



**EXECUTIVE OFFICE OF ENERGY &
ENVIRONMENTAL AFFAIRS**

Rebecca Tepper, Secretary
Grant Announcement

BID ENV 24 DCS 09
Posting Date: Wednesday, January 24, 2024

Landscape Partnership Grant
FY 2024

BID#: BD-24-1042-ENV-ENV01-97432

1. Grant Opportunity Summary:

A. PROPOSALS SOUGHT FOR: Acquisition of property interests in large, unique, unfragmented conservation and working landscapes, in single or multiple parcels, by two or more entities acting in cooperation.

B. OVERVIEW AND GOALS: In furtherance of the Healey Administration's environmental, economic, and climate change resiliency goals, the Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the biodiversity and natural resources of the Commonwealth. To fulfill this mission, Rebecca Tepper, Secretary of EEA, is making available funding for the FY 2024 Landscape Partnership Grant Program.

This program advances the large-scale connectivity of conservation lands that is necessary to sustain the integrity and resilience of ecosystems and the viability of local farm and forest economies. Its purpose is to facilitate complex large-acreage projects, leverage state financial investments, expand partnerships among federal, state, municipal, and non-profit entities, enhance the stewardship of conservation land, and expand public outdoor recreational opportunities. The program provides funding to assist municipal, state, federal, and non-profit partners, acting in cooperation, in acquiring interests in lands suitable for conservation purposes, including undeveloped lands, farms and forests, water supply lands, unique ecosystems, rare species habitats, and restored lands. The grant is intended to enable projects that stretch beyond the scope of other state land grant programs. The FY 24 Landscape Partnership Grant Program also supports Governor Healey's climate and clean energy goals by accelerating land conservation, including investing in forest conservation to achieve important natural climate solutions.

C. ELIGIBLE PROJECTS: Purchase of property interests through fee simple acquisition, conservation restriction (CR), agricultural preservation restriction (APR), or watershed preservation restriction (WPR) for a minimum acreage determined by County (see Table in Section 2B). Project's parcels totaling the designated minimum acreage must be contiguous, or directly linked by other permanently protected land.

D. ELIGIBLE APPLICANTS: Applications must be submitted jointly by partners from a minimum of two of the following category types: 1) municipalities acting through their conservation commission, agricultural commissions or municipal departments managing water supply land, or another political body established for the purpose of acquiring and managing land and interests for conservation purposes and public benefit; 2) non-profit 501(c)(3) organizations that have been formed for purposes related to land conservation and stewardship; 3) state or federal environmental land agencies; and 4.) water or fire districts or other public

water suppliers. At least two of the partners in an application must be involved in the project to a significant degree. See also section 2A.

E. APPLICATION DEADLINE: 3:00 pm on Thursday, April 18, 2024

See further detail on deadlines and grant program calendar in section 4.

F. FUNDING AVAILABILITY: Maximum grant award: \$1,250,000 unless increased at the discretion of the Secretary. See also section 2E.

G. BUDGET REQUIREMENT: Applicants selected to receive grant funding must document the use of funds, or contributions from other sources comprising at least 50% of total project costs. See also section 2F.

H. TOTAL ANTICIPATED DURATION OF CONTRACT(S): The contract period will begin on the date of contract execution or a specified later date. Multiple contracts may be awarded under a single application, to multiple project partners, upon determination of the review committee. Contracts issued pursuant to this bid must expend 100% of costs associated with the approved project on or before the end of fiscal year (FY) 24 (June 30, 2024), FY 25 (June 30, 2025), and/or FY 26 (June 30, 2026) per contract terms. See also section 2H.

I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: This bid is issued according to the following authorizations: c. 286, §2 of the Acts of 2014 and Chapter 209 of the Acts of 2018 and Chapter 268 of the Acts of 2022. All properties receiving funding through this program will become permanently protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to conservation use in accordance with M.G.L. c. 40, §8C, or agricultural use under M.G.L. c. 40, §8L and Chapter 780 of the Acts of 1977, or conservation under c. 286, §2 of the Acts of 2014. All projects for which grant assistance is provided must be open to the general public on at least a portion of the project, for appropriate passive recreational use. For land under a state environmental land agency, the public access policy of the relevant agency will be followed. See program policies and regulations in Attachment F.

J. CONTACT INFORMATION:

Vanessa Farny
Executive Office of Energy and Environmental Affairs
100 Cambridge St. – Suite 900
Boston, MA 02114
vanessa.farny@mass.gov

2. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. ELIGIBLE APPLICANTS:

All applications must include eligible project partners representing at least two of the following categories:

- **Municipality**, acting through its Conservation or Agricultural Commission, or municipal water department or other department authorized by the Board of Water Commissioners, or another political body established for the purpose of acquiring and managing land and interests for conservation purposes and public benefit;
- **Non-profit, non-municipal public water supplier** or water or fire district;
- **Non-profit 501(c)(3) organization** formed for one of the purposes described in M.G.L. c. 180 §4;
- **State or Federal government agency**, including the Massachusetts Department of Fish and Game (DFG), Massachusetts Department of Agricultural Resources (MDAR), and Department of Conservation and Recreation (DCR). Federal agencies within the US Department of the Interior (USDOI) or US Department of Agriculture (USDA) are eligible partners but may not receive reimbursement funding through this program.

At least two project partners must have a *significant* involvement in the project, involving financial contributions, acquisition of property interests, and/or long-term stewardship commitments.

Fee simple acquisitions by 501(c)(3) non-profits or municipalities must be encumbered by a CR conveyed to: the conservation commission of the municipality in which the property is located (if acquired by a non-profit), or; a state conservation agency, or; a federal conservation agency, or; another qualified 501 (c)3 non-profit organization unless a waiver for this requirement is granted by EEA.

Project Applicants must demonstrate capacity to complete complex land conservation deals, including raising sufficient funding for project work and experience with long-term fee property stewardship, and have no unresolved protected open space conversion issues with EEA. For details, review the EEA [Article 97 Disposition Policy](#).

Multiple applications will be accepted from the same entity. Projects are especially encouraged to include the municipality/municipalities in which the project is located as a partner(s).

B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK:

EEA seeks to further the conservation of suitable land within the Commonwealth to protect habitat, hydrological and recreational connectivity and mitigate climate change impacts. Applications will be accepted for projects to be completed in FY 2024 (under exceptional circumstances), 2025, and/or 2026. Applications may include any combination of the following acquisitions:

1. Land in fee simple for open space, passive recreation, forestry, agriculture or water supply;
2. A perpetual CR, APR or WPR;

The Project must meet the following criteria:

1.) Have a project core with a minimum contiguous acreage based on County as follows:

County/ies	Minimum Acreage
Berkshire, Franklin, Worcester	500 acres
Hampden	300 acres
Bristol, Hampshire, Plymouth	250 acres
Essex	200 acres
Barnstable, Dukes, Middlesex, Nantucket, Norfolk, Suffolk	100 acres

Projects that span multiple Counties must meet the average of the minimum thresholds for those Counties.

Land must be contiguous, or connected through other permanently protected land, including land held by 501(c)(3) non-profit land trusts, or land that is currently or will be effectively reconnected by the construction of a wildlife passage structure as part of, or concurrent with, the acquisition project. Fee acquisition of inholdings are eligible for inclusion to satisfy the minimum acreage required only if it can be demonstrated that the acquisition of the parcel will achieve a significant overall benefit such as improved property management and/or stewardship.

Projects that protect active agricultural uses, designated drinking supply watersheds or forested

lands are encouraged.

