



**EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS
RICHARD K. SULLIVAN JR., SECRETARY**

REQUEST FOR RESPONSES (RFR)

**ENV 11 CZM 04
COASTAL AND ESTUARINE
LAND CONSERVATION PROGRAM**

DATED: JANUARY 31, 2011

OVERVIEW AND GOALS: In response to a notice of federal funding sent from the National Oceanic and Atmospheric Administration (NOAA) on January 6, 2011, the Executive Office of Energy and Environmental Affairs (EEA) through its Office of Coastal Zone Management (CZM) is issuing this Request for Responses (RFR). Through this RFR, EEA-CZM is soliciting coastal and estuarine land conservation projects for state review, prioritization, and nomination to a national selection process administered by NOAA.

The NOAA Coastal and Estuarine Land Conservation Program (CELCP) protects “important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.” NOAA’s CELCP also gives “priority to lands which can be effectively managed and protected and that have significant ecological value.” CZM, through its Coastal and Estuarine Land Conservation (CELC) Plan provides guidance on the priority areas for land conservation in Massachusetts and the types of coastal and estuarine resources important for protection. CZM provides the coordinating and facilitating role for the solicitation of highly competitive coastal and estuarine land conservation projects within the Commonwealth, and also takes the lead in selecting and nominating projects to NOAA for further consideration under the national CELCP selection process. Based on this solicitation CZM will nominate to NOAA those projects believed to be most beneficial to the Commonwealth and most competitive in the federal selection process. To assist in this endeavor CZM is planning to establish a selection advisory committee including representatives of state agencies with experience and interest in land conservation activities.

Through similar RFRs issued in November 2005, September 2006, April 2008, February 2009, and February 2010 CZM identified coastal and estuarine state priority projects. CZM nominated these priority projects to NOAA for consideration in its national ranking process, which is a highly competitive process that ranks coastal and estuarine land conservation opportunities from all over the country. Over the past five years two of the Massachusetts priority projects ranked high enough to receive federal funding from NOAA, one in Federal Fiscal Year (FFY) 07 and another in FFY 09. Several other projects nominated by Massachusetts did not rank high enough to receive federal funding.

The NOAA announcement of Federal Funding Opportunity for potential Federal Fiscal Year (FFY) 2012 funds requires CZM to complete its solicitation and selection process and submit its

nomination package to NOAA by April 15, 2011 to be eligible for NOAA review and potential CELCP funding. NOAA anticipates that projects funded under this year's CELCP will have a grant start date between June 1, 2012 and October 1, 2012. The time frame for expenditure of federal funds awarded under this program is 18 months to three years from the grant start date.

BACKGROUND: A CELC Plan for Massachusetts was developed by CZM, with assistance and participation from the Massachusetts Department of Conservation and Recreation, Massachusetts Division of Fisheries and Wildlife, EEA Division of Conservation Services, EEA Interagency Land Acquisition Committee, and the U.S. Fish and Wildlife Service, and included opportunity for public comment. In March 2006 CZM formally submitted the Massachusetts CELC Plan to NOAA for review and approval which NOAA granted in February 2008. The Massachusetts CELC Plan is available for review at CZM's web page at the following link: <http://www.mass.gov/czm/celcp/>

NOAA will use its own review and ranking process on the projects nominated from states and territories within the Federal CZM Program to identify those projects that are most deserving of Federal FY 2012 CELCP funding. This national ranking process is highly competitive.

To help ensure the most competitive projects from Massachusetts, respondents must be capable of ongoing coordination with CZM through the state selection and nomination process. Prior to nomination of any priority project to NOAA, CZM will request that the project applicant provide a letter from the prospective seller affirming that (s)he is a willing participant in negotiations to sell the property at a mutually agreeable price. **Please note that this Request for Responses will not result in any direct funding or contracts with the Executive Office of Energy and Environmental Affairs or its reporting agencies. This RFR is solely intended for the pre-qualification of state priority projects. Additionally, CZM does not guarantee that any application submitted in response to this RFR will be nominated to NOAA for consideration or that any NOAA funding will result from this solicitation process.**

CONTACT PERSON:

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CZM CELCP Coordinator
Office of Coastal Zone Management
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Boston, MA 02114
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RESPONSE DEADLINE:

25 March 2011 at 1:00 PM

RESPONDENTS CONFERENCES:

1 March 2011 at 1:00 PM
Location: MA CZM's BBNEP Office
2870 Cranberry Highway
East Wareham, MA 02538
and
3 March 2011 at 1:00 PM
Location: MA CZM Office
251 Causeway Street, 8th Floor
Boston, MA 02114

QUESTIONS: Contractors may submit questions via email to David Janik at David.Janik@state.ma.us until March 4, 2011. Answers to questions submitted will be posted on Comm-Pass.

RFR DISTRIBUTION (Comm-PASS): This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Bidder to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Bidders who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential bidders are advised to check the “last change” field on the summary page of RFRs for which they submit a response to ensure they have the most recent RFR files.

