EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Kathleen A. Theoharides, Secretary
Grant Announcement

RFR ENV 21 DCS 11
Posting Date: Monday, February 8, 2021

Landscape Partnership Grant
FY 2021

1. Grant Opportunity Summary:

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

B. OVERVIEW AND GOALS: In furtherance of the Baker 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, Kathleen A. Theoharides, Secretary of EEA, is making available funding for the FY 2021 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, increase the leveraging of 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 particularly intended to enable projects that stretch beyond the scope of other state land grant programs and standard spheres of operation. The FY 21 Landscape Partnership Grant Program also supports the Governor Baker's Executive Order 569, which calls for state government to adapt to climate change and build a more resilient Commonwealth, by including resiliency criteria in its rating system and incorporating priority projects from EEA's Municipal Vulnerability Preparedness program.

C. ELIGIBLE PROJECTS: Purchase of interests in a minimum of 500 acres of land through fee simple acquisition, conservation restriction (CR), agricultural preservation restriction (APR), watershed preservation restriction (WPR). At least 500 acres of the project's parcels must be contiguous, or directly linked by other permanently protected land. See further detail on eligible projects in section 2B. In conjunction with an acquisition of 500 or more acres, limited funding is also available to small municipalities with population of 6,000 or less for the development of a local park or playground or for partners to develop forest carbon credit projects to support forest conservation.

D. ELIGIBLE APPLICANTS: Applications must be submitted jointly by two or more of the following entities, with at least one partner from two of the category types, acting in cooperation: 1) municipal conservation or agricultural commissions and/or municipal or regional entities managing water supply land; 2) non-profit 501(c)(3) organizations that have been formed for one of the purposes described in M.G.L. C. 180 §. 4; 3)

state or federal environmental land agencies; and non-municipal, non-profit public water suppliers and water or fire districts. At least two of the partners in an application must be involved in the project to a significant degree. See further detail on eligible applicants in section 2A.

E. APPLICATION DEADLINE: 3:00 pm, Monday, May 10, 2021
See further detail on deadlines and grant program calendar in section 4.

F. FUNDING AVAILABILITY: Maximum grant award: $1,250,000. See further detail on funding availability in section 2E.

G. BUDGET REQUIREMENT: Applicants selected to receive grant funding must document the use of funds from other sources comprising at least 50% of total project costs. See further detail on budget requirement in 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 the FY 21 (June 30, 2021), FY 22 (June 30, 2022), and FY 23 (June 30, 2023). See further detail on anticipated duration of contract(s) in 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. 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, c. 312, §2A of the Acts of 2008, or c. 236, §2, of the Acts of 2002. Any parks developed with grant funding must be dedicated to park purposes for recreation use in accordance with M.G.L. c. 45 §3. 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 further detail in Attachment A.

J. CONTACT INFORMATION:

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2. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. ELIGIBLE APPLICANTS:

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

- **Municipality**, acting through its Conservation or Agricultural Commission, or department of public works;
- **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;

- **Government agency**, including the Massachusetts Department of Fish and Game (DFG), Department of Agricultural Resources (DAR), 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.
- **Municipal park and recreation department** or board of selectmen acting as such, in towns with a resident population of 6,000 or below in 2010 census, are eligible to receive contracts under this grant program for the development of a local park or playground only. Only municipalities in which project parcels are located are eligible to receive funding for parks or playgrounds.

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

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

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

EEA seeks to further the conservation of suitable land within the Commonwealth, and protect functional habitat, hydrological, climate change mitigation and recreational connectivity. Applications will be accepted for projects to be completed in Fiscal Year 2021, 2022, and/or 2023. Applications may include any combination of the following:

1. Purchase of land in fee simple for open space, forestry, agriculture or water supply;
2. Purchase of a CR;
3. Purchase of an APR;
4. Purchase of a WPR;
5. Purchase and/or construction of a local park or playground (towns with a population of 6,000 or below);
6. Completion of forest inventories and preparation costs (forest modeling, project assessment, etc.) for carbon credit sale for forests within the grant project area support forest conservation.

I. Project size

Minimum 500-acre project core:
Applications must include the acquisition of property interests in a minimum of 500 acres of contiguous land, or land that is connected through other permanently protected land, including that held by 501(c)(3) non-profit land trusts, land that is <u>currently</u> or <u>will be</u> effectively reconnected through the construction of a wildlife passage structure as part of, or concurrent with, the acquisition project. Inholdings are eligible.

Additional parcels: Parcels that are within the same landscape but separated by developed land or non-project unprotected parcels may be included in a project application as additional acreage, and may contribute favorably to its evaluation, but they may not count towards a project's minimum of 500 acres. These additional project parcels should be adjacent or in close proximity to the core 500-acre project area. In small municipalities with populations of 6,000 or less, limited funding may be used to develop local parks or playgrounds if the core 500-acre area is established. Applicants must demonstrate that unconnected parcels for which they seek funding, or whose value they seek to include as match, are part of the immediate project landscape. EEA may choose to selectively fund, or allow as project match, non-contiguous parcels. Applicants who have included as their project

match the acquisition of interests in unrelated, unconnected 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. See further details on match requirements in Sections 2E and 2F.

Specific issues relating to project connectivity:

Roads:

- It is strongly preferred that project parcels not be separated by roads, however, parcels on either side of small, lightly-traveled roads (those identified in the MassDOT Roads datalayer as having an Average Annual Daily Traffic (ADT) of fewer than 500 vehicles, or for which no ADT was measured, and which are not more than two lanes of travel) may be counted as part of the required minimum contiguous 500 acres. While projects may include parcels on both sides of a major road or highway, they will not be considered as part of the minimum 500 acres, unless the project currently has, or includes the installation of, a wildlife passage structure(s) suitable to the site and sufficient to facilitate good movement of target wildlife species.
- Projects that include the decommissioning of a road are encouraged.
- Applications including parcels that have existing rights-of-way held by private third parties that include the right to develop infrastructure and/or access for development are encouraged to include their removal, relocation or other mitigation.

Water:

- Ponds, streams, and rivers do not constitute a break between project parcels, subject to EEA approval as reasonably proximate.
- Land area under small and unprotected water bodies (typically under 10 acres) may be included in the total project acreage.
- Land area under a Great Pond (10 acres or larger historically, although they may no longer be this large), or larger body of water, may not count towards a project's 500 acres; they will be treated as permanently protected land, and can serve as a link between project parcels.
- Projects that include the replacement of a road-stream culvert that is failing, undersized, or that otherwise inadequately provides aquatic connectivity, will be viewed favorably.

II. Eligibility of applicants and projects:

Project partners must apply in a single application, however, because of the different ways in which they are authorized to hold property interests, a few specific requirements pertain to individual project partners. Below are the requirements specific to 1) the project partner; and 2) the type of acquisition(s) proposed.

A. Applicants must meet the following requirements:

1. Demonstrate the capacity to raise sufficient funds for project completion and long-term stewardship;
2. Demonstrate the capacity to complete complex land conservation deals; and
3. Have no unresolved protected open space conversion issues with EEA. See EEA Article 97 Disposition Policy at: https://www.mass.gov/files/documents/2018/06/06/article97_LandDisposition_Policy.pdf.

