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STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
OFFICE of the COMMISSIONER

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Her Excellency, Governor Margaret Wood Hassen
and the Honorable Executive Council
State House
Concord, NH 03301

May 12, 2014

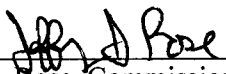
Requested Action

Authorize the Department of Resources and Economic Development (DRED) to enter into the attached Memorandum of Agreement (MOA) with the Council on Resources and Development (CORD) and the Office of Energy and Planning (OEP), relative to stewardship and funding of conservation easement monitoring, upon Governor and Council approval through June 30, 2024.

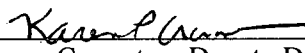
Explanation

DRED periodically receives gifts, donations, or grants to provide for long-term stewardship monitoring of certain conservation easements held by the Department. RSA 162-C:8 authorizes such funds to be deposited into the Land Conservation Endowment Fund, which is administered by CORD, for this purpose. The MOA will enable DRED to deposit funds into the Land Conservation Endowment Fund so that they will generate interest and provide the OEP Conservation Land Stewardship Program with funding for long-term stewardship support of selected DRED conservation easements. DRED will seek Governor and Council approval prior to accepting gifts, donations and grants subject to the MOA. The MOA has been approved by the Justice Department.

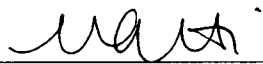
Respectfully submitted,



Jeffrey J. Rose, Commissioner
Department of Resources and Economic Development



Karen Crampton, Deputy Director
NH Office of Energy and Planning



Meredith A. Hatfield, Chair
Council on Resources and Development

MEMORANDUM OF AGREEMENT (MOA)
Between the
COUNCIL ON RESOURCES AND DEVELOPMENT
the
OFFICE OF ENERGY AND PLANNING
(Conservation Land Stewardship Program)
and the
NEW HAMPSHIRE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

This Memorandum of Agreement (the “Agreement”) is entered into by the Council on Resources and Development, hereinafter referred to as “CORD,” the Office of Energy and Planning, Conservation Land Stewardship Program hereinafter referred to as “OEP/CLS,” and the New Hampshire Department of Resources and Economic Department, hereinafter referred to as “DRED.” Collectively, CORD, OEP/CLS and DRED shall be referred to as the “Parties.”

Whereas, DRED is mandated by RSA 12-A:1 to ensure the efficient coordinated function of the four divisions, whereby the interests of economic development, protection and responsible management of natural resources, public enjoyment of state parks and forests, and promotion of travel and tourism development; and

Whereas, DRED acquires conservation easements in perpetuity to preserve and conserve traditional forest uses including forest management, open spaces, water resources, fish and wildlife habitats, scenic vistas and outdoor recreation opportunities for the enjoyment and education of the general public; and

Whereas, DRED periodically receives monetary gifts, donations and grants as endowment to ensure that stewardship monitoring and enforcement will occur in perpetuity on said lands; and

Whereas, CORD is authorized under RSA 162-C:8 to accept monetary gifts, donations, and grants to the Land Conservation Endowment, which is established for the sole purpose of providing a perpetual source of income for easement stewardship, and which may to be utilized for monitoring and enforcing land conservation interests acquired by the state; and

Whereas, CORD, through the OEP/CLS, has the technical expertise to efficiently carry out easement stewardship, monitoring, and enforcement activities and currently carries out these activities pursuant to Chapter 162-C for LCIP conservation easements;

Now Therefore, the Parties agree as follows:

- 1) The Agreement applies to all monetary gifts, donations and grants deposited into the Land Conservation Endowment by DRED pursuant to RSA 162-C:8, and to stewardship of the associated non-LCIP conservation easements held by DRED for which the funds were received.
- 2) The Agreement covers a ten-year time period commencing on the date of Governor and Council approval through June 30, 2024. It is the intention, however, of the Parties to continue the long-

term stewardship of conservation lands through timely renewal of the Agreement. The Agreement may be amended if necessary with the consent of the Parties.

