

**Applicants' Conference  
Grant Announcement and Application  
Housatonic River Natural Resource Damages Fund  
Round 3 Restoration Project Proposals**

Massachusetts Housatonic River Watershed Restoration Program

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Date/Time: June 17, 2014 / 5:30 PM  
Place: Lenox Library, Lenox, Massachusetts  
Attendees: Karen Pelto, (Massachusetts Department of Environmental Protection [MassDEP], Trustee Representative);  
Kenneth Munney (U.S. Fish and Wildlife Service [USFWS], Trustee Representative);  
Cathy Kiley (MassDEP, Contract Coordinator);  
Robin MacEwan and Simon Hildt (Stantec); and  
Public Attendees (see Attendance Sheet, Attachment 1)  
Distribution: Project Website ([www.ma-housatonicrestoration.org](http://www.ma-housatonicrestoration.org))

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*These meeting notes summarize the presentation and discussions conducted during the Applicants' Conference for the Grant Announcement and Application for Round 3 Restoration Project Proposals for Land Acquisition to Conserve Habitat. This document does not provide official answers to formal questions that may be submitted in response to the Grant Announcement and Application. As described in the Grant Announcement and Application, formal questions must be submitted in writing to Karen Pelto, MassDEP NRD Program Coordinator (Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup, One Winter Street, 6<sup>th</sup> Floor, Boston, MA 02108 or [karen.pelto@state.ma.us](mailto:karen.pelto@state.ma.us), Re: BWSC-NRD-2014-02) by June 24<sup>th</sup>, 2014, and official answers to questions will be posted on MassDEP's NRD Program website (available at: <http://www.mass.gov/eea/agencies/massdep/cleanup/nrd/nrd-restoration-funding-opportunities.html>) on July 8, 2014.*

### **Introduction**

The meeting formally commenced at 5:38 p.m. Karen Pelto (KP) provided background information and summarized the purpose of the meeting as informing interested parties of the Grant Announcement Application (GAA) for Round 3 Restoration Project Proposals as a part of the Massachusetts Housatonic River Watershed Restoration Program (Restoration Program). The Massachusetts SubCouncil of the Housatonic River Natural Resource Trustees (MA SubCouncil), MassDEP, Stantec, and audience members, introduced themselves and their affiliation. Audience members were notified of the available printed copies of the meeting agenda, meeting presentation, and Grant Announcement and Application, and were asked to sign in using the attendance sheet provided. Meeting attendees were notified that formal written questions could be submitted during the meeting using the index cards provided.

### **Presentation**

At 5:43 p.m., MassDEP and Stantec provided a presentation that summarized the Restoration Program and the Round 3 Restoration Plan; provided an overview of the Grant Announcement and Application; described the threshold and eligibility review criteria for applications; and outlined the project selection and Grant Award process. The 34-slide PowerPoint presentation is

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available on the project website at: <http://www.ma-housatonicrestoration.org/library.htm> and on MassDEP's NRD Program website at: <http://www.mass.gov/eea/agencies/massdep/cleanup/nrd/nrd-restoration-funding-opportunities.html>.

### Open Forum<sup>1</sup>

At 6:13 p.m., following conclusion of the presentation, the MA SubCouncil invited questions from meeting attendees. Questions posed by attendees, and answers provided, are summarized below.

**Public Question 1:** *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?*

**Response:** KP indicated that she understands that only the report itself is available, but stated that she will check with NHESP to confirm the availability of the related GIS data.

**Follow-up Question:** *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.*

**Response:** Regarding scoring, KP suggested applicants review the benefits categories of Eligibility Criteria (described in Section 3, Subsection D of the GAA and in the Restoration Project Selection Procedure (RSPS) document developed as a part of the Restoration Program and available on the project website). In particular, she suggested reviewing the "Magnitude of Ecological Benefits" and "Benefits to Multiple Resources" criteria, and paying attention to the point values assigned to those criteria. KP stated that 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 RSPS, GAA, and Round 3 Restoration Plan and Supplemental Environmental Assessment (RP/SEA).

**Response:** Ken Munney (KM) reiterated that the MA SubCouncil will look into whether the GIS data from NHESP's 2010 report are available.

**Public Question 2:** *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.*

**Response:** KP noted that a related question was posed at the pre-RFR Public Meeting held on August 5, 2013 (Public Question #13 which, in part, asked whether ongoing agricultural use is acceptable on land proposed for Conservation Restriction as a part of Round 3 of the

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<sup>1</sup> Questions and answers documented here are paraphrased and summarized and do not represent direct quotes.

Restoration Program). KP stated that since the purpose of a project must be land protection to conserve habitat, land uses (e.g., agriculture) must be compatible with habitat conservation goals and the applicant would need to demonstrate that compatibility.

**Response:** KM stated that, in this case, APR might be viewed more as a "partial" partner.

**Response:** Robin MacEwan (RM) noted that applicants should review and consider the "Coordination and Integration" criterion of the Project Budget category of the Eligibility Criteria. This criterion considers the extent to which a project is coordinated or integrated with other ongoing or planned actions.

**Response:** KM noted that high altitude areas (e.g., ridgeline) were not identified as damaged in the original claim; therefore, protection of habitat in these areas may not meet the goals of the Restoration Program. However, wetlands portions of parcels would be consistent with the goals.

**Additional Response<sup>2</sup>:** 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.

**Public Question 3:** *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?*

**Response:** KP stated that, at the pre-RFR Public Meeting held on August 5, 2013, the MA SubCouncil provided the guidance that a single application could be submitted for a proposed project involving multiple, contiguous parcels, but that separate applications should be submitted for proposed projects involving multiple, discontinuous parcels.

