening the role of climate resilience in evaluating projects.

Even with these changes, however, natural restoration and climate resilience projects will be delayed by regulatory barriers. As climate impacts escalate, these projects are more urgent

than ever. We ask for a bolder approach to reducing regulatory barriers for natural restoration and climate resilience projects.

We suggest modifying the language in Section 31 and Section 51 of the Act to waive Chapter 91 and the WPA permitting and licensing requirements for true restoration projects that return wetlands to their natural state by removing structures, fill, and obsolete hydrological changes. In the alternative, we suggest that an administrative letter of approval is more appropriate than a general license or general permit for these projects.

### III. Priority Housing Projects

We are concerned about the language in Section 31 of the Act which will allow the DEP to issue a general license or general permit under Chapter 91 for “priority housing projects.” Likewise, we are concerned about the language in Section 51 of the Act, which will allow DEP to approve certain “priority housing projects” within their jurisdiction with a general order of conditions under the WPA. Section 73 of the Act states that “priority housing” will be defined later using unspecified guidelines from EEA, EOHL, and DEP. We acknowledge the intent of this language and agree that we need significantly more affordable housing development across the Commonwealth. However, this language lowers environmental and public review standards for housing development on tidelands, wetlands, and along our waterways.

By the time a project reaches review under the WPA or Chapter 91, the distribution of use is already more or less set in stone. Whether a project under Chapter 91 review is a housing development or an office complex, it is being judged on the public benefits and waterfront access that it provides, not the quality or content of the project itself. Likewise, a project seeking an order of conditions under the WPA is judged on its ability to preserve our water resources, protect against flooding, and support habitat, not whether housing is needed in that location. Streamlining housing projects must happen under municipal zoning reform, not by bypassing the public review and environmental protections that ensure a clean, safe, and accessible waterfront.

Furthermore, housing should not be prioritized in areas where infrastructure, buildings, and residents will be left vulnerable to climate events. The majority of the land subject to Chapter 91 licensing and orders of conditions under the WPA is located in the floodplain, where new (much needed) affordable homes will be vulnerable to storm surge, tidal action, and other flood events. Housing should not be prioritized in areas where both built infrastructure and residents will be left vulnerable to climate events. We need to reduce the regulatory barriers to building affordable housing in Massachusetts, but weakening environmental protections and bypassing the requirements of Chapter 91 and the WPA is not the way to accomplish these goals.

Even if done right, with 100% income-dependent, affordable housing that is truly climate safe and in compliance with state laws, Section 31 and Section 51 of the Act will eliminate critical public engagement processes for undefined “priority housing projects.” By stating that M.G.L. c. 91 s. 18 will not apply to “priority housing projects” subject to a general license, the

Act releases developers from their obligation to host a public hearing and dispenses of the public's right to appeal a license. Under the WPA, all appeals of an order of conditions will be sent directly to Superior Court, unless DEP decides to bring a superseding administrative appeal. These changes risk public access to our waterfront without adequate public process and a diminished right to appeal.

The provisions on “priority housing” should be struck from Section 31 and Section 51 of the Act. We encourage the administration to work with housing justice advocates and other stakeholders to define “priority housing projects” and determine better avenues for housing and permitting reforms, informed by community feedback and following a robust and transparent public engagement process.

#### IV. Chapter 91 Notice Requirements

Section 29 of the Act proposes eliminating the requirement for a Chapter 91 license applicant to publish notice in a newspaper of general circulation. Instead, applicants will publish notice via a “manner specified by the [DEP]” to be specified in a future regulatory amendment.

We propose this alternative language:

. . . inserting in place thereof the following words: “- manner specified by the department in regulations, **reflective of a public outreach survey conducted, on a periodic basis determined by DEP, to assess the most effective means of notification under Chapter 91,** for the area affected by said license at the expense of the applicant. Until such regulations become effective, said notice shall be published at the same time as the preceding notices in a newspaper or newspapers having circulation in the area affected by said license at the expense of the applicant.”

We are concerned that—without guidelines—DEP’s new notice requirement will not adequately address the gap left by print notices. Regulatory changes to the Chapter 91 notice requirements must reflect the preferences of community members and should incorporate public feedback about preferred methods of notification.

#### V. Conclusion

To summarize:

1. We are excited by the creation of a Special Commission on Commonwealth Port Development, and hope that the composition and purpose of this Commission can be further developed to support an ambitious, equitable vision for our working ports.
2. We support the provisions of Section 31 and Section 51 which reduce regulatory barriers to permitting and licensing nature-based solutions under Chapter 91 and the WPA.

Members of the Boston Waterfront Partners

3. We do not support the provisions of Section 31 and Section 51 which allow undefined “priority housing projects” to bypass public process in obtaining a permit or license under Chapter 91 and the WPA.
4. We encourage the legislature to require a public survey to assess the best method for public notice of Chapter 91 license applications, under Section 29.

Thank you for your consideration of these priorities and for your work to protect the Commonwealth’s environment. If you have any questions or if we may provide additional information, please don’t hesitate to contact Breanne Frank, Conservation Law Foundation, at [bfrank@clf.org](mailto:bfrank@clf.org).

Sincerely,

Members of the Boston Waterfront Partners

Boston Harbor Women of Color Coalition

Charles River Conservancy

Conservation Law Foundation

Friends of the Mary Ellen Welch Greenway

Harborfront Neighborhood Alliance

Mystic River Watershed Association

Piers Park Sailing Center

Save the Harbor/Save the Bay

The American City Coalition

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