See also Section II. I, Deliverables, Ownership, and Credit Due, for information on the specific obligations different applicant types must meet prior to receipt of reimbursement.

B. Projects – General requirements for all **projects:**

1. **Allow public access.** All projects must provide legal public passive recreational access on at least some of the parcels. While reasonable restrictions on the time, place, and nature of public use may be made, public access must be permanent and by right. Informal landowner agreement to allow public access is insufficient. Applicants are encouraged to secure public access on all or a majority of the parcels.
2. **Working lands.** Applicants are strongly encouraged, but not required, to develop projects with portions of the total project acreage under active agriculture or forest management.
3. **Complete a survey,** unless a recent survey has already been completed or boundaries will be internal to a larger management unit.
4. **Have certified clear title.**

C. Parcels – General requirements for all **parcels:**

1. **Not be already permanently protected.** This includes properties protected under Article 97 or other permanent protection, including municipal conservation, park, agriculture, or water supply land and land that received funding from an EEA or federal grant program (Local Acquisition for Natural Diversity, Parkland Acquisitions and Renovations for Communities, Drinking Water Supply Protection, Land and Water Conservation Fund, or Conservation Partnership), a M.G.L. c. 184 permanent CR approved by the Secretary of EEA, or APR, a WPR, or other land dedicated to Article 97.
   Lands enrolled in Chapter 61, 61A or 61B are not classified as permanently protected land and are eligible to receive funding.
   a. **Exception:** Municipalities with a population of 6,000 or below may request funding to construct a park or playground on land already permanently protected for public park and active recreation purposes.
2. **Allow public access.** All parcels for which funding is sought to acquire the fee interest must allow public access. The specific activities permitted may vary according to the particular nature of a given parcel. On parcels for which funding is sought to acquire a CR, APR, or WPR, public access on some portion of the property is encouraged, but not required. Access on restrictions must be permanent and by right.
3. **Not already be owned by an eligible applicant.** Land held by a municipality for water supply purposes, general municipal purposes, or land owned by an EEA agency, federal environmental agency, or a conservation organization, is not eligible to receive funding, even if the organization is not an applicant to this grant program.
   Exceptions:
   a. Municipally-owned land that is not Article 97, or with an unclear or disputed status may, at the discretion of EEA, be included in a project as a portion of partners' match, or be included as part of the project acreage, provided it will be permanently protected as part of the project. Applicants seeking to use the value of such land as project match must justify its inclusion.
   b. Land that is owned by an applicant municipality for purposes other than conservation or water supply may be included in an application as part of a request for funding to construct a park or playground. Only approved design and construction costs are eligible for funding. The property must be permanently dedicated to public park and outdoor recreation purposes in a town meeting or city council vote (Chapter 45, Section 3).
   c. Land owned by a 501(c)(3) non-profit environmental or conservation organization is ineligible for funding, unless it was purchased no earlier than the BID posting

date for the FY 21 Landscape Partnership Grant Program with the sole intention of pre-purchasing the land until the applicant receives a potential Landscape Partnership grant award. Any exercise of this exemption is at the risk of the non-profit organization. EEA does not guarantee awarding a grant to any grant applicant that pre-acquires land.

4. **Only property interests purchased *after* receiving an executed contract from EEA will be funded,** with the exception of properties pre-purchased by a 501(c)(3) non-profit with the sole intention of supporting a project in the application. Such purchases should not be completed prior to the BID posting date for the FY 21 Landscape Partnership Grant Program. Properties to be used as project match may be acquired any time after the Landscape Partnership application deadline, but must be acquired prior to submitting a reimbursement request. For multi-year projects, reimbursement requests for any given year must include protected match parcels of equal value in the same year. EEA will reimburse up to 50% of only the combined cost of the funded-parcels and the matched parcels in any given year. Match parcels must have their appraised values approved by EEA and acquired before parcels for which EEA reimbursements will be requested are acquired.
5. **Property may not be located in an Executive Office of Housing and Economic Development-designated Priority Development Area (PDA),** as shown on 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 as they become available (if applicable). Exception: playgrounds or parks may be located in PDAs.

D. Requirements for specific parcels/project types (project types not listed here must still adhere to the general parcel requirements):

1. **CRs held by partners other than government agencies:**
   CRs must be reviewed and approved by the Secretary of EEA prior to recording. Draft CR documents should be submitted separately to the Division of Conservation Services for review, no later than four months prior to the anticipated closing date. Information and application available on the DCS website: https://www.mass.gov/service-details/conservation-restriction-review-program.
2. **APR parcels:**
   Adhere to current Massachusetts Department of Agricultural Resources criteria for participation in the APR program (https://www.mass.gov/service-details/agricultural-preservation-restriction-apr-program-details).
3. **Local parks or playgrounds:**
   a. Must meet a demonstrated need in the municipality, as shown in an OSRP, other plan, or documented community outreach process;
   b. May not be located on land identified as important habitat under BioMap2, Priority Habitat, or prime agricultural soils;
   c. May not be located on property owned by a municipality for conservation, water supply protection, agricultural, or forestry purposes;
   d. If constructed on land currently owned by municipality, land must be permanently dedicated to public park and outdoor recreation purposes under Chapter 45, Sections 3 or 14, or so dedicated during the course of the project (if a new dedication, the land must be dedicated to Chapter 45, Section 3);
   e. Work must be contracted with a qualified entity outside of municipal government;
   f. Proposals to install artificial turf will not be funded;
   g. Must be open to the public, including non-residents; and
   h. Must be open during daylight hours, without restrictions during school hours, etc.

4. **Forest Carbon Credit projects:**
   a. Work must be contracted with a qualified entity outside of municipal government;
   b. Work plan for forest inventory and carbon credit sale preparation and forest carbon market program to be used must be approved by EEA before start of work; and
   c. Work must be completed by May 31, 2021 for FY 21 projects, May 31, 2022 for FY 22, or May 31, 2023 for FY 23 projects and remaining steps needed prior to actual sale of carbon credits must be approved by EEA before these dates.
5. **Match parcels:**
   Gifts of land or acquisitions approved by EEA to be used as match consistent with Section C4 above may be acquired prior to the beginning of the contract period, but not before the BID posting date for the FY 21 Landscape Partnership Grant Program. Acquisitions and gifts to be used as match must be completed prior to completing projects for which EEA reimbursement will be requested and prior to submitting a reimbursement request. For multi-year projects, reimbursement requests for any given year must include protected match parcels of equal value in the same year. EEA will reimburse up to 50% of only the combined cost of the funded-parcels and the matched parcels in any given year.

III. Allowable uses:

Each project has unique characteristics that will guide what activities are appropriate. The specific mix of permitted uses is determined by the project partner(s), with the approval of EEA. Uses proposed for project parcels that threaten natural resource, agricultural, or forestry values may be prohibited by EEA. Grant recipients must prepare and submit a Baseline Documentation Report and Land Management Plan for each property, in which the specific activities to be permitted and prohibited are defined. A draft of the plan should be sent to EEA for review.

This is not a complete list of permitted or prohibited uses. For specific activities, contact the grant manager.
Permitted uses: Conservation, passive recreation, agriculture, forestry, water supply protection.

Examples: 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.

