



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



October 10, 2014

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

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to enter into a **Sole Source** agreement with the Department of Resources and Economic Development (DRED) (VC # 177887-B001), in the amount of \$30,000, to provide Wetlands Condition training to wetland professionals and the public, effective upon Governor and Council approval through December 31, 2015. 100% Federal Funds.

Funding is available in account as follows:

	<u>FY 2015</u>
03-44-442010-2209-072-500573	\$30,000
Department of Environmental Services, Aquatic Habitat Restoration & Protection, Grants- Federal	

EXPLANATION

Under this agreement, DRED Natural Heritage Bureau (NHB) will provide wetland condition assessment training on the Ecological Integrity Index (EIA) to DES staff and to wetlands professionals. The purpose of the 4 two-day training is to provide participants with classroom instruction and hands-on field experience using the EIA. EIA is a method for evaluating wetland systems based on major ecological attributes of landscape context, size, and the condition of the vegetation, soils, and hydrology. The EIA is based on a NatureServe manual that was adapted for New Hampshire based on extensive testing in 2009 and 2010. William Nichols, of NHB, directed and participated in the testing and is the co-author of the NH-adapted EIA. Mr. Nichols has the most in-depth expertise on this topic. Because of this, DES is entering into this **Sole Source** agreement with NHB to provide this training.


Wetlands condition assessment has been increasingly used as a method to evaluate potential wetland mitigation sites. Under a separate DOT grant, NHB has been using EIA to evaluate success of permitted mitigation sites. Wetland scientists and other consultants have expressed an interest in receiving EIA training. The EIA has been historically used by professional botanists. The goal of this training is to provide a simplified approach to increase its use. User-friendly tools developed for this training include: Simplified Key to Wetland Systems; EIA Scorecard; Level 2 Stressor Checklist, and Pre-Field Metrics

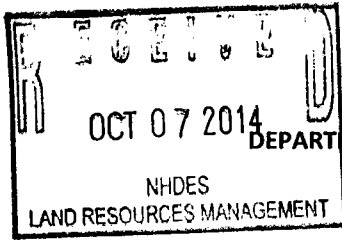
Worksheets. The training, worksheets and tools and field evaluation will ensure consistency in the way participants apply the EIA. Following the training, the participants will understand principles of Ecological condition assessment using existing information and by collecting field data.

Total costs for the project equal \$30,000, of which DES will pay \$30,000 (100%).

In the event that federal funds no longer become available, General Funds will not be requested to support this initiative. This agreement has been approved by the Attorney General as to form, substance and execution.

We respectfully request your approval.


Thomas S. Burack
Commissioner



MEMORANDUM OF AGREEMENT
BETWEEN THE
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
DIVISION OF FORESTS & LANDS
NATURAL HERITAGE BUREAU
AND THE

DEPARTMENT OF ENVIRONMENTAL SERVICES

PROJECT: Enhancing Mitigation Procedures and Tracking, Planning for Climate Change and Wetland Assessment Training

This Memorandum of Agreement (hereinafter called the "Agreement") describes a project which has been agreed to by the Department of Resources and Economic Development Natural Heritage Bureau (DRED- NHB) and the New Hampshire Department of Environmental Services (DES) Wetlands Bureau that includes tasks related to providing training on the Level 2 Ecological Integrity Assessment (EIA), and Natural Plant Community Systems to wetland professionals and local communities (as applicable). This project is funded from the following federal Clean Water Act section 104(b)(3) wetland grant awarded to DES by EPA on October 10, 2013.

Federal Assistance ID No. CD-96179301-0: *Enhancing Mitigation Procedures and Tracking*

DRED-NHB agrees to conduct the following tasks listed below in accordance with an EPA approved grant work plan.

Termination of any paragraph, part or section of this Agreement per the conditions described herein shall not be interpreted as termination of the entire Agreement. The period of this Agreement shall be from the date of Governor and Council approval to December 31, 2015 or as agreed by written extension and signed by the parties to this agreement.

For the purpose of the Agreement, DRED-NHB and DES agree to cooperate as follows:

Unless otherwise authorized by DES, the DRED-NHB agrees to:

1. Assign appropriate staff and complete the tasks as described in this agreement.
2. Carry out four (4) trainings on EIA and on Natural Plant Community Systems tailored for Wetland Professionals and local communities (as applicable) to be completed by December 1, 2015.
3. Collect and evaluate feedback forms from the four (4) trainings to be completed by December 10, 2015.
4. Update Level 2 EIA wetlands assessment tools based on feedback from users.
5. Submit two reports to DES. The first report shall be due following completion of the four trainings and shall include:
 - Work progress and status;
 - Changes in key personnel, if any;
 - Expenditures relative to budget;
 - Submission of draft reports to DES for review at least 30 days prior to completion.
6. Submit invoices to DES quarterly. Invoices shall be accompanied by these reports described in item 5 of this section.
7. Prepare second and final report summarizing training, feedback and analysis and update to Level 2 EIA wetland assessment tool no later than December 15, 2015.
8. Notify DES as soon as possible of problems, delays, or adverse conditions which affect the ability to meet the outputs/outcomes specified in the proposed work plan.
9. Provide additional information on project details to DES, as requested.
10. Submit a final report and supporting data and information to DES in electronic format (such as MS-Word or pdf for text documents, MS-Excel for spreadsheets, or shape files for GIS).

The Department of Environmental Services agrees to:

1. Assign responsible staff to serve as the contact person with DRED-NHB regarding any provision of this agreement.
2. Conduct timely reviews of draft reports and provide comments and respond to questions in a timely manner.
3. Respond in writing to requests for changes to the schedule that are mutually agreeable.
4. Transfer funds not to exceed \$30,000 from DES to DRED-NHB upon Governor and Council approval of this Agreement, based on costs incurred and billed and in accordance with the schedule and terms of payment specified in this Agreement.

Schedule of payment

Following Governor and Council approval, DES will transfer \$20,000 to DRED-NHB. Thereafter remaining transfer of funds will occur within 30 days of approved final grant report and final billing based on actual costs incurred with supporting documentation in accordance with the schedule and terms of payment specified in this Agreement.


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

Date: 10/10/2014



Thomas S. Burack, Commissioner
Department of Environmental Services


Date: 10/6/14



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

Reviewed and approved as to form, substance and execution.

Date: 10-15-2014



Office of the Attorney General
Print Name: Laura Neeter

SECRETARY OF STATE

I hereby certify that the foregoing contract was approved by the Governor and Executive Council of the State of New Hampshire at their meeting on _____.

Signed _____