**Response:** KM stated that if there is a unifying theme, and parcels can be packaged and described adequately together, then it could make sense to include multiple, discontinuous parcels in a single application.

**Response:** Cathy Kiley (CK) added 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.

**Response:** RM noted 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). Therefore, in considering whether or not to group multiple parcels in single application, applicants should consider whether the collection of multiple parcels shares similarities or a common theme that is well-suited to scoring together as a

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<sup>2</sup> "Additional responses" indicate follow-up or supplemental information provided by the MA SubCouncil following conclusion of the Applicant's Conference.

single project. If individual parcels are significantly unique and/or provide significantly varying types or qualities of potential benefits, it may be desirable to submit the parcels as separate applications to allow for separate review and scoring.

**Response:** KM added that if it makes sense ecologically (i.e., if the parcels are similar enough that it makes sense to evaluate them together), then it could make sense to submit as a single application.

**Follow-up Question:** *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?*

**Response:** KM stated that the MA SubCouncil has the option to partially fund proposals. KM also noted that portions of a proposal that are not deemed appropriate could negatively affect the scoring of the overall proposed project.

**Follow-up Question:** *If a portion of a proposed project (e.g., a parcel) is deemed inappropriate, would a substitute parcel be accepted?*

**Response:** KP stated that 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.

**Public Question 4:** *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?*

**Response:** KP stated that if the management of such an area could be directly linked to habitat conservation and species, then the project could be eligible for funding to acquire/protect the property, but funding could not be applied to the management activities. The application would need to identify the ongoing management that would be undertaken and the anticipated conservation and habitat value of those management activities. In considering multi-use parcels (e.g., parcels including some land in active agricultural use), the uses must be demonstrated to be compatible with and facilitate habitat values.

**Response:** KM stated that applicants should provide as much information as possible regarding which species and habitat will benefit and the types of management proposed in order to support review and scoring of the proposed project.

**Public Question 5:** *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?*

**Response:** KP stated that it would depend on how the parcel scored based on the Eligibility Criteria and noted that the nexus with Restoration Program and Round 3 Restoration Plan goals must be demonstrated.

**Response:** RM suggested that applicants review and consider the "Leveraging of Additional Resources" criterion of the Project Budget category of the Eligibility Criteria. This criterion considers the extent to which a project leverages non-NRD funds and describes how projects receiving non-NRD funds or in-kind services may score more highly under this criterion.

**Response:** KM noted that project location is important in relation to the injured resource and that areas along the river corridor (e.g., riparian and floodplain areas) are prioritized in the Eligibility Criteria.

**Follow-up Question:** *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?*

**Response:** KP stated that, under that scenario, the MA SubCouncil would coordinate with the APR Program to confirm the anticipated likelihood of success and timelines for APR funding associated with the proposed project.

**Additional Response:** *As described in Section 3.D.3.d of the Grant Announcement and Application, "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".*

**Public Question 6:** *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.*

**Response:** CK clarified that closing does not guarantee selection for Restoration Program NRD funding. If an applicant chooses to close on a parcel during the Phase 2 due diligence period, they do so at-risk, as selection to proceed into Phase 2 does not guarantee that a proposed project will be awarded NRD funding at the completion of Phase 2. If a proposed project closes during the Phase 2 process, and is subsequently selected for NRD funding at the completion of the Phase 2 review, the applicant will then be eligible to be reimbursed for the closing amount under the terms of the contract.

**Follow-up Question:** *Will it be possible for applicants to received feedback on the likelihood of selection of a proposed project for NRD funding prior to complete of Phase 2?*

**Response:** KP stated that this is not likely.

**Response:** CK stated that Phase 2 due diligence materials submitted by applicants for

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proposed projects won't be reviewed by the MA SubCouncil 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.

**Public Question 7:** *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?*

**Response:** KP stated that the MA SubCouncil envisions that only those proposed projects that it anticipates could be funded will be selected to proceed to Phase 2. KP also described that 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.

**Response:** CK noted that the reason the applications submitted as a part of Phase 1 must include an opinion of value is to assess whether a proposed project appears feasible relative to the funds available.

**Public Question 8:** *Can a project close prior to the Phase 2 deadline?*

**Response:** CK explained that, to remain eligible for funding, a proposed project can close only after the proposed project has been formally selected to advance to Phase 2.

**Response:** KM clarified that applicants will be notified upon formal selection by the MA SubCouncil to advance to Phase 2; however, the selected proposed projects will not be posted publicly.

At approximately 6:40, meeting attendees indicated that they had no further questions. Following conclusion of the Open Forum, the MA SubCouncil provided the following additional information:

CK provided clarification that applications for projects including multiple parcels are required to provide the individual costs for each individual parcel; specifically, the cost plan submitted for proposed multiple-parcel projects must identify costs by task and by parcel.

CK stated that the budget template provided in the GAA is an example intended to show the level of detail required. Applicants do not need to use this exact format and are encouraged to format their budget in a manner that makes the most sense relative to the proposed project.

The meeting adjourned at approximately 6:45 PM.



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*The foregoing is considered to be a true and accurate summary of items discussed. If discrepancies or inconsistencies are noted, please contact Robin MacEwan of Stantec at (413) 584-4776.*

***Stantec Consulting Services Inc.***

A handwritten signature in blue ink, appearing to read 'Robin MacEwan'.

Robin MacEwan

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