Prohibited uses (except local parks/playgrounds): Active recreation or developed uses.

Examples: 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.

Property management and working lands: Limited use of motorized vehicles may be permitted for the purposes of property management and as part of reasonable agricultural or forestry operations, with EEA approval.

Local park/playgrounds may include, but are not limited to, athletic fields, play structures, spray parks, town common improvements.

IV. Article 97 protection:

Any property acquired as part of 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.

C. APPRAISAL REPORTS AND CONSTRUCTION BUDGETS:

Applications must appropriately document and support proposed expenses.

Appraisals: Applications must include the appropriate type of appraisals with the application, for all project parcels, including the match parcels. Appraisals must clearly break out the value for the interests to be acquired by each project partner. Appraisals may not be contracted by the seller. Please note that these requirements may differ from those of other state or federal programs. **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, at https://www.mass.gov/doc/eea-grant-programs-appraisal-report-requirements/download.

A. For parcels for which funding is sought:

By the application deadline: An estimate of the market value prepared by a Massachusetts-licensed real estate appraiser, adhering to the Uniform Standards of Professional Appraisal Practice, must be submitted for all project parcels. Acceptable forms include the following: certified appraisal report, restricted appraisal report or contracted Realtor's Market Analysis.

For FY21 awards, parcels for which grant funding is sought must submit the appropriate number and type of appraisal (see below) prior to closing on the parcel to confirm the parcel's value as EEA must base its reimbursement on the appraised value or acquisition cost, whichever is lower.

For FY22 awards, parcels for which grant funding is sought must submit the appropriate number and type of appraisal (see below) within 60 days of contracting and prior to closing on the parcel to confirm the parcel's value as EEA must base its reimbursement on the appraised value or acquisition cost, whichever is lower.

For FY23 awards, by May 31, 2022, parcels for which grant funding is sought must submit the appropriate number and type of appraisal (see below).

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 $28,000and $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. Applicants are strongly encouraged to obtain a second appraisal report or review appraisal.

EEA reserves the right to request additional or review appraisals, as it deems necessary.

B. <u>For parcels to be used as match</u>:

For FY 21 awards, before reimbursement request (or before May 31, 2022 for FY 22 awards or before May 31, 2023 for FY 23 awards): Parcels approved to be used as partner match must have their value documented by the number and type of appraisals as described above by property value. If there is uncertainty about the value of match parcels, applicants are encouraged to secure an appraisal sooner, as this may change their award amount.

For development of a park or playground:

By the application deadline: An estimate of the cost of design and construction.

For FY 21 awards, before reimbursement request: A final budget proposal and construction timeline.

For FY 22 awards, within 60 days of contracting: A final budget proposal and construction timeline.

For FY 23 awards, prior to contracting for FY 23 awards: A final budget proposal and construction timeline.

For inventory and preparation costs directly related to preparing the sale of carbon credits in a program approved by EEA:

By application deadline: An estimate of the cost of inventory and preparation costs.

For the FY 21 awards, before reimbursement request (for FY 22 awards, within 60 days of contracting, for FY 23 awards prior to contracting for FY 23 awards): A final budget and forest inventory and carbon credit preparation timeline.

D. EVALUATION CRITERIA:

Each application will be scored using the criteria below. See the full application in Attachment A for more detailed description of the following evaluation criteria.

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

A project Selection Committee composed of EEA staff members will review all applications. All projects will be subject to an in-person visit by one or more EEA staff members. After completing preliminary review, site visits, and rating, the Selection Committee will make funding recommendations to the Secretary.

E. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:

Reimbursement rate: up to 50% of total eligible project costs, including reimbursable expenses and match in a given year. Maximum award is $1,250,000. **For multi-year projects, reimbursement for any given year must also have equal value of protected match parcels in the same year.**

Applicants are encouraged to propose projects of any combination and variation; however, they must demonstrate true partnership. **All projects must have at least two main partners. These two main partners must each commit to a significant financial, ownership, and/or stewardship role, as determined by EEA.** Awards may result in a single or multiple contracts for each project. Award funding for municipal and non-profit partners will be a reimbursement payment of all eligible expenditures **by the contracted partner, as documented by invoice, cancelled check or wire transfer statement, and/or attested treasurer's statement within the contract period**. Promissory notes, loans, or payments from entities other than the contractor will not be reimbursed. Award funding for EEA agencies will be a capital allocation or Inter-Agency Service Agreement (ISA). While federal USDA or USDOI agencies are eligible project partners, and may contribute financial, stewardship, ownership, or facilitative resources, they may not receive payment from this grant program. MassDOT may not receive payment from this grant program. **Costs incurred prior to contract execution will <u>not</u> be paid,** with the exception of properties pre-purchased by a 501(c)(3) non-profit with the sole intention of supporting a project in the application. Such purchases should not be completed prior to the BID posting date for the FY 21 Landscape Partnership 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.

A. BUDGET REQUIREMENT:

All project proponents must provide a detailed budget for each project component. The total project cost is the total value of all acquisitions, match, and eligible project costs. Award requests may not exceed 50% of this amount. Final award payments will not exceed 50% of the <u>documented</u> project costs. Payment for any specific eligible item can range from 0% to 100% of its cost. Municipal and non-profit partners must be able to secure 100% of project costs, in anticipation of a grant reimbursement payment. Project partners are responsible for raising, borrowing, or otherwise appropriating their share of the project costs. EEA may selectively approve or disapprove individual portions of a proposed budget.

For multi-year projects, reimbursement for any given year must also have equal value of protected match parcels in the same year and match parcel projects must be completed and approved by EEA before parcels for which grant reimbursement will be requested are completed. EEA will reimburse only up to 50% of the combined cost of the funded-parcels and the matched parcels in any given year.

Eligible project costs: Costs eligible for reimbursement include all approved eligible project costs incurred within a contract or ISA period. This is not a complete list. For the eligibility of specific costs, contact the grant manager.

- Acquisition for permanent Article 97 purposes (appraised value; if two appraisals the lower value will be used)
- Title research and certification
- Inventory and related work for assessment of marketable ecosystem services provided by project lands (up to $50,000 for preparation to sell carbon credits for forests within or adjacent to the grant project area)
- Recording fees
- Survey or plan of land
- Forest Management Plan
- Baseline Documentation Report (up to $1,500 per BDR)
- Park or playground construction (up to $70,000 per municipality)
- Appraisal (only if, the appraisal was conducted in the contract period

Ineligible project costs: Costs that are ineligible for reimbursement or inclusion in the total project cost include, but are not limited to:

- Legal fees (except those associated with specific eligible costs)
- Application preparation and submission costs
- Costs incurred before or after contract period
- Staff salaries
- Appraisal conducted outside the contract period
- Stewardship endowments
- Equipment or goods
- Any other items as determined by EEA

Eligible sources of project match 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)
- Other non-state funds approved by EEA
- Drinking water protection accounts
- Bargain sales
- Gifts of land

All match is subject to EEA approval. Other EEA grant programs may not be used as sources of partner match.

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 to acquire real property interests will end on June 30, 2021 for FY 21 awards, June 30, 2022 for FY 22 awards, and June 30, 2023 for FY 23 awards. The end of contracts to develop carbon credit forest

inventory and preparation and parks and playgrounds, will be established as appropriate at the time of contract negotiations. 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 type and are detailed below. EEA reserves the right to alter these requirements.

