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Housatonic River Natural Resource Damages Fund

Round 3 Restoration Project Proposals for Land Acquisition to Conserve Habitat

Response to Questions

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Q. The presentation referenced the Natural Heritage and Endangered Species Program (NHESP) 2010 report “Rare Species and Natural Community Surveys within the Housatonic River Watershed of Massachusetts”. Are the GIS data sets from this work publicly available?

A. The NHESP Report funded through Round 1 of the Massachusetts Housatonic River Watershed Restoration Program titled “Rare Species and Natural Community Surveys in the Housatonic River Watershed of Western Massachusetts” is available electronically at <http://www.mass.gov/eea/docs/dep/cleanup/sites/housatonic-technical-report-surveys-08-09.pdf>. As a follow-up to the NHESP surveys, Town-specific reports were prepared that provide recommendations for protection, restoration, or management that differ from the more general overviews provided by the BioMap2 Town Reports. The town-specific reports for Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesborough, Lee, Lenox, Monterey, New Marlborough, Peru, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, West Stockbridge, and Windsor, identify Priority Conservation Areas and are available at <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/species-information-and-conservation/biodiversity-in-the-housatonic-river-watershed.html>) The GIS data sets from this work, however, are not publicly available. The BioMap2 Interactive Map, which provides a viewer for Core Habitat and Critical Natural Habitat Landscapes, is available on MassGIS at <http://maps.massgis.state.ma.us/dfg/biomap2.htm>. The Core Habitat and Critical Natural Habitat GIS data sets are also available through MassGIS at: http://maps.massgis.state.ma.us/map_ol/oliver.php.

Q. Will proposed projects receive higher scores if located within areas that ranked higher in the NHESP report? If so, it would be beneficial for applicants to have access to the above-referenced NHESP GIS data.

A. Applicants should review the benefits categories of the Evaluation Criteria (described in Section 3, Subsection D of the Grant Announcement and Application (GAA) and in the Housatonic River Watershed Natural Resource Damages Assessment Restoration Project Selection Procedure (RPSP) document developed as a part of the Restoration Program and available at <http://www.ma-housatonicrestoration.org/library/documents/FINAL%20Restoration%20Project%20Selection%20Procedure.pdf>). All criteria, including the “Magnitude of Ecological Benefits” and “Benefits to Multiple Resources” criteria, are assigned point values and an explanation of how many points a proposed project could be awarded and how a project would be scored (i.e., as “High” “Medium” or “Low”) is provided in the RPSP, GAA, and Round 3 Restoration Plan and Supplemental Environmental Assessment (RP/SEA) available at http://www.ma-housatonicrestoration.org/library/documents/FinalRound3_RP-SEA_20130507.pdf. As noted above, while the NHESP Survey and Town Reports and BioMap2 viewer are publicly available, the contributing GIS data is not.

Q. If a project involving a large-acreage agricultural property proposes that a portion of the property be placed under an Agricultural Preservation Restriction (APR) and that other portions of the property (e.g., mountain top, wetlands) be protected through Round 3 NRD funding, would the APR program be viewed by the Round 3 Grant Review Team (GRT) as a “partner”? Note that the timeframes for the APR Program may differ from the timeframes for NRD funding.

A. The purpose of a proposed project must be land protection to conserve habitat and, in part or whole:

1. Protect habitat for rare, threatened and/or endangered species;
2. Protect exemplary natural communities;
3. Protect cold water fisheries resources;
4. Protect upland buffers to wetlands and rivers;
5. Reduce or inhibit habitat fragmentation; and/or
6. Protect or enhance existing wildlife corridors or create new corridors

Land uses (e.g., agriculture) must be compatible with these habitat conservation goals and applicants would need to demonstrate that compatibility. If an APR contains relevant and appropriate provisions regarding habitat protection, it is possible that an APR arrangement might be considered a “partnering activity” and that APR funds might be considered “matching” funds as described in the “Leveraging of Additional Resources” Evaluation Criteria.

Regarding potentially differing timeframes, refer to Section 3.D.of the GAA which states, in part: “Non-NRD funds or matching gifts of parcels must be documented as received or gifted on or after the date of the Final Round 3 RP/SEA and before the contract end-date of selected projects. When a project is

selected for implementation following Phase 2 review and a contract is executed to fund acquisition of a parcel, the end date of that contract will constitute the deadline for all matching funds and gifts”.

Q. Could multiple, discontinuous parcels located in the same subwatershed, with different owners, but with a similar “theme”, be combined into a single application, or should separate applications be submitted for each parcel?

A. A single application could be submitted for a proposed project involving multiple, contiguous parcels, but separate applications should generally be submitted for proposed projects involving multiple, distinct, discontinuous parcels. However, if there is a unifying theme, and parcels are similar enough to be packaged and described adequately together, then multiple, discontinuous parcels could be included in a single application. Note that if an application involves multiple parcels, the applicant must still provide the required parcel details separately for each individual parcel included in the proposed project and that each application, whether it includes single or multiple parcels, will only receive a single score from the GRT (i.e., multiple parcels within an application will not be scored separately).

