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New Hampshire Fish and Game Department

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Glenn Normandeau
Executive Director

May 15, 2015

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

REQUESTED ACTION

Authorize the NH Fish and Game Department (NHFG) to enter into a Memorandum of Agreement with the Department of Resources and Economic Development (DRED) (VC #177887) in the amount of \$244,954.00 for the continuation of the cooperative program of wildlife habitat improvement on state managed lands, effective July 1, 2015 through June 30, 2017. 100% Federal funds.

Funding is available for this service and will be expended as follows, contingent upon the availability and continued appropriations for State Fiscal Years 2016 and 2017, with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified:

03 75 75 751520-2150 Wildlife Program Management – Wildlife Programs

	<u>FY16</u>	<u>FY17</u>
20-07500-21500000-049-500294 Transfer to Other State Agencies	\$121,107	\$123,847

EXPLANATION

The DRED Division of Forests and Lands, has cooperated with NHFG to improve upland wildlife habitat on state managed lands since 1987. This continuing program provides cooperative funding for forestry and wildlife program staff employed by DRED. The funds provided by NHFG are received through the Federal Aid in Wildlife Restoration Program. DRED provides the 25% state match for these federal funds. The program collects and analyzes forest and wildlife habitat inventory information, develops integrated natural resource management plans, and implements those plans to sustain and enhance wildlife habitat. This program is a portion of Federal Aid Grant W-11-D, State Lands Wildlife Habitat Improvement.

Respectfully submitted,

Glenn Normandeau
Executive Director

Kathy Ann LaBonte
Chief, Business Division

MEMORANDUM OF AGREEMENT

between

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS

and

THE NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Department of Resources and Economic Development and the New Hampshire Fish and Game Department agree to cooperate in the performance of the project described below:

Project Title: STATE LANDS WILDLIFE HABITAT IMPROVEMENT PROGRAM

Project Outline: The Department of Resources and Economic Development shall perform the following services during the period July 1, 2015 to June 30, 2017.

1. Collect and analyze forest and habitat inventory information and assist the Fish and Game Department develop integrated multiple use natural resources management plans in accordance with Federal Aid in Wildlife Restoration Grant W-11-D, Project II, Job 1.
2. Implement management plans to sustain and enhance upland habitats for the production and maintenance of wildlife species in accordance with Federal Aid in Wildlife Restoration Grant W-11-D, Project II, Job 2.

Funds:

The total project costs of \$327,000 will be funded with (\$244,954) 75% of the Fish and Game Department's Pittman-Robertson Federal Aid in Wildlife Restoration Funds and with an \$82,046 match (\$25%) from the Department of Resources and Economic Development.

New Hampshire Fish and Game Department agrees to reimburse the Department of Resources and Economic Development for expenses in providing the services outlined above and in Exhibit A up to the sum of \$121,107 for first year and up to the sum of \$123,847 for the second year. A copy of the program budget is attached to this agreement (Exhibit B).

The Department of Resources and Economic Development shall bill the Fish and Game Department on a quarterly basis within 15 business days for the total project expenses and the Fish and Game Department shall reimburse the Department of Resources and Economic Development for 75% of those expenses within thirty (30) days of billing. The bill for the final quarter ending June 30, shall be in the hands of the Fish and Game Department no later than ten (10) days after the end of the project segment. However, payment for the last quarter will not be made until all required reports have been approved by the Federal Aid Office, U.S. Fish and Wildlife Service as required by Federal Aid in Wildlife Restoration regulations.

The Department of Resources and Economic Development shall maintain financial records in order to comply with State and Federal requirements. These funds are to be used to carry out the listed services (Exhibit A) and are not intended to cover rental or special equipment purchased by the Department of Resources and Economic Development. Activities funded through this agreement shall take place only on properties with long term wildlife habitat value and that are available for fish and wildlife recreational use.

The continuation of this agreement for the full project period is subject to the availability of state funds and federal funds for this purpose. If funding is not available, the Department of Resources and Economic Development will be reimbursed on a prorated basis for project expenses incurred up to the termination date.

Federal Award Information and Compliances

See Exhibit C, attached.

Patents, Inventions and Copyrights

Patent rights on any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669b, 669c, 669i) shall be consistent with the policies contained in 37CFR, Part 401.