1. **<u>All</u> project partners and project types:**
    a. All contracted acquisitions of property interests must have a **signed Purchase and Sale agreement by the time a grant is awarded for FY 21 projects, March 1, 2022 for FY 22 projects, and March 1, 2023 for FY 23 projects**. Projects that fail to secure a P&S by this time may have their funding commitment withdrawn.
    b. **Due diligence must be completed by May 31, 2021 for FY 21 projects, March 1, 2022 for FY 22 projects, and March 1, 2023 for FY 23 projects.**
    c. **All contracted acquisitions of property interests must occur on or before May 31, 2021 for FY 21 projects, May 15, 2022 for FY 22 projects, May 15, 2023 for FY 23 projects.**
    d. Due diligence should be completed prior to acquisition.
2. **Acquisitions by municipalities on behalf of a Public Water Supplier or Water or Fire District:**
    a. Property must be held by Fire or Water District Board or the municipal Board of Water Commissioners, or Board of Selectmen authorized as such.
    b. A Project Agreement must be recorded with the deed, CR, WPR, or APR.
    c. A Baseline Documentation Report (BDR) and Land Use and Management Plan must be completed and submitted to EEA.
    d. Successful grant applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of project reimbursement from EEA.
3. **Acquisitions by municipalities for all other purposes:**
    a. Property must be held by the Conservation Commission or Agricultural Commission (or Parks and Recreation Department if a park or playground)
    b. A Project Agreement must be recorded with the deed, CR, WPR, or APR.
    c. A BDR and Land Use and Management Plan must be completed and submitted to EEA.
    d. Use of Community Preservation Act funds requires adherence to CPA regulations, including the conveyance of a perpetual conservation restriction to an appropriate 501(c)(3) organization within the meaning of M.G.L. c. 184. If the municipality acquires a CR, WPR, or APR with CPA funds, a one-half interest must be conveyed to an appropriate organization.
    e. Successful grant applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by M.G.L. c. 44B §12 approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of project reimbursement from EEA. Any such conservation restrictions (CR) will require review by DCS and applicants must submit them for review following the procedure outlined in Section 3.D.5, below, at least four (4) months prior to expected closing. Some municipalities have accomplished this step by restricting multiple CPA purchases in one CR. Applicants are strongly encouraged to contact John Gioia (john.gioia@mass.gov) prior to submitting these CPA CRs for review.
4. **Acquisitions by non-profit organizations:**
    a. A government entity or another qualified non-profit organization must hold an interest in

addition to the non-profit project partner. A conservation restriction or encumbered fee interest with CR retained by the non-profit organization, must be conveyed to the conservation commission or agricultural commission of the city or town in which the project is located, or to a state conservation agency, or to a federal conservation agency, or another qualified non-profit organization or a combination of these, unless a waiver for this requirement is granted by EEA. For projects in which only a CR, WPR, or APR is acquired, a one-half interest must be conveyed to a government or qualified non-profit conservation land-holding entity.

b. A Project Agreement must be recorded with the deed, CR, WPR, or APR.
c. A BDR and Land Use and Management Plan must be completed and submitted to EEA.
d. Due diligence must meet the standards of the government entity which will be holding an interest in the property.

5. **Local parks and playgrounds:**
   a. Construction must be completed on or before **June 1, 2021 for FY 21 awards, June 1, 2022 for FY 22 awards, June 1, 2023 for FY 23 awards.**
   b. If the property is not currently held for Article 97 purposes, a confirmatory deed must be recorded dedicating the property to Article 97 park and outdoor recreation purposes.
   c. A Project Agreement must be recorded with the property deed.
6. **Forest Carbon Credit Projects:**
   a. Work must be contracted with a qualified entity outside of municipal government;
   b. Work plan for forest inventory and carbon credit sale preparation and forest carbon market program to be used must be approved by EEA before start of work;
   c. Work must be completed by May 31, 2021 for FY 21 projects, May 1, 2022 for FY 22 projects, or May 1, 2023 for FY 23 projects and remaining steps needed prior to actual sale of carbon credits must be approved by EEA before these dates.

J. REPORTING:

1. **Quarterly progress reports** must be completed for all parcels and submitted to the grant program manager.
2. **Due diligence** except for appraisals (title certification, survey or plan of land) must be completed by **May 15, 2021 for FY 21 awards, May 15, 2022 for FY 22 awards, and May 15, 2023 for FY 23 awards.** Due diligence must comply with all relevant agency or grant program standards.

K. INVOICING: Project partners in applications selected to receive grant funding will be required to submit a Project Agreement, State Standard Contract, or ISA, and billing forms. These will be sent to successful Applicants with their award notification. **Property interests receiving state reimbursement must not be paid for or acquired until after a contract or ISA with EEA has been executed,** with the exception of properties pre-purchased by a 501(c)(3) non-profit with the sole intention of supporting the project in the application. Such purchases should not be earlier than the BID posting date for the FY 21 Landscape Partnership Grant Program. Only approved expenses incurred by the contracted entity, during the period of contract, and for which appropriate documentation is submitted are eligible for funding.

For multi-year projects, reimbursement for any given year must also have equal value of protected match parcels in the same year. EEA will reimburse up to only 50% of the combined cost of the funded-parcels and the match parcels in any given year.

3. Instructions for Application Submission

A. APPLICATION SUBMISSION: Applications must be received in one hard copy and one electronic copy by **3:00 pm, Monday, May 10, 2021.** Applications received after the deadline will be rejected. Applications will not be accepted by fax. Applications should be marked ENV 21 DCS 11. Submit **one electronic copy** of the application via email or file hosting service to **nathaniel.thomas1@mass.gov** and mail **one original copy** of the application to:

Nathaniel Thomas
RE: ENV 21 DCS 11
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114

Help reduce waste*—print double sided when possible. Use the minimum packaging necessary for good organization.*

B. REQUIRED DOCUMENTS: A complete application package includes a completed Application Form and supporting documentation. Applications should include:

1. Application form;
2. Appraisal report(s) (only one copy is required);
3. Project description;
4. Budget, itemized as anticipated, for each project component;
5. Cover letter signed by an authorized signatory for each applicant organization authorizing the project manager to apply for the grant on behalf of the entity and affirming the proposed budget and scope;
6. Documentation in support of specific types of proposed acquisitions (see Section 2B);
7. Maps illustrating project resources and values;
8. CR/APR/WPR summary of basic rights and uses as anticipated (if applicable);
9. Letter from Natural Heritage and Endangered Species Program (NHESP) indicating the presence or absence of rare and endangered species. http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/. Send request for NHESP review to: Lynn Harper, MA NHESP, 1 Rabbit Hill Rd., Westborough, MA 01581, 508-389-6351, lynn.harper@state.ma.us;
10. Letter from Massachusetts Historical Commission (MHC) indicating the presence/absence of historic or archaeological sites. Submit a Project Notification Form to MHC, available here: http://www.sec.state.ma.us/mhc/mhcform/formidx.htm ;
11. Most recent brownfield site assessment MCP Phase I or II, or ASTM Phase I or II (if applicable; only one copy is required); and
12. Preliminary brownfield remediation plan and timeline (if applicable; only one copy is required).
13. Recent annual Massachusetts report for all nonprofit 501(c)(3) organization partners of the project.
14. Documentation of good stewardship on previously owned conservation properties.

