



Consulting
Engineers and
Scientists

WETLANDS NOTICE OF INTENT

December 2021

Project

Flynn Cruiseport Cruise Ship Berth Debris Removal
88 Black Falcon Avenue
Boston, Massachusetts

Applicant

Massport
One Harborside Drive, Suite 200
Boston, Massachusetts 02128

Prepared By

GEI Consultants, Inc.
124 Grove Street, Suite 300
Franklin, Massachusetts 02038

Flynn Cruiseport – Boston, MA

Cruise Ship Berth Debris Removal

Wetlands Notice of Intent – List of Attachments

Project Narrative (pages 1 – 4)

Drawings and Figures

Figure A. Locus Plan

- Prepared by: GEI Consultants, Inc.
- Date: 11/24/21
- Scale: 1" = 2,000'

Sheet C-001. Flynn Cruiseport Debris Removal

- Prepared by: GEI Consultants, Inc.
- Signed and Stamped by: Russell Titmuss
- Date: 12/12/21
- Scale: 1" = 50'

Miscellaneous Documents

- NOI Wetland Fee Transmittal Form
- Boston Conservation Commission Filing Checklist
- Affidavit of Service – Abutter Notification
- Notification to Abutters
- Certified Listing of Abutters
- FEMA FIRMette (City of Boston Panel 25025C0082J) – dated 3/16/16
- Proof of Mailing (email) to Division of Marine Fisheries



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Boston

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>88 Black Falcon Avenue</u>	<u>Boston</u>	<u>02127</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
	<u>42.3435</u>	<u>-71.0254</u>
	d. Latitude	e. Longitude
<u> </u>	<u>0602674015</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Bradford</u>	<u>Washburn</u>	
a. First Name	b. Last Name	
<u>Massport</u>		
c. Organization		
<u>One Harborside Drive, Suite 200</u>		
d. Street Address		
<u>East Boston</u>	<u>MA</u>	<u>02128</u>
e. City/Town	f. State	g. Zip Code
<u>617-568-3546</u>	<u> </u>	<u>bwashburn@massport.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u> </u>	<u> </u>	
a. First Name	b. Last Name	
<u> </u>		
c. Organization		
<u> </u>		
d. Street Address		
<u> </u>	<u> </u>	<u> </u>
e. City/Town	f. State	g. Zip Code
<u> </u>	<u> </u>	<u> </u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Brad</u>	<u>Saunders</u>	
a. First Name	b. Last Name	
<u>GEI Consultants, Inc.</u>		
c. Company		
<u>124 Grove Street, Suite 300</u>		
d. Street Address		
<u>Franklin</u>	<u>MA</u>	<u>02038</u>
e. City/Town	f. State	g. Zip Code
<u>774-277-6020</u>	<u> </u>	<u>bsaunders@geiconsultants.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$312.50</u>	<u>\$237.50</u>	<u>\$75.00</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The proposed activity is the removal of approximately 85 cubic yards of debris from the cruise ship berthing area along the south face of the Black Falcon Pier. The debris (primarily broken timber fender piles) will be removed by barge-mounted crane and transferred to shore for disposal at an approved upland disposal site. See attached Project Narrative.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Suffolk	
a. County	b. Certificate # (if registered land)
45558	252
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input checked="" type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input checked="" type="checkbox"/> Land Under the Ocean	3,000 1. square feet	
	0 cy dredged, 85 cy debris	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4. Restoration/Enhancement
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

_____ a. square feet of BVW _____ b. square feet of Salt Marsh

5. Project Involves Stream Crossings

_____ a. number of new stream crossings _____ b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

- 8/1/21
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

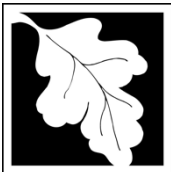
1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).
 Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. Project is exempt from MESA review.
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
 Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
 Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 836 South Rodney French Blvd.
 New Bedford, MA 02744
 Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

See attached List of Attachments.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

760858

2. Municipal Check Number

12/2/21

3. Check date

760865

4. State Check Number

12/2/21

5. Check date

GEI Consultants, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

12/14/21

3. Signature of Property Owner (if different)

4. Date

12/15/2021

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

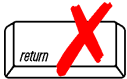
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

88 Black Falcon Avenue Boston
 a. Street Address b. City/Town
 760865 \$237.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Bradford Washburn
 a. First Name b. Last Name
 Massport
 c. Organization
 One Harborside Drive, Suite 200
 d. Mailing Address
 Boston MA 02128
 e. City/Town f. State g. Zip Code
 617-568-3546
 h. Phone Number i. Fax Number
 bwashburn@massport.com
 j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2.j. (other activity)	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$500