Additional parcels: Parcels within the same landscape but separated by developed land or unprotected parcels not proposed for inclusion with the project may be included as additional acreage, and may contribute favorably to its evaluation, but do not count towards the minimum acreage eligibility. These additional project parcels should be in close proximity to parcels included in the project core. Funding for protection of these additional parcels or counting gifts or bargain sales on such parcels as project “match” is at EEA’s discretion. Applicants must demonstrate that these additional parcels play a role in promoting the benefits of the project. Applicants who have included the value of gifts or bargain-sales of unrelated, unconnected parcels in their share of project costs (e.g “matching parcels”) deemed by EEA to be extraneous to the core landscape may be asked to submit alternative sources of project match, subject to approval by EEA.

Achieving project connectivity:

Roads: It is strongly preferred that project parcels not be separated by roads. However, parcels on either side of small, minimally-traveled roads (not more than two lanes of travel) may be counted toward the required acreage. Parcels separated by roads will be subject to EEA’s evaluation for inclusion. Projects may include parcels on both sides of a major road or highway as part of the minimum project acreage **only** if the parcels are connected by, or the project includes the installation of, a suitable wildlife passage structure(s) that facilitates good movement of wildlife.

Parcels with existing rights-of-way for infrastructure or development held by private third parties, may be included at EEAs discretion, but applicants may be required to extinguish these rights prior to project completion.

Water: Waterbodies, streams and rivers do not constitute a break between project parcels and land area under small and unprotected water bodies (typically less than 10 acres) may be included in the total project acreage. However, land area under a Great Pond (10 acres or larger historically, although they may have diminished over time), or a larger body of water, may **not** count towards the minimum 500 acres; they will be treated as permanently protected land, and can serve to connect other eligible project parcels.

2.) Accommodate public access. Projects must provide for meaningful public passive recreational access. Public access on parcels for which funding is sought to acquire a CR, APR, or WPR is encouraged and strongly preferred, but not required. Project parcels acquired in fee should accommodate public access to the extent feasible and provide opportunities for passive recreational uses of the land (e.g. trail recreation, formal nature study or hunting). Public access accommodations will be considered in the evaluation of the overall project quality. While reasonable restrictions on the time, place, and nature of public use are allowable, public access, where provided, must be permanent and by right. Applicants are encouraged to secure public access on all, or a majority of, the parcels. Informal landowner agreements to allow public access on land protected under CR, APR or WPR are insufficient.

Proposed uses that threaten natural resource values, agricultural uses, or drinking water supply are prohibited by EEA. Grant recipients must prepare and submit a template Land Management Plan that identifies permitted and prohibited uses for property acquired in fee, in which the permitted and

prohibited activities are identified.

Examples of permitted uses: *hiking, biking, swimming in a natural waterbody, hunting, fishing, cross-country skiing, wildlife viewing, environmental education, community gardens, timber management with approved plan, agriculture, camping.*

Examples of uses prohibited: *athletic fields (baseball, soccer, etc.), pools, play structures, municipal-scale wells, golf courses, solar and wind installations (except as permitted under the APR program), municipal offices or buildings, motorized recreational vehicles (possible exceptions made for pre-existing, established snowmobile trails), dog parks, encroaching private uses.*

3.) Have a minimum of two eligible partners. Project partners must apply in a single application.

4.) Land must be currently unprotected. Land that is already protected for any purpose under Article 97 or under an EEA-approved CR, an APR or WPR is ineligible for funding. Article 97 status is conferred to a property purchased with an EEA grant program (LAND, PARC, Conservation Partnership, or LWCF) or by its acquisition by a government entity for any Article 97 purpose.

Lands enrolled in Chapter 61, 61A or 61B are not classified as permanently protected land and are eligible to receive funding.

5.) Land cannot be already owned by a municipality, an EEA agency (e.g., DCR, DFG), or federal environmental land protection agency *with the following exceptions:* Municipally-owned land that is not Article 97, or with unclear or disputed Article 97 status may, at the discretion of EEA, be included in a project to secure Article 97 status. Applicants must justify the inclusion of any such parcel.

6.) Cannot be already be owned by a 501(c)(3) non-profit environmental or conservation organization unless it was purchased no earlier than the bid posting date for the FY 24 Landscape Partnership Grant Program with the sole intention of purchasing the land in anticipation of a potential Landscape Partnership grant award. **Any exercise of this exemption is at the risk of the non-profit organization.** EEA does not guarantee funding as a result of this exemption.

7.) Cannot be located in an Executive Office of Housing and Economic Development-designated Priority Development Area (PDA) as shown in the South Coast Rail Corridor Plan, I-495/MetroWest Development Compact Plan, Merrimack Valley Land Use Priority Plan, Metro North Land Use Priority Plan, Central Massachusetts Land Use Priority Plan, or other regional plan available.

Only approved project costs incurred **after a contract has been executed by EEA** remain eligible for reimbursement. Gifts of properties intended to serve as project match may be acquired prior to an executed contract, but **not earlier than the posting date of the Landscape Partnership bid** if the property is proposed match for FY24 *or not earlier than July 1, 2024* if the match is proposed for FY 25, *or not earlier than July 1, 2025* if the match is proposed for FY 26, to remain eligible as match in the corresponding year. For two-year projects, **reimbursement requests for the first fiscal year may not exceed 50% of the total grant award requested.** However, grantees may budget to expend less than 50% of the grant award in the first year, to reserve the flexibility to secure grant funding of greater than 50% in the second year if necessary. Total funding requested over both years may not be for more than 50% of project costs up to \$1,250,000.

The appraised values for match parcels must be reviewed and approved by EEA.

Article 97 protection:

Property interests acquired with this grant program will become protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. No major alteration or change in use of properties may take place after the property is acquired.

C. APPRAISAL REPORTS AND CONSTRUCTION BUDGETS:

Appraisals: An appraisal (or market analysis – see below for detail) is required **by the deadlines identified below** for all property acquisitions included in the project, including gifts of land or bargain sales proposed as ‘match’ parcels under the partner’s share of project costs. Applicants are encouraged to solicit a preliminary estimate of value for all parcels prior to submitting the application to ensure that the project budget more accurately reflects property values for purchase or gifts.

Appraisals must clearly break out the property value (e.g. fee or CR) to be acquired by each project partner. The Applicant or one of the project partners must be the client for the appraisal; the owner of the property cannot be the client. **All appraisals must be dated no earlier than one year prior to the application deadline.** All appraisal reports must be prepared and certified by contracted real estate appraisers certified or licensed and in good standing pursuant to M.G.L. c. 112 and regulations promulgated by the Board of Registration of Real Estate Appraisers. See the [DCS website](#) for the EEA Specifications for Analytical Narrative Appraisal Reports.

Acceptable forms of market value estimates are as follows:

- 1. Parcels with an estimated value of under \$28,000:** One certified appraisal report, restricted appraisal report, or contracted market analysis.
- 2. Parcels with an estimated value of between \$28,000 and \$72,000:** One certified appraisal report or restricted appraisal report.
- 3. Parcels with an estimated value of between \$72,000 and \$750,000:** One certified appraisal report.
- 4. Parcels with an estimated total value of over \$750,000:** One certified appraisal report is required. Applicants are encouraged to obtain a second appraisal report or review appraisal.

EEA reserves the right to request additional or review appraisals, as it deems necessary. EEA reimbursement is based upon the appraised value or purchase price, whichever is less.

Appraisal deadlines:

For property to be purchased or to serve as match for grant funding in FY24 (before June 30, 2024), the appropriate number and type of appraisal (see above) must be submitted with the application.

For property to be purchased or to serve as match for FY25 grant funding (between July 1, 2024 and June 30, 2025), the appropriate number and type of appraisal must be submitted not later than 60 days after receiving an executed contract and prior to closing on the parcel.

