



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 23, 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 Memorandum of Agreement with the Department of Resources and Economic Development, Concord, NH (DRED) (VC# 177887) in the amount of \$120,000 for projects to conduct research and develop tools and public outreach materials related to characterizing wetlands for assessment, permitting or resource protection purposes, effective upon G & C approval through December 31, 2015. 100% Federal Funds.

Funding is available in the account as follows, with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified.

	<u>FY 14</u>	<u>FY 15</u>
03-44-44-442010-22050000-072-500576	\$60,000	\$60,000
Dept. Environmental Services, Wetland Improvement Grants, Grants - Federal		

**EXPLANATION**

DES was awarded a federal grant from EPA for the implementation of a project entitled: "Advancing Wetland Assessment, Classification, and Permit Review in New Hampshire." The attached Memorandum of Agreement outlines the scope of work for DRED to utilize the portion of grant funds identified above.

The DRED-Natural Heritage Bureau finds, tracks, and facilitates the protection of New Hampshire's rare plants and exemplary natural communities (types of forests, wetlands, grasslands, etc.). Its mission, as mandated by the Native Plant Protection Act of 1987 (RSA 217-A), is to determine protective measures and requirements necessary for the survival of native plant species in the state, investigate the condition and degree of rarity of plant species, and distribute information regarding the condition and protection of these species and their habitats.

Under this grant, the DRED-Natural Heritage Bureau will:

- Conduct research, sampling, and natural community classification for freshwater aquatic bed systems in New Hampshire.

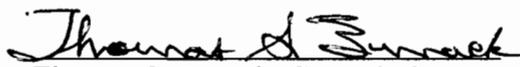
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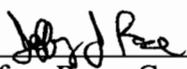
- Develop wetland system rank specifications to support application of the Ecological Integrity Assessment (EIA) method for all types of wetlands in New Hampshire.
- Apply NatureServe's Conservation Status Assessment Rank for each of the 27 wetland system types in New Hampshire.
- Apply the EIA method to existing wetland system records in NHB's Biotics database.
- Update wetland system classification and keys, develop wetland system fact sheets and other outreach materials, and presentations.

In the event that federal 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.

  
Thomas S. Burack, Commissioner  
Department of Environmental Services

  
Jeffrey Rose, Commissioner  
Department of Resources and Economic Development

**MEMORANDUM OF AGREEMENT  
BETWEEN THE  
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT  
NATURAL HERITAGE BUREAU**

**AND THE  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

**PROJECT: Advancing Wetland Assessment, Classification, and Permit Review in New Hampshire**

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) Watershed Management Bureau, that includes tasks related to characterizing wetlands for assessment, permitting or resource protection purposes. This project is funded from the following federal Clean Water Act section 104(b)(3) wetland grant awarded to DES by EPA on September 18, 2013.

Federal Assistance ID No. CD-96179201-0: *Advancing Wetland Assessment, Classification, and Permit Review in New Hampshire*

DRED-NHB agrees to conduct the following tasks. A description of each task is followed by the grant funding and the year in which the work is anticipated to be completed. Year 1 begins upon Governor and Council approval and ends September 30, 2014 and Year 2 begins October 1, 2014 and ends September 30, 2015. Task numbers correspond to those in the EPA-approved grant application workplan.

**Table 1**

<i>Task and Cost</i>	<i>Description</i>	<i>Due Date</i>
<p><b><i>Task 2 in Grant Workplan: Research, sampling, and natural community classification for freshwater aquatic bed systems in New Hampshire</i></b></p> <p>\$30,000</p> <p>(Completion of this task is required if only \$60,000 is received in EPA funding for DRED-NHB).</p>	<p>a. Prior to collecting data for the surveys of the aquatic bed systems and natural communities, provide appropriate text for task-related elements of QAPP for incorporation into Grant QAPP. Revise as needed in response to DES review comments within one week, in time for DES’s submittal of the draft QAPP <u>no less than 60 days before field data collection is scheduled to start</u>. DRED-NHB will respond to task-related EPA comments, as needed, for EPA’s approval of the QAPP.</p>	<p><b><i>By 3/15/14</i></b></p>
	<p>b. Research and review system and community classifications from other states in the region.</p>	<p><b><i>By 10/31/14</i></b></p>
	<p>c. Conduct 5 - 15 surveys of aquatic bed systems and natural communities in accordance with approved QAPP.</p>	<p><b><i>By 9/30/15</i></b></p>
<p><b><i>Task 3.i. in Grant Workplan: Develop wetland system rank specifications to support application of Ecological Integrity Assessment for all New Hampshire wetlands</i></b></p> <p>\$10,000</p>	<p>a. Before work begins, provide a copy or link to the NatureServe Conservation Status Assessment Rank methodology.</p>	<p><b><i>By 5/1/15</i></b></p>
	<p>b. Develop Wetland System rank specifications.</p>	<p><b><i>By 8/31/15</i></b></p>

