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May 1, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	: Government Center Garage Redevelopment
PROJECT MUNICIPALITY	: Boston
PROJECT WATERSHED	: Boston Harbor
EEA NUMBER	: 14383
PROJECT PROPONENT	: Bulfinch Congress Holdings LLC c/o Raymond Property Company LLC
DATE NOTICED IN MONITOR	: March 25, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

Project Description

According to the Environmental Notification Form (ENF), the project includes the replacement and redevelopment of the existing 1.3-million square foot (msf) Government Center Parking Garage with approximately 3.8 msf of mixed-use development. The project site is approximately 5.87 acres in area and generally bounded by Hawkins Street, New Chardon Street, New Sudbury Street and the Rose Kennedy Greenway (Surface Road). The preferred project site includes: area that is presently occupied by the existing Government Center Parking Garage, approximately 0.43-acres of underutilized adjacent sidewalks created by the Central Artery Tunnel (CA/T) project when surface streets were realigned to meet new Central Artery on-ramps, 1.15-acres of City of Boston-owned buildings and Boston Redevelopment Authority

(BRA)-owned land, and 0.23-acres of air rights above an NStar substation in the area immediately to the west of the garage. The project site is located at the junction of several neighborhoods, including the West End, North End, Beacon Hill, and Government Center.

The project consists of five buildings, ranging in height from 60 to 710 feet. As presented in the ENF, the project would include a mix of office, residential, hotel and retail space, as well as space for the surface Massachusetts Bay Transportation Authority (MBTA) Haymarket Station, and the District A-1 Police Station. The project program will include approximately 2,000 parking spaces (310 fewer spaces than the existing garage). The project is estimated to generate 2,746 new adjusted vehicle trips based on City of Boston mode split data (or 17,208 new unadjusted trips), demand approximately 276,490 new gallons per day (gpd) of water and generate 251,355 additional gpd of wastewater. The project is targeting a Leadership in Energy and Environmental Design (LEED) Platinum-level certification.

Jurisdiction and Permitting

The project is subject to environmental review pursuant to the following sections of the MEPA regulations: 301 CMR 11.03(1)(b)(7), because the Proponent will require approval in accordance with M.G.L. c.121B for a change to the Government Center Urban Renewal Plan; Section 301 CMR 11.03(5)(b)(4), because the project will discharge 100,000 gpd or more of sewage; Section 301 CMR 11.03(6)(a)(6), because the project will generate 17,208 new unadjusted vehicle trips per day; and Section 301 CMR 11.03(10)(b)(1), because the project will result in the demolition of a structure listed on the *Inventory of Historic and Archaeological Assets of the Commonwealth.* The project will require the preparation of a Mandatory EIR.

The project will require a Sewer Connection/Extension Permit from the Massachusetts Department of Environmental Protection (MassDEP) and both a Sewer Use Discharge Permit and a Construction Dewatering Permit from the Massachusetts Water Resources Authority (MWRA). The project must prepare a Development Agreement with the MBTA regarding alterations to the Haymarket bus station. A determination of No Adverse Effect or a Memorandum of Agreement must be obtained from the Massachusetts Historical Commission (MHC). The ENF has indicated that an approval under M.G.L. c.40 Section 54a may be required from the Executive Office of Transportation for work in proximity to MBTA facilities. The project may be subject to the Office of Coastal Zone Management (CZM) federal consistency review. A National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency will be required. The project will also require approval from the Federal Aviation Administration (FAA) related to potential height restrictions. Finally, the project must obtain a variety of approvals from the City of Boston, including but not limited to, Article 80 Large Project Review from the BRA.

Because the proponent is seeking a modification to the existing Government Center Urban Renewal Plan in accordance with M.G.L c.121B, MEPA jurisdiction is broad and extends to those aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA Regulations.

Joint MEPA/BRA Review

The proponent has filed separate Project Notification Form (PNF) with the BRA and ENF with MEPA. The proponent may, and I strongly encourage the Proponent to, file a joint Project Impact Report (PIR) and EIR with both the BRA and MEPA, responding collectively to the separate scopes issued by each agency.

