



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



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December 6, 2018

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

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REQUESTED ACTION

Authorize the New Hampshire Department of Environmental Services (DES) to enter into a Memorandum of Agreement with the New Hampshire Fish and Game Department (NHFG) (Vendor Code #177911) in the amount of \$475,000 to conserve two parcels containing approximately 3,181 acres of land in Croydon, Grantham and Newport, effective upon G & C approval through June 30, 2019. 100% ARM Funds.

Funding is available in the account as follows:

03-44-44-442010-38710000-073-500581	<u>FY'19</u> \$475,000
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Dept. Environmental Services, In-Lieu Wetland Mitigation, Grants – Non - Federal

EXPLANATION

New Hampshire RSA 482-A:3 requires a wetland permit for any proposed project that involves dredging or filling of a wetland. Before a wetland permit is issued, applicants must show that the proposed project will avoid adverse impacts to wetlands and will minimize and provide compensation for those wetland impacts which are unavoidable.

The DES wetlands program adopted a set of mitigation rules that establish what is necessary for an applicant to provide for wetland compensation. The current department rules spell out ratios for wetland compensation that include creating a new wetland, restoring a former wetland site, or protecting a high-quality aquatic resource by preserving adjacent upland habitat. The newest improvement, begun in 2006, to the mitigation options is commonly referred to as an *in-lieu fee program*. This mitigation option is ideal for projects that have difficulty in locating an appropriate mitigation site. The Aquatic Resource Mitigation Fund (ARM) authorizes the collection of mitigation funds in lieu of other forms of wetland mitigation as part of a Wetlands Permit Application.

The Department issued the request for proposals for ARM Funds available in the Lower Connecticut River watershed in April, 2018. The NHFG application was received and on November 28, 2018, DES announced the decision to fund the NHFG project in the Lower Connecticut River watershed. The project proposed by the NHFG was recommended for funding by the ARM Fund Site Selection Committee. Attachment A lists the proposals received and Committee members involved in the decision. The review of the awards by the Army Corps of Engineers and the New Hampshire Wetland Council resulted in full support of the recommendations.

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and the Honorable Council

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The attached Memorandum of Agreement outlines the scope of work for NHFG to utilize its ARM funds to protect approximately 3,181 acres that includes lands within the watershed of the North Branch of the Sugar River. The parcels include approximately 416 acres of wetlands habitat plus 28 vernal pools and 10.85 miles of streams. The project will expand the extent of protected lands in a 48,750 acre unfragmented block of natural land cover, and provide habitat for numerous wildlife species including at least 12 species of greatest conservation need. Attachment B includes a map of the property.

In the event that other funds no longer become available, general funds will not be requested to support this program. This agreement has been approved as to form, content, and execution by the Attorney General's Office.

We respectfully request your approval.



Robert R. Scott, Commissioner

**MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
THE NEW HAMPSHIRE FISH AND GAME DEPARTMENT**

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to outline the responsibilities of the parties for tasks associated with the Aquatic Resource Mitigation Fund award for conservation of land owned by The Conservation Fund (hereinafter the "Property") in Croydon, Grantham and Newport, New Hampshire.

II. PARTIES

The parties to this MOA are the New Hampshire Department of Environmental Services (hereinafter "DES") and the New Hampshire Fish and Game Department (hereinafter "NHFG").

III. AUTHORITY

The DES Aquatic Resource Mitigation Fund Program (hereinafter "ARM Fund Program") grant supports activities associated with the acquisition of the fee to two parcels of land totaling 3,181 +/- acres, Brighton Forest (1,905 acres) is comprised of three parcels identified on Newport Tax Map 206 - Lot 5, Map 211 - Lot 24, and Croydon Tax Map 14 - Lot 16. The Loverin Hill (1,281 acres) is comprised of several land parcels identified on Croydon Tax Map 3 - Lot 324; Map 7 - Lots 212, 313, 318, 320, 323, 325, 335, and 591; and Grantham Tax Map 231 - Lot 2. The ARM Fund Program grant will cover approved expenses and associated transaction costs incurred in securing Conservation Restrictions on the Property. The award will result in the unique opportunity to protect approximately 3,186 acres

IV. SCOPE OF WORK

The DES agrees to apply the funding provided under this MOA for the approved expenses associated with the acquisition of the fee on the Property. The Conservation Restrictions shall limit the use of the Property as hereinafter defined to conservation purposes in perpetuity. The Property acquired through this project will be monitored on an annual basis in accordance with the *Standards and Practices* for stewardship of the Land Trust Alliance, to ensure that the terms of the Conservation Easement are being adhered to, and to ensure that no actions are occurring which could be detrimental to the conservation attributes of the Property. The NHFG agrees to submit a copy of the annual monitoring report to DES to document the actions taken.