Step 6/Fee Payments:

Total Project Fee:	\$500.00
State share of filing Fee:	\$237.50
City/Town share of filing Fee:	\$75.00
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Flynn Cruiseport – Boston, MA

Cruise Ship Berth Debris Removal

Wetlands Notice of Intent – Project Narrative

Introduction

Maintenance dredging of the cruise ship berthing facilities at the Flynn Cruiseport within the Reserve Channel along the south face of Black Falcon Pier was last conducted by Massport in 2015 in compliance with the terms and conditions of an Order of Conditions issued under DEP File #006-1420. Since the completion of that dredging, debris (primarily in the form of broken fender piles) has accumulated at specific locations along the harbor bottom within the footprint of the berths (see attached Drawing No. C-001). This debris presents a navigational hazard for ships entering and departing the berths. A survey of the berths conducted by Substructure, Inc. in 2020 revealed spot locations where the debris extends above the required safe berthing depth of -35' (MLLW). To restore safe berthing conditions, this accumulated debris must be removed from the berths and disposed of appropriately.

Existing Conditions

The Black Falcon Pier was constructed along the north side of the Reserved Channel as part of the South Boston Army Base Rehabilitation in 1955. The pier structure is a full depth concrete wharf constructed as an addition out-shore of an older pre-existing pier. The newer concrete wharf is pile supported and the water depth at the time of its construction was shown as -35 feet (MLW).

The south face of the pier used for cruise ship berthing is over 3,350 feet in length and provides berthing for vessels with a combined total length of up to 3,150 feet. These berths are owned and operated by Massport and used primarily for berthing of cruise ships although other vessels such as Navy ships and Tall ships occasionally use the berths.

The cruise terminal berths were last dredged by Massport in 2015 to a depth of -35 to -37 feet (MLLW). As noted above, since that dredging, broken fender piles from the pier and associated debris have collected along the bottom of the berths and project up to depths as shallow as -27 feet MLLW which is considerably above the required safe depth of -35 feet MLLW (see Drawing Sheet C-001). This accumulated debris presents an immediate hazard to safe navigation at the berths.

MassGIS data (accessed using the on-line mapping tool - OLIVER) indicate that the area is unsuitable habitat for shellfish and is “prohibited” for the growing of shellfish. Further, the proposed area of debris removal does not support beds of submerged aquatic vegetation and is not mapped by the Massachusetts Natural Heritage and Endangered Species Program as either estimated habitat of rare wetland wildlife or priority habitat for rare species.

Proposed Action

The Proposed Action consists of the targeted removal of approximately 85 cubic yards of accumulated debris interspersed within a 253,500-square foot section of the cruise ship berthing area, as depicted in

Drawing Sheet C-001. The actual area of harbor bottom occupied by debris is estimated at less than 3,000 square feet.

Removal will be conducted by a barge-mounted crane or other hoisting equipment working in concert with divers. A diver will locate specific pieces of debris and guide the operation of the equipment to ensure that incidental disturbance of sediments is minimized. The debris will be contained on the barge deck to prevent recovered material falling into the water. The barge will convey the collected debris to a shore transfer location where it will be transferred to trucks for transport to an approved upland disposal site.

Proposed Mitigation Measures

Mitigation measures to be incorporated into the work plan include the following best practical measures.

1. Individual pieces of debris will be removed by diver-guided hoisting equipment to minimize the potential for incidental disturbance to adjacent sediments.
2. A complete spill containment kit will be maintained on the work barge at all times. The spill containment kit will include “Speedy Dry”, or equivalent, and an oil sorbent boom for use in the event of a petroleum-based fluid spill or leak. Further, the barge-mounted equipment will be staffed at all times while operational and will be inspected daily for leakage.
3. Although the proposed debris removal work is unlikely to generate more than a de minimis amount of resuspended sediments, resulting in a negligible effect on harbor turbidity levels, a turbidity monitoring program will be implemented to minimize the potential for impacts during the sensitive period of winter flounder (*Pseudopleuronectes americanus*) spawning and juvenile development (i.e., February 15 through June 30).

Schedule

It is anticipated that this project will be conducted during the winter/spring of 2022 and will require a total of approximately 20 work-days for completion.

Impacts to Wetland Resource Areas

Land Under the Ocean

Definition and Existing Conditions

Land Under the Ocean (LUTO) consists of land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries. At the project site, LUTO consists of the bed of the Reserve Channel of Boston Harbor.

