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New Hampshire Fish and Game Department

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Glenn Normandeau
Executive Director

March 14, 2016

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

REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department (NHFG) to enter into a Cooperative Project Agreement with University of New Hampshire (vendor code 177867) to carry out endangered seabird conservation, for a total of \$85,053, from Governor and Council approval through April 22, 2017. Funds are 65% Federal and 35% Conservation License Plate.

Funding is available for these services and will be expended as follows with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified.

03-75-75-751520-2139 WILDLIFE PROGRAM – Conservation License Plate

	<u>FY16</u>	<u>FY17</u>
20-07500-21390000-304-500841 Research and Management	\$50,000	\$35,053

EXPLANATION

This Cooperative Project Agreement is entered into by New Hampshire Fish and Game and University of New Hampshire, herein referred to as NHFG and UNH, respectively. The purpose of this agreement is to continue monitoring and management efforts of the endangered seabird restoration project at the Isles of Shoals.

Since 1997, the Nongame and Endangered Wildlife Program of NHFG has been working with the University and other partners to restore threatened and endangered tern species to the Isles of Shoals. During the first year of the tern colony restoration effort, five pairs of common terns settled in to nest. Over the succeeding years the colony grew rapidly and by 2015 reached 2,900 pairs, and supports all three-target species, including common, arctic and federally endangered roseate terns, a species that is struggling for survival throughout its range.

A solicitation for bids was sent out on January 8, 2016. UNH Shoal Marine Lab (SML) was chosen because their skilled-staff, facilities, infrastructure and proximity to the research site best position them to efficiently administer and implement the project and to ensure the highest level of safety for project employees. SML's higher bid costs include one-time supply and service costs necessary for them to assume the lead role of managing the tern project. Nevertheless, we anticipate that their numerous working partnerships combined with their capacity to bring in research grants will reduce NH Fish and Games future cost for the project.

Conserving New Hampshire's wildlife and their habitats since 1865.

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council

March 14, 2016

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Also, through this agreement, the efforts of the tern restoration project will extend far beyond those individuals involved in the day-to-day operations and management. Cornell University and UNH collaborate to operate SML, which is a well-known and respected marine research and educational facility. Through this partnership, the tern restoration effort will be incorporated into UNH and Cornell research and education programs and act as an example of modern day, successful conservation effort.

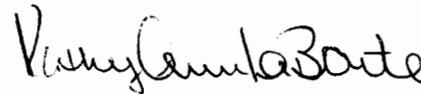
All state funds for this project are from the Conservation License Plate Program. The U.S. Fish and Wildlife Service will provide matching funds for all eligible activities. These federal funds are currently budgeted in the Conservation License Plate operating budget.

Upon Governor and Council approval, the University of New Hampshire will be reimbursed according to completion of tasks that are detailed in exhibits A and B of the Cooperative Project Agreement.

Respectfully submitted,



Glenn Normandeau
Executive Director



Kathy Ann LaBonte
Chief, Business Division

Management of Tern Restoration Efforts on White and Seavey Islands off the Coast of New Hampshire

Bid Solicitations January 8, 2016

Company	Name	Telephone	Date Received	Bid
University of New Hampshire – Shoals Marine Lab	Jennifer Seavey, Executive Director	(603)862-2246	February 4, 2016	\$85,053
Terns LLC	Dan and Melissa Hayward	(603)763-5763	February 4, 2016	\$66,000

The following New Hampshire Fish and Game employees met on February 11, 2016 to review the two proposals:

Mark Ellingwood – Chief of Wildlife Division Chief. Mark has been with NH Fish and Game for 22 years and has served as the Division Chief since 2012. Mark has extensive experience administering wildlife management programs throughout the Northeast Region.

John Kanter – Nongame and Endangered Wildlife Program Supervisor. John has worked for the Fish and Game for almost 23 years. He has developed many partnerships and managed numerous contracts to benefit the states endangered, threatened, and nongame wildlife. John was one of the originators of the tern restoration project in 1997.