Bidders may not alter RFR language or any RFR component files. Bidders must respond in accordance to the RFR directions and complete only those sections that prompt a bidder for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

RESPONDENT ELIGIBILITY: This RFR is open to all public governmental agencies including but not limited to: state agencies, towns, regional planning agencies, and other regional or local planning organizations. Non-government, land acquisition entities or Internal Revenue Service Code 501(c)(3) nonprofit organizations are encouraged to partner with public governmental agencies. Respondents with cooperating partners are encouraged to identify a public governmental agency as project lead.

PROJECT ELIGIBILITY: To be eligible for consideration under this program, prospective projects must:

- Be located in the coastal and estuarine project area as defined in the Commonwealth’s CELC Plan (see Appendix D for CELC Plan map, for full CELC Plan text and associated geo-spatial data see CZM web page: <http://www.mass.gov/czm/celcp/>).
- Be wholly or partially within the potential “project areas” identified in the Massachusetts CELC Plan, or the project proponent must demonstrate to the satisfaction of CZM that it should be defined as a potential “project areas”.
- Match federal CELCP funds with non-federal funds at a ratio of 1:1.
- After purchase, be held in public ownership (fee simple or conservation easements) and provide conservation in perpetuity.
- After purchase, provide for access to the general public or other public benefit, as appropriate and consistent with resource protection.
- Protect important coastal and estuarine areas that have significant ecological, conservation, recreation, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.
- Include a management plan for the proposed project or demonstrate the ability to develop a full and effective management plan for the proposed conservation project.
- Have submitted a complete project application package to CZM prior to the submittal deadline.
- Advance the goals or objectives or implements the Commonwealth’s Coastal Zone Management Program (Appendix E—Massachusetts Coastal Zone Management Program

Policies), Waquoit Bay National Estuarine Research Reserve Management Plan, national objectives of CZMA, or National Estuary Program Comprehensive Conservation and Management Plans.

- Be consistent with the Massachusetts Coastal Zone Management Program (Attachment B—Massachusetts Coastal Zone Management Program Policies).

In general, funds will be for acquisition of properties or interests in properties from willing sellers. Certain initial costs for land stewardship, such as signage, public safety, or other selected stewardship activities may be eligible.

A condition of any grant award will be the development of a long-term stewardship plan for the property acceptable to CZM and NOAA. Additional conditions as stated in NOAA's CELCP Guidelines, or as conditions to specific grant awards may be required. (NOAA Guidelines are available at: <http://coastalmanagement.noaa.gov/land/welcome.html>.)

SUBMISSION REQUIREMENTS: Respondents must submit a project application package that includes the items listed below.

- A project description/scope of work including (see Appendix A: Suggested Template for Project Description/Scope of Work):
 - the nature of the project, including acreages, habitats or land values to be protected, legal rights to be acquired, how federal and non-federal funds will be used, conversion threats to the property;
 - the same information as above for any property that will be used as match;
 - how the project meets state and national criteria and expected benefits of the project;
 - how the project meets each of the selection criteria of this RFR;
 - any pre-existing uses of the property;
 - benchmarks for completing the project within a specified time period;
 - a general strategy for long-term stewardship and management including what activities will be allowed to continue or occur on the property, and how they are consistent with the long-term protection of the site;
 - whether the project has been submitted for other sources of federal funding;
 - a timeline including benchmarks for completion.
- A project location including a regional scale map showing the project's general location and a project site map and/or aerial photo showing the location and extent of the proposed acquisition and its relationship to significant natural features and adjacent land uses.
- A project budget and appraisal (if available), including a clear representation of all sources and amounts of nonfederal match (see Appendix B: Suggested Template for Project Budget and Justification of Proposed Costs).
- A completed and signed Project Application Checklist (see Appendix C: Project Application Checklist). Please answer each question thoroughly, attach additional information if necessary.

Respondents must submit one original (clearly marked as such), four copies of their response, and one electronic copy (pdf and word format). Each response must clearly identify the RFR number (ENV 11 CZM 04) on the title page of the response and on the shipping container used to deliver the response. Responses must be submitted on or before 25 March 2011 by 1:00 PM. A postmark will not be accepted for verification of submission date, however, responses will be accepted prior to the submission date and time by regular mail or courier. Responses will not be accepted by fax machine or electronic mail. The application package should be mailed or hand-delivered to:

Attn. Michael Cleaves / CELCP Application RFR ENV 11 CZM 04
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

EVALUATION CRITERIA: CZM, with assistance from its CELCP Selection Advisory Committee, will review the applications for completeness and quality. Project applications will be reviewed and ranked based upon the Eligibility Requirements discussed earlier in this RFR and the following Selection Criteria. Site visits and/or meetings with project proponents may occur for some or all of the projects, as necessary. CZM, with input from the CELCP Selection Advisory Committee, will make recommendations to the Secretary of EEA. The Secretary of EEA will make the final decision on what projects are nominated to NOAA as the State's Priority Projects. The Secretary may or may not give overriding preference to projects with special circumstances, such as projects that have previously received CELCP funds and are in need of additional CELCP funding to complete the project. Project applicants may be required to supply additional information, and will need to work with CZM to ensure all application packages selected for submittal to NOAA meet federal submittal standards and deadlines.