SCOPE

General

The DEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. If a joint PIR/EIR will be filed, the format of the DEIR can be largely determined by the requirements of the MEPA certificate, Article 80, and the scope issued by the BRA. The DEIR should include a copy of this Certificate.

Project Description and Permitting

The DEIR should include a detailed description of the proposed project and characterization of the existing environment in compliance with 301 CMR 11.07(6)(e) and (g). The DEIR should clarify existing site control and ownership and clarify the types of land transfers or easements that will be necessary to achieve the project's vision. If any Memoranda of Agreement (MOA) or Development Agreements (DA) will be required to facilitate project development and operation, the DEIR should outline with whom these MOA or DA's may be made. The DEIR should include draft language for these MOA/DAs. The DEIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The DEIR should include a list of required permits and approvals and provide an update on the status of each permit and/or approval.

Alternatives

The ENF presented two potential development alternatives. The overall square footage and environmental impacts are generally the same between the alternatives; however the massing and number of buildings would be different. The Preferred Alternative would distribute the proposed uses between five buildings and assumes the acquisition of the City of Boston and BRA-owned lands identified above. The Garage Site Only Alternative would consist of four buildings within the property presently under the ownership of the Proponent. According to the Proponent, the Preferred Alternative provides opportunities to reduce project massing, shift project density away from the Rose Kennedy Greenway (the Greenway), and create a new District A-1 Police Station on-site.

The DEIR should analyze the following alternatives:

- A No-Build Alternative that identifies the impacts of the existing garage and office/retail space;
- An Alternative that complies with the existing site zoning, particularly with regard to height and FAR zoning limits;
- A Garage Site Only Alternative; and
- A Preferred Alternative.

It is possible that subsequent to the completion of the alternatives analysis, that the Preferred Alternative will be modified in comparison to that presented in the ENF. The DEIR should clearly describe any changes to the Preferred Alternative since the filing of the ENF. The DEIR should identify the impacts for each of the alternatives on land transfers, traffic, parking, greenhouse gases, water usage, wastewater generation, and historic resources in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. The alternatives analysis should present and provide summary analysis of previous conceptual design plans, if any, to support the Proponent's conclusion that the Preferred Alternative avoids, minimizes, and mitigates damage to the environment.

Land

The project will require a change to the current Government Center Urban Renewal Plan in accordance with M.G.L. c.121B. Additionally, the Proponent anticipates reaching an agreement with the City of Boston and/or the BRA to acquire approximately 1.58 acres of buildings and land representing a portion of the proposed project site.

The DEIR should discuss the consistency of the proposed project with the existing Government Center Urban Renewal Plan and what modifications to this plan are anticipated to accommodate the proposed development program. I note the concerns expressed by several commenters regarding the apparent inconsistency of the project with current planning documents for the project area. The DEIR should include a discussion of project compatibility with City, institutional, or regional planning documents applicable to the project area, including the Greenway. The DEIR should provide an update of ongoing planning processes for the project area and the status of draft documents for the Greenway District and the Green Growth District.

The DEIR should identify and characterize each parcel of land anticipated for transfer from the BRA. The DEIR should describe how these land transfers will meet applicable BRA criteria for disposition. The DEIR should also identify and characterize those parcels of land identified in the ENF as "left-over" land, which will soon be transferred to the City of Boston from the Massachusetts Turnpike Authority (MTA). The Proponent should demonstrate that sufficient public spaces have been provided in connection with the project to mitigate the transfer of public lands to a private entity. Furthermore, the DEIR should clearly illustrate those portions of the project site that will be within the public domain and those that will be privately

controlled. Renderings of private and public spaces should be provided as necessary to demonstrate the functionality of public spaces. Public open spaces should be provided consistent with those required subsequent to the preparation of an open space impact assessment, as requested by the Boston Parks and Recreation Department.