See the Application Form for more detail.

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, filled out and signed by the Respondent;
- Commonwealth Scope and Budget Form;
- Completed Contractor Authorized Signatory Listing (both sides); 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.

D. APPLICATION STEPS AND PROCEDURES:

1. **Apply:** File one paper copy and one electronic copy of the application with the Division of Conservation Services (DCS).
2. Applicant will be contacted by DCS to schedule a **site inspection**.
3. **Evaluation:** Projects evaluated and scored using applicable evaluation criteria. See Attachment B.
4. **Awards announced:** State funds are obligated by the Commonwealth upon execution of contract documents for approved projects. Applicants not selected to receive funding will receive a brief explanation of why the project was not selected and given recommendations for improvement.
5. **Conservation Restriction review:** projects that involve a Conservation Restriction must have a draft CR reviewed by DCS, unless a state agency is the grantor or sole grantee. Draft CRs, along with a CR review application form and required attachments as described on the form (available on the DCS website: https://www.mass.gov/service-details/conservation-restriction-review-program), should be e-mailed separately to: John Gioia (john.gioia@mass.gov) and Denise Pires (denise.pires@mass.gov). The draft CR will be reviewed separately from the grant application.

7. **Municipal Funding secured (municipal applicants only):**
   (a) Municipality votes to appropriate, transfer from available funds, expend from its Conservation Fund, or borrow a sufficient amount to meet its contribution obligations. 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). The Conservation Commission must be designated to hold and manage the property for conservation and passive recreation (M.G.L. C. 40, §8c). All vote language must be reviewed and approved by the program manager prior to the vote taking place.
   (b) Communities utilizing accounts funded by the Cape Cod Land Bank Act, other local land bank acts, or the Community Preservation Act, must adhere to the requirements of these funds, and should consult with the Department of Revenue, Division of Local Services, for guidelines.
8. **Contract execution:** State standard contract is signed by project partners and EEA. Execution date is the date on which EEA signs the contract. Agency partners will receive a capital allocation or ISA.
9. **Complete necessary due diligence.** All properties must have certified clear title and recent surveys. Municipalities and non-profits must adhere to the due diligence standards of the state or federal agency with which they are working.
10. **Follow state procurement law:** Municipal and agency 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.
11. **Purchase properties or begin design and construction of park or playground:** Municipal applicants may purchase property interests only after having received an affirmative Town Meeting or City Council Vote. Municipal and non-profit recipients of funding must record a Landscape Partnership Project Agreement and cross-reference it to the deed or CR.
12. **Prepare properties:** Project partners perform preliminary site cleanup as needed, ensure parking and public access are adequate. A sign acknowledging Landscape Partnership Grant Program funding is installed at main entry point(s). Government agencies may use their regular signage, but should acknowledge Landscape Partnership funding.
13. **Submit Baseline Documentation Report and Land Management Plan:** Project partners must

prepare a plan detailing the condition of the property at the time of award (after any cleanup or remediation), its uses, recreation and resource values, and long-term management plans. EEA must approve the plan. Government agencies may use their established baseline procedures.

14. **Post completion requirements:** Property acquired using Landscape Partnership grant funds is permanently protected conservation land under Article 97. Review the DCS Post Completion requirements on fees, user limitations, prohibition against converting conservation land to any other use, or ownership transfer..

4. DEADLINES AND PROCUREMENT CALENDAR

A. RELEASE OF BID: Monday, February 8, 2021

B. INFORMATION SESSION: One online information session will be held at 2:00 pm on Thursday, April 1, 2021 through webinar. Please email nathaniel.thomas1@mass.gov to register by Monday, March 29, 2021. A link to the webinar will be sent to all registered applicants. Potential applicants are strongly encouraged to attend this information session.

C. APPLICATION DUE DATE: 3:00 pm, Monday, May 10, 2021

D. ESTIMATED AWARD DATE: Awards for land acquisitions will be announced as soon as is feasible after the grant application deadline, with contract negotiations to 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 Comm-BUYS system. It is the responsibility of every Applicant to check Comm-BUYS 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 Comm-BUYS and the DCS website at https://www.mass.gov/orgs/division-of-conservation-services.
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.

B. LIST OF ATTACHMENTS TO THIS BID:

A. Application form
B. Landscape Partnership Grant Program acquisition selection and rating system
C. Requirements for use of Community Preservation Act funds in municipal acquisitions
D. Sample municipal vote for conservation
E. Guidelines for boundary maps
F. Landscape Partnership program policies and legislation
G. Documentation of good stewardship on current conservation land by each of the major project partners
H. Wider area map on project connectivity to existing protected open space or future conservation effort
I. Recent annual Massachusetts report for all nonprofit 501(c)(3) organization partners of the project

Landscape Partnership Grant Program
APPLICATION FORM – FY2021
Deadline: Monday, May 10, 2021 at 3:00 pm
Please print double-sided and email a copy to nathaniel.thomas1@mass.gov

1. APPLICANT INFORMATION

Project name: _____

Project partners & contact information

All projects must have at least two project partners with a significant investment, representing at least two of the following categories: municipal conservation commissions, water departments (or selectmen acting as such); 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	Contact (address, phone, email)
Lead – this person 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/manager) indicating that the project contact is authorized to apply for funds through the Landscape Partnership Grant program.

2. PROJECT DETAILS

Projects must include at least 500 acres of contiguous land. They can include multiple tracts or ownerships, and can include additional acres that are contiguous via other permanently protected land (does not include Chapter 61 land).

Can this project be completed 100% in FY 22 (July 1, 2021 – June 30, 2022)?
❑ No ❑ Yes, if necessary ❑ Yes, preferred

How much grant funding is needed in (your budget should clearly state which parcels you would like to close on in which fiscal year):

FY 2021_____ FY 2022_____ FY 2023 _____

Total acres: _____ Number of parcels: _____
Project location (municipality/ies)

_____

_____

Will this project include forest inventory and carbon credit sale preparation for forest carbon market program?

❑ Yes ❑ No

If yes, describe the work proposed:_____

_____

_____

Will this project include the development of a municipal park or playground (towns with a population of 6,000 or below only)?

❑ Yes ❑ No

If yes, describe the work proposed:_____

_____

_____

Attach a detailed proposal and budget, including acquisition, design, and construction costs. If requesting funding to acquire a property on which to construct a park or playground, complete a parcel information page.

Does this project abut already protected open space (at least 100+ acres) or will it serve as a potential catalyst for the conservation of 100+ adjacent acres beyond the proposed Landscape Partnership project?

❑ Yes ❑ No

If yes, how many acres _____

Provide additional information and wider area map(s) of the existing protected open space or of the unprotected tracts of lands that this project will serve as a catalyst to protect.

