



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner
March 31, 2014

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

REQUESTED ACTIONS

1. Authorize the Department of Environmental Services (DES) to enter into an memorandum of agreement (MOA) with the New Hampshire Fish and Game Department (NHFG) (VC # 177911) in the amount of \$23,281 for the purpose of the completion of work on the Winnicut River Dam Removal and Fish Passage Project (Project) in Greenland, New Hampshire, effective upon Governor and Council approval through June 30, 2018. 100% Rivers/Lakes Mgmt/Protect Funds.
2. Further authorize DES to provide payment of \$23,281 to NHFG for the purpose of the completion of work on the Project upon Governor and Council approval. 100% Rivers/Lakes Mgmt/Protect Funds.

Funding is available in the account as follows:

	<u>FY 2014</u>
03-44-44-442010-0852-073-500582	\$23,281
Dept. Environmental Services, Rivers/Lakes Mgmt/Protect Fund, Grants- Non-Federal	

EXPLANATION

Per RSA 487:42, DES created the Rivers Management and Protection Fund. One of the uses for the fund is to “restore, preserve, and maintain the state’s rivers.” The Winnicut River Dam in Greenland, NH was removed in 2009 to restore habitat and improve river processes. Due to a hydraulic constriction beneath Route 33, the Project required the installation of a fishway below the Route 33 Bridge to pass diadromous and resident fish species. While the project, which was originally funded by the National Oceanic and Atmospheric Administration and Natural Resources Conservation Services among other sources, has been deemed substantially complete, there are a number of outstanding issues with the Project that need to be remedied. NHF&G, owner of the former dam, new fishway, and adjoining property, will continue to work collaboratively with the DES and other agencies to evaluate these issues to determine remedies for additional actions.

The purpose of this MOA is to provide a mechanism and funding to complete tasks associated with the Winnicut River Dam Removal Project. These tasks include: study the performance of the fishway and construct modifications to improve fish passage; produce signage to comply with Section 106 requirements; conduct land management activities on NHF&G property near the dam; and facilitate other corrective work.

In the event that other funds become no longer available, General Funds will not be requested to support this project. The agreement has been approved by the Office of the Attorney General as to form, execution, and content. We respectfully request your approval.



for Thomas S. Burack
Commissioner



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



Winnicut River Dam Removal, #099.01, Greenland, New Hampshire

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I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to outline responsibilities for the completion of work on the Winnicut River Dam Removal and Fish Passage Project (Project) in Greenland, New Hampshire.

II. PARTIES

The parties to this agreement are the New Hampshire Fish & Game Department (hereinafter NHF&G) and the New Hampshire Department of Environmental Services (hereinafter DES).

III. AUTHORITY

The Winnicut River Dam was removed in 2009 to restore habitat and improve river processes. Due to a hydraulic constriction beneath Route 33, the Project required the installation of a fishway below the Route 33 Bridge to pass diadromous and resident fish species. Although deemed "Substantially Complete" in 2012, there are a number of outstanding issues with the Project that need to be remedied. NHF&G, owner of the former dam, new fishway, and adjoining property will continue to work collaboratively with the DES's Coastal Program, NOAA Fisheries, and US Fish and Wildlife Service to evaluate these issues to determine remedies and payment responsibilities for outstanding and corrective work.

IV. SCOPE OF WORK

The purpose of this MOA is to provide a mechanism to complete tasks associated with the Winnicut River Dam Removal Project. These tasks include:

1. Study the performance of the fishway under existing conditions and under any modified condition. Such study includes, but is not limited to, hydrology and hydraulics analysis, fish utilization and habitat assessment;
2. Enact temporary and/or permanent modifications to the fishway to achieve hydraulic conditions that allow for improved diadromous fish passage;
3. Design and produce signage to comply with Section 106 MOA with NH Division of Historical Resources;
4. Enact land management activities on NHF&G property adjacent to the Winnicut River to improve habitat conditions. These activities include, but are not limited to, stormwater management, invasive plant control and native planting; and
5. Implement or facilitate corrective work on items related to the original project scope.

The NHF&G agrees to apply the funding provided under this MOA for mutually agreed tasks by both parties. Upon project completion, NHF&G will provide a final report to DES outlining the tasks and respective costs associated with those tasks as accomplished through this MOA.

V. FUNDING

DES will provide funding to NHF&G from account 03-44-44-442010-0852-073-500582 in the amount of \$23,281, upon approval of this MOA by the Governor and Executive Council.

VI. TERMINATION

Either party may terminate this agreement upon providing written notice to the other thirty (30) days prior to termination.

VII. DURATION

This agreement shall continue in effect for a period of four (4) years from the starting date of this agreement, unless terminated earlier by either party, or extended in writing by subsequent agreement of the parties.

VIII. AGREEMENT

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

Starting Date:

NH Department of Environmental Services

NH Fish and Game Department


for _____
Thomas S. Burack, Commissioner



Glenn Normandeau, Executive Director

4/11/2014
Date

3/20/2014
Date

Approved as to form, substance and execution:



Department of Justice

4-4-14
Date