



June 8, 2011

The Honorable Deval Patrick
Governor of the Commonwealth of Massachusetts
Massachusetts State House
Office of the Governor, Room 280
Boston, MA 02133

Re: Fiscal Year 2012 Budget Priority, Natural Heritage & Endangered Species Program

Dear Governor Patrick,

Our nine statewide conservation organizations are writing to thank you for your strong support of the Natural Heritage & Endangered Species Program (NHESP) and ask for your continued support through a favorable review of the permanent administrative cost waiver granted to the NHES Fund in the Senate budget (**SB 3**, Section 98) and line-item (2310-0100). The line-item was included as an amendment to both the House and Senate budgets and the waiver was included in the budget as proposed by the Senate Committee on Ways & Means, not added during debate as a budget amendment. We ask that you are supportive of the waiver with the House and Senate budget conference committee and for both the waiver and line-item in your review of the conference committee report.

NHESP, housed within Division of Fisheries and Wildlife, is regarded as one of the most effective state conservation programs in Massachusetts and a national model for protecting endangered species. Heritage staff collects and interprets scientific data about rare and endangered plants and animals and their habitats and implements the Massachusetts Endangered Species Act. Data assists state agencies, e.g. the Department of Conservation and Recreation and Department of Fish and Game, more than 200 municipalities, the development and construction sectors, and private conservation partners to protect natural resources and plan for climate change. Their data also makes possible the implementation of the Wetlands Protection Act and Endangered Species Act.

In fiscal year 2004, the NHESP line item was not included in the state budget, leaving NHESP funded mainly by project-specific bond monies, permit review fees, federal aid, and donations. The line item was restored at \$250,000 for one year in fiscal year 2009 in an effort led by your administration, Senator Stephen Brewer and Representative Stephen Kulik. Unfortunately, the line item was lost in the following fiscal year and was not restored again until this year when it was included at \$150,000 in both the final House and Senate fiscal year 2012 budget as amendments. Heritage lingers in a tenuous position; rare species protection is poorly supported and funds for rare species research and restoration are almost nonexistent. There are those that do not support NHESP, as suggested by proposed budget outside sections and legislation which seek to gut the regulatory authority granted to the Division of Fisheries and Wildlife through the Massachusetts Endangered Species Act. Additionally, just this year Congress cut important federal funding for state wildlife and endangered species programs (State Wildlife Grants) by a third. Given these challenges, Natural Heritage could greatly benefit from a sympathetic Governor, Chair of Senate Ways & Means, and Vice-Chair of House Ways & Means, an alignment of support which may not happen again in the near future.

The NHES Fund that supports the program is a dedicated fund account that houses fees from Massachusetts Endangered Species Act project reviews, grants, and donations made via the state income tax form check-off line which average about \$200,000 annually. In 2006 the NHES Fund was authorized by the legislature with a permanent waiver from indirect cost rate charges assessed by the comptroller (Chapter 122 of the Acts of 2006, Section 144). Although the legislature passed a law granting a “permanent waiver”, because of an ambiguity in language, the waiver has been requested by the Department of Fish & Game on an annual basis and typically has been granted. About \$450,000 annually is assessed at the current 36.65% overhead charge. Part of the assessment is derived from individual donations, meaning tax filers donate on their income tax form and 36.65% of their voluntary donation goes back to the state and is not used for the solicited purpose. NHESP is at this point entirely funded by permit fees, federal reimbursement, bond, grants, and donations, and many of these sources are declining and almost all are assessed an administrative cost of over one third. As you will recall, last year the waiver was again included in the final budget but was vetoed. We appreciate that the waiver was granted administratively, but we feel that the uncertainty necessitated by an annual request does negatively impact donors and considering the declining federal aid, bond funds, and permit review this step forward, with the line-item, will help provide a modest level of stability to Natural Heritage.

Today, 16% of all native plants and animals in Massachusetts are listed as Endangered, Threatened, or of Special Concern, including the Bald Eagle and Red-bellied Cooter turtle. NHESP is critically important to help protect our natural heritage before it is too late. We urge you to support the legislature’s very modest funding proposal and inclusion of language that the administrative waiver is in fact permanent, allowing NHESP to keep all donations made to the Program as well as revenues from permit fees and grants.

Thank you for your consideration and support.

Sincerely,

Laura Johnson
President
Mass Audubon

George Bachrach
Executive Director
Environmental League of Massachusetts

Erik Balsbaugh
Acting Director
Massachusetts League of Environmental Voters

Andrew J. Falender
President
Appalachian Mountain Club

Andy Kendall
President
The Trustees of Reservations

Wayne Klockner
Executive Director
The Nature Conservancy
Massachusetts Chapter

James McCaffrey
Director
Sierra Club of Massachusetts

Kathleen McGrath
Coordinator
Massachusetts Land Trust Coalition

Linda Orel
Executive Director
Massachusetts Association of Conservation
Commissions

Cc: Secretary Rick Sullivan, Executive Office of Energy and Environmental Affairs
Secretary Jay Gonzalez, Executive Office of Administration and Finance