



New Hampshire Fish and Game Department

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June 5, 2020

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

REQUESTED ACTION

Authorize the NH Fish and Game Department (NHFG) to enter into a **retroactive** Memorandum of Agreement (MOA) with the Department of Environmental Services (NHDES) for the purpose of reimbursing NHDES, in the amount of \$15,466.34, for providing time-sensitive engineering services for the Powder Mill State Fish Hatchery in New Durham, NH upon Governor & Council approval through June 30, 2020. 100% Fish and Game Funds.

Funding is available in account, Hatcheries, as follows:

03 75 75 752020-21320000 – Inland Fisheries Management - Hatcheries

		<u>FY 2020</u>
020 07500 21320000-020-500252	Current Expenses	\$15,466.34

EXPLANATION

NHFG is requesting approval of a **retroactive** MOA with NHDES to allow for reimbursement of costs incurred by NHDES associated with providing engineering services, via NHDES's approved as-needed engineering services consultant agreement, for a study of the conditions, treatment options, and costs to address anticipated National Pollution Discharge Elimination System (NPDES) permit conditions at the Powder Mill Fish Hatchery. **Retroactive** approval is required because the work needed to be completed quickly, before prior approval could be requested, in order for NHFG to have the information needed in time to support a FY22-23 Capital Budget Request for the recommended treatment system before the deadline for submittal of FY 22-23 Capital Budget Requests.

NHFG operates the Powder Mill State Fish Hatchery in New Durham which discharges fish culture water and treated hatchery effluent into the Merrymeeting River. NHFG applied for a NPDES permit from the U.S. Environmental Protection Agency (EPA), and a draft NPDES Permit No. NH0000710 was recently issued that includes effluent limitations which will require more treatment of the effluent from the hatchery.

The Powder Mill State Fish Hatchery provides critical resources for the management of several New Hampshire fisheries. Interruption in, or elimination of, the services that the Powder Mill State Fish Hatchery provides would have a detrimental impact on the State's ability to manage these fisheries. In order to request Capital funds necessary to meet NPDES Permit conditions, NHFG needed to procure, in a timely manner, an engineering study that included treatment alternatives and cost estimates to support a request.

REGION 1

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REGION 2

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REGION 4

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NHDES currently has an Agreement with Gannett Fleming, Inc., a consultant, for as-needed engineering services, first approved by the Governor and Executive Council on March 21, 2018 (Item #43) and amended on September 18, 2019 (Item #67). NHDES, who has been working with NHFG on compliance with the NPDES Permit, recognized the time constraints that NHFG was facing, and that using the Agreement was the only way NHFG would be able to obtain the needed engineering services in the time available.

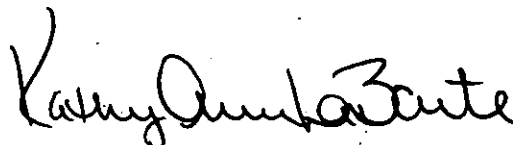
NHDES therefore executed a Task Order, in an amount not to exceed \$15,466.34, under the consultant Agreement for a Technical Memorandum outlining the baseline conditions, effluent discharge characterization, planning objectives, discussion of selected processes and technologies, summary of updated capital and operation and maintenance costs, and applicable recommendations for the Powder Mill State Fish Hatchery. The Technical Memorandum was provided to NHFG in time to support its FY 22-23 Capital Budget Request and meet the deadline for submittal of the Request.

This MOA has been approved by the Office of the Attorney General as to form, execution, and content. We respectfully request your approval.

Respectfully submitted,



Glenn Normandeau
Executive Director



Kathy Ann LaBonte, Chief
Business Division



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



This Memorandum of Agreement (MOA) is entered into, by and between, the New Hampshire Fish and Game Department, hereinafter referred to as NHFG, and the New Hampshire Department of Environmental Services, hereinafter referred to as DES, and, for the purpose of reimbursing DES for the provision of time-sensitive engineering services via an approved as-needed engineering services consultant agreement for a study of the conditions, options, and costs for additional wastewater treatment at the Powder Mill State Fish Hatchery in New Durham.

WHEREAS, NHFG operates the Powder Mill State Fish Hatchery in New Durham, the largest supplier by pounds of trout and salmon to New Hampshire's lakes and rivers, with a yearly output of just under 300,000 fish; and

WHEREAS, interruption or elimination of the services that the Powder Mill State Fish Hatchery provides would have a detrimental impact on the State's ability to manage critical fisheries; and

WHEREAS, NHFG, in March 2020, needed time sensitive effluent treatment recommendations and cost estimates to request Capital Budget funding; and

WHEREAS, DES is currently under Agreement with Gannett Fleming, Inc., a consultant, for as-needed engineering services, approved by the Governor and Executive Council on March 21, 2018 (Item #43) and amended by the Governor and Executive Council on September 18, 2019 (Item #67); and

WHEREAS, DES recognized the time constraints NHFG was facing and that, with said Agreement, DES could help NHFG with the needed engineering services in a timely manner; and

WHEREAS, DES requested a work scope for a Task Order 15 under said Agreement for a Technical Memorandum outlining the baseline conditions, effluent discharge characterization, planning objectives, discussion of selected processes and technologies, summary of updated capital and O&M costs, and applicable recommendations for the Powder Mill State Fish Hatchery, to be delivered in a timely manner; and

WHEREAS, DES executed said Task Order, in the amount not to exceed \$15,466.34.

WHEREAS, NHFG has funding available and will reimburse DES for the costs associated with the Task Order for the Powder Mill State Fish Hatchery; and

WHEREAS, NHFG and DES mutually agree that this action is in the best interests of the State.

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the MOA, set forth herein, the parties hereto do hereby agree as follows:

1. NHFG agrees to pay DES costs associated with Task Order 15 under the Agreement between DES and Gannett Fleming, Inc., for engineering services at the Powder Mill State Fish Hatchery.
2. DES will invoice NHFG when the Task Order 15 is complete and NHFG for transferal into an approved DES accounting organization.

IN WITNESS WHEREOF,

THE STATE OF NEW HAMPSHIRE

Fish and Game Department

By: 
Glenn Normandeau, Executive Director

Date: 6/5/2020

THE STATE OF NEW HAMPSHIRE

Department of Environmental Services

By: 
Robert R. Scott, Commissioner

Date: 6-2-20

Approved by the ATTORNEY GENERAL as to form and content

By: 
Assistant Attorney General

Date: 6/8/2020

Approved by the GOVERNOR AND COUNCIL this ____ day of _____, _____