

**Massachusetts Department of Fish and Game
In-Lieu Fee Program
Request for Pre-proposals (RFP)**

July 19, 2019

A. Introduction

The MA Department of Fish and Game (“DFG”) In-Lieu Fee (“ILF”) Program seeks pre-proposals for aquatic resource restoration, enhancement, or preservation projects. Massachusetts cities, towns, academic institutions, certified 501(c)(3) non-profit organizations, and other public entities may apply. Funding from the ILF Program is available for eligible projects that have a high likelihood of success and long-term sustainability, and that provide the type of priority ecological benefits that have been identified within the different geographical ILF Program “Service Areas” throughout Massachusetts. Information on eligibility and available funding is provided below and in **Attachment A** (a map of ILF Program Service Areas). **Attachment B** includes a pre-proposal application form for interested parties to complete and submit to DFG.

DFG, together with the U.S. Army Corps of Engineers (“Corps”) and its Inter-agency Review Team (“IRT”), will review the pre-proposals received and select projects that will be invited to advance to the full proposal stage. The timeline for this process is as follows:

Table 1. Timeline for ILF Pre-Proposal and Selection

ILF Pre-proposal Steps	Date
RFP published in COMMBUYS	July 19, 2019
Responses to RFP due	August 30, 2019
Pre-proposal review	September/mid-October
Projects selected for full proposal	October 18, 2019
Notice to applicants of selected Pre-proposals*	October 25, 2019

*All applicants will be notified of the outcome of Pre-proposal review

B. Overview and Goals of the DFG ILF Program

ILF Program Summary

In May, 2014, the Corps approved DFG to be the sponsor of an ILF Program for Massachusetts that would provide ILF compensatory mitigation associated with Corps permits under §404 of the Clean Water Act and/or §§9 or 10 of the Rivers and Harbors Act of 1899 and related federal rule at 33 C.F.R. Part 332 (the federal Mitigation Rule). The availability of DFG’s ILF Program allows permittees, with the Corps’ approval, to make a monetary payment in compensation for

project impacts to aquatic resources of the U.S. in Massachusetts, *in-lieu* of on-site mitigation. When these ILF payments are made to the ILF Program, DFG assumes legal responsibility for implementing the required mitigation, which it does by aggregating and expending the ILF payments on approved mitigation projects.

Additional information on the MA DFG ILF Program is available at <https://www.mass.gov/in-lieu-fee-program>.

ILF Project Funding to Date

Once sufficient funds were accumulated by the ILF Program, DFG initiated the first Corps-approved ILF project in 2017: an Eelgrass Restoration project in Salem Sound implemented by DFG's Division of Marine Fisheries ("DMF"). More recently, five new DFG ILF mitigation projects were approved by the Corps and are underway. There are three land preservation projects jointly implemented by DFG and its Division of Fisheries and Wildlife ("DFW") that permanently protect approximately 180 acres of aquatic resources and upland buffers. DMF is also implementing two additional ILF-funded projects: an artificial reef project in Nantucket Sound that will enhance marine habitat, and a new fish ladder on the Ipswich River that will restore passage for river herring to upstream habitat.

To date, approximately \$1.1 million (M) of DFG's ILF Program funds has been committed to the above six mitigation projects. There is another approximately \$3M currently available to fund a broad range of additional ILF projects, as discussed in more detail below.

Purpose of this RFP

The purpose of this RFP is to solicit pre-proposals for potential ILF mitigation projects. Potential project types include restoration, enhancement, or preservation projects that will provide ecological benefit to freshwater, estuarine, and/or marine aquatic resources. Pre-proposals will be reviewed and evaluated by DFG and the Corps to determine their eligibility for ILF funds and to identify and prioritize projects to bring forward to a full proposal stage. **Table 2** identifies the amount of funding available in each ILF Service Areas and the type of resource to which ILF funds will be directed.

ILF Program Goals

The key goals of the ILF Program are as follows:

- Provide compensatory mitigation for the loss of aquatic resources (e.g. restoring and/or preserving in-kind aquatic functions and values);
- Implement successful mitigation projects in the same ILF Service Area where aquatic resource impacts occurred;

- Target projects that contribute to the ecological sustainability of a watershed, coastal tidal system, or marine ecosystem;
- Prioritize projects that meet multiple mitigation objectives (e.g. mitigation for wetlands impacts and protection/enhancement of rare species habitat; restore degraded habitat and enhance resiliency to climate change);
- Prioritize projects that support broader conservation or management initiatives and the surrounding landscape or coastal/marine environment.

