

Massachusetts Housatonic River Watershed Restoration Program Summary of Round 3, SubRound 1 Threshold Criteria Evaluation

The Housatonic River Natural Resource Damages Fund Round 3 Grant Announcement and Application (GAA) for SubRound 1 of Land Acquisition Projects was released on March 28, 2014, and the response deadline for Grant Applications was September 30, 2014. Four Grant Applications were received by the Massachusetts (MA) SubCouncil of the Housatonic River Natural Resource Trustees on or before the stated response deadline.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Natural Resource Damages (NRD) regulations require that restoration activities restore, rehabilitate, replace, or acquire the equivalent of the resources and services that were injured or lost, but do not address which restoration projects are preferred. The Housatonic River Watershed Natural Resource Damages Assessment Restoration Project Selection Procedure (RPSP) describes a Threshold Criteria evaluation as Phase 1 of evaluation of proposed restoration projects. The Threshold Criteria are identified in the RPSP and in the Massachusetts Housatonic River Watershed Restoration Program Final Round 3 Restoration Plan and Supplemental Environmental Assessment for Land Protection and Habitat Conservation (Round 3 RP/SEA).

The Threshold Criteria evaluation is conducted by the MA SubCouncil to identify proposals that meet minimum eligibility requirements for consideration as restoration projects. The Threshold Criteria assesses proposal completeness and consistency with the goals of the MA SubCouncil and applicable federal, state, and local regulations and laws. Grant Applications that are determined by the MA SubCouncil to meet the Threshold Criteria are termed "Project Applications" and are eligible to advance to Phase 2 of evaluation as described in the RPSP, RP/SEA, and GAA.

The MA SubCouncil received 4 Grant Applications in response to the Round 3 GAA and conducted Threshold Criteria evaluations in October through December of 2014. The MA SubCouncil determined that 3 of the 4 Grant Applications met all Threshold Criteria and were eligible to proceed to Phase 2 of evaluation. The MA SubCouncil determined that 1 of the 4 proposals did not meet all Threshold Criteria and was therefore not eligible to proceed to Phase 2 under this round of funding¹.

The following sections of this document summarize the Threshold Criteria and the results of the MA SubCouncil's Threshold Criteria evaluation of Round 3, SubRound 1 Grant Applications.

¹ As described in the Round 3 RP/SEA, the MA SubCouncil may elect to conduct a second subround of Round 3 funding. Proposed projects that do not advance to Phase 2 of the initial subround of funding may be eligible for consideration under a future subround of funding, upon submittal of a completed proposal.

Threshold Criteria

The Threshold Criteria, as identified in the RPSP and Round 3 RP/SEA are as follows:

1. Does the application contain the information necessary to proceed with an evaluation as described in the RPSP?

(Answer must be "YES" to pass.)

2. Does the proposed project restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances through land acquisition and/or land protection measures?

(Answer must be "YES" to pass.)

3. Is the proposed project, or any portion of the proposed project, an action that is presently required under other federal, state, or local law?

(The answer must be "NO" to pass.)

4. Is the proposed project, or any portion of the proposed project, inconsistent with federal, state, or local law, regulation, or policy?

(The answer must be "NO" to pass.)

5. Will the proposed project, in terms of cost, be consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories?

(The answer must be "YES" to pass.)

6. Will the proposed project, or any portion of the proposed project, be inconsistent with any ongoing or anticipated remedial actions (i.e., primary restoration) in the Housatonic River watershed?

(The answer must be "NO" to pass.)

Additional information regarding application of the Threshold Criteria may be found in the RPSP and Round 3 RP/SEA.

Summary of Threshold Criteria Evaluation of Round 3 Grant Applications

The following sections of this document summarize the MA SubCouncil's Threshold Criteria evaluation of the four Round 3, SubRound 1 Grant Applications received on or prior to the Grant Application deadline. Each project abstract is presented as it was provided by the Applicant in the Grant Application and is followed by a summary of the results of the MA SubCouncil's Threshold Criteria evaluation.

Project Name: Fallon Farm Legacy Project
Proposal No: 301
Project Applicant: Christopher J. Horton

Abstract Submitted By Applicant

The Fallon Farm is one of the few remaining small working farms in the Housatonic Watershed north of Woods Pond. The farm has been owned by the Fallon family for over one hundred years. The property consists of approximately thirty acres in the City of Pittsfield, MA and nine acres in the Town of Lenox, MA. The property consists of a combination of mature forest, cropped fields, hay land, early successional pasture, and hedgerow. Approximately fifteen acres are tilled currently with the rest of the property consisting of early successional pasture and pine forest. The property contains prime agricultural soils. The farm has supported livestock in the past but has been used for hay, grain, fruit and vegetable production over the past twenty years. Hedge rows contained on the farm provide cover and food sources for a diverse bird population and many varieties of wild apples. A small brook supports trout and the remainder of the property has supported a diversity of habitat and has long functioned as a buffer between roads and developed areas and the wetlands and river. Soils and water quality have been improved and maintained under the stewardship of the lessee who is an experienced farmer and former resource protection professional. While the farm is not located in the floodplain, it is adjacent to wetlands and the reaches of the river where natural resources and habitat have been most severely damaged. The goal of the project is to arrange for the succession of ownership between the Fallon family and the lessee whereby the Fallon family would be compensated for the full unrestricted value of the property in exchange for an Agricultural Preservation Restriction (APR). The property would then be conveyed by the Fallon family to the lessee at residual value. Under the terms of the APR the property would be operated as a farm in perpetuity with appropriate provisions in the APR consistent with the stated goals of habitat conservation and land protection. The APR would be formulated and administered by the Department of Agricultural Resources APR program.