Compliance with Performance Standards

Applicable performance standards for activities conducted within this resource area are defined at 310 CMR 10.25(3, 4, 6, and 7). The performance standards at 310 CMR 10.25(3) and 310 CMR 10.25(4) are specific to dredging. **As the proposed work consists of the removal of accumulated debris and does not include deepening, widening, or excavation of land below the elevation of mean high tide, it is not dredging, as defined at 310 CMR 10.04. Accordingly, performance standards 3 and 4 are not**

applicable to this project.

Performance Standard 5

Performance Standard 5 states that projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.

Compliance with Performance Standard 5

The proposed removal of approximately 85 cubic yards of accumulated debris from the cruise ship berths at the Black Falcon Pier will have no measurable adverse effect on the nearshore area of LUTO at the project site, as there is to be no measurable change in bottom topography. Further, there are no coastal beaches, coastal banks, coastal dunes, or salt marshes in the vicinity of the project site.

Performance Standard 6

Performance Standard 6 states that projects which affect land under the ocean shall, if water-dependent, be designed and constructed, using best available measures, so as to minimize adverse effects

Compliance with Performance Standard 6

The proposed targeted debris removal is a water-dependent maintenance activity that will be conducted using the best available measures to minimize potential adverse effects, such as the resuspension of sediments and temporary increases in turbidity. For the project site, the best available measures include the coordinated use of divers to facilitate the identification and mechanical removal of debris and the implementation of a turbidity monitoring protocol during the period of February 15 through June 30.

Additional best available measures to be implemented include the maintenance of a complete spill containment kit on the work barge at all times. The spill containment kit will include “Speedy Dry”, or equivalent, and an oil sorbent boom for use in the event of a petroleum-based fluid spill or leak. Further, the barge-mounted equipment will be staffed at all times while operational and will be inspected daily for leakage.

Performance Standard 7

Performance Standard 7 states that, notwithstanding the provisions of 310 CMR 10.25(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

Compliance with Performance Standard 7

A review of maps prepared by the Massachusetts Natural Heritage and Endangered Species Program (updated August 1, 2017) has revealed that the project area is not recognized as habitat for rare species.

Designated Port Area

Definition and Existing Conditions

Designated Port Area (DPA) consists of those areas specifically designated in 301 CMR 25.00. The project site is located entirely within the South Boston DPA.

Compliance with Performance Standards

Applicable performance standards for activities conducted within this resource area are defined at 310 CMR 10.26(3 and 4).

Performance Standard 3

Performance Standard 3 states that projects shall be designed and constructed, using best practical measures, so as to minimize adverse effects on marine fisheries caused by changes in water circulation and water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

Compliance with Performance Standard 3

The proposed debris removal work will be conducted using best practical measures to minimize adverse effects on marine fisheries. These measures include the coordinated use of divers to facilitate the identification and mechanical removal of debris and the implementation of a turbidity monitoring protocol during the sensitive, winter flounder spawning and juvenile development period of February 15 through June 30.

Additional best practical measures to be implemented include the maintenance of a complete spill containment kit on the work barge at all times. The spill containment kit will include “Speedy Dry”, or equivalent, and an oil sorbent boom for use in the event of a petroleum-based fluid spill or leak. Further, the barge-mounted equipment will be staffed at all times while operational and will be inspected daily for leakage.

Performance Standard 4

Performance Standard 4 states that projects shall be designed and constructed, using the best practical measures, so as to minimize, adverse effects on storm damage prevention or flood control caused by changes in such land's ability to provide support for adjacent coastal banks or adjacent coastal engineering structures.

Compliance with Performance Standard 4

The proposed debris removal work will have no adverse effect on storm damage prevention or flood control caused by changes in such land's ability to provide support for adjacent coastal banks or adjacent coastal engineering structures, such as the adjacent pier. There are no coastal bank resource areas in the vicinity of the project site that can be adversely affected. Further, the removal of accumulated debris will have no measurable effect on floods and storm damage, as those conditions are overwhelmingly dependent on existing bottom conditions, currents, and tidal flows.

Compliance with Massachusetts Stormwater Standards

The proposed project does not include construction or post-construction activities that generate stormwater runoff. Accordingly, the provisions of 310 CMR 10.05(6)(k) regarding the use of stormwater best practices consistent with the Massachusetts Stormwater Management Standards are not applicable.