The Coastal Service Area (divided into three sub-areas) is the largest service area and includes 16 watersheds with direct hydrographic connections to the coast (see **Attachment A**). Specific ILF Program goals and objectives for the Coastal Service Area include:

- Restore priority coastal resources and habitats;
- Support restoration projects that will facilitate coastal wetland migration to adapt to climate change and sea level rise;
- Restore and enhance estuarine and marine subtidal resources;
- Support efforts that increase fish passage in rivers that drain directly to the ocean and in high quality coldwater streams;
- Support coastal habitat connectivity;
- Support preservation, restoration or enhancement opportunities that will improve coastal aquatic resource functions and values;
- Support projects that reduce nitrogen loading to coastal waters;
- Acquire land and conservation restrictions to preserve important coastal habitats and coldwater streams.

Specific goals and objectives for the Berkshire-Taconic, Connecticut River and Quabbin-Worcester Plateau Service Areas include:

- Protect areas identified by DFG as priorities for preservation based on their character as high quality riparian, palustrine habitats, diverse natural communities, and/or habitats of wildlife species including state-listed species protected under MESA (which incorporates federally-listed species);
- Support efforts that increase fish passage in rivers that drain directly to high quality coldwater streams;
- Restore habitat continuity in high quality stream reaches by removing dams and replacing culverts with those that meet MA River and Stream Crossing Standards;
- Protect high quality wetlands and the land around those wetlands;
- Restore degraded wetlands that are adjacent to high quality wetlands; and
- Restore riparian vegetated buffers in active agricultural lands.

Additional detail on the program's goals and priorities can be found in the ILF Program Instrument online at <https://www.mass.gov/files/documents/2016/08/nd/ilfp-final-instrument-dfg.pdf>

C. Eligible Projects

Eligible ILF projects are restoration, enhancement and/or preservation projects that will provide measureable ecological benefits to freshwater wetlands, freshwater rivers and streams, estuarine wetland and river systems (intertidal and sub-tidal) and/or marine ecosystems (intertidal and sub-tidal).

Projects are eligible for ILF Program funding consideration if sufficient ILF Program funds are available in the ILF Service Area where the project is located, and if the proposed project will benefit those resources identified as a priority for in-kind mitigation in Table 2 (Section F below).

Examples of the types of projects that may be eligible for ILF Program funding

Restoration and Enhancement

- Barrier removal: e.g. dam removal, tidal restriction removal, culvert removal and replacement
- Salt marsh restoration/enhancement
- Stream naturalization and revegetation
- Cranberry bog restoration
- Removal of derelict structures in wetlands and waterways (e.g. old pilings)
- Removal of outfalls and fill (groins, jetties, seawalls, debris, wharfs, anchors, abandoned roadways)
- Shellfish habitat enhancement, cobble habitat creation/enhancement
- Water quality improvements (e.g. reducing nutrient and sediment loading)
- Eelgrass restoration/enhancement
- Artificial reef, enhanced marine habitat
- Fish passage enhancement/restoration
- Removing land from agricultural use (e.g. with water quality benefits and riparian restoration)
- Floodplain restoration

Preservation

Through fee acquisition (preferred), or conservation restriction (eligible but not preferred)

- Permanent protection of freshwater resources including wetlands, rivers/streams, and their upland buffers;
- Permanent protection of coastal resources including land that provides for salt marsh migration and upland buffer to other coastal resources.

Preservation-only projects need to demonstrate that there is a likely threat of destruction or degradation of aquatic resources.

The following projects are **not eligible** for ILF Program funding

- Invasive species control;¹
- Projects that require long term water control structures and interventions in order to be successful. The reason for this is that ILF Program funding is intended to support projects that support self-sustaining ecosystems.

D. Eligible Applicants

Massachusetts cities, towns, academic institutions, certified 501(c)(3) non-profit organizations, and other public entities may apply. Partnerships are encouraged but a single project sponsor and project manager must be clearly identified on the pre-proposal form.