<i>Task and Cost</i>	<i>Description</i>	<i>Due Date</i>
<p><b>Task 3.ii. in Grant Workplan: Application of Assessment Ranks to wetland systems</b> \$30,000</p> <p>(Completion of this task by this date is required if only \$60,000 is received in EPA funding for DRED-NHB)</p>	<p>a. Apply NatureServe's Conservation Status Assessment Rank for each of the 27 wetland system types in New Hampshire</p>	<p><b>By 9/30/14</b></p>
<p><b>Task 4 in Grant Workplan: Apply Level 2 EIA method to existing wetland system records in NHB's Biotics database</b> \$25,000</p>	<p>a. Apply objective and science-based method for evaluating wetland system condition to approximately 250 existing element occurrence records.</p>	<p><b>By 9/30/15</b></p>
<p><b>Task 5 in Grant Workplan: Update wetland system classification and keys, develop wetland system fact sheets and other outreach materials, and presentations</b> \$25,000</p>	<p>a. NHB will produce updated keys, fact sheets for each of the 27 wetland system types in New Hampshire, and conduct outreach/information transfer via website, presentations, and meetings to reflect updated classification work.</p>	<p><b>By 9/30/15</b></p>
<p><b>Task 6. Final Project Report</b> (20% of total federal funding received for this project will be withheld until the final report is approved by DES)</p>	<p>a. Submit draft final report to DES for review and comment. b. Revise the draft report as needed in response to DES comments, and submit final report to DES.</p> <p>The report shall include the following:</p> <ul style="list-style-type: none"> <li>• A summary of Tasks 2 through 5 including a description of the methodologies and results as well as all supporting data and information.</li> <li>• The summary for Task 2 shall also include:</li> <li>• A review of the research and collected and in-house data on the aquatic bed systems – the field surveys, classification research and results;</li> <li>• A review of the wetland system-specific criteria (and provide appropriate forms) that were developed for evaluating condition as part of EIA;</li> <li>• Review of the existing wetland system records to which the Level 2 EIA was applied (how much did the application of the standard method change previous assessments or how many now had a rank that never had any rank developed.)</li> </ul>	<p><b>By 9/30/15</b> <b>By 10/30/15</b></p>

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. Receive payment of no more than \$60,000 until notified by DES that an additional \$60,000 in funds for DRED-NHB have been received from EPA.
3. Complete tasks in accordance with the schedule shown in Table 1. Due dates shown in Table 1 may be extended with prior written approval from DES.
4. As a minimum, complete Tasks 2 and 3ii (see Table 1) if only \$60,000 in federal funding is received.
5. Meet with DES quarterly to review progress on tasks and any technical issues, report on work underway and work remaining to be completed.
6. Submit quarterly reports to DES by March 31, June 30, September 30 and December 31, of each year, starting with March 31, 2014. The reports shall include:
  - Work progress and status, including preliminary data results (if applicable) and the estimated percent complete for each task;
  - Changes in key personnel, if any;
  - A detailed description of how activities were performed (i.e. methodologies used) and difficulties encountered;
  - A comparison of accomplishments to date with anticipated outputs/outcomes specified in the original workplan, and explanation of why anticipated outputs and outcomes were not met;
  - Expenditures relative to budget;
  - A statement of activity anticipated during the subsequent reporting period and other pertinent information;
7. 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.
8. Provide additional information on project details to DES, as requested.
9. Submit a final report (Task 6 in Table 1), 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).
10. Submit invoices to DES quarterly. Invoices shall be accompanied by the quarterly report described in item 6 of this section. NHB agrees that they will receive no more than 80 percent of the total amount of federal funding received for this project (i.e., \$48,000 if only \$60,000 is received, and \$96,000 if \$120,000 is received) until the final report (Task 6b in Table 1) is submitted to and approved by DES.

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 draft QAPP text, and provide comments and respond to questions in a timely manner.

3. Meet with DRED-NHB quarterly to review status of tasks and any technical issues, receive reports on work underway and work remaining to be completed.
4. Respond in writing to requests for changes to the schedule that are mutually agreeable.
5. Notify DRED-NHB if DES receives an additional \$60,000 in funding for DRED-NHB from EPA.
6. Transfer funds not to exceed \$60,000 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. If DES receives additional funds from EPA for DRED-NHB, DES will transfer the additional funds from DES to DRED-NHB based on the costs incurred and billed and in accordance with the schedule and terms of payment specified in this Agreement.

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 October 31, 2015 or as agreed by written extension and signed by the parties to this agreement.

#### **Schedule of payment**

Following Governor and Council approval, transfer of funds will occur within 30 days of approved quarterly billing based on actual costs incurred with supporting documentation in accordance with the schedule shown in Table 1 and terms of payment specified in this Agreement.

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

Date 1/28/2014

Thomas S. Burack  
Thomas S. Burack, Commissioner  
Department of Environmental Services

Date 1/21/14

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

Reviewed and approved as to form, substance and execution.

Date 1-29-14

Evan Mulheend  
Office of the Attorney General  
Print Name Evan Mulheend

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 \_\_\_\_\_