HTL: 12.5
 MHW: 9.83
 MLW: 0.34
 MLLW: 0.0

TITLE: LOCUS PLAN

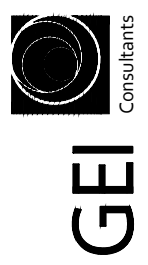
PURPOSE: DEBRIS REMOVAL

APPLICATION BY: MASSPORT

FIGURE A

DATE: 11/24/2021

IN: BOSTON HARBOR
 AT: RESERVED CHANNEL
 COUNTY: SUFFOLK STATE: MA



GEI Consultants

Checklist for Filing a Notice of Intent with Boston Conservation Commission

In order for the Boston Conservation Commission to effectively process your Notice of Intent, BCC requests that you complete the checklist below and include it with your submission. If you should need assistance please contact Commission Staff: 617-635-3850 (cc@boston.gov).

Please Submit the Following to the Conservation Commission:

- Two copies (a signed original and 1 copy) of a completed Notice of Intent (WPA Form 3)
- Two copies (a signed original and 1 copy) of a completed Boston Notice of Intent (Local Form) **Not Applicable**
- Two copies of plans (reduced to 11" X 17") in their final form with engineer's stamp affixed supporting calculations and other documentation necessary to completely describe the proposed work and mitigating measures. Plans must include existing conditions, the proposed project, erosion controls and mitigation measures, grading and spot elevations and all wetland resource areas and associated buffer zones. Some projects may require both an aerial view of the plans along with a profile view of plans depending on the scope of work.
- Two copies of an 8 ½" x 11" section of the [USGS quadrangle map](#) of the area, containing sufficient information for the Conservation Commission and the Department to locate the site of the work.
- (If applicable) Two copies the Federal Emergency Management Agency Flood Insurance Rate Map for the project site. FEMA Flood Maps: <https://msc.fema.gov/portal>.
- Two copies of the determination regarding the Natural Heritage and Endangered Species Program: Review Section C. Other Applicable Standards and Requirements of the Notice of Intent, page 4 of 8, pertaining to wildlife habitat. The Conservation Commission and the [Natural Heritage & Endangered Species Program](#) have the maps necessary to make this determination. **Area is not rare species habitat per current NHESP Atlas.**
- (If applicable) Two hard copies of a Stormwater Report to document compliance with the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q), including associated drainage calculations for rooftops, parking lots, driveways, etc., for the required design storm events. **Not Applicable**
- (If applicable) A narrative detailing best management practices for stormwater management as set forth in the Stormwater Management Standards of the Massachusetts Department of Environmental Protection and any separate standards and guidelines prepared by the City and the Boston Water and Sewer Commission. **Not Applicable**
- (If applicable) Two hard copies of the Checklist for Stormwater Report **Not Applicable**
- Details of the stormwater management system, including: catch basins, oil separating tanks, detention basins, outfalls, sewer connections, etc. **Not Applicable**
- Any photographs related to the project representing the wetland resource areas. **Not Applicable**
- Two copies of a detailed project narrative describing the following: an overview of the entire project, the work proposed within wetland resource areas and/or buffer zones; how the performance standards specific to the wetland resource areas will be met (listing out each performance standard); a consideration of the effect that projected sea level rise, changes in storm intensity and frequency, and other consequences of climate change may have on the resource areas and proposed activities; construction equipment and material involved; and measures to protect wetland resource areas and mitigate impacts. The applicant shall also include narrative on how they plan to integrate climate change and adaptation planning considerations into their project to promote climate resilience to protect and promote Resource Area Values and functions into the future.
- Two copies of an Abutters List, Affidavit of Service and [Abutter Notification](#), filed concurrently with the Notice of Intent. Abutter notices shall be sent in both English and the second most commonly spoken language(s) in the neighborhood(s) where the project is proposed. Notices shall also include Babel notice cards for additional translation and language access services. [All abutters within 300' of the project](#)

Checklist for Filing a Notice of Intent with Boston Conservation Commission

[property line](#) must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality.
EXCEPTION: When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the “project site.”

- Two copies of the BPDA Climate Resiliency Checklist (for new buildings). This can be completed online at <http://www.bostonplans.org/planning/planning-initiatives/article-37-green-building-guidelines>. Please print the pdf that you will receive via email after completion and include it in your submission. **Not Applicable**
- Electronic copies.** Documents may be submitted via email, or via an email link to downloadable documents.



To minimize the use of non-recyclable materials ***please do not include vinyl or plastic binders, bindings, folders or covers with the filing.*** Staples and binder clips are good choices.