E. Application Deadline and Materials for Submission

The deadline for submission of pre-proposals is 5:00pm August 30, 2019.

To be considered for the next round of ILF Program funding, applicants must submit a completed “Response to Request for Pre-Proposals” form (see Attachment B) with a site map by the August 30, 2019 deadline. Pre-proposals must sent by the above deadline to Aisling O’Shea, DFG’s ILF Program Administrator, at aisling.o’shea@state.ma.us .

F. Funding Available

The total amount of funding available for this 2019 grant round is \$3.15 M. While there is no set limit for the amount of funding an applicant can request for a project, the amount of potential funding for projects is limited by the amount available for aquatic resource type(s) in each Service Area. **Table 2** provides a breakdown of the amount of funding available in each of the ILF Program Service Areas, and the type of aquatic resource mitigation projects that DFG is seeking in these areas (e.g., freshwater wetland or stream, estuarine intertidal, marine subtidal).

Table 2: Available Funding and Priorities for ILF Mitigation Projects

ILF Service Area	Funding Available	Resource Type	Priority Resources
Berkshire-Taconic	\$0	N/A	N/A, No funds at this time
Connecticut River	\$21,475	Freshwater	River/Stream (\$21,475)
Quabbin-Worcester	\$120,454	Freshwater	Wetlands (\$70K) River/Stream (\$50K)

¹ Invasive species control is not eligible as a compensatory mitigation project. However, proposals for eligible compensatory mitigation projects should include monitoring and control of invasive species as a component of site stewardship and the cost of such activities should be reflected in the overall project budget.

ILF Service Area	Funding Available	Resource Type	Priority Resources
Coastal-North	\$384,420	Freshwater	Wetlands (\$384,420)
Coastal-North	\$1.4 M	Tidal	Estuarine subtidal (\$1.2M), Estuarine intertidal (\$204K) Riverine Tidal (\$6K)
Coastal-South	\$164,714	Tidal	Estuarine Intertidal (\$31K) Estuarine Subtidal (\$133K)
Coastal-Central	\$122,295	Tidal	Estuarine intertidal (\$86k) Marine intertidal (\$36K)
Coastal-Central	\$397,735	Freshwater	Wetlands (\$366K) Riverine (\$31K)
Coastal-All sub-areas	\$537,000	Fresh or Tidal	Any coastal resource (\$537K) Freshwater wetlands and stream; Estuarine intertidal and subtidal; Tidal river systems; and/or Marine intertidal and subtidal
Total available funding	\$3.15M		

The “Priority Resource” column above identifies specific types of aquatic resources that have already been impacted by Corps-permitted projects, and for which an ILF payment has been made. The breakdown of funds for each type of resource is approximate and intended to give the applicant a better sense of DFG’s priorities and funds for different types of mitigation projects. Note: the amount ultimately awarded by DFG to fund an approved mitigation project may be more or less than indicated above.

ILF Program funds may be requested for property acquisition and associated costs, project planning, design and engineering, permitting, implementation, monitoring and long-term stewardship. As a general rule, the ILF Program does not fund stand-alone phases of a project such as planning only, or monitoring only. Proposals should include an implementation phase.

G. Match Requirement

There is no match requirement for the use of ILF funds. However, there may not be sufficient ILF funds available to fully fund a proposed project. In those cases, other proposed or secured funding sources for the project must be identified. Project proponents that are seeking or have obtained federal grant funds should check with the grantor to determine if there are any limitations to combining that source of funding with ILF mitigation project funds. Project proponents may also contact the ILF Program Administrator to discuss potential funding of projects from multiple sources.

H. Contact Information

For questions regarding this RFP, contact Aisling O'Shea, ILF Program Administrator.
Phone: (617) 626-1605 Email: aisling.o'shea@state.ma.us