For property to be purchased or to serve as match for FY26 grant funding (between July 1, 2025

and June 30, 2026), the appropriate number and type of appraisal must be submitted not later than **January 31, 2025** and prior to closing on the parcel.

A deadline extension for required appraisal(s) is at EEA's discretion.

D. EVALUATION CRITERIA:

Each application will be scored using the criteria below. See Attachment B for more detail.

- **Local involvement and stewardship capacity of applicants**
- **Project quality and consistency with program priorities**

A grant application review team composed of EEA staff members will review all applications, conduct site visits and develop funding recommendations.

E. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:

Reimbursement rate: Up to 50% of total eligible project costs; eligible project costs include the value of any gifts or bargain sales that partners may secure as ‘match’.

Maximum award: \$1,250,000 unless increased at the discretion of the Secretary.

For multi-year projects, reimbursement within the first fiscal year cannot exceed 50% of grant funding award.

Applicants selected to receive funding may not use other state funding sources for acquisition costs on the same property interest, unless it is funding contributed by a state agency participating as a project partner. Use of CPA or Cape Cod or Martha’s Vineyard Land Bank funds is permitted.

Awards may result in a single or multiple contracts for each project. Municipal and non-profit project partners with executed contracts will be reimbursed for eligible expenditures incurred by the grant awardee within the contract period as documented by invoices and cancelled check or wire transfer statements or an attested treasurer’s statement. Grant funding for EEA agencies will be via a capital allocation or Inter-Agency Service Agreement (ISA). Federal USDA or USDOJ agencies are eligible project partners, and may contribute financial, stewardship, ownership, or facilitative resources, but are ineligible to receive reimbursement from this grant program. MassDOT may not receive funding from this grant program.

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, contracted partners will be notified in writing and the contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension, in writing, if additional funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

Successful applicants may receive funds provided to Massachusetts under the American Rescue Plan Act of 2022 (“ARPA”). As such, these awardees may be considered sub-recipients of ARPA funds and will need to comply with all governing federal laws and regulations. These include, but are not limited to: 2 CFR Part 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS (Uniform Guidance); 2 CFR Part 25 UNIVERSAL IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT; various reporting requirements; and

various federal non-discrimination laws including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Grant agreements will include language reaffirming these requirements and providing the Commonwealth with remedies if a grant recipient fails to comply with these requirements. All grant awardees will be notified of the source of funds for their grant award.

F. BUDGET REQUIREMENT:

A detailed budget for all project component(s) is required. **The total project cost is the total value of all acquisitions, matching contributions (gifts or bargain sales), and eligible project costs.** Grant awards may not exceed 50% of total project costs and may not exceed \$1,250,000. Reimbursement requests for individual eligible costs may be up to 100% of the cost, provided the **sum** of reimbursement requests **do not exceed 50% of documented project costs.** Municipal and non-profit partners must secure authorization to raise, borrow, or otherwise appropriate their respective shares of the total project costs, as well as secure authorization to spend 100% of respective project costs in anticipation of a grant reimbursement payment. EEA may approve or disapprove individual portions of a proposed budget.

Eligible project costs include all EEA-approved project costs incurred **within** the grant recipients contract or ISA period, including:

- Purchase of property interests
- Survey work
- Title search and certification
- Appraisal (only if the appraisal was conducted in the contract period.
- Recording fees
- Forest Management Plan
- Baseline Documentation Report preparation work (up to \$1,500 per BDR)

Ineligible project costs include, but are not limited to:

- Legal fees (except those incurred with title research, certification, or closing)
- Application preparation and submission costs
- Staff salaries
- Appraisal(s) conducted **outside** the contract period
- Stewardship endowments
- Equipment or goods
- Any other items as determined by EEA

Eligible sources of project funding may include, but are not limited to:

- Foundation grants
- Municipal land, open space, CPA, or agricultural accounts
- Private donations
- Federal agency funds, grants, or loans
- Natural resources damages settlement funds
- Non-profit accounts
- State agency funds (allocations outside of this grant)
- Drinking water protection accounts
- Gifts of property interests, including gifts of partial value via bargain sales
- Other non-state funds approved by EEA

All match is subject to EEA approval.

G. PROJECT TERMS:

Awarded projects must abide by the Standard Commonwealth of Massachusetts Terms and Conditions, and/or an Interdepartmental Service Agreement. All contracts are subject to successful negotiation of a Final Scope of Services. EEA does not guarantee that any contracts may result from this bid. It is anticipated that projects could commence when the relevant contract or ISA is executed, or capital allocation completed.

Amendment to contracts is at the sole discretion of EEA.

H. ANTICIPATED DURATION OF CONTRACTS:

Contracts will end on June 30, 2024 for awards made in FY 24; June 30, 2025 for contracts awarded for FY 25; and June 30, 2026 for contracts awarded for FY 26. Extension of a contract is at the sole discretion of EEA.

I. DELIVERABLES, OWNERSHIP, AND CREDIT DUE:

Acquisitions resulting from this bid are subject to various requirements depending upon the partner and are detailed below. EEA reserves the right to alter these requirements.

Acquisitions by a public water supplier, including municipal water commissions, water districts or fire districts, must be authorized to acquire the land by the Board of Water Commissioners or Board of Selectmen authorized as such, for drinking water supply protection purposes, and may require DEP approval.

Acquisitions by municipalities for purposes other than water supply protection must be held by the Conservation Commission or Agricultural Commission as appropriate.

If Community Preservation Act (CPA) or Cape Cod Land Bank funds are used to acquire project lands, adherence to CPA or Cape Cod Land Bank regulations is required, including the conveyance of a perpetual conservation restriction to an appropriate 501(c)(3) organization within the meaning of M.G.L. c. 184.

Fee simple acquisitions by 501(c)(3) non-profits must be encumbered by a CR conveyed to one or more of the following (as eligible): the conservation commission of the municipality in which the property is located, or; a state conservation agency, or; a federal conservation agency, or; another qualified non-profit organization unless a waiver for this requirement is granted by EEA.

CRs held by 501(c)(3) non-profits or municipalities must be approved by the Secretary of EEA. Additional information is available on the [DCS website](#).

Project partners must show good, clear title to all fee properties acquired. Properties for which a CR is recorded must have any existing mortgages subordinated. A Project Agreement must be recorded for all properties acquired by non-federal or state governmental entities.

APRs must adhere to current Massachusetts [Department of Agricultural Resources' criteria](#) for participation in the APR program.

EEA Project Agreements affirming that property acquired as part of the grant-funded project is protected under Article 97 must be recorded with deed or CR for all non-profit or municipal acquisitions.

All grant contracted acquisitions of property interests must meet deadlines as follows:

- For property to be acquired with **FY24** funding: A purchase and sale agreement must be executed and all due diligence must be completed (including property survey) **prior to EEA executing the grant contract**. The property purchase must close by June 30, 2024 to remain eligible for reimbursement.
- For property to be acquired with **FY25** funding: A purchase and sale agreement must be executed and all due diligence completed by May 1, 2025, or closing, whichever comes first. The property purchase must close by June 30, 2025 to remain eligible for reimbursement.

- For property to be acquired with **FY26** funding: A purchase and sale agreement must be executed and all due diligence completed by May 1, 2026, or closing, whichever comes first. The property purchase and all project components should be completed by June 1, 2026.

Due diligence must meet the standards of the government entity that will be holding an interest in the property, as applicable.

Projects that fail to secure a P&S by these deadlines may have their funding commitment withdrawn. Extensions are at the discretion of EEA.