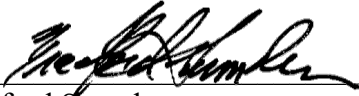
AFFIDAVIT OF SERVICE – ABUTTER NOTIFICATION

Massachusetts Wetlands Protection Act

I, Bradford Saunders, on behalf of Massport, hereby certify under the pains and penalties of perjury, that on December 15, 2021, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and 310 CMR 10.05(4)(a) in connection with the following matter.

The filing of a Notice of Intent, for the removal of underwater debris within the Flynn Cruiseport cruise ship berth at the Reserved Channel adjacent to 88 Black Falcon Avenue, Boston, Massachusetts 02127, pursuant to the provisions of the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40), with the conservation commission for the municipality of Boston, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Bradford Saunders

12/15/2021

Date



**NOTIFICATION TO ABUTTERS
BOSTON CONSERVATION COMMISSION**

In accordance with the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40, ~~and the Boston Wetlands Ordinance~~, you are hereby notified as an abutter to a project filed with the Boston Conservation Commission.

A. Massport has filed a Notice of Intent with the Boston Conservation Commission seeking permission to alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, section 40) ~~and Boston Wetlands Ordinance~~.

B. The address of the lot where the activity is proposed is 88 Black Falcon Avenue, Boston, MA 02127.

C. The project involves the removal of accumulated underwater debris within the berths of the Flynn Cruiseport.

D. Copies of the Notice of Intent may be obtained by contacting the Boston Conservation Commission at CC@boston.gov.

E. Copies of the Notice of Intent may be obtained from GEI Consulting, Inc. by contacting them at (727) 277-6020 between the hours of 8:00 AM and 5:00 PM, Monday through Friday.

F. In accordance with the Chapter 20 of the Acts of 2021, the public hearing will take place **virtually** at <https://zoom.us/j/6864582044>. If you are unable to access the internet, you can call 1-929-205-6099, enter Meeting ID 686 458 2044 # and use # as your participant ID.

G. Information regarding the date and time of the public hearing may be obtained from the **Boston Conservation Commission** by emailing CC@boston.gov or calling **(617) 635-3850** between the hours of **9 AM to 5 PM, Monday through Friday**.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the **Boston Herald**.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted on www.boston.gov/public-notices and in Boston City Hall not less than forty-eight (48) hours in advance. If you would like to provide comments, you may attend the public hearing or send written comments to CC@boston.gov or Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201

NOTE: If you would like to provide comments, you may attend the public hearing or send written comments to CC@boston.gov or Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201

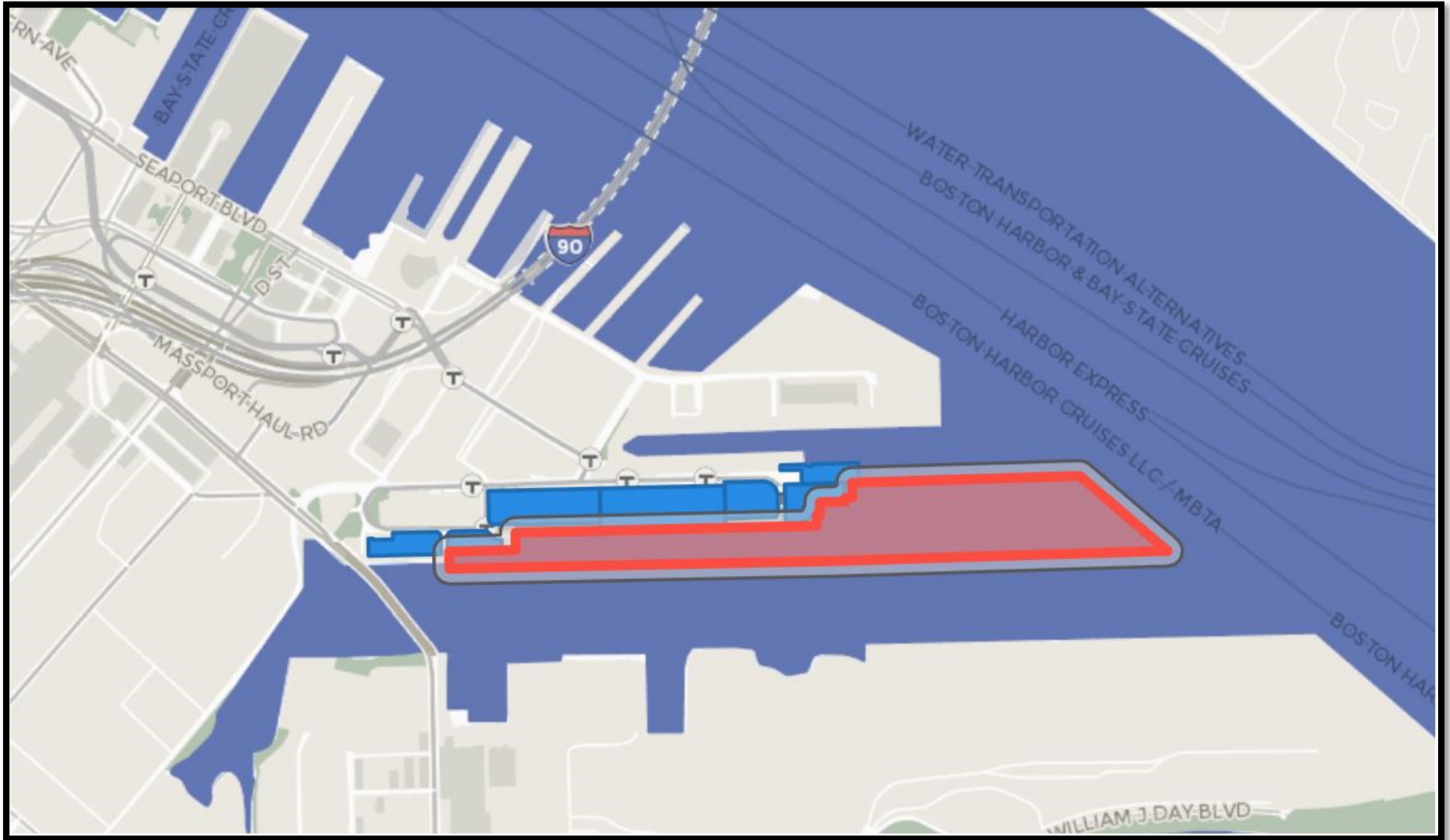
NOTE: You also may contact the Boston Conservation Commission or the Department of Environmental Protection Northeast Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: the Northeast Region: (978) 694-3200.