Transportation

The project is estimated to generate 2,746 new adjusted vehicles trips per day, for a total number of 6,930 traffic trips per day to the project site. Adjusted vehicle trips were determined utilizing City of Boston mode split data for the project area. Unadjusted traffic trips were estimated at 17,208 new trips, for a total number of 26,344 unadjusted trips per day to and from the project site. The project site will create new curb cuts into parking areas, result in the narrowing of existing roadways to promote a more pedestrian-oriented environment, and provide connections to the MBTA's Haymarket Station, the Greenway, and adjacent neighborhoods. The ENF provided an initial discussion of project traffic impacts, with the expectation that a more comprehensive study would be prepared in conjunction with the DEIR/DPIR. The project will not require an access permit from MassHighway for access to state-controlled roadways.

The DEIR should include the traffic study that is required by the BRA and the Boston Transportation Department (BTD). I am there adopting the Traffic Study Scope that will be contained in the BRA scoping determination on the PIR as a required scope element of the DEIR. The proponent will execute a Transportation Access Plan Agreement with the BTD to address traffic mitigation and TDM measures. These traffic mitigation and TDM measures should be incorporated into the DEIR. The traffic study should identify delivery routes and drop-off or pick-up points associated with the project site.

As the project relies on multi-modal transportation to and from the site, the DEIR should discuss how the project will impact ridership and capacity on the nearby MBTA Green Line, Orange Line, commuter rail and bus routes, with consideration for existing mode capacities. The DEIR should address the project's compliance (if applicable) with the Massachusetts Idling Regulation (310 CMR 7.11) and the Massachusetts Rideshare Regulation (310 CMR 7.16).

The DEIR should commit to traffic mitigation measures to offset the anticipated increase in vehicle trips and pedestrian trips associated with the project. The DEIR should include design plans at a reasonable scale for intersection or other traffic related improvements. Finally, the DEIR should identify which roads will be reconfigured, discontinued, extended, or traffic patterns altered to accommodate the changes in traffic flow and project layout.

Parking

The ENF indicates that a total of 2,000 parking spaces will be provided on-site, within both underground and structured parking. Of these 2,000 spaces, approximately 500 spaces will be available for general commercial parking. The current parking garage provides approximately 1,865 parking spaces available for commercial public parking use. There are a total of 2,310 parking spaces on-site, some designated for use by tenants or by off-site monthly

leaseholders. In response to the ENF, I have received divergent comments, some stating that too much parking will be available on-site, while others feel that not enough parking, notably for commercial public use, will be provided.

I encourage the Proponent to take advantage of the transit-oriented nature of the project and provide the minimum amount of parking feasible to accommodate the proposed uses. This may result in seeking a parking ratio that is at least the minimum required in accordance with BRA or BTD guidelines, or the Proponent may go further and justify an even greater reduction in parking. The DEIR should provide a parking analysis that describes and discusses existing and future tenant/leaseholder and public parking demand within the project area, the potential for loss of area public parking inventory due to this project, and how this demand is reflected in the amount of parking proposed on the project site. The ENF noted that a significant portion of the project's parking spaces (1,865) may be designated as "public" to allow for efficient multi-use by on-site users and off-site/public users. The DEIR should discuss parking demand management techniques that could be implemented on-site to manage public and private parking demand, such as pricing schemes, promotion of shared parking, or other techniques to optimize the amount of parking demand with an overall goal of reducing vehicle trips to the site. The DEIR should address how the number of public parking spaces provided as part of the project was determined based on existing and proposed parking demand within the Government Center/West End/North End area. Consideration should be given to the potential future loss of nearby surface or structured parking lots due to redevelopment opportunities.

Pedestrian/Bicycle Circulation

The ENF has emphasized the opportunities afforded by the project to promote pedestrian and/or bicycle transportation to and from the site. The DEIR should expand upon the information presented in the ENF to demonstrate a clear commitment to promotion of pedestrian access throughout the project site and the ability to accommodate bicycle uses. The DEIR should provide a comprehensive pedestrian plan depicting how the on-site improvements will connect to existing pedestrian corridors, T stations or bus stops, and other nearby destinations (such as the Greenway, North Station/TD Garden, the Waterfront, City Hall, the North End, West End and Beacon Hill neighborhoods, and Faneuil Hall). The plan should evaluate changes to pedestrian traffic and flow and potential conflict with new traffic patterns. Consideration should be given to new pedestrian connections proposed as part of adjacent redevelopment within the Bullfinch Triangle area or as part of the Greenway. The DEIR should address how grade changes within the project site will be modified to allow for full accessibility within and across the site. Bicycle lanes, bicycle storage racks, or other associated amenities should be identified within the project area. I encourage the Proponent to consider how pedestrian improvements may correlate to future development of the Central Artery Tunnel (CAT) Parcel 6, currently slated for future development by the YMCA.