Selection Criteria	Points awarded on a relative scale specific to the application pool¹	Maximum Potential Score
Ecological Value	Endangered or threatened species, coastal species or habitats, BioCore, diversity, etc.	20
Historical Value		4
Aesthetic Value	Ability of public to appreciate it and its coastal theme.	4
Recreational Value	Beach use, hiking, biking, picnicking, birding, educational, etc.	10
Conservation Value	A conglomerate of all resource values ²	8
Present and Future Conversion Threats	Based on imminence of development ³	4
Proximity to coastline	Project includes shoreline, adjacent to shoreline, within 2,000-foot buffer, etc.	17
Project builds upon existing federal, state, or local conservation holding, or has the ability through the proposed or future acquisitions to become significant conservation holding		9
Project of a size to have significant regional profile or impact		9
Project within 1,000-foot tributary buffer	Degree to which protection is likely to positively impact water quality of the receiving coastal waters	3
Project is cooperative effort between two or more municipalities, state or federal agencies, non-profit organization	Cooperative defined as substantively contributing to application development or the provision of financial or management resources	1
Project match exceeds minimum non-federal match requirement	1 point awarded for each 0.15 above the 1:1 required match	2
Project included in local regional Open Space Plan		1
Project has potential to provide easy access to significant urban populations	Distance from urban populations, presence of public transportation, etc.	6
Project builds local and regional trail-ways connections		2
Total Points		100 ⁴

¹ This is to make prioritization within a grant round easier, and also to ensure that the state's highest ranked projects have a corresponding high score. It will not however allow ranking or comparing proposals between grant rounds, only within that specific grant round.

² The Advisory Group debated the intended meaning of conservation, and decided that this would represent all possible conservation values and would therefore reward projects that had a wider range of conservation values.

³ The Advisory Group debated the benefits and detriments of pursuing projects on the verge of development and whether or not those should be the highest priority. It was decided that all undeveloped lands within this CELC Plan area are threatened by development in the relatively near future, and that limited benefit should be given to those facing imminent threat.

⁴ Since many of the Selection Criteria are mutually exclusive, it is not possible for a project to receive a perfect score of 100.

Appendix A: Suggested Template for Project Description/Scope of Work

Below is a suggested format for describing a proposed project. The project description should provide information for the parcel(s) to be acquired or for which an easement is being obtained with CELCP, as well as for non-Federal match. If the non-Federal match will be provided through in-kind contribution of another parcel, the project description should also provide information about the match parcel(s).

TITLE OF PROJECT

Project Description/Scope of Work

- *Project Size and Relationship to the Coast/Estuary and/or NERR* – Include the total acreage and length of frontage on coastal waters and/or describe the site’s proximity and relationship to a coastal or estuarine area. If the project also provides benefits to a NERR, describe the project’s relative proximity and relationship to the reserve and/or reserve watershed.
- *Legal Rights to Be Acquired* – Describe if the property will be held in fee simple ownership or if a conservation easement and/or public access easement will be acquired.
- *CELCP Goals* – What values are contained within the proposed project or property to be acquired? (Please identify which ONE of the following values best describes the project’s primary purpose for protection under the CELCP: ecological, conservation, recreation, historic, or aesthetic. Please provide any applicable information on how the project contributes to each of these values. Each project will be judged first on how the project furthers its primary purpose and also how well it furthers the other four purposes.)

PRIMARY PURPOSE is _____.

- **Ecological**
 - Describe the different habitat types that are found on the project site (e.g. upland forest, scrub/shrub, fields), provide information on the habitat quality, including any impairments such as invasive/exotic species, and provide estimated acreages for the different habitat types.
 - Describe the ecological importance of the acquisition for the region, particularly in relation to coastal and estuarine resources and ecosystems. For example, discuss the species diversity on the project site, and/or if the site contains habitat of specific importance to the region, and/or if protecting the site is an important part of protecting ecological connections in the region. If the project site is part of a network of existing or proposed protected areas, describe how the project will enhance linkages among ecologically important areas in the region.
 - Describe how the habitat supports, or may support, Federal- or state-listed, threatened or endangered species. For example, does the site provide enough acreage to support a viable population of an endangered species or will it enhance

existing protected areas that already provide habitat for a viable population of an endangered species?