NOTE: If you plan to attend the public hearing and are in need of interpretation, please notify staff at CC@boston.gov by 12 PM the day before the hearing.

Flynn Cruiseport Boston, MA - Cruise Ship Berth Debris Removal

List of Abutters

FULL_ADDRESS	CITY	OWNER	ADDRESSEE	MAIL_ADDRESS	CITY	STATE	ZIP
21 25 DRYDOCK AV	BOSTON	JAMESTOWN 21-23-25 DRYDOCK LP		3625 CUMBERLAND BL 1 OVERTON PK	NEW YORK	NY	10004
36 DRYDOCK AV	S. BOSTON	ECONOMIC DEVELOPMENT AND	C/O CHRISTOPHER GIULIANI	1 CITY HALL PLZ (BRA) FLR 9	BOSTON	MA	2201
88 BLACK FALCON AV	S. BOSTON	DIV BLACK FALCON LLC	C/O THE DAVIS COMPANIES	125 HIGH ST 21ST FL	BOSTON	MA	2110
38 DRYDOCK AV	BOSTON	ECONOMIC DEVELOPMENT AND	C/O CHRISTOPHER GIULIANI	1 CITY HALL SQ 9TH FL	BOSTON	MA	2201
1 DESIGN CENTER PL	BOSTON	JAMESTOWN I DESIGN PLACE LP	21 DRYDOCK AVE	C/O CORINNE MARIANO, UNIT 330E	BOSTON	MA	2210
TERMINAL ST	BOSTON	ECONOMIC DEVELOPMENT AND	C/O CHRISTOPHER GIULIANI	1 CITY HALL SQ 9TH FL	BOSTON	MA	2201
27 DRYDOCK AV	BOSTON	RREF II DRYDOCK (LESSEE)	C/O RELATED FUND MANAGEMENT	60 COLOUMBUS CIRCLE	NEW YORK	NY	10023
666 R SUMMER ST	S. BOSTON	MASS PORT AUTHORITY		1 HARBORSIDE DR #200S	E. BOSTON	MA	2128
10 TERMINAL ST	BOSTON	ECONOMIC DEVELOPMENT AND	C/O CHRISTOPHER GIULIANI	1 CITY HALL SQ 9TH FL	BOSTON	MA	2201

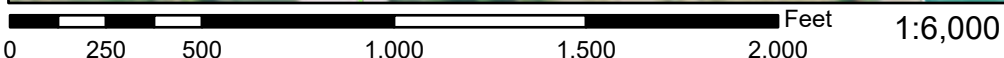


Abutting Properties (source: Boston Assessor's Office)