Haymarket Station

The ENF highlights the connections available from the project site to the MBTA system at Haymarket Station. Access to this facility is a key component in the reduction of vehicle trips associated with the development. The ENF indicated that based on discussions with the MBTA,

no significant changes to the Haymarket bus or subway operations are planned as part of the project, other than upgrading and integrating the busways and headhouses into the new project. The DEIR should include design plans at a reasonable scale for improvements to the Haymarket busway and headhouses, discuss the parties responsible for, and timing of, these improvements. The DEIR should demonstrate that, subsequent to the evaluation of pedestrian volumes generated by the project, that the busway and headhouses have sufficient capacity to safely and effectively convey pedestrian, bus and subway traffic to and from Haymarket Station. I encourage the Proponent to continue to work with the MBTA to identify additional measures to efficiently integrate Haymarket Station into the project site.

Air Quality

The project triggers MassDEP's review threshold requiring the project Proponent to conduct an air quality mesoscale analysis comparing the Build and No-Build conditions. The proponent should consult with MassDEP regarding modeling protocol prior to conducting this analysis. The current emission model, MOBILE 6.2 should be used for this effort. The mesoscale analysis should be conducted in accordance with guidance found in the MassDEP comment letter.

The purpose of the mesoscale analysis is to determine whether and to what extent the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts State Implementation Plan (SIP). Emission increases due to the project must be mitigated and any subsequent environmental impact analysis should include the project proponent's commitment to implement said mitigation measures. The MassDEP comment letter has outlined a variety of Transportation Demand Management (TDM) measures for consideration on-site, as the project is ideally suited for alternative transportation methods. Each of these TDM measures should be evaluated in the DEIR as part of the transportation analysis as they will result in additional air quality improvements through a reduction in project trips.

Finally, I remind the Proponent that, as advised by MassDEP, pre-installation approval from the MassDEP Division of Air Quality Control is needed if the project will include the installation of any Fuel Utilization Facility that emits air contaminants (e.g., furnaces, fuel burning equipment, certain boilers). Additional review by MassDEP may also be required if the building is to be equipped with emergency generators.

Greenhouse Gas Emissions

I note the Proponent's commitment to creating a cutting-edge "green" development with aspirations of being a model for future sustainable growth in Boston and the Commonwealth. The project is targeting a LEED Platinum-level certification and based upon information provided at the MEPA scoping session, the Proponent is investigating the feasibility of various greenhouse gas (GHG) reduction measures such as cogeneration, stormwater recycling, and energy efficient design. By nature of the scale of the project, this development will result in the

generation of potentially significant GHG emissions in comparison to existing conditions. Therefore, I strongly encourage the Proponent to continue to focus on sustainable design measures as project design is advanced as a way to mitigate these potential GHG emissions in accordance with the MEPA Greenhouse Gas Emissions Policy and Protocol.

The DEIR should include an analysis of GHG emissions and mitigation measures in accordance with the standard requirements of the MEPA GHG Policy and Protocol. The DEIR should quantify the direct and indirect GHG emissions associated with the project's energy use and transportation-related emissions. Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions associated with vehicle use by employees, vendors, customers and others. I encourage the Proponent to consider the energy required to provide potable water and treat wastewater as part of the GHG analysis. The DEIR should outline and commit to mitigation measures to reduce GHG emissions. I refer the Proponent to the GHG Emissions Policy and Protocol for additional guidance on the analysis and I encourage the Proponent to meet with representatives from MEPA, MassDEP and the Department of Energy Resources (DOER).