○ **Conservation**

- Describe how acquisition of the site will help establish corridors and/or linkages among areas of significant conservation, ecological, recreational or aesthetic values that are already protected.
- Indicate whether restoration is planned for the site, and if so, describe the potential for successfully restoring ecological values that have been impaired due to circumstances that have affected the site's integrity (such as invasive/exotic species and/or other alterations such as dikes or clearing for agricultural and silvicultural uses). Please also describe the plan, timeline and source of financial support for the proposed restoration.
- Describe whether the project exhibits a mix of ecological, recreation, historic and aesthetic values that together contribute important benefits to the coastal and estuarine environment that are not provided by those values individually.

○ **Recreational**

- Describe the property's significance or contribution with regard to coast-dependent or nature-based recreation and whether the project supports priorities for recreational access identified in a state's CELCP plan or other assessment of needs for coastal recreation.
- Describe whether the site's coastal access is located in an area of determined need at the local, regional, or national level.
- Describe whether the project site will be easily accessible to many people and/or whether there will be any limits on accessibility for recreation, for example, only allowing guided tours or having the site open only at certain times of the year.

○ **Historical**

- Please describe the historical, cultural, or archaeological features of significant value, for example, features that are designated or could be designated as a National Historical Landmark or are listed on the National Register of Historic Places or a State or Local Register of Historic places. Please include information about any formal designation the site has received.
- If applicable, explain whether the site contains evidence of historical, cultural, or archaeological features that have not been formally evaluated.

○ **Aesthetic**

- Describe the views to be preserved by this acquisition and the contribution this property makes to the surrounding area.
- Describe whether the project protects a site designated nationally as a scenic byway or wild and scenic river, or a buffer adjacent to designated areas.
- Describe whether the project supports a local or state designated scenic route, river trail, or other cultural landscape.
- Describe any other significant contribution(s) this property makes to the aesthetic character of the surrounding area.

- *Relevance to CELCP Plan*
 - Describe the specific project area and priority land type(s) or value(s) in the state CELCP plan that the proposed acquisition supports, and include references to maps or page numbers wherever possible.

- *Relevance to NERR Management Plan*
 - For projects that provide benefits to a NERR, describe how the project helps meet the goals of the relevant reserve management plan or other watershed conservation plans developed by the reserve or with reserve input. (*Please note:* project proponents that wish to be considered for the 15 percent reservation of funds for CELCP projects that also provide benefits to NERRs, as directed by CELCP's 2009 authorization, will need to include a support letter from the relevant Reserve Manager, as described in section IV.B.2(1) of this notice.)

- *Relevance to Other State/Local Plans*
 - Describe how the project contributes to a state's coastal management plan approved under the CZMA.
 - Describe how the project supports a regional and/or state watershed planning effort.
 - Describe how the project supports a local watershed or coastal planning effort.
 - Describe how the project fits into any other relevant conservation plans.

- *Manageability of the Project Site*
 - Describe the current use and/or condition of the site.
 - Describe the current or proposed uses of the area surrounding the site (e.g. development plans or uses allowed by zoning).
 - Describe the degree of non-native species found in the different habitats on the project site.
 - Describe whether any restoration is needed and planned, as well as whether funding has been secured for that purpose.
 - Describe any environmental remediation that has taken place and/or is needed on the project site.

- *Long-term Use of the Site*
 - Describe the uses that are proposed for the project site.
 - Describe how proposed uses are compatible with the primary purpose of the project.
 - Describe the long-term stewardship strategy for the site, i.e., how the ecological, conservation, recreation, historic, and aesthetic values present on the project site will be maintained or improved, as well as how enforcement against illegal uses will be supported.

- *Threat of Conversion*
 - Describe the current development pressures in the project area.
 - Describe the development potential of the site, including current zoning and developable area.

- List the current status of the property, such as whether listed for sale and/or whether any subdivision or development plans are pending for the site.
- *Project Readiness* – Briefly describe:
 - Whether parcels or project sites have been identified;
 - The stage of discussion with landowners, such as whether preliminary contacts have been made or whether negotiations have resulted (or are likely to result) in a purchase and sale agreement;
 - Whether supporting documentation has been completed; whether the property is subject to litigation, liens, judgments or other situations that may affect the likelihood that a project could be completed within the award period; and
 - Whether the site has had or currently has contamination or other environmental hazards that must be resolved before it would be suitable for public use.
- *Ability to Acquire Land* – Briefly describe:
 - The organization’s legal authority, personnel and expertise for acquiring lands for long-term conservation, either directly or through partnerships with another organization;
 - The organization’s previous success in acquiring lands, or interests in lands, for long-term conservation purposes; and
 - For projects proposing in-kind match properties held by a nongovernmental organization, also describe same for the NGO.
- *Ability to Manage Land* – Briefly describe:
 - The organization’s capacity, in terms of funding, personnel and expertise to manage the property or whether the property will be managed through a partnership or stewardship agreement with another organization;
 - The organization’s success in managing other properties for conservation purposes; and
 - For projects proposing in-kind match properties held by a nongovernmental organization, also describe same for the NGO.
- *Other Pertinent Information* – If available, please include photographs of the project site that document the values described above.