Heidi Holman – Wildlife Diversity Biologist – Heidi has worked at Fish and Game for more than 10 years. She is project leader for endangered Karner blue butterflies and New England cottontail, and manages a variety of other efforts to implement New Hampshire's Wildlife Action Plan. Heidi also developed and implemented habitat restoration plans for Seavey Island.

COOPERATIVE PROJECT AGREEMENT

between the

STATE OF NEW HAMPSHIRE, Fish and Game Department

and the

University of New Hampshire of the UNIVERSITY SYSTEM OF NEW HAMPSHIRE

- A. This Cooperative Project Agreement (hereinafter "Project Agreement") is entered into by the State of New Hampshire, **Fish and Game Department**, (hereinafter "State"), and the University System of New Hampshire, acting through **University of New Hampshire**, (hereinafter "Campus"), for the purpose of undertaking a project of mutual interest. This Cooperative Project shall be carried out under the terms and conditions of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, except as may be modified herein.
- B. This Project Agreement and all obligations of the parties hereunder shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve this Project Agreement ("Effective date") and shall end on **4/22/17**. If the provision of services by Campus precedes the Effective date, all services performed by Campus shall be performed at the sole risk of Campus and in the event that this Project Agreement does not become effective, State shall be under no obligation to pay Campus for costs incurred or services performed; however, if this Project Agreement becomes effective, all costs incurred prior to the Effective date that would otherwise be allowable shall be paid under the terms of this Project Agreement.
- C. The work to be performed under the terms of this Project Agreement is described in the proposal identified below and attached to this document as Exhibit A, the content of which is incorporated herein as a part of this Project Agreement.

Project Title: **White and Seavey Islands Tern Colony Program**

- D. The Following Individuals are designated as Project Administrators. These Project Administrators shall be responsible for the business aspects of this Project Agreement and all invoices, payments, project amendments and related correspondence shall be directed to the individuals so designated.

State Project Administrator

Name: Kathy Anne LaBonte
 Address: NH Fish and Game Department
11 Hazen Dr.
Concord, NH 03301
 Phone: 603-271-2741

Campus Project Administrator

Name: Dianne Hall
 Address: University of New Hampshire
Sponsored Programs Administration
51 College Rd. Rm 116
Durham, NH 03824
 Phone: 603-862-1942

- E. The Following Individuals are designated as Project Directors. These Project Directors shall be responsible for the technical leadership and conduct of the project. All progress reports, completion reports and related correspondence shall be directed to the individuals so designated.

State Project Director

Name: John Kanter
 Address: NH Fish and Game Department
11 Hazen Dr.
Concord, NH 03301
 Phone: 603-271-3017

Campus Project Director

Name: Jennifer Seavey
 Address: Shoals Marine Laboratory
Executive Director
8 College Road, 113 Morse Hall
Durham, NH
 Phone: 603-862-2246

F. Total State funds in the amount of \$85,053 have been allotted and are available for payment of allowable costs incurred under this Project Agreement. State will not reimburse Campus for costs exceeding the amount specified in this paragraph.

Check if applicable

Campus will cost-share _____ % of total costs during the term of this Project Agreement.

Federal funds paid to Campus under this Project Agreement are from Grant/Contract/Cooperative Agreement No. **F12AF01401 (T2-3-R-1) and F15AP00504 (EW-1-34)** from **U.S. Wildlife Service** under CFDA# **15.364 and 16.615**. Federal regulations required to be passed through to Campus as part of this Project Agreement, and in accordance with the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, are attached to this document as Exhibit B, the content of which is incorporated herein as a part of this Project Agreement.

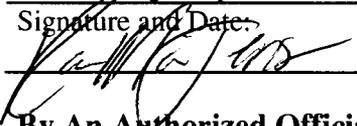
G. Check if applicable

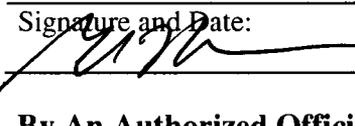
Article(s) _____ of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002 is/are hereby amended to read:

H. State has chosen **not to take** possession of equipment purchased under this Project Agreement.
 State has chosen **to take** possession of equipment purchased under this Project Agreement and will issue instructions for the disposition of such equipment within 90 days of the Project Agreement's end-date. Any expenses incurred by Campus in carrying out State's requested disposition will be fully reimbursed by State.