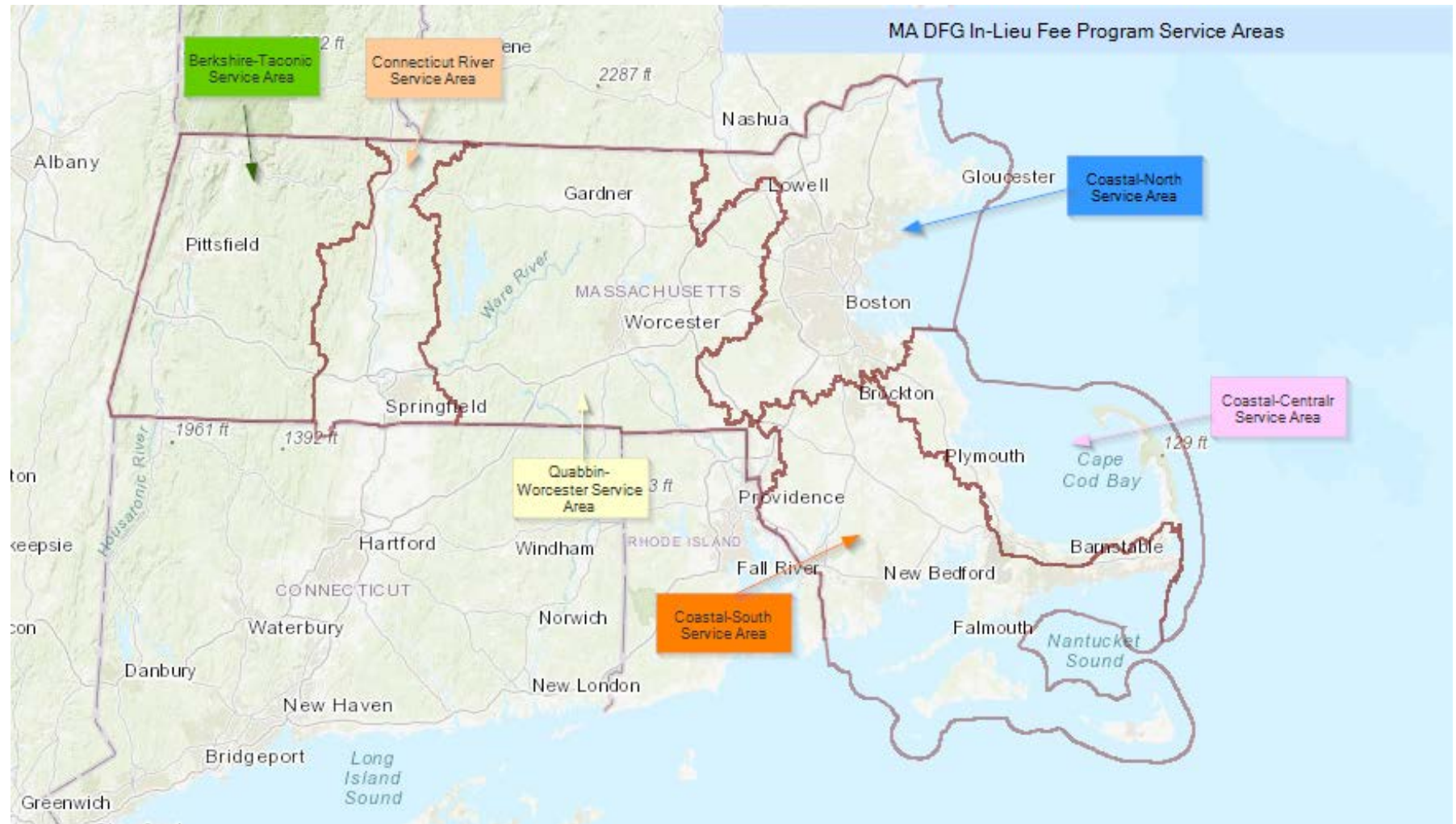
I. What Happens Next?

After the ILF Program notifies applicants of the outcome of the pre-proposal review (October 25, 2019), those projects selected to advance to the full proposal stage will be invited to submit a full proposal for ILF funding. The estimated timeline for review and approval of ILF mitigation projects is outlined below. The schedule may vary depending on the nature and scope of the project. Some complex projects, and those at an earlier stage of design, may require a longer review time to develop the information and analysis required for final approval by the Corps.