Project Timeline

Please specify a proposed award period for the grant, and include a project timeline with discrete benchmarks for completing the project within the requested award period. The proposed project timeline should assume a start date between June 1, 2011 and October 1, 2011. The standard financial assistance award period for CELCP grants is 18 months. NOAA may extend project grants up to an additional 18 months (for a total project period of 3 years maximum) if circumstances warrant, however, initial proposals should not propose a timeline that is longer than 18 months.

Example: Requested Award Period: June 1, 2011 – December 31, 2012

- *Benchmarks* – Describe the steps required to bring your project to closure during the timeframe of the award. Include target dates by which you expect to complete each of these steps and close on the property. Examples of benchmarks include:
 - Identify site(s) for purchase
 - Acquire appraisal, title opinion
 - Complete negotiations with landowner(s)
 - Restoration plan/timeline, if any
 - Submit documentation to NOAA for approval
 - Close on property

Appendix B: Suggested Template for Project Budget and Justification of Proposed Costs

Below is a suggested format for providing information about the project's budget (*see* Section IV(B)(2), "Required Elements," Item (2)). Please keep in mind:

- The total budget needs to reflect the 1:1 match requirement.
- Grants from other Federal funding sources may not be used to meet state/local match unless allowed by that program's statutory authority.
- Match may not have been used previously for any other project.
- If any in-kind match is to be used (including donated land value, staff support or other services), the budget narrative should specify the amount, **the timeframe in which these costs were or will be incurred**, and explain the relevance to the project.
- If the budget includes costs other than purchase price, (such as costs for title opinion, appraisal, environmental assessment, etc.), please explain them in the budget narrative.
- The proposed budget should be consistent with the eligibility information described in section III of the Full Funding Opportunity notice.
- We suggest identifying a contingency plan for alternate sources of match in the event that matching funds are not secured from the proposed source, or in the event that the value of proposed in-kind match properties depreciates prior to the required time of appraisal (nine months prior to award expiration).

TITLE OF PROJECT

Budget Narrative

- *Federal Share* – For the parcel(s) to be acquired with CELCP funds, please describe how the project costs were estimated, including:
 - What legal rights will be acquired (fee title or conservation easement);
 - The basis for establishing the land acquisition costs (if based on appraised value, please explain when the appraisal was conducted and what appraisal standards were used; if based on market price or other estimate of fair market value, please explain the basis for this estimate); and
 - Any other costs included within the requested Federal share of CELCP funding to document that they are reasonable costs and necessary for the successful completion of the project.

If the requested funding from CELCP is only a portion of the total purchase price of the property, please explain whether or how the project would be viable if remaining funds cannot be secured. For example, could the property be acquired in phases? Would the CELCP funds be used to acquire an easement on a portion of the property?

- *Non-Federal Matching Funds*
 - Describe the source of matching funds and whether they are in the form of cash, in-kind contributions, donated land value (from a bargain sale), or value of lands that were acquired or received as a donation up to 3 years prior to the date of final grant application that are substantially related to the property to be acquired with CELCP funding.
 - If cash contribution, please discuss whether the funds are currently available or expected to be available within the performance period. What is the source of

- funding? Have actions been taken to secure the necessary funds within the proposed award period?
- If in-kind contribution of land or donated land value, please explain:
 - Whether the property has already been acquired (through purchase or donation) and, if so, when;
 - What legal rights were acquired or will be acquired;
 - Who holds title to or will hold title to the property or conservation easement;
 - The distance and physical or strategic connection between the match property and the property(ies) to be acquired with CELCP funds; and
 - The basis for establishing the land acquisition costs or donated land value, **which needs to include an estimate of the property's or easement's value at time of grant closing (i.e., within 9 months of the award expiration date). If previously conducted appraisals serve as the basis for estimating the property's value, please describe the type of appraisal and standards used, the date of the appraisal, and whether the property is likely to have appreciated or depreciated since the date of value.** If based on market price or other estimate of fair market value, please explain the basis for this estimate.
 - If other in-kind services such as direct staff support, acquisition-related expenses (such as title, appraisal, etc.) or restoration or remediation of the property to be acquired with CELCP funds, please provide details to document that they are reasonable costs and necessary for the successful completion of the project. Please also discuss the timing of the costs, when they were or will be incurred, keeping in mind there are different time eligibility windows for costs associated with CELCP-funded properties and properties used as match.
 - *Other* – Please also describe the following information:
 - Whether the property is currently being leased or rented **or if certain rights are held by a third party (such as timber rights that will vest at a future point).** If so, please explain the nature of these circumstances how any revenues will be used in support of the project.
 - Whether the public will be charged a user fee for access to or activities on the proposed property. If so, please explain how revenues will be used in support of the project.
 - Whether the proposed project been submitted to or is it currently under consideration by other programs for funding. If yes, please also list which program(s) and fiscal year(s), and whether the funding requested from other programs duplicates or complements the funding requested under CELCP. If the other programs have match requirements, please indicate how all match requirements/commitments will be met. *[Note: This information will enable NOAA to coordinate with the relevant program to avoid duplication if a proposed project is selected and approved for funding by another program in an earlier funding cycle.]*
 - Potential alternate sources of match, in the event that matching funds are not secured from the proposed source, or in the event that the value of proposed in-kind match properties depreciates prior to the required time of appraisal (nine months prior to award expiration).