The DEIR should include a GHG emissions analysis that calculates and compares GHG emissions associated with:1) a Massachusetts Building Code-compliant baseline (the sum of direct emissions from stationary sources and indirect emissions from energy consumption and transportation); 2) the proposed Preferred Alternative (the sum of direct emissions from stationary sources, indirect emissions from energy consumption, and transportation for the project as proposed); and 3) a project alternative with greater GHG emissions-related mitigation than the Preferred Alternative. The Proponent should consult with MEPA staff prior to preparation of the GHG analysis to determine how existing site conditions may be incorporated into the analysis. Please note that the code currently in effect for the design and construction of this project and for the establishment of the Base Code Compliant Case is 780 CMR 13.00 (dated 1/9/09).

The GHG analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the Proponent plans to avoid, minimize, or mitigate damage to the environment to the maximum extent feasible. The Proponent should identify the model used to analyze GHG emissions, clearly state modeling assumptions, explicitly note which GHG reduction measures have been modeled, and identify whether certain building design or operations GHG reduction measures will be mandated by the Proponent to future occupants or merely encouraged for adoption and implementation. I note the suggestions provided by MassDEP to facilitate an effective review of the GHG analysis in the DEIR and anticipate that these suggestions will be incorporated into the GHG analysis document.

The MassDEP comment letter, with contributions from DOER, has provided additional guidance regarding mitigation measures that should be explored as part of the GHG analysis, as well as resources to assist in preparation of the analysis. While the GHG analysis need not provide a complete technological and financial analysis of all GHG reduction measures, it would

benefit the Proponent to assess feasible GHG reduction measures for the project type, starting with measures that offer the greatest energy reductions and then consider opportunities to improve ongoing operations. MassDEP has requested that all of the measures listed in the Appendix of the MEPA GHG Policy and Protocol be analyzed for feasibility and inclusion in the project. The DEIR should include a detailed feasibility analysis for the implementation of combined heat and power (CHP) and/or renewable energy sources on-site. I encourage the Proponent to also consider opportunities for further GHG reductions as suggested in the Advanced Building Code Performance Guide and the Net Zero Energy Building Task Report. These assessments should either lead to commitments to adopt the LEED, Energy Star element or other equivalent design features, or the EIR should do a credible job in explaining why a particular efficiency or green power generation component is impracticable.

The DEIR should also identify TDM measures proposed for each of the alternatives and the corresponding emission reductions expected. The MassDEP comment letter has indicated that additional GHG reductions can be achieved through effective materials management during the design phase, construction phase, and operations phase of the project. The DEIR should discuss these opportunities and their corollary GHG benefits.

Finally, as a means of facilitating GHG reductions in tenant occupied spaces, the DEIR should contemplate, and present a draft document as necessary, the use of a tenant manual to incorporate building design and operational GHG mitigation measures into lease agreements. As an example of such a document, I direct the Proponent to the New Patriots Stadium and Public Infrastructure Project (EEA No. 12037) Third Notice of Project Change and the associated Secretary's Certificate issued on April 17, 2009.

Stormwater

The DEIR should evaluate stormwater runoff impacts during both the construction and post-construction periods. The proponent must demonstrate that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with the MassDEP Stormwater Management regulations, to the extent applicable. The DEIR should also explain how water quality and quantity impacts will be controlled in compliance with the MassDEP Stormwater Management Policy (SMP), City of Boston requirements, and Boston Water and Sewer Commission (BWSC) stormwater requirements. The DEIR should include stormwater calculations, stormwater system design plans at a readable scale, best management practice (BMP) designs, and additional supporting data to demonstrate conformance with the SMP.

Water and Wastewater

Water Supply

According to information provided in the ENF, the new water demand associated with the project is estimated at 276,490 new gallons per day (gpd), for a project total of 310,250 gpd. The BWSC has indicated that there are a number of water mains within the project area capable of servicing the project site. The BWSC has indicated that they will not permit the Proponent to connect to the 30-inch low service main on New Chardon Street for water service.