Steps in Application and Review Process	Timeline
Request for Full Proposals sent to selected applicants	October 31, 2019
Site Visits	Dates to be determined
Draft proposal with mitigation project plan, budget and funding request	December 13, 2019
ILF Program feedback on draft proposal	January 10, 2020
Full proposal submission deadline	January 24, 2020
Public Notice of projects under consideration for ILF funding	January 2020
Full proposal review and decision-making	February – March 2020
ILF Program awards announced	April 2020

The ILF Program will provide guidance to applicants regarding preparation of draft and final proposals. This will include proposal evaluation criteria and guidance on the information needed by reviewers. The federal Mitigation Rule has specific requirements that mitigation projects need to meet. These requirements include: mitigation project plans; clear, measurable performance standards; monitoring and assessment protocols; site protection and long-term management plan; adaptive management plan; and potentially financial assurances. Restoration and enhancement projects require a minimum of 5 years monitoring, with annual reporting. The full cost of all project components will need to be detailed in the final proposal with a clear breakdown of the ILF funding request and other sources of funds.

Attachment A. Map of ILFP Program Service Areas



<https://www.mass.gov/service-details/ilfp-service-area-map>

ATTACHMENT B
Response to Request for Pre-Proposals – Aquatic Resource Mitigation Projects
MA DFG In-Lieu Fee Program

Using the form below, please provide information on the project for which you seek funding. Include a site map. Supplemental project documents, though not required at this pre-proposal stage, may also be submitted. Boxes outlined in red indicate information required for all applications, other fields to be completed as applicable.

1. Project Title

2. Location

Street address, municipality. Include digital coordinates for latitude and longitude.

Map Attached

Attach a map of the project area showing location and boundaries of proposed project, and other important features

3. Project Sponsor [name, address]

4. Project Manager [name, email, phone]

Identify the person who will serve as lead for project development and implementation

5. Project Site Land Owner

6. Is the project site on or abutting land that is permanently protected?

Check if yes

Identify adjacent protected land on the attached map

Briefly describe any easements on the property

Type of Project (e.g. preservation, enhancement and/or restoration)

8. Project Cost

Total Estimated Project Cost (\$)

ILF Funds Requested (\$)

Amount of Non-ILF funding (\$)

Identify other Funding Sources:

Briefly describe the status of project funding. For example, note if the applicant is providing funding or applying for other grant funding. Indicate the status, source and amount of other project funding either secured or applied for.

9. Stage of project development

e.g. conceptual, early planning, 60% design, permits obtained? For preservation projects, is there price agreement, option signed, due diligence completed?

10. Project Summary

Include a paragraph or two describing the project, including its goals and objectives, expected aquatic resource benefits, size of project area. Provide an estimate of the area of proposed preservation, enhancement and/or restoration in acres and/or linear feet (river or stream bank and channel). Briefly describe the expected outcomes in terms of ecological functions and how performance will be measured. Describe proposed site protection measures.

11. Type of aquatic resources that will benefit from the project: (check as applicable)Coastal/Tidal

marine subtidal ___ marine intertidal ___ estuarine subtidal ___

estuarine intertidal ___ river/stream tidal ___ coastal pond ___

upland buffer to coastal/tidal resource ___

Freshwater:

palustrine forested ___ palustrine scrub-shrub ___ palustrine emergent ___

river/stream freshwater ___ vernal pool ___ lake/pond ___

upland buffer to freshwater resource ___

12. Significant Resources on or near the project site *(check as applicable)*

BioMap2 Aquatic Core Wetlands Core ___

Wetlands Core Buffer Critical Natural Landscapes ___

Other BioMap2 features

Additional information/comments on BioMap2 features

Endangered Species

Federally listed species or mapped habitat ___

State-listed species Priority or Estimated Habitat ___

Additional information/comments on endangered species

Historical and Archaeological Resources

Additional information/comments on cultural resources

The following websites provide useful information and mapping tools to support identification of significant natural and cultural resources.

BioMap2: Conserving the Biodiversity of Massachusetts in a Changing World

<https://www.mass.gov/service-details/biomap2-conserving-the-biodiversity-of-massachusetts-in-a-changing-world>

U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC)

<https://ecos.fws.gov/ipac/>

Massachusetts Cultural Resource Information System (MACRIS)

<http://mhc-macris.net/>

13. Consistency with Watershed or other Natural Resource Management Plans and Priorities

Briefly discuss, as applicable, the project's relevance to local, state or regional plans and priorities for aquatic resource protection, restoration and/or enhancement.

14. Additional Information

Optional, other project-related information you would like to share with the review team.

Check if supplemental documents (other than the site map) are included with this pre-proposal

Signature

Date