J. REPORTING: Grant recipients will be required to submit periodic progress reports.

K. INVOICING: The Landscape Partnership Grant Program is a reimbursement program. Award recipients must submit a billing form with proof of payment for all project costs for which reimbursement is sought. Only approved expenses incurred by the contracted entity during the period of contract, and for which appropriate documentation is submitted, are eligible for reimbursement.

3. Instructions for Application Submission

A. APPLICATION SUBMISSION: An electronic copy of the application must be received via email by **3:00 pm on Thursday, April 18, 2024**. Applications will not be accepted after the deadline.

Submit the electronic copy of the completed application with all required documentation via email or file share service with the subject line “Landscape Partnership Application_[Lead Partner]_[Project Name] to vanessa.farny@mass.gov.

B. REQUIRED DOCUMENTS: A complete application package includes:

1. Application form;
2. Appraisal report(s);
3. Project narrative;
4. Cover letters for each project partner signed by an authorized signatory for each partner authorizing the named project manager to apply for/participate in the grant application on behalf of the partner entity and affirming the total project costs to be incurred by the partner and total funding requested;
5. Maps illustrating project parcels, protection status of connecting/adjacent parcels, habitat values and other relevant resources and features, including water ways, ponds or lakes, as well as roads;
6. Letter from [Natural Heritage and Endangered Species Program](#) (NHESP) indicating the presence or absence of rare and endangered species on properties included in the application. To request comments, please submit a Request for State-listed Species Information to the NHESP. See <https://www.mass.gov/how-to/request-rare-species-information> for information on submitting that request online or by mail. The request should include “Landscape Partnership Grant” in the Project or Site Name. There is no charge for this request letter.
7. Letter from Massachusetts Historical Commission (MHC) indicating the presence/absence of historic or archaeological sites. Submit a [Project Notification Form](#) to MHC; and,
8. Documentation of good stewardship on conservation properties currently owned or managed by project partners.

C. DOCUMENTATION REQUIRED IF SELECTED TO RECEIVE FUNDING: If an application is selected to receive funding, each non-state project partner seeking funding will be required to submit the following forms to complete a contract:

- Commonwealth Standard Contract Form with Coronavirus State Fiscal Recovery Fund (FRF) Contract Addendum;
- Commonwealth Scope and Budget Form;
- Completed Contractor Authorized Signatory Listing; and
- Landscape Partnership Project Agreement.

Respondents should review the Commonwealth Standard Contract Form, Commonwealth Scope and Budget Form, and Contractor Authorized Signatory Listing prior to submission of a Response, available under the Forms and Terms tab of this Commbuys posting, as well as: <https://www.mass.gov/lists/osd-forms>.

D. PROJECT STEPS AND PROCEDURES:

1. Designated lead partner submits an **application**.
2. DCS contacts lead partner to arrange **in-person site visits**.
3. **EEA evaluates applications** using Landscape Partnership Grant Program selection criteria. See Attachment B for detail.
4. **Awards are announced** and grant recipients receive a formal award letter. Applicants not selected to receive funding will receive a brief explanation of why the project was not selected and recommendations for improving future grant program applications.
5. **Municipal partners secure funding authorization (if not already secured)** via vote to (a) authorize the municipality to appropriate, transfer from available funds, expend from its Conservation Fund, or borrow a sufficient amount to meet its contribution obligations as required. A municipality may vote to borrow funds in anticipation of state or federal reimbursement prior to receiving a grant award (M.G.L. C. 44, §8C)] (b) designate the Conservation Commission to hold and manage the property for conservation and passive recreation (M.G.L. C. 40, §8c). Vote language must be reviewed and approved by the Landscape Partnership grant program manager prior to the vote.
6. **Conservation Restriction review:** Parcels that involve a Conservation Restriction held by a municipality or non-profit partner must have a draft CR reviewed by DCS. Draft CRs with CR review application form, should be e-mailed to CRReview.DCS@mass.gov per the instructions on the [DCS website](#). The draft CR should be submitted **no later than 4 months prior to anticipated closing** and will be reviewed separately from the grant application.
7. **Contracts issued to project partners are** signed by project partners and executed by EEA.
8. **Complete due diligence** to ensure all properties have certified clear title and a recent survey.
9. **Follow state procurement law.** Municipal and state agency grant recipients must adhere to state procurement laws, M.G.L. C. 30B (Uniform Procurement Act). Municipal acquisition projects fall under Section 16(2)(e), including a requirement for advertising in the Central Register 30 days prior to closing. **Communities using CPA funds for the acquisition are exempt from this requirement.**
10. **Purchase properties** and record all required documents for grant reimbursement.
11. **Prepare properties acquired in fee for public use** including any preliminary site cleanup needed, and to ensure parking and public access are adequate. A sign(s) acknowledging Landscape Partnership Grant Program funding is installed at main entry point(s). Partners may use their traditional signage, but should incorporate acknowledgement of Landscape Partnership funding.
12. **Submit a Baseline Documentation Report or Land Management Plan** with detail of property conditions at the time of award.
14. **Request reimbursements.** Partners coordinate with lead partner to ensure billing form and documentation of costs is complete and submitted by the deadline.
15. **Reimbursement payments are made** by electronic funds transfer.

4. DEADLINES AND PROCUREMENT CALENDAR

A. RELEASE OF BID: Wednesday, January 24, 2024

B. INFORMATION SESSION: Two information sessions will be held. An in-person information session will be held at 1:00 pm on Monday, February 26th, 2024 at MassWildlife Field Headquarters at Rabbit Hill Road (off North Drive) Westborough, MA and the second will be held virtually via MS Teams at 2:00 pm on Wednesday, February 28th, 2024. **Please be sure to register for either information session in advance by emailing Vanessa Farny at vanessa.farny@mass.gov by Friday, February 23, 2024 to identify the date you will attend.** While not required, it is strongly recommended that applicants attend the workshop.

C. APPLICATION DUE DATE: 3:00 pm on Thursday, April 18, 2024

D. ESTIMATED AWARD DATE: Awards will be announced as soon as is feasible after the grant application deadline, and are estimated to be announced 120 days from the deadline. Contract negotiations will begin immediately thereafter.

E. ESTIMATED CONTRACT START DATE: Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

5. MISCELLANEOUS

A. TYPE OF PROCUREMENT: Grant

B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS: This bid is a single department procurement.

C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS: This bid may result in multiple contracts.

D. BID DISTRIBUTION METHOD: This bid has been distributed electronically using the COMMBUYS system. It is the responsibility of every Applicant to check COMMBUYS for any addenda or modifications to a bid to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended bids and submit inadequate or incorrect responses. Potential applicants are advised to check the “last change” field on the summary page of bids for which they intend to submit a response to ensure they have the most recent bid files. The application and answers to questions will be posted on COMMBUYS and the [DCS website](#). Applicants may not alter bid language or any bid component files. Those submitting a proposal must respond in accordance to the bid directions and complete only those sections that prompt an applicant for a response. Modifications to the body of this bid, specifications, terms and conditions, or which change the intent of this bid are prohibited. Any unauthorized alterations will disqualify response.

E. LIST OF ATTACHMENTS TO THIS BID:

- A. Application form
- B. Landscape Partnership Grant Program selection system
- C. Requirements for use of Community Preservation Act funds in municipal acquisitions
- D. Sample municipal vote
- E. Landscape Partnership program policies and legislation

**Landscape Partnership Grant Program
APPLICATION FORM – FY2024
Deadline: Thursday, April 18, 2024 at 3:00 pm**

Instructions:

Submit one electronic copy of the completed application with all required documentation via email or file share service to: Vanessa.Farny@mass.gov with the subject line "Landscape Partnership Application_[Lead Partner]_[Project Name]."

