



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

ELLEN ROY HERZFELDER
Secretary

KERRY HEALEY
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.
Commissioner

February 28, 2006

Boston Tea Party Ship, Inc.
C/o Andy Magee
Epsilon Associates, Inc.
150 Main Street
Maynard, MA 01754

Re: PUBLIC NOTICE OF WATERWAYS LICENSE APPLICATION - No. W05-1266
Boston Tea Party Ship and Museum on the Congress Street Bridge
Flowed Tidelands of Fort Point Channel, Boston, Suffolk County

Dear Mr. Magee:

The Waterways Regulation Program (WRP) has received the application of Boston Tea Party Ship, Inc. requesting authorization to perform certain activities in state waterways located in Boston pursuant to M.G.L. Chapter 91, the Public Waterfront Act and its regulations at 310 CMR 9.0 etc. The WRP has assigned this application filing with the above-referenced Waterways License application number. ***IT IS IMPERATIVE THAT YOU REFER TO THIS APPLICATION NUMBER WHENEVER YOU SUBMIT OR REQUEST INFORMATION FOR THIS FILE.*** Upon review of this application, the WRP has made a determination that this project is a Water-dependent Use Project.

Attached is the WRP's Public Notice form for this application. The Applicant is required to publish this notice, at his/her expense, in one or more newspapers having circulation in the area affected by the proposed activity. This notice must be published in the local newspaper(s) for at least one day on or before March 8, 2006, the designated Notification Date. The required public comment period shall begin on this designated Notification Date. The Applicant is required to submit proof of publication to the WRP by sending a copy of the newspaper notice showing the date of publication or a copy of the newspaper notice and a letter from the newspaper indicating the date the public notice was published.

Pursuant to 310 CMR 9.13(1)(a), the Applicant is also required to concurrently provide this notification, along with a copy of the project site plans submitted with the Waterways License Application, to the appropriate municipal officials and abutters to the project for their review and comment (see Notification mailing list attached). For Chapter 91 purposes, an abutter is defined as the owner of land that shares a common boundary or corner with a project site at the water's edge, as well as the owner of land that lies within 50' across a waterbody from such site, see; 310 CMR 9.02. The WRP will publish the Public Notice in The Environmental Monitor.

Lastly, the WRP cannot complete its review of this application until the following information/document(s) checked below have been submitted:

- Proof of publication of the Public Notice
- Completion of the Public Hearing
- Completion of the Public Comment Period
- Receipt of the Municipal Zoning Certification
- Receipt of the Municipal Planning Board Notification Form
- Receipt of a valid Wetlands Order of Conditions
- Receipt of a valid DEP Water Quality Certification
- Paper plans in accordance with the specifications of Appendix A of the Waterways Application.

NOTE: Final Mylar Plans will be required upon notice from the Department and prior to issuance of the Chapter 91 License.

- Other: Copy of the Zoning Board of Appeals variance decision
- Proof of the completion of the Mass. Historical Commission review pursuant to Ch. 254
- Plan and narrative outlining the approximate area devoted to existing (pre-fire) and proposed uses
- Draft Management Plan for interior & exterior facilities open to the general public [310 CMR 9.35(5)]
- Expand description of the proposed uses relative to the definitions of water-dependent & accessory found at 310 CMR 9.12(2)a & 9.12(3) respectively

Additional information may be required as the Department continues its review of the application. Should you have any questions, please contact me at (617) 348-4084. Thank you.

Sincerely,

Andrea D. Langhauser
Regional Planner
Waterways Regulation Program

Mailing List: Notice of License Application pursuant to M. G. L. Chapter 91

Boston Mayor & city council
C. Busch, Boston Conservation Commission (DEP File No. +++)
Boston Redevelopment Authority, M. Maloney, Director & R. McGuinness, Waterfront Planner
Harbor Planning Committee/ Fort Point Channel Working Group
Sgt. Phil Terenzi, Boston Harbormaster
DEP NERO/ DWW
S. Snow-Cotter, Director, MCZM
B. Simon, Mass. Historical Commission
MA Division of Fisheries & Wildlife
MA Division of Marine Fisheries
U.S. Army Corps of Engineers, New England Division
Massachusetts Environmental Policy Act Office (EOEA No. 12579)
The Boston Harbor Association
Abutters –
Boston Public Works Department
N. Gordon, Children's Museum
M. Gilligan Suydam, MA-Russia Wharf LLC [100 Summer St, Boston MA 02110]
WRP Files

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application pursuant to M. G. L. Chapter 91
Waterways License Application Number W05-1266**

Applicant: Boston Tea Party Ship, Inc.
Project Location: on the Congress Street Bridge
Scheduled Public Hearing: Friday March 24, 2006
Public Comments Deadline: Monday April 10, 2006

NOTIFICATION DATE: ~~March 8, 2006~~

Public notice is hereby given of the Waterways application by Boston Tea Party Ship, Inc. to reconstruct and expand the existing Boston Tea Party Ship & Museum on the Congress Street Bridge in the municipality of Boston in and over Flowed Tidelands of the Fort Point Channel. The proposed uses are for museum, and associated retail, restaurant, storage, office and public access purposes. The proposed uses have been determined to be a mix of water-dependent and accessory to water-dependent uses.

The Department of Environmental Protection, Waterways Regulation Program, will conduct a public hearing on the aforesaid project proposal on Friday March 24, 2006, at 3:00 p.m. in the DEP Office at One Winter Street, Boston. The Department will conduct this public hearing in order to receive information to be used in its decision on whether to grant a Waterways License pursuant to M.G.L. Chapter 91.

The Department will consider all written comments on this Waterways application received by Monday April 10, 2006 (the Public Comments Deadline). Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (617) 348-4084. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: Ben Lynch, Program Chief, DEP Waterways Regulation Program, One Winter Street - 6th Floor, Boston, MA 02108.

/ADL