This Project Agreement and the Master Agreement constitute the entire agreement between State and Campus regarding this Cooperative Project, and supersede and replace any previously existing arrangements, oral or written; all changes herein must be made by written amendment and executed for the parties by their authorized officials.

IN WITNESS WHEREOF, the University System of New Hampshire, acting through the **University of New Hampshire** and the State of New Hampshire, **Fish and Game Department** have executed this Project Agreement.

By An Authorized Official of:
University of New Hampshire
Name: Karen M. Jensen
Title: Manager, Sponsored Programs Administration
Signature and Date:  3/10/16

By An Authorized Official of:
Department of Fish and Game
Name: Glenn Normandeau
Title: Executive Director
Signature and Date:  3/22/16

By An Authorized Official of: the New Hampshire Office of the Attorney General
Name: Christopher Aslin
Title: Assistant Attorney General
Signature and Date:  3/28/16

By An Authorized Official of: the New Hampshire Governor & Executive Council
Name: _____
Title: _____
Signature and Date: _____

Campus Authorized Official KJ
Date 3/10/16

EXHIBIT A

- A. Project Title:** White and Seavey Islands Tern Colony Program
- B. Project Period:** Governor and Council Approval - April 22, 2017
- C. Objectives:** The primary objectives of SML's proposal to NHFG are to implement a restoration, management, and research and monitoring program for the tern colony on White and Seavey Islands, New Hampshire. SML's proposed White and Seavey Islands Tern Colony Program (Tern Program) work will include:
- Protecting nesting terns from predation and human disturbances in White and Seavey Islands.
 - Recording all breeding metrics used by New Hampshire Fish and Game over the past 19 years and explore new metrics that might assist in restoration efforts throughout the 15-week season.
 - Developing an end of the season data summary and narrative report to the New Hampshire Fish and Game Department in September 2016 and to the larger scientific community through posters and peer-reviewed publications.
 - Exploring new approaches to tern colony management that will both improve colony success and reduce costs.
 - Identifying research priorities and collaborations with other tern colony managers to increase species wide recovery and restoration success.
 - Expanding partnerships with Starr Island, the NH Division of Resources and Economic Development (DRED) and other members of the Isle of Shoals community to broaden support and to leverage opportunities for gained efficiency in the Tern Program.

D. Scope of Work: Overview

The SML has 50 years of experience operating a marine research facility in the Isles of Shoals. Our experience includes the development of expertise in biological research, project administration, logistical support (both on land and at sea), and safety that collectively will support and enable success of the Tern Program. The Program will be managed by the Tern Program Manager and overseen by SML's Executive Director. Our approach will seek to increase the scientific research value of the project, as well as enhance collaboration and cooperation among local agencies and institutions in the Isles of Shoals and among the larger regional tern conservation community.

Background

SML is a biological field station focused on active research and undergraduate education that is operated jointly by the University of New Hampshire (UNH) and Cornell University (CU). Our faculty and students hail from UNH, CU and universities spanning the US and world. Our facilities are located on Appledore Island, a 95-acre island in the Gulf of Maine and approximately six miles southeast of Portsmouth, NH. White and Seavey Islands, the location of the tern colony is located approximately 1 mile to the south of SML's Appledore Island.

Location of Appledore Island (SML location) in relation to White and Seavey Islands (tern colony location) in the Isles of Shoals, 6 miles southeast of Portsmouth, NH.

Despite its remote location on Appledore Island, the Shoals Marine Laboratory becomes a largely self-sustaining small and thriving village each summer thanks to the influx of SML staff, faculty, researchers and students. All activities, including water and power, housing, food acquisition and preparation, safety and security, offshore operation of watercraft, and administration are self-

managed by SML staff living on Appledore fulltime during the operating season. SML will leverage our operational facilities and staff expertise to the overall benefit of the Tern Program.