I. APPLICANT INFORMATION

Project name: _____

Project partners & contact information

All projects must have at least two project partners with a significant investment. Partners must represent at least two of the following categories: municipal conservation commissions, water commissions or water departments; non-profit public water suppliers; non-profit 501(c)(3) organizations whose primary purpose includes land conservation, environmental protection, environmental education, or outdoor recreation; government land agencies, including the Massachusetts Departments of Conservation and Recreation, Agricultural Resources, or Fish and Game, or US Department of the Interior or US Department of Agriculture, or the Massachusetts Department of Transportation.

Partner type	Project partner	Contact name	Address, Phone, and Email)
Lead Partner – The listed contact will serve as the point of contact for this application, and will be responsible for ensuring all project partners complete their obligations			
Partner 2			
Partner 3			
Partner 4			
Partner 5			

Municipal project partners: Attach a letter from the municipal Chief Executive Officer (typically chair of selectboard, mayor, or city/town administrator or manager) indicating that the project contact is authorized to apply for funds through the Landscape Partnership Grant program.

2. PROJECT DETAILS

Projects must include the minimum contiguous acreage required, as identified in the table in Section 2B and described therein. Additional parcels may be included.

Total acreage: _____ Number of parcels: _____
Project location (municipality/ies and county/ies) _____

How much grant funding is requested in the following Fiscal Years? Please ensure the budget submitted clearly identifies the parcels proposed for acquisition in each fiscal year):

FY 2024 _____ FY 2025 _____ FY 2026 _____

What is the total acreage of permanently protected open space that is adjacent or otherwise connected to the parcels proposed for acquisition? _____ acres

Maps attached with this application should clearly identify this acreage and the conservation status of these parcels.

Are there existing agreements for additional land conservation that will significantly benefit, or that are contingent upon these acquisitions? (e.g. will these acquisitions catalyze further conservation through agreements with landowners or foundations?) Yes No

If yes, describe: _____

Please include additional detail and a map identifying the additional unprotected parcels.

Project description

Please provide a 2-3 page narrative description of your project that will assist the evaluation of the overall scope and quality of the proposed project. Please include the following:

- Role of each project partner (e.g. parcels that will be acquired, stewardship responsibilities);
- Connectivity to existing protected open space or the potential for future conservation efforts including any structural component(s) of the project (e.g. wildlife passage, stream culvert, or bridge construction). Articulate how conservation of the parcels will benefit the ecological function and natural resources of the region.
- If any proposed project parcels are not directly adjacent, or well-connected by adjacent protected parcels, make sure to articulate how the acquisition of the parcels contribute to project goals;
- A project timeline including anticipated closing dates for all properties and the schedule for completing due diligence, survey work (as applicable);
- Community benefits the project has been identified to provide (e.g. drinking water supply protection, flood mitigation, recreational access and/or trail linkages).
- Location of current or future public access that will be accommodated. Identify any current recreational uses that will benefit from the property acquisition;
- The risk of development;
- Any quantifiable economic benefits that will be achieved for the local economy.
- Whether this project incorporates any specific Municipal Vulnerability Preparedness Program goals for the communities involved;
- Proposed future stewardship.

For municipal partners that have signed on the Community Compact Agreement, include a description of related best practices on land and open space conservation.

Parcel Information

Identify the parcel, the project partner acquiring the interest, and the interest to be acquired on the following table. For project parcels with property interests with both fee and CR interests conveyed, use a separate line to identify the partner and acquired interest. [Table may be presented in an excel spreadsheet if preferred.]

Parcel #	Assessor's map/lot/parcel	Municipality	Address (if available)	Landowner (as named on deed)	Acres	Project partner	Interest (Fee/CR)	Appraised Value	Appraisal Date
1									
2									
3									
4									
5									
6									
7									

Insert additional rows to accommodate parcels, as needed.

Has title research been performed for any of the parcels? Yes No

Is eminent domain is anticipated for any parcels? Has the pro-tanto award amount been determined?

*Certified clear title is a condition of reimbursement. If clear title is not available, an acquisition by friendly taking (eminent domain) process may be used to acquire title. Applicants are advised to conduct title research well in advance of anticipated closing date, as title problems can complicate and delay acquisition.

Is any of the proposed project acreage under a negotiated agreement with the landowner (e.g. Purchase and Sale Agreement, or signed option agreement)? Yes No

If so, identify the parcel(s), the agreement(s) in place.

For municipal acquisitions:

Do you have town meeting vote/city council approval? Yes No

If not, what is the date for the vote? _____

Note: Project must have municipal authorization prior to May 31 to receive reimbursement for FY24 awards, by December 31, 2024 for FY 25 awards, and by December 31, 2025 for FY 26 awards.

Parcel Use Details

Identify parcels in the same order as the Parcel Information table above. Please include parcel numbers in a map(s) so they may clearly be identified.

Parcel #	Assessor map/ov/parcel	Is there a current/ recorded boundary survey? (Y/N)	What is the current property use?	Is the parcel enrolled in Chapter 61 or 61A? (Y/N)	Are agricultural or forestry uses proposed? (Identify use)	Are there structures on the parcel? (Y/N)	Will public access be allowed? (Y/N)
1							
2							
3							
4							
5							
6							
7							

Insert additional rows to accommodate parcels, as needed.

Describe where public access is proposed. If public access is proposed for parcels **without** frontage, describe how the public will access the property, including whether existing rights of access or long-term agreements exist and/or whether there are plans to secure access necessary for public access to these properties.

If structures are located on parcels, identify the parcel, the structure(s), and current and planned use. (Note: Appraisals should explicitly exclude building value, as the purchase of structures are not eligible for grant funding; buildings on parcels acquired in fee that do not support conservation or passive public recreation, must be removed in advance of seeking reimbursement. CRs should exclude residential structures.)

Are any parcels within a designated Priority Development Area (PDA) **or** a Priority Preservation Area (PPA) located in any of the following areas designated by the Executive Office of Housing and Economic Development: South Coast Rail Corridor Plan, the I-495/MetroWest Development Compact Plan, Merrimack Valley Land Use Priority Plan? Yes No

If yes, identify the designation and plan:

3. PROJECT QUALITY

Biodiversity and resource protection:

What percentage of the project is within MA Natural Heritage and Endangered Species Program (NHESP) BioMap **Core Habitat and/or Critical Natural Landscape**?
_____ %

The Nature Conservancy's [Resilient Land map](#) assigns an average climate resiliency score to identify the importance of the site for climate change adaptation, what is the aggregate resiliency score for the project? _____ SD

Water resources:

How many acres are located within 500 feet of the ocean, a lake, pond, river, stream, or wetland?
_____ acres

How many acres are located within: A Zone I or II, Zone A or B drinking water supply area?
_____ acres

An Interim Wellhead Protection Area? _____ acres

A sole-source, medium-, or high-yield aquifer?

_____ acres

Please make sure to include a map that reflects the designation identified in MA GIS data.

If the project includes lands anticipated for active forest management, is climate resiliency, habitat benefits or watershed protection reflected in the management plans?

If so, please identify the type of plan and acreage subject to the plan: _____ acres
Describe:

Recreational opportunities:

What public recreational opportunities will the project provide? Check all that apply.
Recreational opportunities will be verified by DCS during the site visit.

- Trail-based activities (ex. hiking, Nordic skiing)
- Wilderness activities (ex. camping, hunting)
- Water-based activities (ex. canoeing, swimming, fishing, skating)
- Educational activities (ex. Organized nature walks, trainings, outdoor classroom)

4. BUDGET

A. Proposed budget: Provide an itemized budget for property acquisitions and associated costs using the budget format provided below.

