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# The Commonwealth of Massachusetts

No. 13099



**Whereas,** City of Boston, Parks and Recreation Department

of -- Boston --, in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- dredge approximately 4,845 cubic yards of sediment, daylight approximately 700 feet of the Muddy River, install and maintain streambank stabilization and to remove, reconstruct and maintain new culverts and headwalls as part of the Muddy River Flood Damage Reduction and Environmental Restoration Project, Phase 1. concrete seawall and concrete pad --

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the -- Mayor and City Council -- of the -- City of Boston; -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, authorizes and licenses the said

-- City of Boston, Parks and Recreation Department --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- dredge approximately 4,845 cubic yards of sediment, daylight approximately 700 feet of the Muddy River, install and maintain streambank stabilization and to remove, reconstruct and maintain new culverts and headwalls as part of the Muddy River Flood Damage Reduction and Environmental Restoration Project, Phase 1. concrete seawall and concrete pad --

in and over the waters of -- Muddy River -- at Riverway and Back Bay Fens -- in the -- City -- of -- Boston -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13099, (16 sheets).

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The structures hereby authorized shall be limited to the following uses: to provide for flood control and habitat restoration.

SPECIAL CONDITIONS

This license shall have an unlimited term for the proposed structures.

The dredging portion of the license shall have a term of five (5) years from the date of issuance.

This Waterways License is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the MassDEP, Division of Wetlands and Waterways

All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department thirty (30) days prior to the end of the construction period, a written request to extend the period and provides adequate justification for said extension.

Within sixty (60) days of completion of the licensed project, the Licensee shall request in writing that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

By written request of the licensee for an amendment, the Department may grant a renewal for a term not to exceed that authorized in the original license.

Please see page 3 for additional conditions to this license. -----

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Duplicate of said plan, number 13099 on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

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STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform to all terms and conditions stated herein.
  2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
  3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
  4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
  5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
  6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
  7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
  8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP.
  9. This License authorizes structure(s) and/or fill on:
    - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
    - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
    - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
    - Navigable River or Stream. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

