February 13, 2023

Secretary Yvonne Hao
Executive Office of Housing and Community Development
1 Ashburton Place, Room 2101
Boston, MA 02108

RE: New Bedford State Pier Provisional Designated Developer Agreement

Dear Secretary Hao:

Thank you for your recent visit to UMass Dartmouth to learn about innovative efforts underway to promote renewable energy across the Southcoast and the Commonwealth. The students and faculty appreciated your time and attention, and we look forward to working with you in your new role as Secretary.

Today, I am writing to emphasize the critical importance of another economic development opportunity at the New Bedford State Pier. For 15 years I have spearheaded legislative efforts to implement a mixed-use development at this underutilized asset within one of the busiest fishing ports in America. It is one thing to talk about an economic development vision or to file legislation, but my legislation is law. My language includes multi-million-dollar bonding authorizations, provisions assigning management responsibilities to MassDevelopment, and language directing a competitive RFP to implement the highest and best use of the pier. These measures took considerable effort given that the language was subject to conference with the House where some members of our own delegation, whose district does not include State Pier, stood in opposition. The vitality of our working waterfront and economic resurgence of our city depends upon economic development projects such as State Pier.

To begin redevelopment efforts at the pier, MassDevelopment initiated a formal request for proposals in April 2022. Prior to this time, MassDevelopment kept an open line of communication and provided stakeholders with an opportunity to provide input. Despite a track record of open communication, MassDevelopment stunningly ceased open communications with my office and the delegation following the RFP publication. After multiple inquiries in the Summer of 2022, I filed an amendment to the Senate economic development bill that would have
required MassDevelopment to publicly disclose RFP results and provide an opportunity for public comment. I also wrote to MassDevelopment CEO Dan Rivera on November 8, 2022, to express significant concern that a lack of public transparency could jeopardize the project.

The lack of open communication from this agency while it continued to collaborate with city officials is inappropriate. State Pier is a state-owned asset that will undoubtably require the investment of state resources. The city will not have to spend a penny of its limited capital, yet it was afforded a direct role in selecting the future of this asset. Despite spending years advancing this state project, I was informed about the Provisional Developer Agreement seemingly at the same time as members of media and after city officials. Such conduct has generated considerable frustration that has also left no meaningful opportunity for the public to weigh in, including commercial fishermen who rely on this infrastructure.

While I appreciate MassDevelopment’s willingness to publish the bid materials received from interested developers, it appears that the selected proposal hinges upon a requirement that would violate the very law I led in 2018 to redevelop the pier through the management and leadership of MassDevelopment. Section 58 of Chapter 228 of the Acts of 2018 states that the pier may be leased “for a term not to exceed 35 years, inclusive of any options for renewal or extension”. The selected bid proposal from Taber’s Wharf Partners, identifies the need for a longer lease period to amortize the BASE seafood auction and west side investments. The requested lease period is 99 years. Such a long-term lease term would be in direct conflict with state law, as identified above, and would be inappropriate absent extraordinary circumstances. Without legislative action, this option is simply not possible.

Without a 99-year lease, the proposed developer will require “funding support to achieve required rate of return on investment”. Given the substantial level of capital needs recently addressed and those still pending at the pier, this request also lacks feasibility without further legislative support.

The selected bid from Taber’s Wharf Partners incorporates local businesses very familiar with our vibrant city and bustling waterfront. Their efforts to carry out the mixed-use vision I initially shepherded into law in 2008 is exciting and most appreciated. However, we must find a way to restore this process in favor of more collaborative approach that earns the support of the public and all interested stakeholders. I respectfully request a public hearing in New Bedford where the public, elected officials, and other stakeholders can review and offer feedback on the selected proposal. Subsequent due diligence could then explore the financial feasibility of this proposal and whether legislative support would be required.

In closing, I appreciate your time and attention to this important economic development project in our city, and I look forward to working with you and your team.

Sincerely,

Mark Montigny
Senator

cc: Dan Rivera, President & CEO, MassDevelopment