For over 30 years, SML has supported ornithological research through our close collaborations with Cornell's Laboratory of Ornithology, and our support of several long-term on-island research programs: Appledore Island (Bird) Migration Station, Gull colony monitoring and research, the Mobile Avian Recording Studio, and others. The Appledore Island Migration Banding Station studies migrating birds during both spring and fall migration, primarily the migration and stopover ecology of Nearctic-Neotropical migrants. Over 120,000 birds have been banded since 1981. Among the gull programs, adult and juvenile Herring (*Larus argentatus*) and Great Black-backed Gulls (*Larus marinus*) breeding colonies have been monitored and banded since 1997. This work is funded and conducted by faculty from the Cornell Lab of Ornithology, Tufts Veterinary School, UNH's School of Marine Science and Ocean Engineering, and SML faculty. This program in particular holds promise for interesting research collaborations with the Tern Program that will be explored under this proposed work plan. The SML ornithological community have produced dozen of peer reviewed scientific papers. (see examples: <http://www.shoalsmarinelaboratory.org/publications>). SML also works in affiliation with Dr. Erik Chapman of UNH Sea Grant, who has collaborated with NHFG to promote conservation-based research at the tern colony. His work sets a nice foundation upon which more research can be developed in a collaborative manner. Finally, Dr. Jennifer Seavey, the Executive Director of SML, who will be overseeing the Program at no charge, has over twenty years of experience in ornithological research focusing on shore and seabirds. Drs. Chapman and Seavey will work with NHFG to recruit and consult the Tern Program Manager.

The Shoals Marine Laboratory has a significant understanding of and experience with the rationale, logistics, and associated challenges of the Tern Program on White/Seavey Islands through various levels of collaboration with the project over the last 19 years. Most recently, NHFG and SML formally collaborated in 2015 to engage two research interns, who collected the tern colony monitoring data and end of season reports under the supervision of Terns LLC. These intern who were also associated in the SML Research Internship Program presented independent research results as posters at the Annual Meeting of the Regional Association for Research in the Gulf of Maine in Portsmouth in October 2015.

Shoals Marine Laboratory as a strong track record of partnering and collaboration in operation, education, and research arena. Some relevant examples include working with the USFWS and Star Island to build a gull education and awareness program to reduce negative human/colony on Smuttynose and Star Islands; being active member of the Gulf of Maine Seabird Colony Working Group; and working to develop a Gulf of Maine marine laboratory research network. SML will continue to build an environment of good will and collaboration with our Isles of Shoals partners through looking for opportunities to enhance support and benefits for the Tern Program with Star Island, DRED, local island residence, ecotourism, businesses, regional environmental and educational partners. In addition, we will seek to bring together the ornithological research program on Appledore, and our Gulf of Maine research network to add research value to the Program. Finally, we will enhance broader impacts of the Tern Program by enhancing the educational components of the program through working with SML programs and beyond. Exposure to SML programs will bring added awareness of the programs and opportunities therein to a broad array of research scientists and students, as well as the public.

Approach

The Tern Program seeks to address the conservation goals of NHFG; address related scientific questions emerging from the long-term data set and new methodology for management actions; and

complement the emerging seabird research at SML and in partnership with regional programs concerned with seabird colonies. To meet the objectives of the Tern Program, SML will:

1. Provide logistical support during all phases of tern restoration and monitoring program.
 - o Hire a Program Manager with tern colony management and research experience. This manager will be supervised by Dr. Seavey. Potential research opportunities will be explored in consultation with Dr. Seavey and, Dr. Chapman, and NHFG. In addition, this manager will be incorporated into the SML seabird working group which is comprised of research scientists conducting research on Appledore Island and in the region.
 - o Hire two research assistants who have avian experience, with a priority given to those with tern and/or SML gull research. SML will actively expose the gull interns to the Tern Program with the hope that they will apply the following year due to similarities in the projects and to enhance collaboration about Isle of Shoals researchers.
 - o Provide dedicated water transportation for regular commuting by Tern Program staff between Appledore and White Island. Provide a 5,000 lbs. mooring for the Program boat and for the SML R/V Heiser that will be used during Program start up and seasonal closure trips. This size mooring will also increase the overwintering potential. In addition SML will provide a rowing tender for use for transportation between the mooring and White Island.
 - o Provide logistic support for staff using SML facilities and infrastructure to maximize a safe and comfortable field experience (e.g., allow occasional days away from White Island, reliable mainland ferry service, and incorporation in the SML emergency procedures). Efficiencies in the providing of food, water, gasoline and other miscellaneous supplies will be afforded through purchasing within SML Appledore operations.
 - o Tern Staff will maintain, organize, and clean the White Island House, in a manner that will leave these areas in the same or better shape than when they arrived. Furthermore, they will reside in the areas designated for use by the Tern Program under NHFG agreement with DRED.
 - o Volunteer labor will be coordinated by the Program Manager and will be facilitated via SML's larger volunteer programs. In addition, coordination with SML academic programs will enable both more volunteer labor and a broader impact through the development of educational experience for high school and college students. These students will be exposed to the program for future cultivation of research assistants. Finally, collaboration with Appledore bird banding programs will also enhance skilled volunteer pools for banding and tasks requiring training and experience.
 - o Project equipment will be managed by the Program Manager. SML equipment databases, laboratory management practices, and combined purchasing power with SML and UNH will be pursued to the maximum extent. Equipment inventory information will be provided on an annual basis to NHFG. All equipment purchased with NHFG funds will be considered property of NHFG.
2. Monitor common, roseate, and arctic terns on White and Seavey Island.
 - o Conduct an annual colony-wide census as described in existing regional seabird management plan provided by NHFG between June 10 – 20, 2016. Volunteers will be identified among SML courses, bird research programs, and general volunteers; Star Island will also be invited to provide volunteers.
 - o Tern banding will be overseen by the Program Manager who will obtain a master permit and manage the reporting of federal government bands. The Program Manager will oversee all permits and policies governing handling wild birds as per state and federal agencies and regulations and UNH/Cornell policy. At least 300 terns will be banded each season, or the maximum number nesting success allows.
3. Manage island conditions to protect the tern colony from predation and unnecessary human disturbance.
 - o Tern Program staff will design and implement strategies to reduce human disturbance, including signs, fencing, public outreach. They provide tours of White and Seavey Island for SML classes, selected conferees from Star Island, and the general public as time allows in their fieldwork, although priority will be given to fieldwork. Tern staff will travel to the SML (weather permitting) to give

lectures and/or progress reports, which may require occasional overnight stay (as long as an appropriate number of researchers remain on White Island). In addition, the Tern Program will coordinate with SML Environmental Education Interns to help promote tern colony education and protection in public education programming on Appledore, Smuttynose, and Star Island.

- o Conduct tern predator control. This work will include the lethal control of gulls with the use of a firearm, carried out by the Program Manager. This work will be coordinated and supervised by NHFG and USDA Wildlife Services, and will be overseen by UNH policies and all appropriate state and federal agencies. A 12-gauge shotgun will be locked in a secure lock box and accessible only by authorized persons. Research assistants will not use firearms; they will be expected to use other non-lethal methods and not to obstruct any lethal controls.
- 4. Develop and implement strategies to dissuade terns from nesting near historic structures and human dwellings on White Island
 - o Sadie Seavey, the dog of Dr. Jennifer Seavey, will be provided to the Tern Program. This dog was provided with success during the 2015 season and proved her friendly disposition and ability to be contained by the electric fence system. If the Program manager owns a dog, that dog will be evaluated for suitability for replacing Sadie in consultation with NHFG.
 - o Develop and implement other tern nesting control methods in consultation with NHFG
- 5. Assist NHFG with funding program costs
 - o Savings to the program will be immediately realized through the imbedding of purchasing power and the transportation needs with SML. In addition, the increased volunteer coordination and outreach described above will defray costs. SML will provide contributions during the program at no cost for start and ending activities through their connection with our current similar activities on Appledore Island. Open-up and Close-up activities will include cleaning of the White Island house, inspecting power, managing blinds. All improvements and maintenance of housing will be conducted in collaboration with DRED.
 - o Research support will be explored and developed by the Program Manager. The extension of this position into September is specifically designed to allow for scientific publication to help promote the successful scientific community evaluation of management methods and new method exploration, as well as increase visibility and attract more grant and donor support.