Project description

A narrative description of your project will be used to evaluate the overall scope and quality of your proposed project. The questions in subsequent application sections cover standard metrics of natural resource values, such as BioMap2 and soils classification. The narrative is an opportunity to discuss the importance and quality of the project not captured by these measures. Attach a description of not more than four pages that addresses the following:

- Role of each project partner
- Interests to be acquired for each parcel
- Anticipated use of each parcel
- Location and type of public access
- Project timeline, including an approximate closing schedule by parcel
- Ecological characteristics and natural resources of the project, as a whole, and each constituent part. How are they threatened?
- How the project will protect and support natural resource economies
- Importance of the project to climate change adaptation and resilience for wildlife habitat.
- How the project furthers the goals of the Municipal Vulnerability Preparedness Program for the communities. Applicants are encouraged to propose preservation of forested land that would serve as natural mitigations for impacts of climate change such as carbon sequestration, flood and stormwater risk mitigation, and drinking water supply preservation.

- Long-term stewardship plan
- Local demand for park or playground, if requesting funding
- Wildlife passage, stream culvert, or bridge construction that will provide habitat connectivity
- Connectivity to existing protected open space or the potential for future conservation efforts
- Other sources of funding you have or are seeking
- Any additional project partners that are contributing in ways other than acquiring property
- How the applicants address land stewardship on existing municipal and 501(c)3 non-profit land. Attach documentation of such project(s) to the application (may be in addition to the four page limit).
- For municipality partners that have signed on the Community Compact Agreement, include a description of related best practices on land and open space conservation.

Parcel Information Sheet **Parcel/component # ___**

Complete a parcel information sheet for each parcel or project component. A single parcel information sheet may be used in instances where one partner is acquiring the same interest in multiple adjacent/subdivided lots currently held under a single ownership.

Municipality: _____ Acres: _____

Assessor's map/lot number: _____

Upland Acreage: _____ Building Lots: _____

Wetland Acreage: _____

Current owner: _____

Address: _____

Project partner: _____

Interest to be acquired: ❑Fee ❑ CR ❑ APR ❑ WPR ❑ Multiple interests

If multiple interests, describe: _____

_____

2nd project partner (if applicable): _____

Interest to be acquired: ❑Fee ❑ CR ❑ APR ❑ WPR ❑ Multiple interests

If multiple interests, describe: _____

_____

Acquisition and funding details

Appraisal Report #1		Appraisal Report #2 (Recommended, if land valued at over $750,000)	
Interest	_____	Interest	_____
Valuation	$ _____	Valuation	$ _____
Appraiser	_____	Appraiser	_____
Valuation Date	_____	Valuation Date	_____

Acquisition details:

Negotiated Sale: ❑ Yes ❑ No

Do you have a Purchase & Sales Agreement or Agreed Price? ❑ Yes ❑ No

If yes, amount: $_____

Have you conducted a title examination?* ❑ Yes ❑ No

Is clear title available? ❑ Yes ❑ No ❑ Don't know

If no, is an eminent domain taking anticipated? ❑ Yes ❑ No

If yes, proposed pro tanto award amount: $_____

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

Funding request:

Only eligible costs for which appropriate documentation is provided will be eligible for reimbursement. Costs incurred prior to contract or ISA execution or completion of a capital allocation will not be funded. Federal partners are not eligible to receive reimbursement. See section 2F in BID for eligible expenditures.

Estimated cost, this parcel/interest: $_____

Funding request, this parcel/interest: $_____

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 reimbursement for FY21 awards, by December 31, 2021 for FY 22 awards, and by December 31, 2022 for FY 23 awards.

Attach a copy of the vote, or draft language.

Parcel details:

Is there a recent survey available for the parcel? ❑ Yes ❑ No

Properties lacking recent surveys will be required to complete one as a condition of award payment.

Zoning: _____

Present/past use: _____

_____

Is the property currently enrolled in:

❑ Chapter 61or 61A ❑ Forest Stewardship Program ❑ Forest or Farm Viability program

Will active forest management or agriculture continue or begin *after* the acquisition?

❑ Yes ❑ No

Proposed use: _____

_____

Are there structures on the parcel? ❑ Yes ❑ No

For fee acquisitions only: if yes, list structures, estimated value, current and planned use. This program is intended to preserve undeveloped land, not to purchase buildings. Buildings not intended to serve conservation purposes are not eligible for grant funding; their value should be subtracted from the subject property.

_____

_____

_____

_____

Will public access be allowed on this parcel? ❑ Yes ❑ No

If public access will be allowed:

Does property have frontage on a street? ❑ Yes ❑ No

Name of street(s):_____

If no street access, describe how the public can access the property:

_____

_____

_____

_____

Is this parcel located in one of the following areas designated by the Executive Office of Housing and Economic Development in the South Coast Rail Corridor Plan, the I-495/MetroWest Development Compact Plan, Merrimack Valley Land Use Priority Plan, or other regional plan as they become available?

❑ Priority Development Area (PDA) ❑ Priority Preservation Area (PPA)

❑ Neither ❑ No plan available

3. PROJECT QUALITY

Please provide supporting documentation.

Landscape conservation:

Total project area: _____acres

How much permanently protected open space does the project directly abut? _____ acres

Biodiversity and resource protection:

How many acres of the project lie within MA Natural Heritage and Endangered Species Program (NHESP) BioMap2 Core Habitat?

_____ acres

How many acres lie within NHESP BioMap2 Critical Natural Landscape?

_____ acres

Each property location has been assigned an average climate resiliency score to identify the importance of the site for climate change adaptation, as defined by The Nature Conservancy's Resilient Land map - http://maps.tnc.org/resilientland/. What is the average resiliency score for each the property location in the project?

Parcel #1_____ Parcel #2_____ Parcel #3_____ Parcel #4_____ Parcel #5 _____

Additional Parcels_____

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 drinking water supply area for existing or planned public water supplies (Zone 1or II, Zone A or B), or Interim Wellhead Protection Area, or, are located over a sole-source, medium-, or high-yield aquifer?

_____ acres

If significant public drinking water supply lands are protected, a letter from the water supplier benefiting from this protection that explains how this project will help make this water supply more resilient to the impact of climate change (increased flooding, stormwater and droughts) may benefit the rating points for the climate change category.

List aquifer or Public Water System ID# (this information can be found at this website https://www.mass.gov/service-details/public-water-supplier-document-search:

_____

_____

Working lands:

How many acres of the project, including match parcels, are *currently* actively managed commercially for forest or agricultural products (forests: using a licensed forester)?

_____ acres

How many acres of the project, including match parcels, will be actively commercially managed for forest or agricultural products, *after project completion (*forests: using a licensed forester)?

_____ acres

How many acres of prime agricultural or prime forest soils will be actively managed by this project? If this is a significant amount of production, explain how this could improve the food and forest product security for nearby communities.

_____ acres

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: Show primary budgeted activities and matching funds. The minimum match for the project as a whole is 50%, however, individual project components may be reimbursed at a higher or lower rate. Landowner bargain sales and gifts of property may be used as part of project partner's share of funds.