3) CORD, OEP/CLS, and DRED agree to cooperate as follows:

DRED agrees to:

- 1) at DRED's discretion, following consultation with OEP/CLS, deposit funds into the Land Conservation Endowment in accordance with RSA 162-C:8 for the purpose of providing conservation easement stewardship support for the specific easement lands for which the funds were received. The contribution amount shall be agreed upon by DRED and OEP/CLS prior to deposit into the endowment and shall be deemed to be sufficient to generate interest in the long-term to support stewardship efforts for the easement land in perpetuity; and
- 2) provide technical and enforcement support to OEP/CLS regarding the prevention or enforcement of violations or diminution of the terms of any conservation easement deed which is part of the Agreement. DRED shall have final determination of the disposition of enforcement of the terms of any easement; and
- 3) review and approve/disapprove actions of the easement grantor as required by any conservation easement deed which is part of the Agreement; and
- 4) assign responsible staff to serve as the contact person with OEP/CLS regarding any provision of the Agreement.

CORD agrees to:

- 1) at CORD's discretion, in consultation with OEP/CLS, accept endowment contributions from DRED into the Land Conservation Endowment and allow expenditures from the endowment in accordance RSA 162-C:8 for the purpose of providing conservation easement stewardship support for each of the specific easement lands for which the funds were received;
- 2) authorize OEP/CLS to carry out stewardship support responsibilities as stated herein; and
- 3) at CORD's discretion, authorize DRED to carry out easement stewardship activities as stated herein utilizing income generated from the Endowment for select DRED land protection projects that have contributed to the Endowment.

OEP/CLS agrees to:

- 1) conduct easement monitoring on each of the easement lands associated with the endowment contribution which generally will include:
 - a. conducting easement monitoring to ensure that conditions of the conservation easement are being met annually (every 12 – 14 months) on each parcel. This shall include, when practical, a personal contact/visit with the landowner(s) or their representative(s) to discuss the easement and any proposed or undertaken activities related to it; and

b. maintaining hard and electronic copies of all correspondence, monitoring reports and information regarding changes of address, changes in land management that may affect wildlife habitat, other land management issues etc. for each parcel; and

c. developing and maintaining a database to track parcels, landowners, status, etc. and

d. conducting aerial monitoring and photography as necessary or desirable to document the condition of the parcels; and

e. resolving to the extent practicable, with DRED's assistance, any and all conflicts which arise from the enforcement of the conditions of the easement.


2) provide DRED with copies of all monitoring reports and correspondence within thirty (30) days for each parcel 12 to 14 month monitoring event; and

3) meet with DRED as necessary to resolve any problems which may arise; and

4) serve as the point of contact for requests by the easement grantor of activities requiring prior easement grantee approval and coordinate with DRED as necessary to insure that review and approval/disapproval is conducted as required by any conservation easement deed that is part of the Agreement.

In witness whereof, the Parties hereunto set their hands on the dates indicated.

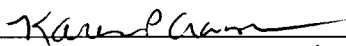
Approved By:



Jeffrey J. Rose, Commissioner
Department of Resources and Economic Development

5/16/14


Date



Karen Cramton, Deputy Director
NH Office of Energy and Planning

5/19/14

Date

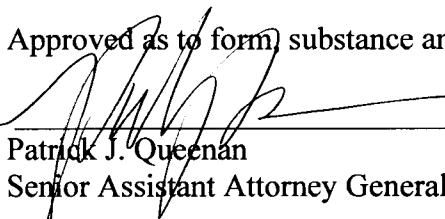


Meredith A. Hatfield, Chair
Council on Resources and Development

5/19/14

Date

Approved as to form, substance and execution by



Patrick J. Queenan
Senior Assistant Attorney General

5/20/14

Date

Approved by GOVERNOR AND COUNCIL on _____, Item # _____.