In addition, SML will enhance Tern Program safety through a number of measures. SML will provide overnight housing for staff on Appledore Island if needed due to safety concerns, such as severe weather or emergencies. In the event of such an emergency, SML will also coordinate with DRED and NHFG regarding other White island residents who might need evacuation. For added safety and security, SML will maintain daily contact with Program staff. SML will assist with minor health issues through our EMT certified staff and arrange Coast Guard involvement in case of serious health issues or accidents. NHFG will be notified of all health/safety related issues.

E. Deliverables Schedule:

- Provide NHFG with an approved breeding season summary report of
 - o Tern species status, season totals, population trends, and highlights by 7 September 2016
 - o Nesting and productivity metrics for each tern species and summaries of season trends and highlights by 1 December 2016
- Provide records of all non-federal expenses (including volunteer costs or in-kind contributions) and provide sufficient documentation to be used as match for federal grants
- Present a colony information and research result at the Gulf of Maine Seabird Working Group bi-annual meetings and the Roseate Tern Working Group annual meeting. Travel expenses for these meetings are included in the budget.

F. Budget and Invoicing Instructions: Campus will submit invoices to State on regular Campus invoice forms no more frequently than monthly and no less frequently than quarterly. Invoices will be based on actual project expenses incurred during the invoicing period, and shall show current and cumulative expenses by major cost categories as shown below. Campus shall apply for reimbursement of actual costs through submission of an invoice for all federally eligible activities to be coded as follows: Federal Grant T2-3-R-1 and EW-1-34. Campus shall invoice separately for time spent on any lethal gull control activity and time should be coded as follows: Gull management, ST-1-2-6. State will pay Campus within 30 days of receipt of each invoice. Campus will submit its final invoice not later than 75 days after the Project Period end date.

Budget Items	T2-3-R-1 (Tern Mgmt.)	EW-1-34 (Roseate Restoration)	ST-1-2-6 (Gull mgmt.)	Total
1. Salaries & Wages	32,839	6,000	461	39,300
2. Employee Fringe Benefits	2,758	504	39	3,301
3. Travel	6,518	200	0	6,718
4. Supplies and Services	15,581	1,018	1,584	18,183
5. Equipment	0	0	0	0
6. Facilities & Admin Costs	15,001	2,008	542	17,551
Subtotals	72,697	9,730	2,626	85,053
Total Project Costs:				85,053

EXHIBIT B

This Project Agreement is funded under a Grant/Contract/Cooperative Agreement to State from the Federal sponsor specified in Project Agreement article F. All applicable requirements, regulations, provisions, terms and conditions of this Federal Grant/Contract/Cooperative Agreement are hereby adopted in full force and effect to the relationship between State and Campus, except that wherever such requirements, regulations, provisions and terms and conditions differ for INSTITUTIONS OF HIGHER EDUCATION, the appropriate requirements should be substituted (e.g., OMB Circulars A-21 and A-110, rather than OMB Circulars A-87 and A-102). References to Contractor or Recipient in the Federal language will be taken to mean Campus; references to the Government or Federal Awarding Agency will be taken to mean Government/Federal Awarding Agency or State or both, as appropriate.

Special Federal provisions are listed here: None or **2 CFR 200 Uniform Guidance and U.S. Fish and Wildlife Financial Assistance Award Terms and Conditions effective 12/26/2014** (available at <http://www.fws.gov/grants/atc.html>).