Expense	Partner involved	Partner's share	EEA share	Total cost
Parcel/project component # ___ (should match Parcel Information Sheet #___):				
Example: Property acquisition	*Town Land Trust*	*$50,000*	*$50,000*	*$100,000*
Parcel/component total and reimbursement request				
Parcel/project component # ___ (should match Parcel Information Sheet #___):				
Parcel/component total and reimbursement request				
Parcel/project component # ___ (should match Parcel Information Sheet #___):				
Parcel/component total and reimbursement request				
Parcel/project component # ___ (should match Parcel Information Sheet #___):				

Parcel/component total and reimbursement request				
Parcel/project component # ___ (should match Parcel Information Sheet #___):				
Parcel/component total and reimbursement request				
Parcel/project component # ___ (should match Parcel Information Sheet #___):				
Parcel/component total and reimbursement request				
Municipal park/playground				
Component total and reimbursement request				
TOTAL PROJECT COST & FUNDING REQUEST				

A. Funding and match sources

List all other sources of funding and indicate their certainty. Sources may include, but are not limited to, municipal accounts, non-profit fundraising, agency land acquisition fund, federal grants, landowner bargain sales, or gifts of lands.

Funding source	Project partner recipient	Amount	Secured or pending?
Parcel/project component # ___ (should match Parcel Information Sheet #___):			
Parcel/project component # ___ (should match Parcel Information Sheet #___):			
Parcel/project component # ___ (should match Parcel Information Sheet #___):			
Parcel/project component # ___ (should match Parcel Information Sheet #___):			
Parcel/project component # ___ (should match Parcel Information Sheet #___):			
Parcel/project component # ___ (should match Parcel Information Sheet #___):			
Additional sources of match			
Total project funding secured			
Total project funding secured & pending			

5. A COMPLETE APPLICATION INCLUDES THE FOLLOWING DOCUMENTATION:

1. **Application form**
2. **Appraisal reports.** Applications lacking the correct number and type of appraisal reports (certified appraisal report, restricted appraisal report or contracted Realtor's Market Analysis) will be disqualified. See Section 2C of the BID for details.
3. **Project narrative**
4. **Budget details**, itemized as anticipated for each project piece
5. **Cover letters** signed by an authorized signatory for each partner organization authorizing the project manager to apply for the grant on behalf of the entity and committing to complete the project if awarded a grant.
6. **Documentation in support of project quality** evaluation (e.g., evidence of enrollment in Ch. 61/61A; forest management plan; documentation of planned public drinking water source; etc.)
7. **Maps** of values and resources protected; proximity to other conservation lands; plot plans or survey maps. Include the location, acreage, ownership and use of other protected open space abutting the project. Show current use of adjacent private lands.
8. **Draft CR, APR, or WPR** documents, or summaries
9. **Other state agency review** – Include documentation of the value of your project for rare species and historic value by contacting the following state agencies and requesting their review:
   - Massachusetts Natural Heritage and Endangered Species Program (https://www.mass.gov/orgs/masswildlifes-natural-heritage-endangered-species-program).
   - Massachusetts Historical Commission: Send the MHC a PNF (http://www.sec.state.ma.us/mhc/mhcpdf/pnf.pdf) with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. Send this certified mail, return receipt requested, so that you know when it was received. MHC will review and comment to DCS (and copy the applicant) within 30 days of receipt. There is no need to telephone or email the MHC. See these websites for any questions: http://www.sec.state.ma.us/mhc/mhcpdf/pnfguide.pdf and http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm.
10. **Documentation of good land stewardship on past EEA-funded, municipal or 501(c)3 nonprofit land(s).** Documentation can include a recent survey outlining the conditions of the trails or land boundaries, a recent baseline documentation report, and/or photos/documentations of recent conservation projects or outdoor projects was carried out on the property. Provide a narrative of how your agency will provide stewardship if your community does not presently own any conservation land. A link to a website that shows this information can be used, if applicable.

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 commit 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

Each project is evaluated by a grant review committee using a points-based project selection system. The selection system considers partnership and project quality factors in order to identify for funding those projects that best meet the objectives of this program. In reviewing applications for land acquisition and developing funding recommendations, the grant review committee considers:

1. Partnership and stewardship

- Municipal involvement and local support
- Municipal already has or preparing Municipal Climate Vulnerability Preparedness plan (MVPP) already in place.

2. Project Quality

- Landscape Conservation: size of the acquisition and its proximity to other protected open space
- Biodiversity and Resource Protection:
  - Subject properties located within or abut BioMap2 Core or Critical Natural Landscape, as identified by the MA Natural Heritage and Endangered Species Program
  - Properties located within a focal area for climate change resilience
  - Importance of regional habitat linkage: Properties located within an area identified as of importance for regional connectivity in adaptation of UMass Critical Linkages and TNC analysis, EEA adapted map available here: http://arcg.is/1ALdyj7
  - Barrier mitigation: projects that include the construction of crossing or passage structures to improve habitat connectivity across roadways. To meet minimum 500 acre core eligibility requirement where a road with ≥500 ADT separates core parcels, or to use crossing development expenditure as project match, must:
    - Road barriers to regional habitat connectivity: Proposed crossing structures in Worcester County and counties east must be on road segments classified as Category A, B, C, or D; proposed crossing structures in Hampshire, Hampden, Franklin, or Berkshire Counties must be on road segments classified as Category A, B, or C.
    - Road barriers to local habitat connectivity: Proposed crossing structures statewide must be on road segments classified as Category A or B.
    - http://arcg.is/1ALdyj7
- Water Resources: frontage on the ocean or estuarine habitats; frontage on lakes, ponds, rivers; recreational utility, and protection of drinking water supplies
- Working Lands: active and continued management for commercial forestry, agricultural purposes.
- Overall importance of the project to improve climate vulnerability preparedness for the communities in and nearby the project. Applicants are encouraged to propose preservation of forested land that would serve as natural mitigations for impacts of climate change such as carbon sequestration, flood and stormwater risk mitigation, and drinking water supply preservation.
- Provision of public passive recreational opportunities
- Restoration of ecological function to former developed or brownfields site, or restoration of habitat connectivity

SELECTION NOTES:

Preservation of Agricultural Land

Executive Order #193 discourages the irreversible conversion of the Commonwealth's productive agricultural land base. State grants shall not be used to encourage the irreversible conversion of agricultural land to other uses when feasible alternatives are available. In the event that all feasible alternatives have been explored, and the conversion of suitable agricultural lands to non-agricultural use remains the only feasible alternative to protection of open space, a mitigation plan must be developed to be eligible for funding under a state grant. Projects which would convert any prime agricultural lands should consult with the Department of Agricultural Resources at (617) 626-1700 prior to submitting an application.