The DEIR should include a breakdown of water usage estimates based upon use type, including estimates for irrigation or air-conditioning make-up water (if applicable). The DEIR should clarify the location of existing water mains and the approximate connection location from the project to existing infrastructure. The DEIR should discuss project permitting requirements related to water connection and use, as well as outline potential measures to be taken to reduce water consumption within the building, including those in association with the landscaped public open spaces.

Wastewater

The project will generate approximately 251,355 gpd of new wastewater discharges, for a project total of 282,045 gpd. Wastewater generated by the project will discharge to the Boston Water and Sewer Commission (BWSC) sewer system, which flows into the MWRA system and ultimately to the Deer Island Wastewater Treatment Facility. The project will require a Sewer Connection/Extension Permit from MassDEP and both a Sewer Use Discharge Permit and a Construction Dewatering Permit from MWRA. The MWRA comment letter has requested additional information regarding the potential impact of wastewater flows to combined sewer overflows (CSOs) to Boston Harbor. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The DEIR should describe mitigation measures to reduce stormwater runoff, reduce water demand and sewage generation, and measures to reduce inflow and infiltration (I/I) into the sewer system. MassDEP is currently using a minimum 4:1 ratio for I/I removal to new wastewater flow added. The Proponent should work with the BWSC and consult with MassDEP on how I/I removal rates will be achieved. The DEIR should confirm that sufficient capacity is available to convey wastewater from the project and demonstrate that new sanitary flows will not contribute to higher CSOs. Additional requirements have been outlined in the BWSC comment letter and should be incorporated into building and garage design.

Groundwater

The DEIR should outline measures to be taken during the project design and construction period to maintain groundwater levels in the area and limit displacement of groundwater. The BWSC comment letter has noted that a portion of the project lies within the BRA's Groundwater Conservation Overlay District (GCOD). Projects within this area must promote the infiltration of rainwater into the ground with an infiltration system and the design must be capable of

capturing and retaining a specific amount of stormwater accumulated on the site. The DEIR should confirm the project's location within the GCOD and demonstrate that the project can be designed in accordance with the design requirements set forth by the City of Boston. The DEIR should provide information regarding the engineering, design, and function of the underground portions of structures.

Chapter 91

The project is proposed on landlocked tidelands and is subject to the Public Benefit Determination Regulations at 301 CMR 13.00. The DEIR should include a public benefit analysis prepared in accordance with 301 CMR 13.03(1). The DEIR should present commitments to mitigate any adverse impacts to the public rights associated with these landlocked tidelands by the proposed development. As noted by the CZM comment letter, the Secretary may accept a public benefit consisting of on-site improvements, off-site improvements, voluntary payment, or a combination thereof. Additionally, the proponent should contemplate in the DEIR how the project can support the City's harbor planning initiatives and the BRA's Crossroads Initiatives and Greenway District Study to ensure effective pedestrian connections to the waterfront.

Historical Resources

The Massachusetts Historical Commission (MHC) has submitted comments on the ENF requesting additional information on the potential impacts to nearby historical resources. The project site is adjacent to the Bulfinch Triangle Historic District, which is listed on the State and National Registers of Historic Places. The MHC has also noted that the project is in close proximity to a number of other significant historic districts classified as either National Historic Landmarks or listed on the State and National Registers of Historic Places and numerous properties that are listed individually on the State and National Registers of Historic Places.

As acknowledged in the ENF, the Preferred Project Alternative will require the demolition of two structures that are included in MHC's *Inventory of Historic and Archaeological Assets of the Commonwealth*: the Overseers of the Public Welfare Building (BPS.1782), located at 43 Hawkins Street, 31 Bowker Street, and 41 New Chardon Street, and the Boston Edison Substation (BOS.948), located at 29-33 Hawkins Street. The MHC has indicated that demolition of these properties constitutes an adverse effect (950 CMR 71.05(a)) on historic properties.

The DEIR should include a map of the historic properties identified in the MHC comment letter that are included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth and listed in the State and National Registers of Historic Places as they related to the project site. The DEIR should characterize the two buildings listed in the *Inventory of Historic and Archaeological Assets of the Commonwealth* slated for demolition and present mitigation measures related to their demolition. Furthermore, while not subject to MEPA jurisdiction, I expect that as part of the Article 80 review process with the BRA, the proponent

will address those issues raised by the MHC with regard to potential shadow and visual impacts of the project on adjacent properties or historic districts listed on the State and National Registers of Historic Places.