Q. Is it possible that a proposed project could be only partially funded if, for example, the MA SubCouncil elected not to fund one of multiple parcels in a proposal?

A. Yes, the MA SubCouncil has the option to partially fund proposals.

Q. If a portion of a proposed project (e.g., a parcel) is deemed inappropriate, would a substitute parcel be accepted?

A. Consistent with the Round 3 RP/SEA, a substitution could only be considered as a part of a new application that might be submitted as a part of a subsequent subround of funding. Another subround of funding may be conducted at the MA SubCouncil’s discretion if additional Round 3 funds remain following the initial round of funding.

Q. Would a proposed project that involved protection of pastureland or agricultural land, and that included a habitat management objective (e.g., active management of pastureland or agricultural land to preserve habitat for turtles or other species), be considered eligible for funding?

A. Yes, if the management of such an area could be directly linked to habitat conservation and species protection, then the project could be eligible for funding to acquire/protect the property, but funding could not be applied to the management activities.

Q. Do NRD Round 3 funds need to be for a specific parcel acquisition project, or might they be used as matching funds to close an APR transaction? Or, in the case of a parcel under potential consideration for an APR, would it be better for an application for NRD funding to segregate and address only the portions of the parcel that would be most compatible with the goals of the Restoration Program?

A. Round 3 funds could be used as matching funds to close an APR transaction if, as noted above, the APR is not only compatible with the Restoration Program and Round 3 Restoration Plan habitat conservation goals but also provides for protection or management of habitat values on that portion of the property. If the APR is compatible but does not explicitly provide for protection or management of habitat values on that portion of the property, Round 3 NRD funding would address only those portions of the property to be protected for habitat conservation.

Q: In the APR scenario, if a project is applying for NRD funding to cover 20% of a transaction with no guarantee of the matching 80% of funding, how would the MA SubCouncil handle that risk with regard to selection of a proposed project?

A: As stated in Section 3.D.3.d of the GAA, "Non-NRD funds or matching gifts of parcels must be documented as received or gifted on or after the date of the Final Round 3 RP/SEA [May 7, 2013] and before the contract end-date of selected projects. When a project is selected for implementation following Phase II review and a contract is executed to fund acquisition of a parcel, the end date of that contract will constitute the deadline for all matching funds and gifts."

Q: Can a project close prior to the Phase 2 deadline?

A: As stated in Section 6.A of the GAA, "Land Protection projects that are selected for final funding may be eligible to receive funding even if the closing date of the Land Protection project occurs prior to the end of the Phase 2 review process. However, to remain eligible for funding under this scenario, the closing date of a Land Protection project must occur no earlier than the date of the formal announcement that a project has been selected to advance from Phase 1 to Phase 2."

Q: The concept of closing prior to formal project selection following completion of Phase 2 may be difficult for state agencies relative to end-of-fiscal year budget requirements and it may be difficult for state agencies to commit funds prior to their appropriation.

A: Selection to proceed into Phase 2 does not guarantee that a proposed project will be awarded Round 3 NRD funding at the completion of Phase 2, and closing on a parcel during the 6-month Phase 2 due diligence preparation period does not guarantee project selection for funding. If a proposed project

closes during the Phase 2 process, and is subsequently selected for funding at the completion of the Phase 2 review process, the applicant will then be eligible to be reimbursed for the closing amount in the amount of the grant award and under the terms of the contract.

Q: Will it be possible for applicants to received feedback on the likelihood of selection of a proposed project for Round 3 NRD funding prior to complete of Phase 2?

A: No. Phase 2 due diligence materials submitted by applicants for proposed projects won't be reviewed until the end of the Phase 2 due diligence period (i.e., a "rolling" review will not be conducted as materials are received during the Phase 2 due diligence period). For this reason it will not be possible to complete final review and selection of proposed projects for award until the completion of the Phase 2 due diligence period.

Q: At the completion of Phase 1, will the MA SubCouncil select more projects than it anticipates can ultimately be funded (in anticipation of the field being narrowed in Phase 2), or will the MA SubCouncil select to proceed to Phase 2 only proposed projects that it anticipates can be funded?

A: Only those proposed projects that the GRT anticipates could be funded with available funding will be selected to proceed to Phase 2. Applications submitted as a part of Phase 1 must include an opinion of value to enable the GRT to assess whether a proposed project appears feasible relative to the funds available. If a proposed project were withdrawn or determined to be ineligible for funding as a part of the Phase 2 process, the MA SubCouncil may hold a subsequent subround of funding allowing for review for additional projects and award of the balance of Round 3 funding.

Q: Is this money available for the acquisition of Land from a Private Landowner?

A: Yes.