National Flood Hazard Layer FIRMMette



71°2'2"W 42°20'46"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | <ul style="list-style-type: none"> Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | <ul style="list-style-type: none"> NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMRs Area of Undetermined Flood Hazard <i>Zone D</i> |
| GENERAL STRUCTURES | | <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall |
| OTHER FEATURES | | <ul style="list-style-type: none"> B 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5 Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature |
| MAP PANELS | | <ul style="list-style-type: none"> Digital Data Available No Digital Data Available Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/9/2021 at 4:19 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Saunders, Bradford

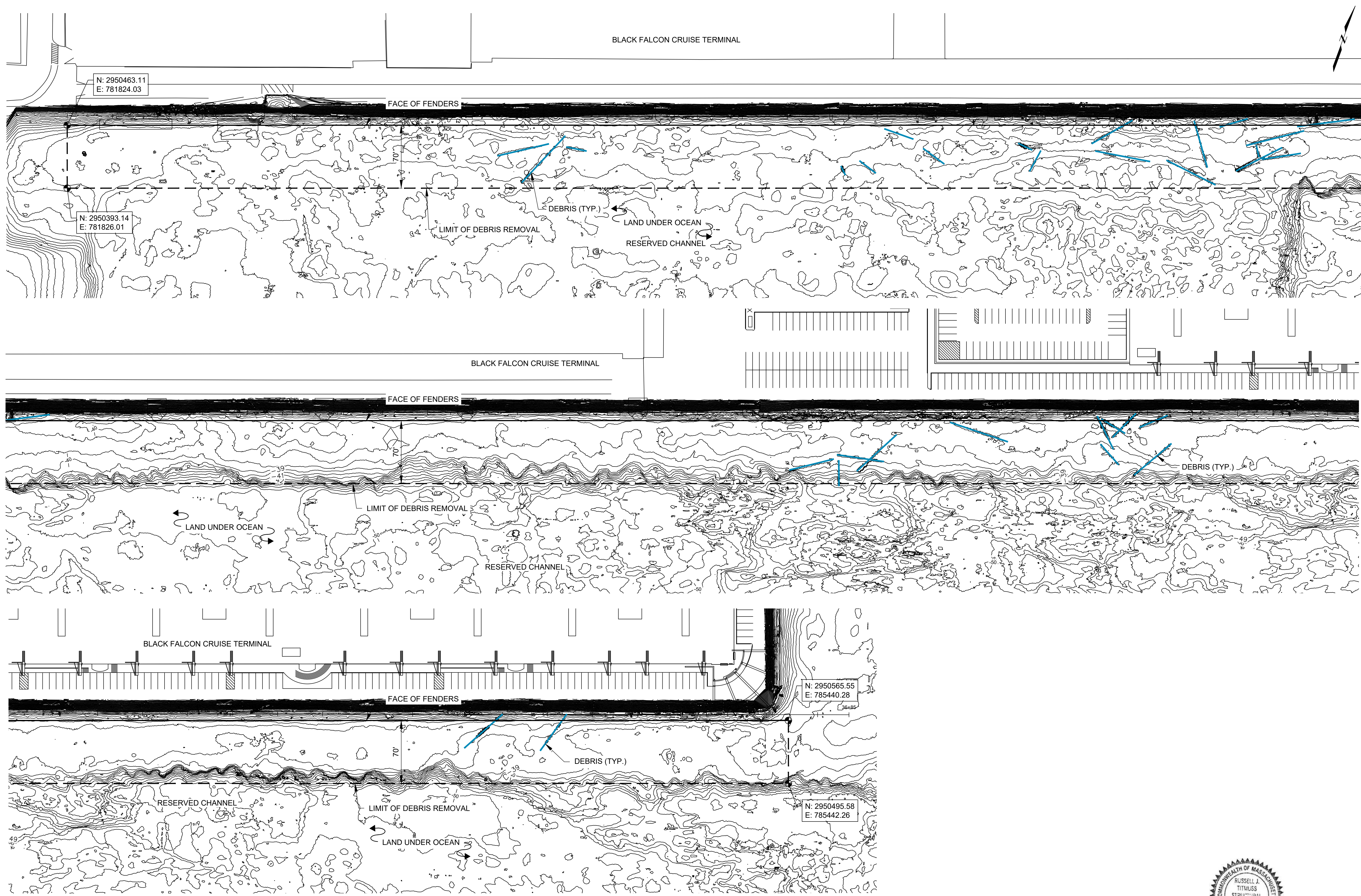
From: Saunders, Bradford
Sent: Tuesday, December 14, 2021 4:03 PM
To: dmf.envreview-north@mass.gov
Subject: WPA Notice of Intent - Flynn Cruiseport Cruise Ship Berth Debris Removal, Boston, MA
Attachments: NOI (complete 12-15-21).pdf

Attached is a copy of a Notice of Intent filed with the Boston Conservation Commission concerning the proposed removal of underwater debris from the Flynn Cruiseport cruise ship berth within the Reserved Channel adjacent to 88 Black Falcon Avenue, Boston, MA. This document is being submitted for your review per the requirements of the Massachusetts Wetlands Protection Act and its implementing regulations.