The NHFG agrees to place a sign, to be provided by NHFG, at a prominent location on or near the Property. The sign should contain as a minimum the DES logo and the following statement: "This property has been protected with assistance from the New Hampshire Aquatic Resource Mitigation Fund." Should the DES sign be damaged or destroyed, the NHFG agrees to work with the Department to repair or replace it with identical signage and to share any costs associated with that repair or replacement to the extent reasonably practicable. The NHFG also agrees that where significant signage is placed at major access points, the ARM Fund Program will be identified as a contributing partner to the acquisition of the fee interests and the long-term protection of the Property.

V. FUNDING

The DES will provide funding in the amount of \$475,000 to the account #20 07500 21550000 405234¹. NHFG agrees to return to ARM Fund Program any funds herein provided to the extent of any loss due to any title that proves to be less than clear and marketable for all properties protected under this contract. In addition, NHFG agrees to return to ARM Fund Program any funds if NHFG fails to complete the Property acquisition.

VI. TERMINATION

Either party may terminate this MOA by providing notice to the other thirty (30) days prior to termination.

VII. DURATION

This MOA shall continue in effect from the starting date of this MOA until June 30, 2019, unless terminated earlier by either party.

VIII. AGREEMENT

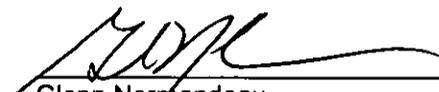
In WITNESS THEREOF, the parties hereto have executed this MOA, which shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve the agreement.

NH Department of Environmental Services

NH Fish and Game Department



Robert R. Scott
Commissioner



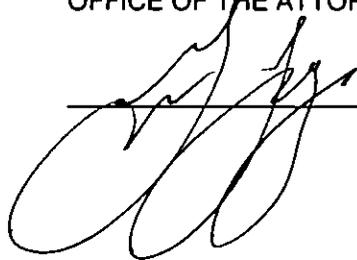
Glenn Normandeau
Director

12-11-18
Date

12/5/2018
Date

Approved by the Attorney General this 21 day of December, 2018, as to the form, execution and substance.

OFFICE OF THE ATTORNEY GENERAL



VIII. AGREEMENT

In WITNESS THEREOF, the parties hereto have executed this MOA, which shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve the agreement.

NH Department of Environmental Services

NH Fish and Game Department



Robert R. Scott
Commissioner



Glenn Normandeau
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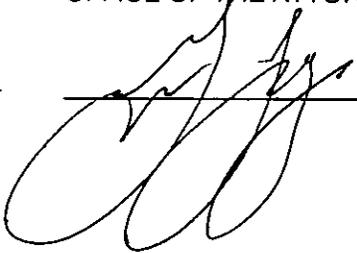
Date

12/5/2018

Date

Approved by the Attorney General this 21 day of December, 2018, as to the form, execution and substance.

OFFICE OF THE ATTORNEY GENERAL



**Attachment A
2018 Aquatic Resource Mitigation Fund Grants**

Applications and Funding Amounts

Grant Applicant	Location/Town	Requested Funding Amount	Score	Approved for Funding
New Hampshire Fish & Game Department	Croydon, Grantham and Newport	\$475,000	57	Yes – full funding
Upper Valley Land Trust	Hanover	\$299,644.75	51	Yes – full funding
Harris Center for Conservation Education	Stoddard	\$200,000	46	Yes – full funding
Town of Winchester	Winchester	\$215,488	45	Yes – full funding
Monadnock Conservancy	Jaffrey and Rindge	\$142,000	40	Yes – full funding
Cheshire County Conservation District	Surry	\$74,195	33	Yes – full funding

(Note: Each Committee member scores the projects and their scores are combined to create the total score.)

Site Selection Committee List

Name	Agency/Organization	Title	Years of Experience
Craig Rennie	NHDES, Land Resource Management Program	Land Resource Specialist	22
Pete Bowman	NH Dept. of Resources & Economic Development	Ecological Information Specialist	20
Michael Marchand	NH Fish and Game Department	Nongame and Endangered Species Coordinator	16
Stephen Walker	Office of Strategic Initiatives	CLSP Director	25
Brian Hotz	Society for the Protection of NH Forests	Vice President for Land Conservation	24
Nancy Rendall	NH Association of Natural Scientists	Certified Wetland Scientist	36
Rick Van de Poll	NH Association of Conservation Commissions	Town of Sandwich	40

ATTACHMENT B

**North Branch Sugar River Land Conservation Project – Ruger Property Acquisition/
Newport, Croydon & Grantham**



Digital data in NH GRANIT represent the efforts of the contributing agencies to record information from the cited source materials. NH GRANIT/NHOS/NHFG make no claim as to the validity or reliability of to any implied uses of these data.

**CONSERVATION/PUBLIC LAND
by Primary Protecting Agency**

-  Town/County
-  State Agency
-  Private Organization
-  Corbin perimeter fence (approximate)



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NHFG: 8/27/2018