One of the most threatened natural resources in the Housatonic watershed is the farm. Open spaces, diversity of landscape and buffered areas along the Housatonic are almost exclusively the result of agricultural activity. Wetlands and the reaches of the Housatonic most severely contaminated have been maintained in a natural state through agricultural use and ownership. Contamination of agricultural lands and wetlands in the immediate area of this project and land transfers to State Entities have resulted in dramatic changes in land use over the past twenty years and have led to a severe decline in farm activity. If current habitat and adjacent buffer areas are to be maintained, a farm infrastructure and community will be necessary to make this possible. Farmers working on the land maintain open space, prevent parcel fragmentation and provide a mechanism for environmental control.

Results of the MA SubCouncil's Threshold Criteria Evaluation

The MA SubCouncil determined that this Grant Application does not contain the information necessary to proceed with an evaluation (Threshold Criteria #1) and thus does not meet all Threshold Criteria as described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the MA SubCouncil determined that the application was lacking necessary information related to parcel value/valuation, status of coordination with identified project partners, mechanism for land protection, use of requested funds, and habitat conservation opportunities and objectives. For this reason, the MA SubCouncil has determined that the proposed project is not eligible to advance to Phase 2 under the current subround of Round 3 funding.

Project Name: Green River – Rawlings

Proposal No: 302

Project Applicant: Massachusetts Department of Fish and Game (DFG)

Abstract Submitted By Applicant

The Department of Fish and Game (DFG) proposes to acquire the 23.4-acre Green River - Rawlings property in fee simple for \$250,000. DFG is requesting \$187,500 in NRDAR² Program grant funding for this acquisition. This property is located within the Housatonic River watershed and abuts DFG's 21.5-acre North Egremont Wildlife Conservation Easement (WCE) and 2.5-acre North Egremont Wildlife Management Area (WMA). The property contains 2,550 feet of frontage on the Green River, which is an excellent cold water fisheries resource, a drinking water supply for the Town of Great Barrington, and a major tributary to the Housatonic River. The property has diverse aquatic habitat features including large woody habitat, undercut banks, pool/riffle complexes, spawning substrate, and a vegetated and functional floodplain. The acquisition of this property would benefit injured natural resources and natural resource services by protecting NHESP Priority Habitat, BioMap2 Core Habitats (Species of Conservation Concern and Aquatic Core), and BioMap2 Critical Natural Landscape (Aquatic Buffer). The property would also provide additional access and opportunities to recreational anglers. DFG has reached verbal agreement with the landowner to acquire the property for \$250,000 and anticipates that the property could be acquired quickly once due diligence has been completed.

Results of the MA SubCouncil's Threshold Criteria Evaluation

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, or local laws, regulations, or policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application and may proceed to Phase 2.

² Natural Resource Damage Assessment and Restoration.

Project Name: Hinsdale Flats – Duquette

Proposal No: 303

Project Applicant: Massachusetts Department of Fish and Game (DFG)

Abstract Submitted By Applicant

The Department of Fish and Game (DFG) proposes to acquire the 90-acre Hinsdale Flats - Duquette property in fee simple for \$120,000. DFG is requesting \$90,000 in NRDAR Program grant funding for this acquisition. The property is located within the Housatonic River watershed, the Hinsdale Flats Watershed Area of Critical Environmental Concern (ACEC), and abuts the 1,500-acre Hinsdale Flats Wildlife Management Area (WMA). A diverse array of habitat types are found on the property including open field, wooded upland, wooded swamp, shrub swamp, and deep marsh. The acquisition of this property would benefit injured natural resources and natural resource services by protecting NHESP Priority Habitat, BioMap2 Core Habitats (Species of Conservation Concern and Wetlands Core), and BioMap2 Critical Natural Landscapes (Landscape Block, Wetland Buffer, Aquatic Buffer). The property would also provide additional recreational opportunities for the public, augment protection of cold water fisheries resources, and enhance an existing wildlife corridor. DFG has an executed option to purchase the property and anticipates that the property could be acquired quickly once due diligence has been completed.

Results of the MA SubCouncil's Threshold Criteria Evaluation

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, or local laws, regulations, or policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application and may proceed to Phase 2.

Project Name: Thomas and Palmer Brook Conservation Project

Proposal No: 304

Project Applicant: Berkshire Natural Resources Council, Inc.

Abstract Submitted By Applicant

With a grant from the Housatonic River Natural Resource Damages Fund (NRD Fund) Berkshire Natural Resources Council Inc. (BNRC) will acquire and permanently protect 218 acres. The land is in close proximity to the Housatonic River in the town of Great Barrington and includes the tributary "Thomas & Palmer Brook". The parcel also contains an extensive wetland complex that is identified as BioMap2 Core Habitat and adjacent upland on the southwest slope of Threemile Hill, which is identified in the town's Open Space plan as a scenic feature. The Project will result in permanent protection and management for conservation purposes of this important tributary, wetland complex, and scenic upland in the Housatonic River watershed.

BNRC will complete all due diligence associated with the purchase of the property. Upon completion of the due diligence, BNRC will acquire fee ownership of the parcel, improve public access, and complete a natural resource inventory and a management plan. Said plan will include baseline documentation to verify the current condition of the parcel and provide recommendations to improve the wildlife resources and opportunities for public access. Under current ownership the property is closed to the public and under imminent threat of development. BNRC will maintain a presence on the property and work to improve habitat and recreational values. BNRC will foster partnerships with state agencies, town officials, environmental groups, educational groups and other organizations to maximize wildlife habitat value and the public benefit.

Results of the MA SubCouncil's Threshold Criteria Evaluation

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, or local laws, regulations, or policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application and may proceed to Phase 2.