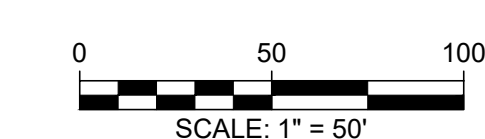
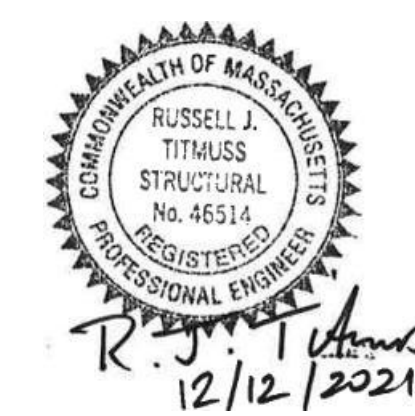
If you have any questions concerning this document, please contact the undersigned.

GEI BRAD SAUNDERS
Regulatory Specialist
774.277.6020 cell: 617.921.6435
124 Grove Street, Suite 300, Franklin, MA 02038-3156





- NOTES:
1. SURVEY PERFORMED BY SUBSTRUCTURE ON MAY 21, 2020 AND CAN ONLY REFLECT THE CONDITIONS AT THE TIME OF THE SURVEY.
 2. DEBRIS LOCATIONS DETERMINED BY HYDROGRAPHIC SURVEY.
 3. ALL DEBRIS WITHIN THE LIMITS MARKED WILL BE REMOVED FROM THE WATER AND DISPOSED OF AT AN APPROVED UPLAND LOCATION.
 4. DEBRIS CONSISTS PRIMARILY OF TIMBER PILES, TIMBER FRAMING, TIMBER WALES, ETC BUT MAY INCLUDE OTHER MATERIAL SUCH AS ABANDONED AND LOST FISHING GEAR AND/OR MARINE EQUIPMENT.

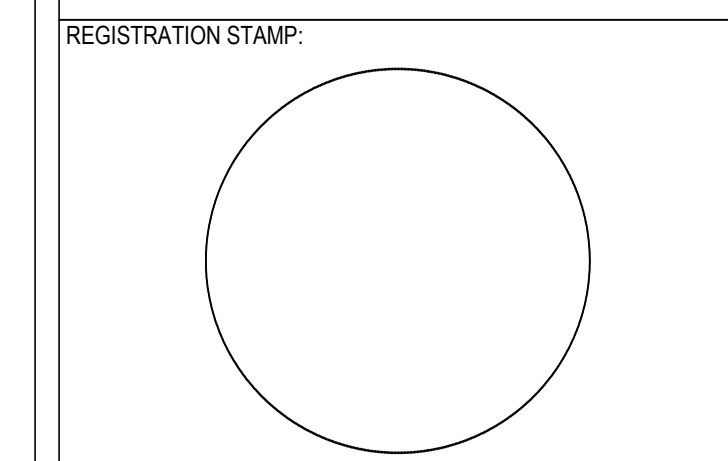


MASSACHUSETTS PORT AUTHORITY
EAST BOSTON, MASSACHUSETTS 02128

PROJECT LOCATION:
FLYNN CRUISEPORT
SOUTH BOSTON, MASSACHUSETTS

MPA CONTRACT NO.: **M687-C1** LOCATION CODE: **XXXX**
PROJECT SUBMISSION PHASE:

PERMIT DOCUMENTS



KEY PLAN:

REVISIONS:

REV NO.	DATE	DESCRIPTION	BY

PRIMARY:

GEI Consultants
GEI CONSULTANTS, INC.
124 GROVE ST., SUITE 300
FRANKLIN, MA 02038
(508)533-6666

CONSULTANT:

PROJECT NUMBER AND TITLE:
M687-C1
FLYNN CRUISEPORT
DEBRIS REMOVAL

DISCIPLINE:

DRAWN BY:	CHECKED BY:	APPROVED BY:
JSF/ASC/RJT	RJT	RJT

SCALE:	DATE:
AS NOTED	11/24/2021

SHEET NUMBER:
C-001