The author or grantee is free to copyright the work resulting from a cooperative agreement entered into pursuant to the Act (Wildlife Restoration Act), but the federal grantor agency reserves a royalty fee, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the work for federal government purposes.

Amendment

This agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto.

Termination of Agreement

Notices of intent to terminate the Agreement before the completion date shall be given, in writing, by either party desiring the termination at least three (3) months in advance of such termination date.

Covenant Not to Discriminate: Prevention of Discrimination

The Department of Resources and Economic Development will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Department of Resources and Economic Development will take affirmative action to ensure that applicants are employed and that employees are treated during employment without discrimination because of their race, color, religion, sex or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; for training, including apprenticeship.

Notice of Advertisements of Employment

The Department of Resources and Economic Development will, in all solicitations of employees or advertisements of employment placed by or on behalf of the Department, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

SUPPLEMENT TO THE DEPARTMENT OF RESOURCES & ECONOMIC DEVELOPMENT
AND FISH & GAME DEPARTMENT MEMORANDUM OF AGREEMENT

Exhibit – A

SCOPE OF SERVICES

Grant Title: STATE LANDS WILDLIFE HABITAT IMPROVEMENT PROGRAM

During the period July 1, 2015 – June 30, 2017, the New Hampshire Fish and Game Department and the Division of Forests and Lands, DRED, agree to cooperate in the performance of the following work for the Fish and Game Department under Federal Aid Grant W-11-D Project II, Upland Habitat Improvement, as currently authorized or amended with approval from the U.S. Fish and Wildlife Service.

The objectives of the upland habitat improvement program are to

- (1) Collect and analyze forest and habitat inventory information to develop integrated multiple-use natural resource management plans, and
- (2) Implement management plans to sustain and enhance upland habitats for the production and maintenance of game and nongame species.

Fish and Game and the Division of Forests and Lands, DRED, agree to employ professional staff trained in forestry and wildlife who will actively participate, with other agency personnel, on an interdisciplinary state lands management team whose purpose is to plan and execute management activities on state lands consistent with the missions and policies of the represented agencies. This approach is designed to balance the variety of public demands on state lands while ensuring the sustained availability and protection of wildlife habitats and other natural resources, and the enjoyment of these lands by future generations.

Wildlife habitat and forest stand inventory data will be collected and analyzed for new state properties and others where inventories require updating. This data is the basis for developing integrated management plans, in cooperation with the State Lands Habitat Biologist, that include wildlife habitat, recreation, silviculture, rare elements, and cultural resource considerations. Critical and significant wildlife habitats will be identified and appropriate management determined. Within the context of the Federal Aid in Wildlife Restoration Program, properties will be managed as units at the landscape scale rather than as individual forest stands.

Upland habitat management activities involve manipulating vegetation to enhance wildlife food and cover. Timber cutting and other vegetation control operations will be used to accomplish planned habitat improvements. The forestry resources on Fish and Game lands will be managed to enhance carrying capacity for deer and other game and nongame species. The project specific Operations Planning Report will serve as the environmental assessment for the project and will be reviewed by the multidisciplinary state lands management team. Once approved, personnel of the Division of Forest and Lands funded through this agreement will lay out the operation, sell the timber by competitive bid and supervise active operations to ensure stated objectives are met.

Planting, prescribed burns, mowing and other mechanical methods may be used to maintain desirable habitats and control unwanted vegetation. Suitable access is a necessary component of habitat management and access roads will be repaired, maintained and protected.

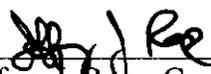
IN WITNESS THEREOF, the respective parties have hereunto set their hand on the dates indicated.