Budget Overview Table – Suggested Format

Please fill out a Budget Overview Table only if the total cost of the project is greater than the requested CELCP funding (plus required matching funds). Otherwise, please fill out only the CELCP Budget Table.

Using the template below, please identify the costs associated the full project, including funding from other sources.

Category	Amount <i>(Note if cash or in-kind value of land/ services)</i>	Funding Source(s) <i>(Include information from all contributors to the project)</i>	Funds Already Expended? <i>(yes/no) If so, when?</i>
	\$		
TOTAL Cost:			

(Suggested Categories: Land, Appraisals, Title Opinion, etc...)

CELCP Budget Table – Suggested Format

Using the template below, please identify the costs associated only with requested CELCP funding and required matching funds.

Category	Federal Share from CELCP	State/Local Matching Share	Total	Funding Source (for Non-Federal share) <i>(Note whether funding is from cash or in-kind value of land or services)</i>	Funds Already Expended? <i>(yes/no) When?</i>
Land Acquisition	\$	\$	\$		
TOTAL:					

(Suggested Categories: Land, Appraisals, Title Opinion, etc...)

ELIGIBILITY OF PROJECT

6. Project Eligibility: (Check all that apply)

The proposed project:

- is located in a coastal or estuarine area (that has been designated as part of a state's approved coastal and estuarine land conservation (CELC) plan or within a state's coastal watershed boundary);
- matches federal funds with non-federal funds at a ratio of at least 1:1;
- will be held in public ownership and provide conservation in perpetuity (note: in-kind match property may be held by a qualified non-governmental organization whose primary mission is to acquire and manage land for the purposes of conservation);
- will provide for access to the general public, or other public benefit, as appropriate and consistent with resource protection.
- protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;
- can be effectively managed and protected;
- directly advances the goals, objectives or implementation of state coastal management plan or program or NERR management plan approved under the Coastal Zone Management Act (CZMA), national objectives of the CZMA, or a local, regional or state watershed protection plan involving coastal states with approved coastal management programs
- is consistent with the state's approved coastal management program.

Land Acquisition

7. Location and Site Maps: Site location maps are attached. Yes No

The applicant should attach a map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access, etc.).

8. Title Opinion and Appraisal:

- a. Documentation of the current owner's intent or willingness to sell at a mutually agreeable price is attached. (This documentation may be in the form of a letter of intent, option letter, contract, or similar form.) Yes No
- b. The applicant has obtained and attached an independent appraisal performed by a state certified appraiser. Yes No
- c. A title opinion or title insurance report is attached. Yes No

9. Public Benefit:

a. The acquisition will be publicly held or under publicly-controlled easement and is for public benefit. The project does not improve private property for private or commercial gain.

Yes No

b. The property will be accessible to the general public. Yes No

c. If the answer to the question above (9.b) is No, check any of the following reasons that apply and explain why access to the property will be limited.

Public Safety Resource Protection Geographically Isolated/Inaccessible

School Outings Only Scientific Research Other (please explain): _____

d. The property will be leased or rented. Yes No If yes, please explain.

e. The public will be charged a user fee for access to or activities on the proposed property.

Yes No

If Yes, provide a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

Compliance with Other Federal Authorities

10. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:

a. The project will affect properties listed on the National Register of Historic Places (www.cr.nps.gov/nr/), eligible to be listed, or otherwise protected by section 106 of the National Historic Preservation Act (www2.cr.nps.gov/laws/NHPA1966.htm) or a similar State Preservation Act.

Yes No

b. The Recipient has on file the SHPO's clearance. Yes No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and that work will not begin and land will not be purchased until SHPO clearance is received by the Recipient.)

11. National Flood Insurance Program:

a. Is the project located in a designated special flood hazard area, floodway or “V” zone on a National Flood Insurance Program Floodway Map (www.fema.gov/maps)? Yes No
(If No, go to 12)

b. Is the community in which the project is located in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program (www.fema.gov/nfip). Yes No

12. Coastal Barriers Resource Act: The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (www.fws.gov/cep/cbrunits.html).
 Yes No

If the answer is Yes, provide a brief statement below or attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

13. Endangered Species Act: May the proposed project adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act? (www.fws.gov/endangered) or (www.nmfs.noaa.gov/pr/species). Yes No

If the answer is No, provide a brief statement below explaining the basis for the conclusion. If the answer to 13 is Yes, provide a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. OCRM will not approve a project that USFWS or NMFS has determined will significantly adversely affect threatened or endangered species or critical habitat.