Note that while the maximum reimbursement for the project as a whole is 50% (up to \$1,250,000), individual project components may be reimbursed at a higher or lower rate *as long as the balance of funding requested does not exceed 50% of grant request within the first fiscal year of the grant award.* Bargain sales and gifts of property interests should be captured under ‘Partners Share’.

Federal partners are not eligible to receive reimbursement.

Expense	Partner involved	Partner’s share (e.g. ‘match’)	EEA share	Total cost
Parcel # ____ (As referenced on the Parcel Information table):				
<i>Example: Fee purchase</i>	<i>Town Land Trust</i>	<i>\$50,000</i>	<i>\$50,000</i>	<i>\$100,000</i>
Parcel total and reimbursement request				
Parcel # ____ (As referenced on the Parcel Information table):				

Parcel total and reimbursement request				
Parcel # ____ (As referenced on the Parcel Information table):				
Parcel/component total and reimbursement request				
Parcel # ____ (As referenced on the Parcel Information table):				
Parcel total and reimbursement request				
Parcel # ____ (As referenced on the Parcel Information table):				
Parcel total and reimbursement request				
Parcel # ____ (As referenced on the Parcel Information table):				

Parcel total and reimbursement request				
Municipal park/playground				
Park/playground total and reimbursement request				
TOTAL PROJECT COST & FUNDING REQUEST				

B. Funding and match sources: Identify the sources of funding and whether funding has been secured. *Applicants selected to receive funding may not use other state funding sources for acquisition costs on the same property interest, unless it is state funding contributed by a state agency participating as a project partner. Use of CPA or Cape Cod Land Bank funds is permitted.*

Funding source	Project partner recipient	Amount	Secured or pending?
Parcel # ____ (As referenced on the Parcel Information table):			
Parcel # ____ (As referenced on the Parcel Information table):			
Parcel # ____ (As referenced on the Parcel Information table):			
Parcel # ____ (As referenced on the Parcel Information table):			
Parcel # ____ (As referenced on the Parcel Information table):			

Parcel # ___ (As referenced on the Parcel Information table):			
Additional funding sources			
Total project funding secured			
Total project funding secured & pending			

5. REQUIRED APPLICATION ATTACHMENTS :

1. **Project narrative**
2. **Appraisal reports.**
3. **Letters of Authorization.** Include letters signed by an authorized signatory on behalf of each partner authorizing the named project manager to apply for the grant and committing to complete the project if awarded a grant.
4. **Municipal Votes** authorizing the acquisition of property for conservation and passive recreation and expenditure of the total project costs (if not voted, include drafts).
5. **Maps** identifying the parcel(s) proposed for acquisition, applicable NHESP designations, water supply designations, and other the conservation values or natural resources proposed for protection; Identify the protection status and/or ownership of adjacent lands
6. **Documentation of rare species** from [MA Natural Heritage and Endangered Species Program](#)
7. **Documentation of historic resources** from Massachusetts Historical Commission. See these websites for any questions: <http://www.sec.state.ma.us/mhc/mhcupdf/pnfguide.pdf> and <http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>.
8. **Additional documentation to support application and/or project narrative** (e.g., evidence of enrollment in Ch. 61/61A; forest management plan; documentation of planned public drinking water source; etc.)
9. **Draft CR, APR, or WPR** if anticipated in first year and as applicable.
10. **Documentation of good land stewardship on past DCS grant-funded, municipal or 501(c)3 nonprofit land(s).** Documentation may include a recent trail or other recreational resource survey and/or photos/documentations of recent conservation projects, programs or outdoor projects conducted. If the partner does not presently own or manage conservation land, describe how the partner will provide stewardship.

6. SIGNATURES

Applications **must** be signed by a representative of each partner organization.

I certify that the contents of this application are accurate to the best of my knowledge and our organization/municipality/agency commits to the role and investment described herein.

		Date:	
Preparer	Print Name		

Organization

		Date:	
Project partner	Print Name		

Organization

		Date:	
Project partner	Print Name		

Organization

		Date:	
Project partner	Print Name		

Organization

		Date:	
Project partner	Print Name		

Organization

		Date:	
Project partner	Print Name		

Organization

Attachment B: Landscape Partnership Grant Program Project Selection System

A grant review committee will consider each project and make funding recommendations based upon partnership support and overall project quality. The grant review committee considers:

1. Partnership and stewardship

- Municipal involvement and local support
- Whether partners demonstrate good stewardship capacity.

2. Project Quality

- Total project size and its connectivity to existing protected open space
- Contribution to natural resource protection:
- Project acreage that falls within MA Natural Heritage and Endangered Species Program (NHESP) BioMap Core or Critical Natural Landscape designations
- Contribution to climate change resilience
- Contributions to regional habitat linkages
- Protection of parcels within 500 feet of coastal habitats and/or lakes, ponds or rivers
- Contribution to public drinking water supply protection
- Promotes the preservation of active agricultural lands or forested land
- Provision of public passive recreational opportunities
- Project readiness.

FY22 LANDSCAPE PARTNERSHIP SELECTION SYSTEM					
CATEGORY	DESCRIPTION				POINTS
PARTNERSHIPS AND STEWARDSHIP – 5 pts					
Local Support	Project includes a municipal partner: No Yes 0 5				5
PROJECT QUALITY – 87 pts					
Biodiversity and Landscape Protection	Total eligible project acreage exceeds minimum acreage required by: 1-19.9% 20-39.9% 39-50.9% 51% + 2 4 6 8				32
	Percent of total project acres within NHESP BioMap Core Habitat or Critical Natural Landscape: 1-19.9% 20.0-39.9% 40.0-59.9% 60.0-79.9% 80.0-100% 1 2 3 4 6				
	Average TNC Climate Resiliency score? Below Average (<-2.0 to -0.4 SD) Average (-0.6 to 0.5 SD) Above Average (>2 to 0.6 SD) 0 3 5				
	Total adjacent, protected open space acreage: 1-100 acres 100 – 299 acres 300-499 acres 500+ acres 3 4 6 8				
	Total acreage for which protection will be enhanced and/or for which future conservation is made more likely as a direct result of this project (e.g. additional landowner property that may be secured, etc.) 1-25 acres 26-50 acres 51-75 acres 76-100 acres 100+ acres 1 2 3 4 5				
Water Resources	Percent of project acreage within 500 feet of ocean, lake, pond, river, stream, wetland: 1-49.9% 50-99.9% 100% 2 3 4				9
	Percent of project acreage within a drinking water supply area (Zone I/II, A/B; IWPA), or, medium- or high-yield, or sole-source aquifer: 1-4.9% 5-24.9% 25-49.9% 50% or more 0 1 3 5				
Forested Lands	Acres that will have a climate-smart, or other forest management plan addressing climate, watershed or habitat benefits: 1-24.9% 25.0-49.9% 50.0-74.9% 75.0-100% 1 3 4 5				10
	<ul style="list-style-type: none"> Acres that will be placed under climate-smart, or other forest management plan that emphasizes climate or habitat values (using a licensed forester), after project completion: <div style="display: flex; justify-content: space-between; padding: 0;"> <9.9% fewer 0 10% less - same as before 2 1-10% increase 3 10-19% increase 4 ≥20% more 5 </div> 				