Date 6/29/15


Glenn Normandeau
Executive Director

rpm

Date 5/29/15


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

Date 5/26/15


Brad W. Simpkins, Director
Division of Forest and Lands

Approved by Attorney General (Form, Substance, and Execution)

Date 6/4/15


Christopher G. Aslin, Assistant Attorney General
Department of Justice

SUPPLEMENT TO THE DEPARTMENT OF RESOURCES & ECONOMIC DEVELOPMENT
AND FISH & GAME DEPARTMENT MEMORANDUM OF AGREEMENT

Exhibit – B

FINANCIAL TERMS OF AGREEMENT

Grant Title: STATE LANDS WILDLIFE HABITAT IMPROVEMENT PROGRAM

Project II Title: Upland Habitat Improvement

a) NH Fish and Game Department agrees to reimburse the grantee up to \$244,954 of approved project expenses in accordance with the following:

W-11-D Project II July 1, 2015 – June 30, 2016

	Federal pass through	Grantee contribution
Personnel	\$ 77,546	\$ 25,848
Fringe benefits	39,566	13,189
Travel	3,750	1,250
Current Expense	245	505
TOTALS	\$ 121,107	\$ 40,792

W-11-D Project II July 1, 2016 – June 30, 2017

	Federal pass through	Grantee Contribution
Personnel	\$ 78,119	\$ 26,040
Fringe benefits	41,544	13,848
Travel	3,600	1,200
Current Expense	584	166
TOTALS	\$ 123,847	\$ 41,254

Grantee shall apply for reimbursement of actual costs on a quarterly basis through submission of an invoice on a quarterly basis within fifteen (15) business days after the end of the quarter. Reimbursement will be subject to submission and acceptance of progress and performance reports.

Reimbursement for the final quarter shall not be made until all required reports have been approved by the Division of Federal Aid, U.S. Fish and Wildlife Service, Hadley, Massachusetts, as required by Sport Fish and Wildlife Restoration Act regulations.

- b) Continuation of this contract for the full project period is subject to availability of federal funds for this purpose. If funding is not available, the grantee will be reimbursed on a prorated basis for the project expenses incurred up to the termination date.
- c) Federal ID Number: 02-6000618
- d) Any difference of opinion over eligibility of payment for services performed, or over the conduct of work may be appealed to the Office of the Attorney General of New Hampshire.
- e) The grantee agrees to maintain financial documents necessary to comply with the state and federal regulations.

SUPPLEMENT TO THE DEPARTMENT OF RESOURCES & ECONOMIC DEVELOPMENT
AND FISH & GAME DEPARTMENT MEMORANDUM OF AGREEMENT

Exhibit - C

FEDERAL AWARD INFORMATION AND COMPLIANCES

Grant Title: STATE LANDS WILDLIFE HABITAT IMPROVEMENT PROGRAM

Project Title: UPLAND HABITAT IMPROVEMENT

Grantor: Department of the Interior – US Fish & Wildlife Service

Catalog of Federal Assistance Number: 15.611

Federal Identifier: W-11-D

State Application Identifier: NH 97070701

Grantee: State of New Hampshire – Fish & Game Department

Through execution of this document, the recipient acknowledges that they are a sub-grantee of the US Fish & Wildlife Service Grant W-11-D and agrees to comply with the following provisions:

43 CFR Part 12 Administrative and Audit Requirements and Cost Principals for Assistance Programs

43 CFR Part 12 Administrative and Audit Requirements and Cost Principals for Assistance Programs

2 CFR Part 225 Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

Sub-part C of the OMB guidance in 2 CFR Part 180, as adopted and supplemented by 2 CFR Part 1400 Non-procurement Debarment and Suspension

43 CFR Part 17 Nondiscrimination in Federally Assisted Programs of the Department of the Interior

43 CFR Part 18 New Restrictions on Lobbying.

Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

The Department of Resources and Economic Development certifies, per Subpart C of 2 CFR Part 180, that neither it nor its principles (officers, directors, or commissioners) are presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded by any federal department or agency from participating in transactions supported by Federal funds.

The Department of Resources and Economic Development, as required by Section 1352, Title 31

of the U.S. Code, and implemented at 43 CFR Part 18, will not expend any funds appropriated by Congress to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; and, the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" (43 CFR Part 18, Appendix B), in accordance with its instructions.

Grantee is required to obtain written approval before making any changes in project objectives, methods, budget or schedules. Requests for changes shall be submitted in writing to grant officer.

A Federal Aid performance report compiled in accordance with US Fish & Wildlife Service requirements shall be submitted to the Fish and Game Department by June 30, 2016 and June 30, 2017.

Any publications or publicity regarding these projects must recognize funding sources and cooperative arrangement with New Hampshire Fish and Game and the U.S. Fish and Wildlife Service.