14. Magnuson-Stevens Fishery Conservation and Management Act.

Does the proposed project include essential fish habitat for federally managed fish?
 Yes No Not yet determined (please explain).

Could the proposed project have significant adverse impacts on essential fish habitat for federally managed fish? Yes No

15. National Environmental Policy Act:

a. The proposed project may significantly affect the human environment. Yes No

b. The proposed project involves unresolved conflicts concerning alternative uses of available resources. Yes No

c. This action would have significant adverse effects on public health and safety. Yes No

- d. This action will have highly controversial environmental effects. Yes No
- e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. Yes No
- f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. Yes No
- g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. Yes No

If the answer to any one subpart of 15. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

16. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. If the proposed project involves the acquisition and/or modernization of real property, will the proposed project cause the displacement of:

- Persons, Yes No
- Businesses, or Yes No
- Farm Operations? Yes No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

17. Handicapped accessibility: Will the proposed project be handicapped accessible?
 Yes No N/A

If No or N/A, provide a brief explanation below (or attach separately) as to why the project does is not required to meet ADA handicapped accessibility requirements.

18. Environmental Justice. Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? Yes No

19. State, Local and Tribal Laws. The project is consistent with state, local and tribal laws to protect the environment. Yes No

20. Contamination/Environmental Hazards (CERCLA/RCRA)

- a. Are there any known or suspected contaminants on the project site? Yes No

If yes, please discuss what type of contamination is on the site, or suspected to be on the site, and the status of clean-up activities.

b. Has the site been investigated, identified and/or designated as having hazardous waste contamination issues by a federal, state, or local agency (for example superfund site)?

Yes No

If yes, please explain the basis for the designation, the status of clean-up activities, and whether there are any legal liens or judgments affecting the property.

21. Public Coordination

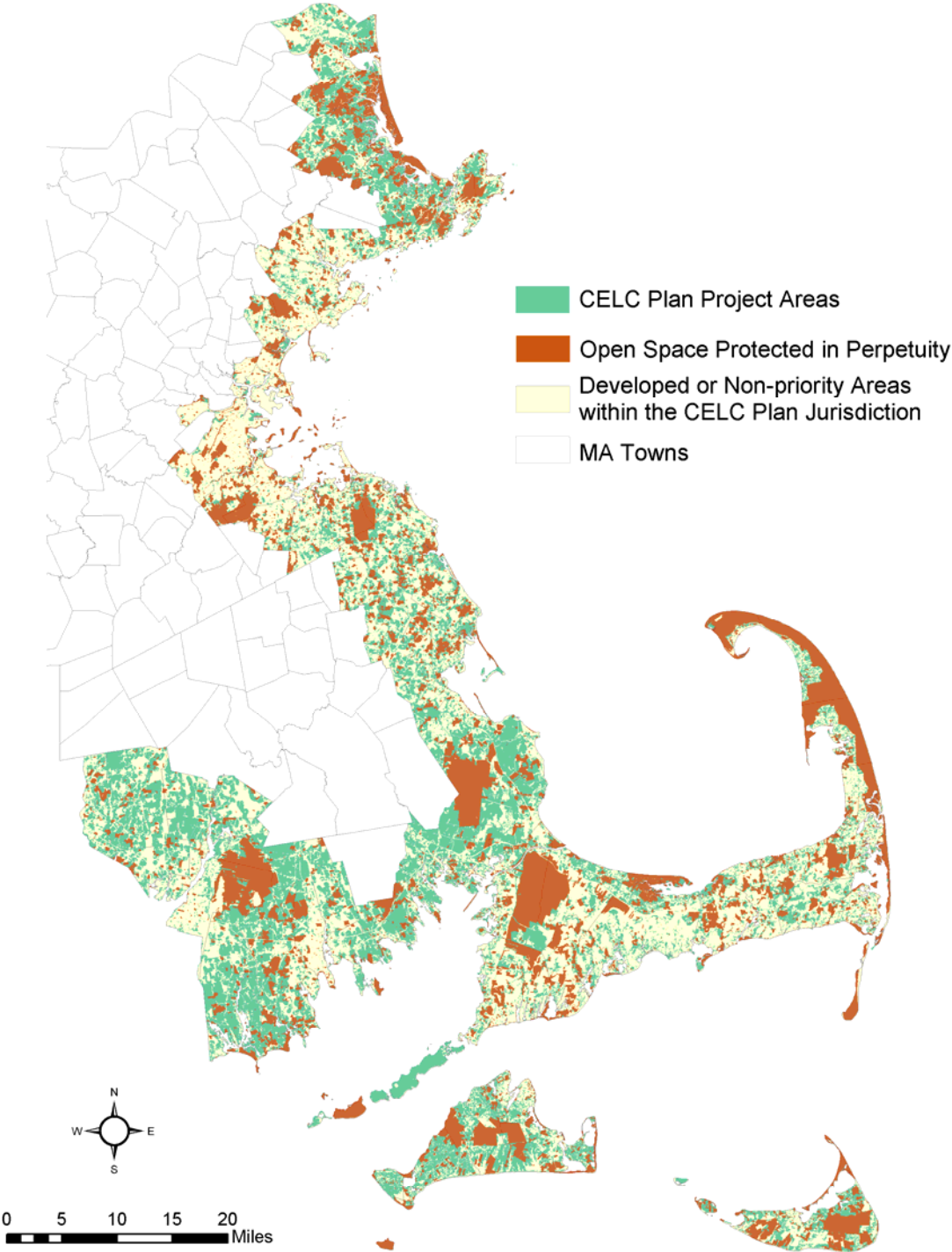
Has the project for which you propose to use CELCP funds been subject to public scrutiny and coordination through a public notice or other public review process? Yes No