Construction Period Impacts

Given the size, scale and complexity of the project, the project will be constructed in phases. The DEIR should outline a construction sequencing plan, including a timeline and associated staging areas for each phase. The phasing plan should clarify if and how existing on-site uses, such as the parking garage, Haymarket Station, the A-1 Police Station, etc., will continue to function on an active construction site. Such plans should give consideration to the multi-modal use of the site, with particular consideration to safe pedestrian use and access to adjacent properties. The DEIR should clarify during what phase of construction certain uses (i.e. parking, or the City-owned buildings) may be temporarily or permanently removed from the project site, and how such impact will be mitigated. Finally, the DEIR should include a construction period pedestrian access plan and truck access plan describing and illustrating pedestrian corridors and construction-related truck routes with specific consideration of pedestrian safety within the construction zone.

The DEIR should discuss potential excavation and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations, pursuant to M.G.L. Chapter 40, Section 54, during demolition and construction. I note that the project will result in the significant generation of demolition waste. The MassDEP comment letter has provided guidance on applicable regulations and Best Management Practices (BMPs) that can be implemented on-site to effectively manage demolition and construction waste. The DEIR should outline potential measures to address materials management during the construction period, including the possibility of development a construction waste management plan as recommended by MassDEP.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs). MassDEP has recommended that the proponent use ultra low sulfur diesel (ULSD) fuel in off-road engines. If the proponent intends to participate in these initiatives, a commitment should be outlined in the DEIR.

The MWRA has noted that the discharge of groundwater to the sanitary sewer system is prohibited. The Proponent will be required to secure a NPDES General Permit for Stormwater Discharges from the U.S. EPA from its construction activities.

Hazardous Materials

MassDEP has indicated a record of a hazardous material release (RTN 3-002737) occurring in the vicinity of the project site on 43 Hawkins Street. The DEIR should include an update on the status of this release and any completed or ongoing remediation activities. The Proponent is reminded that work involving removing contaminated soil, pumping contaminated groundwater, or working in contaminated media must be done under the provisions of M.G.L. c.21E/21C and the Occupational Safety and Health Administration (OSHA).

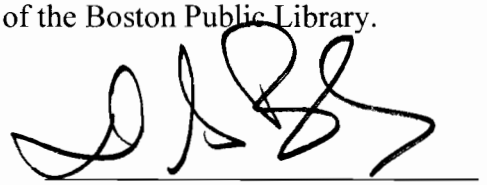
Mitigation

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the DEIR should include a response to comments. This directive is not intended to, shall not be construed to, enlarge the scope of the DEIR beyond what has been expressly identified in this certificate.

The proponent should circulate the DEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the DEIR should be made available for review at the local branches of the Boston Public Library.



May 1, 2009
Date

Ian A. Bowles

Comments received:

04/14/2009 Boston Water and Sewer Commission
04/16/2009 Marie Simboli
04/17/2009 North End/Waterfront Residents' Association
04/17/2009 West End Civic Association
04/17/2009 A Better City

04/17/2009	Beacon Hill Civic Association
04/17/2009	Impact Advisory Group (IAG) for the Government Center Garage Project
04/20/2009	Robert Skole
04/21/2009	The Coalition for Public Education
04/21/2009	Todd Thomas
04/21/2009	Francine M. Gannon
04/21/2009	City of Boston Parks and Recreation Department
04/22/2009	Office of Coastal Zone Management
04/22/2009	31 New Chardon Street LLC
04/23/2009	Massachusetts Water Resources Authority
04/23/2009	Massachusetts Historical Commission
04/23/2009	State Representative Martha M. Walz
04/24/2009	David Roderick
04/24/2009	Massachusetts Department of Environmental Protection – NERO
04/27/2009	WalkBoston
04/27/2009	Downtown North Association

IAB/HSJ/hsj