

## **Massachusetts Housatonic River Watershed Restoration Program Summary of Round 3, Subround 2 Threshold Criteria Evaluation**

The Housatonic River Natural Resource Damages Fund Round 3 Grant Announcement and Application (GAA) for Subround 2 of Land Acquisition Projects was released on October 7, 2015, and the response deadline for Grant Applications was April 6, 2016. Four Grant Applications were received by the Massachusetts (MA) SubCouncil of the Housatonic River Natural Resource Trustees on or before the stated response deadline.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Natural Resource Damages (NRD) regulations require that restoration activities restore, rehabilitate, replace, or acquire the equivalent of the resources and services that were injured or lost, but do not address which restoration projects are preferred. The Housatonic River Watershed Natural Resource Damages Assessment Restoration Project Selection Procedure (RPSP) describes a Threshold Criteria evaluation as Phase 1 of evaluation of proposed restoration projects. The Threshold Criteria are identified in the RPSP and in the Massachusetts Housatonic River Watershed Restoration Program Final Round 3 Restoration Plan and Supplemental Environmental Assessment for Land Protection and Habitat Conservation (Round 3 RP/SEA).

The Threshold Criteria evaluation is conducted by the MA SubCouncil to identify proposals that meet minimum eligibility requirements for consideration as restoration projects. The Threshold Criteria assesses proposal completeness and consistency with the goals of the MA SubCouncil and applicable federal, state, and local regulations and laws. Grant Applications that are determined by the MA SubCouncil to meet the Threshold Criteria are termed "Project Applications" and are eligible to advance to Phase 2 of evaluation as described in the RPSP, RP/SEA, and GAA.

The MA SubCouncil received 4 Grant Applications in response to the Round 3, Subround 2 GAA and conducted Threshold Criteria evaluations in April and May of 2016. The MA SubCouncil determined that each of the 4 Grant Applications received by the MA SubCouncil met all Threshold Criteria and were eligible to proceed to Phase 2 of evaluation.

The following sections of this document summarize the Threshold Criteria and the results of the MA SubCouncil's Threshold Criteria evaluation of Round 3, Subround 2 Grant Applications.

## **Threshold Criteria**

The Threshold Criteria, as identified in the RPSP and Round 3 RP/SEA are as follows:

**1. Does the application contain the information necessary to proceed with an evaluation as described in the RPSP?**

(Answer must be "YES" to pass.)

**2. Does the proposed project restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances through land acquisition and/or land protection measures?**

(Answer must be "YES" to pass.)

**3. Is the proposed project, or any portion of the proposed project, an action that is presently required under other federal, state, or local law?**

(The answer must be "NO" to pass.)

**4. Is the proposed project, or any portion of the proposed project, inconsistent with federal, state, or local law, regulation, or policy?**

(The answer must be "NO" to pass.)

**5. Will the proposed project, in terms of cost, be consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories?**

(The answer must be "YES" to pass.)

**6. Will the proposed project, or any portion of the proposed project, be inconsistent with any ongoing or anticipated remedial actions (i.e., primary restoration) in the Housatonic River watershed?**

(The answer must be "NO" to pass.)

Additional information regarding application of the Threshold Criteria may be found in the RPSP and Round 3 RP/SEA.

## **Summary of Threshold Criteria Evaluation of Round 3 Subround 2 Grant Applications**

The following sections of this document summarize the MA SubCouncil's Threshold Criteria evaluation of the 4 Round 3, Subround 2 Grant Applications received on or prior to the Grant Application deadline. Each project abstract is presented as it was provided by the Applicant in the Grant Application and is followed by a summary of the results of the MA SubCouncil's Threshold Criteria evaluation.

**Project Name:** Jug End Fen Conservation Area -Smith Parcel  
**Proposal No:** 305  
**Project Applicant:** The Nature Conservancy

**Abstract Submitted By Applicant**

The Nature Conservancy (TNC), working in partnership with the Department of Fish and Game (DFG), proposes to acquire a 5.8-acre portion of the 10.8-acre Smith parcel in fee simple and subsequently donate a CR to DFG. TNC is requesting \$166,295 in NRDAR Program grant funding for the acquisition and associated costs. This property is located within the Housatonic River watershed and abuts and connects the Jug End Fen Wildlife Conservation Easement (WCE), where TNC is the fee interest holder and DFG the CR holder, DFG's Jug End Fen Wildlife Management Area (WMA), and the 59-acre Silkey parcel. The Smith parcel contains 700 feet of frontage on Karner Brook, an excellent cold water fisheries resource, and is wholly within the Karner Brook Watershed Area of Critical Environmental Concern (ACEC). The property includes calcareous fen habitat, an extremely rare natural community that is home to many rare species. The acquisition of this property would benefit injured natural resources and natural resource services by protecting NHESP Priority Habitat, BioMap2 Core Habitats (Species of Conservation Concern and Aquatic Core), and BioMap2 Critical Natural Landscape (Aquatic Buffer). The property would also provide additional recreation opportunities and public access to Karner Brook. TNC has reached verbal agreement with the landowner to acquire the property for \$140,000 and anticipates that the property could be acquired quickly once due diligence has been completed. Once acquired, TNC will donate a CR on the property to DFG in order to create consistency across all Jug End Fen WCE properties.

**Results of the MA SubCouncil's Threshold Criteria Evaluation**

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, and local laws, regulations, and policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application.