Climate Vulnerability Preparedness	<table border="1"> <thead> <tr> <th>Project Benefits</th> <th>Exceptional Benefit 4 points</th> <th>Moderate Benefit 2 points</th> <th>Limited Benefit 0-1 point</th> </tr> </thead> <tbody> <tr> <td>Habitat Connectivity</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Benefits to water resources including lakes, ponds, rivers or coastal habitats.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Proximity of property to communities, particularly communities with EJ populations.</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Project Benefits	Exceptional Benefit 4 points	Moderate Benefit 2 points	Limited Benefit 0-1 point	Habitat Connectivity				Benefits to water resources including lakes, ponds, rivers or coastal habitats.				Proximity of property to communities, particularly communities with EJ populations.				0 - 12				
	Project Benefits	Exceptional Benefit 4 points	Moderate Benefit 2 points	Limited Benefit 0-1 point																		
	Habitat Connectivity																					
	Benefits to water resources including lakes, ponds, rivers or coastal habitats.																					
Proximity of property to communities, particularly communities with EJ populations.																						
Recreational Opportunities	Recreational opportunities provided (checked on site visit.):			0-12																		
	<table border="1"> <thead> <tr> <th>Activity</th> <th>Good 3 points</th> <th>Limited 2 point</th> <th>Not provided 0 pts</th> </tr> </thead> <tbody> <tr> <td>Trail-based (hiking, etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Wilderness (camping, hunting, etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Water-based (canoeing, skating, etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Education (organized nature walks, classes)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Activity	Good 3 points		Limited 2 point	Not provided 0 pts	Trail-based (hiking, etc.)				Wilderness (camping, hunting, etc.)				Water-based (canoeing, skating, etc.)				Education (organized nature walks, classes)			
	Activity	Good 3 points	Limited 2 point		Not provided 0 pts																	
	Trail-based (hiking, etc.)																					
	Wilderness (camping, hunting, etc.)																					
Water-based (canoeing, skating, etc.)																						
Education (organized nature walks, classes)																						
Stewardship Capacity	Partners demonstrated capacity to manage future stewardship of land interests to be acquired Excellent Good Limited 5 3 1			1-5																		
Project Readiness	Projects will be rated on readiness based on information in the applications and the site visits			1 - 8																		
Overall Project Quality	1-7 points will be awarded based on project quality			1 - 7																		
TOTAL				100																		
Community Compact Bonus Points	Municipal applicant(s) has signed on to related best practices under the Community Compact Agreement			2																		

Attachment C: Requirements for acquisition projects funded through the Community Preservation Act (CPA)

The Community Preservation Act (CPA) and Cape Cod Land Bank Act state that land acquired with CPA or land bank funds must be bound by a permanent restriction (see excerpt of acts below). The CPA requires that, for fee acquisitions, the municipality convey a Ch. 184 Section 32 Conservation Restriction to a qualified 501(c)(3) organization whose purpose is land and/or water conservation (e.g., land trusts). **Conveyance of a CR to a qualified entity is required for reimbursement under this grant program.**

Points to remember when conveying a Conservation Restriction:

1. Votes to acquire the property and authorizing use of CPA funding, should authorize the conveyance of the CR and indicate that the purchase of the property and conveyance of the CR be a simultaneous closing.
2. The deed to the municipality should provide the flexibility to ensure the municipality may grant the CR to an entity authorized to hold a CR under M.G.L. Ch. 184, Sec. 32.
3. The restriction must be recorded **after** the fee simple deed (even if immediately after), for the unrestricted value (and therefore higher value) of the property to be used for reimbursement calculations under the grant award.
4. Since the funding statute *requires* the restriction, a party seeking a charitable contribution deduction for a bargain sale of property may not be able to use the unrestricted value of the property in calculating the tax benefit.
5. The “proceeds” clause of the conservation restriction, if conveyed at no cost to the grantee, must reflect that the municipality (as the fee owner) receives all of the proceeds of an extinguishment or taking, and the grantee receives none of such proceeds. In the event that the land is ever converted to non-conservation use, the municipality would still be responsible for identifying unprotected property of equal or greater monetary and conservation value and use to replace the converted property as though the land were owned in fee simple.

Community Preservation Act

Section 12 of the Chapter 44B Real property interest; deed restriction; management

(a) A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.

(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.

Chapter 293 of the Acts of 1998: AN ACT RELATIVE TO THE ESTABLISHMENT OF THE CAPE COD OPEN SPACE LAND ACQUISITION PROGRAM

Section 3. Any real property interest in open space purchased with land bank funds shall be retained in natural, scenic, or open condition and shall be bound by a permanent deed restriction limiting the use of the interest to the purpose for which it was acquired. Said deed restriction shall run with the land...

Attachment D: Sample Municipal Vote

Each municipal partner should draft its warrant article or city council order. It is strongly recommended that the warrant article or city council order is prepared with the guidance of city/town counsel, and in consultation with the treasurer and/or accountant to ensure that the appropriate sections of funding sources to be referenced are noted in the warrant article. The format for the vote will vary with the type of project, source of funding, etc. However, all votes should include the following elements:

- I. Authorization to expend an amount equal to the full acquisition and/or development costs of the municipal partners component of the project. The full costs must be raised or appropriated through current tax levy or borrowed.
- II. Indication of the source of funding (Conservation Fund, Community Preservation Act Fund, general fund, borrowing, etc.). M.G.L. Chapter 44, sections 7, 8C, and 12(a) on Municipal Indebtedness, allows cities and towns to borrow in anticipation of funding and requires that a grant agreement be executed before the treasurer actually obtains the borrowed amount. This assures DCS that the municipality has 100% of the total project cost, and assures the municipality that the project need not be completed if the proposal does not receive grant assistance. For further advice, please contact the Department of Revenue, Division of Local Services at (617) 626-2300.
- III. Indicate that the land interest is being acquired either for conservation and passive outdoor recreation purposes (Chapter 40, Section 8c) or, in the case of land purchased for park or playground, for active recreation purposes (Chapter 45, Section 3 or 14, for example) and will be in the care and control of the appropriate commission or department.
- IV. Authorization for the appropriate commission (conservation commission, or recreation commission if park or playground) to seek funding under the Landscape Partnership grant program, and enter any necessary contracts thereto.
- V. If a property taking is anticipated, the conservation commission must request, in writing, that the selectmen or city council take the property via eminent domain.
- VI. The vote may also allow the subsequent conveyance of a Conservation Restriction on the property.
- VII. The vote may also include language permitting a license or lease agreement to manage the property consistent with this grant program for maintenance, etc.

The following is a sample vote authorizing the acquisition of conservation land using DCS financial assistance. This is intended only as a point of reference. **Municipal Counsel should always be consulted when drafting Town Meeting warrant articles or City Council orders.** The draft article or order should be submitted to DCS for review prior to the Town Meeting or City Council to ensure compliance with the grant program.

Sample for Conservation Acquisition Project – Town Meeting Warrant Article

To see if the CITY/TOWN will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of **\$TOTAL PROJECT COST**, for the purpose of purchasing for conservation and passive recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as the **PROPERTY NAME** consisting of **XXX** acres, more or less, as shown on a plan entitled "Plan of Land in **MUNICIPALITY** made by **SURVEYING FIRM** dated **XX/XX/XX**"; that said land be conveyed to said CITY/TOWN under the provisions of Massachusetts General Laws, Chapter 40, Section 8c, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of **MUNICIPALITY**, and the Conservation Commission be authorized to file on behalf of **MUNICIPALITY** any and all applications deemed necessary for the Landscape Partnership grant and any other grants and /or funding from the Commonwealth of Massachusetts deemed necessary and/or any others in any way connected with the scope of this Article, and the CITY/TOWN and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of **MUNICIPALITY** to affect said purchase.