If yes, please describe the results of that process and note when the coordination occurred.

If no, please explain.

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM7), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77 and has been approved under OMB #0648-0459. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Appendix D: MA CELC PLAN MAP



Source: MassGIS, CZM, MA Executive Office of Environmental Affairs

Appendix E: CZM Program Policies

Coastal Zone Management Program Policies

Effective Date: March 11, 1997

The CZM Program Plan establishes the following program policies which embody coastal policy for the Commonwealth of Massachusetts. Recognition of these statements as Massachusetts coastal policy is formalized in Memoranda of Understanding between CZM and state environmental agencies. Projects subject to federal consistency review must be consistent with CZM program policies. CZM enforces its program policies through existing Massachusetts statutes and their implementing regulations.

In addition, the federally-approved CZM Program Plan lists management principles. These policy statements are not currently enforceable through existing state statutes and regulations. They are published as guidance to proponents of activities in the Coastal Zone and represent the preferred policy direction of CZM. CZM reviews all projects, whether for federal consistency or MEPA review, for consistency with management principles and may recommend alternatives or changes to projects in order to achieve consistency with the management principles.

WATER QUALITY

- WATER QUALITY POLICY #1** - Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.
- WATER QUALITY POLICY #2** - Ensure that nonpoint pollution controls promote the attainment of state surface water quality standards in the coastal zone.
- WATER QUALITY POLICY #3** - Ensure that activities in or affecting the coastal zone conform to applicable state and federal requirements governing subsurface waste discharges.

HABITAT

- HABITAT POLICY #1** - Protect coastal resource areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eelgrass beds, and fresh water wetlands for their important role as natural habitats.
- HABITAT POLICY #2** - Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.

PROTECTED AREAS

- PROTECTED AREAS POLICY #1** - Preserve, restore, and enhance complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern program.
- PROTECTED AREAS POLICY #2** - Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.

•**PROTECTED AREAS POLICY #3** - Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.

COASTAL HAZARDS

•**COASTAL HAZARD POLICY #1** - Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.

•**COASTAL HAZARD POLICY #2** - Ensure construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.

•**COASTAL HAZARD POLICY #3** - Ensure that state and federally funded public works projects proposed for location within the coastal zone will:

- not exacerbate existing hazards or damage natural buffers or other natural resources,
- be reasonably safe from flood and erosion related damage, and
- not promote growth and development in hazard-prone or buffer areas, especially in Velocity zones and ACECs, and
- not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.

•**COASTAL HAZARD POLICY #4** - Prioritize public funds for acquisition of hazardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.

PORT AND HARBOR INFRASTRUCTURE

•**PORTS POLICY #1** - Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.

•**PORTS POLICY #2** - Obtain the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environment policies.

•**PORTS POLICY #3** - Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.

•**PORTS MANAGEMENT PRINCIPLE #1** - Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and developed harbors, re-development of urban waterfronts, and expansion of visual access.

PUBLIC ACCESS

- PUBLIC ACCESS POLICY #1** - Ensure that developments proposed near existing public recreation sites minimize their adverse effects.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #1** - Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #2** - Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #3** - Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.
- PUBLIC ACCESS MANAGEMENT PRINCIPLE #4** - Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.

ENERGY

- ENERGY POLICY #1** - For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.
- ENERGY MANAGEMENT PRINCIPLE #1** - Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

OCEAN RESOURCES

- OCEAN RESOURCES POLICY #1** - Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.
- OCEAN RESOURCES POLICY #2** - Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the MA Ocean Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreation can be assured.
- OCEAN RESOURCES POLICY #3** - Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shorelines areas due to alteration of

wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.

GROWTH MANAGEMENT

•**GROWTH MANAGEMENT PRINCIPLE #1** - Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.

•**GROWTH MANAGEMENT PRINCIPLE #2** - Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.

•**GROWTH MANAGEMENT PRINCIPLE #3** - Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.