FY21 LANDSCAPE PARTNERSHIP SELECTION SYSTEM		
CATEGORY	***DESCRIPTION***	***POINTS***
	PARTNERSHIPS AND STEWARDSHIP – 13 pts	
Local Support	Project includes a municipal partner: No Yes 0 5	5
Planning	Project includes a request for funding for preparation of the sale of forest carbon credits. 0 – 8	0 - 8
	PROJECT QUALITY – 87 pts	
Biodiversity and Landscape Protection	Total project acreage: < 599 600-699 700 -899 900+ 0 1 3 5	23
	Project acres within NHESP BioMap2 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 4 6 7	
	Average value for all the properties in the project that are conducive to climate change adaptation and resiliency or implementation of resiliency best practices. Below Average (<-2.0 to -0.4 Standard Deviation) Average (-0.6 to 0.5 SD) Above Average (>2 to 0.6 SD) 0 3 5	
	Proposed project abuts protected open space at least 100+ acres or proposed project will serve as a potential catalyst for the conservation of 100+ adjacent acres. At least 100 acres or low catalyst – 3 100 – 500 acres or medium catalyst – 4 500+ acres or high catalyst – 6	
Water Resources	Project acres within 500 feet of ocean, lake, pond, river, stream, wetland: 1-49% 50-99% 100+ 2 3 5	10
	% of project in drinking water supply area (Zone I/II, A/B; IWPA), or, medium- or high-yield, or sole-source aquifer: <5% 5-24% 25-49% 50% or more 0 1 3 5	
Working Lands	Acres that are currently commercially actively managed (forest: using a licensed forester): 1-24.9% 25.0-49.9% 50.0-74.9% 75.0-100% 1 3 4 6	10
	Acres that will be actively commercially managed forest (using a licensed forester), after project completion: ≥10% fewer 9% less - same as before 1-10% increase 10-19% increase ≥20% more -3 (unless ecologically justified) 1 2 3 4	

<table>
<tr><td>Climate Vulnerability Preparedness</td><td>Project will preserve forest as natural mitigations for impacts of climate change on nearby communities. Evaluation of this category will be based on project narrative and in-house GIS calculation. Project will be ranked relative to other application received and rated accordingly.
<table>
<tr><th>Mitigation</th><th>Exceptional Opportunity
5 pts</th><th>Average Opportunity
3 pts</th><th>Marginal Opportunity
2 pts</th></tr>
<tr><td>Acres of agricultural or prime forest soils protected</td><td></td><td></td><td></td></tr>
<tr><td>Drinking water supply preservation</td><td></td><td></td><td></td></tr>
</table></td><td>0 - 10</td></tr>
<tr><td>Recreational Opportunities</td><td>Recreational opportunities provided (checked on site visit.):
<table>
<tr><th>Activity</th><th>Exceptional
3 points</th><th>Acceptable
2 point</th><th>Marginal/not provided 0 pts</th></tr>
<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>
</table></td><td>12</td></tr>
<tr><td>Stewardship Capacity</td><td>Applicant has proven capacity and a good plan to carry-out proper future stewardship of land held in fee or CR
Excellent 5 Good 3 Average 1</td><td>5</td></tr>
<tr><td>Readiness to Complete Project</td><td>Projects will be ranked on readiness to completed based on information in the applications and the site visits</td><td>1 - 5</td></tr>
<tr><td>Overall Project Quality</td><td>1-12 points will be awarded based on project quality</td><td>12</td></tr>
<tr><td>TOTAL</td><td></td><td>100</td></tr>
<tr><td>Community Compact Bonus Points</td><td>Municipal applicant(s) has signed on to related best practices under the Community Compact Agreement</td><td>2</td></tr>
</table>

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). It may not be an internal deed restriction. Fulfillment of the CPA is the responsibility of the municipality. **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. At the same time that it votes to acquire the property, the municipality should vote to authorize the grant of the CR and also indicate that the purchase of the property and conveyance of the CR be a simultaneous closing.
2. The deed to the municipality should indicate that the municipality might grant a CR to the specific entity identified to hold it or to an entity authorized to hold a CR under M.G.L. Ch. 184, Sec. 32.
3. As long as a restriction is recorded **after** the recording of the deed of acquisition (even if immediately after), the unrestricted value (and therefore higher value) of the property is used for funding determinations in DCS grant programs.
4. The fact that the funding statute *requires* the restriction may mean that a party seeking a charitable contribution deduction in connection with 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 provide 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 ever is converted to non-conservation use, the municipality would still be responsible for replacing the converted property with land of equal or greater monetary value and conservation use and described in the Program Regulations, as though the land were owned in fee simple. Applicants should consult with DCS for guidance on drafting conservation restrictions for the appropriate language.

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...

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 D: Sample Municipal Vote

Each municipal partner should draft its warrant article or city council order with the guidance of municipal counsel. The form will vary with the type of project, source of funding, etc. All should include the following elements:

I. Authorization to expend an amount equal to the full acquisition and/or development cost of the project. The total project cost 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. It is strongly recommended that the warrant article or city council order is prepared with the advice of city/town counsel, treasurer and accountant to ensure that the appropriate section is noted in the warrant article. These sections permit the municipality to borrow in anticipation of a grant and require 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. Acquisition projects: indicate that land is being acquired either for conservation and passive outdoor recreation purposes (Chapter 40, Section 8c) or 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 conservation commission to seek funding under the Landscape Partnership grant program, and enter any necessary contracts thereto.

V. If a taking is involved in an acquisition project, the conservation commission must, in writing, request the selectmen or city council to take the property via eminent domain.

VI. Communities may also consider allowing the subsequent conveyance of a Conservation Restriction.

VII. Communities may also consider 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.

Attachment E: Guidelines for Boundary Maps

The Executive Office of Energy and Environmental Affairs requires a dated project boundary map that clearly delineates the permanently protected park, recreation or conservation land. The map must be submitted prior to project approval, and may be changed prior to final payment without triggering a conversion.

Project Area - At a minimum, must include the entire area acquired in an acquisition project.
Ensure that the recreational usefulness and attraction of the new protected area is viable on its own and independent of the surrounding or adjacent areas. If it is dependent upon other areas for access, those areas should also be included in the protected area.

A formal surveyed boundary plan showing metes and bounds is best, but not necessarily required.
The project area must be shown in enough detail to be legally sufficient to identify the protected area. These methods can be used in lieu of a survey plan:

- Assessors map with deed references
- Adjoining ownerships
- Adjoining easements of record
- Adjoining water bodies or other natural landmarks
- Government survey

Boundary Map Requirements:

1. Include the park name and project number and date of map preparation.
2. The map should have a scale, north arrow and the project boundary should be outlined in red.
3. Identify the owner of the land (i.e., *Municipal Conservation Commission*).
4. Identify any pre-existing uses (i.e. buildings) that should be excluded from the legally protected area.
5. Identify general ownership and land use of adjacent properties (i.e., public conservation or recreation land, residential, commercial, and industrial land uses).
6. Clearly identify and describe all public access points to the project area.
7. Show outstanding rights and interests in the area held by others and note the term remaining on the lease. Known easements, deed or lease restrictions, reversionary interest, etc. are to be indicated. Those outstanding rights and interests which, in the opinion of this office, would not adversely impact the utility and viability of the recreation or conservation area if exercised and not intended to be included under the conversion provisions should be specifically identified. These are typically utility easements. This office must be notified if any changes are made to these easements after the project is completed.
8. Clearly show key features and uses such as:
   - ☑ Number of acres acquired or developed
   - ☑ Named Roads
   - ☑ Bodies of water
   - ☑ Structures and improvements
   - ☑ Utilities
   - ☑ Restrictions, easements and rights-of-way
   - ☑ Wetlands
   - ☑ Trails
   - ☑ If the subject parcel is part of, adjacent to, or in close proximity to an existing protected area(s), also show the location of these protected sites including the project number and name for those sites.
   - ☑ Any other characteristics that aid in understanding the protected outdoor recreation resources

Attachment F: 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;…