Sample Vote Language for Community Preservation Act Projects

To see if the Town [or City] will vote to raise, borrow and/or appropriate \$Total Project Cost for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately ___ +/-acres owned by OWNER as described on Assessors Map___, Parcel ___, to be managed and controlled by the Conservation Commission of the Town [or City] of XXX in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, and to meet said appropriate with funds transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Town Manager [or Board of Selectmen or City Council or Mayor] be authorized to file on behalf of the Town [or City] of XXX any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) [or LWCF or USH] or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen [or Mayor and the City Council] and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town [or City] of XXX to affect said purchase. Said conservation restriction may be granted to the [Name of Grantee] or any other organization qualified and willing to hold such a restriction.

Attachment E: Legislation Guiding this Grant Program

Chapter 286 of the Acts of 2014, Sec. 2

2000-7058.. For the landscape partnership grant program to assist not-for-profit corporations and cities and towns acting through their conservation commissions or water departments, in cooperation with the departments of conservation and recreation, fish and game and agricultural resources, to acquire interests in land to permanently conserve and steward large, landscape-scale land conservation projects, and to assist cities and towns in local zoning and planning efforts; to further conservation and connectivity of working farms, forests and open space and prevent low-density sprawl development; provided, that the not-for-profit corporation shall be formed for 1 of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that the grants shall be expended in the completion of an approved project by an eligible corporation, city or town in the approved acquisition of land and interests in land for permanent conservation purposes pursuant to Article 97 of the Amendments to the Constitution or sections 31 and 32 of chapter 184 of the General Laws and for associated costs, including planning, study, due diligence, title, environmental site assessment, appraisal services, interest on loans, provided that the rate does not exceed the current average market rate, site restoration and for stewardship, including baseline documentation report creation and long-term stewardship monitoring agreements and for technical assistance in the development of city and town by-laws for natural resource protection zoning purposes and related city and town conservation purposes and for study, inventory and related work in preparation for and assessment of marketable ecosystem services provided by the project lands; provided further, that grant funds shall be expended in the completion of an approved project by an eligible corporation, city or town for a project previously approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the cost of the project, provided, however, that in no event shall the amount exceed 50 per cent of the total cost of the project as approved by the secretary; provided further, that all projects shall provide appropriate public access as determined by the secretary;...

MGL Ch. 236 of the Acts of 2002, Sec. 2

2000-2012.. For the purpose of protecting the ecological integrity of the commonwealth's privately held and managed forestlands pursuant to the forest vision plan, so-called, including, but not limited to, acquisition of interests in land, research, planning, and monitoring; provided, that projects and funding shall be approved by the secretary of environmental affairs; provided further, that projects may be carried out in cooperation with other governmental agencies, private land owners, and conservation organizations according to management agreements approved by said secretary...

MGL Ch. 312 of the Acts of 2008, Sec. 2A

2000-7016.. For the conservation partnership grant program to assist not-for-profit corporations in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects shall include the grant by the corporation of an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a state agency, or both; provided further, that all projects shall provide appropriate public access as determined by the

secretary; and provided further, that the secretary may adopt rules and regulations to carry out this item.

2200-7017.. For grants to cities, towns and districts for the acquisition of lands and waters and easements by those cities, towns and districts to protect and conserve groundwater aquifers and recharge areas, surface water supplies and watershed areas, and surface or underground lands adjacent to those resources, for the protection of water that is determined by the department of environmental protection to be of potential use for water supply purposes; provided, that any grants approved by the department and provided to cities, towns and districts from this item may be for up to 60 per cent of the eligible costs of the projects

2300-7010.. For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration and stewardship for the purpose of protecting the native flora and fauna communities and for associated costs; provided, that the commissioner of fish and game may develop and utilize scientifically-based evaluation criteria to identify and select the most biologically significant areas throughout the commonwealth including, but not limited to, specific parcels, and that these lands may be purchased after being selected by this process and approved by the commissioner of fisheries and wildlife; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in fee simple or through conservation easement, including but not limited to resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage related to illegal off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of recently acquired land, including demolition of structures, removal of debris, eradication of non-native species, and other services essential to these reclamation efforts

2500-7012.. For a program to acquire agricultural preservation restrictions under sections 23 to 26, inclusive, of chapter 20 of the General Laws; provided, that any person or entity that receives funds from this item shall be encouraged to participate in any programs of the department of agricultural resources that may be suggested by the commissioner of agricultural resources; provided further, that funds may be used for implementation of a stewardship program on APR lands including, but not limited to, resource and land use monitoring, boundary delineation and monitoring, stewardship planning, ecological monitoring, and enforcement of agricultural preservation restrictions on existing and newly acquired APR properties; as well as the creation of new opportunities that seek to enhance the sustainability and viability of APR properties

2800-7011.. For the acquisition of land and interests in land by the department of conservation and recreation and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration, stewardship, and costs associated with the defense of eminent domain takings for the purpose of protecting significant natural and cultural resources of the commonwealth and enhancing the department's system of forests, parks and reservations; provided, that funds may be used for development and implementation of a stewardship program on lands under the care and control of the department of conservation and recreation including, but not limited to, resource and land use monitoring, signage, boundary delineation and monitoring, preparation of baseline documentation, stewardship planning, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage to property related to illegal uses, including off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of recently acquired land, including demolition of structures, removal of debris, eradication of non-native species, and other services essential to these reclamation efforts;...

2800-7022.. For the purpose of protecting and conserving the ecological and economic integrity of the commonwealth's privately held forestlands, including but not limited to acquisition of interests in land including easements, agreements, rights of first refusal and covenants; for a forestry conservation restriction program to acquire conservation restrictions under section 31 of chapter 184 for private working forests actively devoted to sustainable forestry, and classified as forest land under section 2 of chapter 61 of the General Laws, in order to encourage sustainable forestry, protect prime forest land, and help the viability and affordability of sustainable forestry; provided, that working forest conservation

restrictions shall be held by the department of agriculture or the department of conservation and recreation or the municipality in which the land is located; provided further, that projects shall be rated based on the suitability of land to grow forest products, the fair market value of the land as determined by independent appraisers, proximity to other protected working forests, management history of the project to serve as a model of sustainable forestry and the degree to which the conservation restriction would serve to preserve and make affordable the practice of sustainable forestry in the commonwealth; and for grants to public and non-public organizations and private landowners for education, technical assistance, forest stewardship practices, enhancement of ecosystem services and carbon sequestration, estate planning, interests in land or associated land acquisition costs; grants to private forest landowners, forest businesses and non-profits for the forest viability program for enhancing sustainable economic benefits of forests, including business plans and implementation grants and no-development covenants to be held by the department of agriculture or the department of conservation and recreation, including but not limited to forest management plans for private landowners; provided, that projects and funding shall be approved by the secretary of energy and environmental affairs; and provided further, that projects may be carried out in cooperation with other governmental agencies, private landowners, and conservation organizations according to management agreements approved by the secretary.

MGL Ch. 209 of the Acts of 2018

2000-7072.. For grant programs for land, soil, water and natural resource conservation; open space preservation; watershed remediation; coastal resource protection, including securing access to protected coastal lands and lands to provide for the inland migration of coastal habitats; recreation; environmental equity and wildlife and endangered species protection including, but not limited to, the local acquisition for natural diversity grant program, the parkland acquisition and renovation for communities grant program, conservation partnership grant programs, including programs to support landscape-scale land conservation projects, the drinking water supply protection grant program, grant programs to assist and provide funding to conservation districts, grants to support projects and initiatives that promote carbon sequestration and climate change resiliency through sustainable forestry and salt marsh restoration, including associated educational initiatives, and grants to support local, regional and state land use planning and management capabilities to advance smart growth efforts, all pursuant to rules or regulations adopted by the secretary of energy and environmental affairs to effectuate this item;...