**Project Name:** Jug End Fen Conservation Area – Silkey Parcel  
**Proposal No:** 306  
**Project Applicant:** Massachusetts Department of Fish and Game

#### **Abstract Submitted By Applicant**

The Department of Fish and Game (DFG), working in partnership with The Nature Conservancy (TNC), propose to remove two existing, vacant structures and then acquire the 59-acre Silkey property in fee simple for a total project cost of \$383,700. DFG is requesting \$375,000 in NRDAR Program grant funding for the acquisition and associated costs. This parcel is located within the Housatonic River watershed and abuts and connects the Jug End Fen Wildlife Conservation Easement (WCE), where TNC is the fee interested holder and DFG the restriction holder, DFG's Jug End Fen Wildlife Management Area (WMA), and the 5.8-acre Smith parcel. The Silkey parcel contains 420 feet of frontage on Karner Brook, an excellent cold water fisheries resource, and is wholly within the Karner Brook Watershed Area of Critical Environmental Concern (ACEC). Most of the land is wooded, containing a mix of hardwood and softwood, with intermingled wetland habitats including shrub swamp, wooded swamp (mixed and deciduous), and fen. The acquisition of this property would benefit injured natural resources and natural resource services by protecting NHESP Priority Habitat, BioMap 2 Core Habitats (Species of Conservation Concern and Aquatic Core), and BioMap2 Critical Natural Landscape (Aquatic Buffer). The property would also provide additional recreation opportunities and public access to Karner Brook. DFG has reached verbal agreement with the landowner to acquire the property for \$350,000 and anticipates that the property could be acquired quickly once due diligence has been completed and the structures have been removed.

#### **Results of the MA SubCouncil's Threshold Criteria Evaluation**

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, and local laws, regulations, and policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application.

**Project Name:** Parsons Marsh Conservation Project  
**Proposal No:** 307  
**Project Applicant:** Berkshire Natural Resources Council

**Abstract Submitted By Applicant**

A grant from the Housatonic River Natural Resource Damages Fund will enable the Berkshire Natural Resources Council to acquire and permanently protect +/- 138 acres in the heart of the Housatonic River Valley. The land holds Parsons Marsh, a substantial wetland body, surrounding wetland forest and upland buffer. This conservation project is comprised of two adjacent parcels under different ownership; both owners are interested in alternatives to residential development.

Parsons Marsh serves as a primary water collection and recharge area at the base of Lenox Mountain, part of the larger Yokun Ridge which stretches from Pittsfield to Stockbridge. The parcels contain significant BioMap2 Core Habitat, are Critical Natural Landscape Block, and are designated least disturbed wetland. The parcels are in direct proximity to over 4,000 acres of conserved land and will serve as a connection point from the Lenox village to Yokun Ridge. BNRC ownership of these two parcels will bring the whole of Parsons Marsh under conservation protections.

BNRC will oversee and complete all due diligence and support work associated with the purchase of the property. BNRC will open the parcels up for public recreation, and will begin a phased approach to the design and development of ecologically sensitive walking trails and passive recreation opportunities. BNRC has and will continue to foster relationships with state agencies, town officials, and environmental organizations to maximize wildlife habitat value.

**Results of the MA SubCouncil's Threshold Criteria Evaluation**

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, and local laws, regulations, and policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application.

**Project Name:** Lime Kiln Farm Wildlife Sanctuary  
**Proposal No:** 308  
**Project Applicant:** Massachusetts Audubon Society

**Abstract Submitted By Applicant**

With a grant from the Housatonic River Natural Resource Damages Fund, Mass Audubon will acquire and permanently protect 200 +/- acres of land in close proximity to the Housatonic River in Sheffield, including an unnamed tributary to the Housatonic River. The five parcels are owned by three landowners and contain extensive wetlands, part of the Barnum Street Swamp wetland complex, that are identified as BioMap2 Core Habitat and adjacent uplands. This area is identified in the town's Master Plan as an important resource for plant and wildlife habitat, passive recreation, and flood control. The project will result in permanent protection and management for conservation purposes of this important wetland complex and scenic upland in the Housatonic watershed. The property is adjacent to Mass Audubon's Lime Kiln Farm Wildlife Sanctuary and will almost double its acreage.

Mass Audubon will complete all due diligence associated with the purchase of the property, and upon completion will acquire fee ownership of the parcels and complete a natural resource inventory and management plan. Said plan will include baseline documentation to verify the current condition of the parcels and provide recommendations to improve wildlife resources and evaluate opportunities for public access and interpretive signage. Under current ownership the property is closed to the public. Mass Audubon will maintain a presence on the property and, in partnership with state agencies, town officials, environmental groups, educational groups, and other organizations, work to improve habitat and recreational values.

**Results of the MA SubCouncil's Threshold Criteria Evaluation**

The MA SubCouncil determined that this Grant Application meets the Threshold Criteria described in the RPSP, Round 3 RP/SEA, and GAA. Specifically, the application appears to contain the information necessary to proceed with an evaluation (Threshold Criteria #1), and it appears that the proposed project:

- Would restore, rehabilitate, replace, and/or acquire the equivalent of natural resources or natural resource services that were injured by the release of PCBs or other hazardous substances (Threshold Criteria #2);
- Is not an action that is presently required under other federal, state, or local law (Threshold Criteria #3);
- Is consistent with federal, state, and local laws, regulations, and policies (Threshold Criteria #4);
- In terms of cost, is consistent with the stated goals of the MA SubCouncil to retain sufficient funds to 1) accomplish restoration over at least three rounds of proposal solicitations and 2) serve a wide geographic area that benefits the restoration priority categories (Threshold Criteria #5); and
- Is not inconsistent with any ongoing or anticipated remedial actions in the Housatonic River watershed (Threshold Criteria #6).

Therefore, the MA SubCouncil has determined that the proposed project is eligible for consideration as a Project Application.