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STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
DIVISION of FORESTS and LANDS

172 PEMBROKE ROAD CONCORD, NEW HAMPSHIRE 03301  
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July 17, 2019

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

**REQUESTED ACTION**

1. Authorize the Department of Natural and Cultural Resources (DNCR), Division of Forests and Lands to enter into a Memorandum of Agreement (MOA) with the New Hampshire Fish and Game Department (NHF&G) for the purpose of providing Off Highway Recreational Vehicle (OHRV) Enforcement Patrols upon approval of Governor and Executive Council for the period through June 30, 2020. 100% Other Funds
2. Further authorize the Department to accept and expend payments not to exceed \$6,340 to be made by NHF&G in accordance with the terms of the MOA. 100% Other Funds

Funds to support this request are anticipated to be available in the following account in FY 2020 upon the availability and continued appropriation of funds in the future operating budget.

03-35-35-351010-35200000					
FOREST PROTECTION					
Class	Description	Account	FY 2020 Current Budget	Requested Action	FY 2020 Revised Budget
<b>Revenue</b>					
00S	General Funds	000010	(335,746)		(335,746)
001	Transfers from Other Agency	405893	(14,831)	(6,340)	(21,171)
004	Intra-Agency Transfers	408189	(21,197)		(21,197)
		<b>Totals</b>	<b>(371,774)</b>	<b>(6,340)</b>	<b>(378,114)</b>
<b>Expense</b>					
10	Personal Services - Permanent	500100	184,562		184,562
18	Overtime	500106	6,469	3,804	10,273
20	Current Expenses	500200	7,650		7,650
23	Heat/Electricity/Water	500264	50		50
26	Organizational Dues	500251	1,275		1,275
30	Equipment New/Replacement	500300	2,400		2,400
39	Telecommunications	500188	3,000		3,000
50	Personal Services - Temporary	500109	4,561		4,561
60	Benefits	500612	140,461	2,536	142,997
70	In State Travel Reimbursement	500704	10,885		10,885
103	Contracts for OP Services	502673	10,461		10,461
		<b>Totals</b>	<b>\$371,774</b>	<b>\$6,340</b>	<b>\$378,114</b>

**EXPLANATION**

NHF&G wishes to enter into a MOA with DNCR, Division of Forests and Lands to provide OHRV Enforcement Patrol coverage on the properties known as Connecticut Lakes Headwaters, Jericho State Park, Nash Stream State Forest and other areas of the State under their jurisdiction, pursuant to the authority under RSA 215-A:23, VIII(f). Additional areas other than the above may be patrolled if a need is determined by NHF&G and DNCR. OHRV Enforcement Patrols will be provided by DNCR Forest Rangers dressed in a recognizable department uniform.


The following additional appropriations are requested for Fiscal 2020:

Class 018 – Overtime \$3,804, to pay current Forest Protection Bureau staff to patrol a minimum of 4 hours per shift on properties under their jurisdiction.

Class 060 – Benefits \$2,536, benefits associated with the above overtime shifts

Your approval of this MOA will ensure this relationship. The Attorney General's Office has reviewed and approved this MOA as to form, substance and execution.

Respectfully submitted,

Concurred, 



Sarah L. Stewart  
Commissioner

  
Brad W. Simpkins  
Director

MEMORANDUM OF AGREEMENT

between

DEPARTMENT OF NATURAL AND CULTURAL RESOURCES  
DIVISION OF FORESTS AND LANDS

and

THE NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Department of Natural and Cultural Resources (DNCR) and the New Hampshire Fish and Game Department agree to cooperate in the performance of the project described below:

Project Title: OHRV ENFORCEMENT

Project Outline: The Department of Natural and Cultural Resources shall perform the following services during the period upon Governor and Council Approval to June 30, 2020.

1. Provide adequate Off Highway Recreational Vehicle Enforcement Patrol coverage for a minimum of 4 hours per shift on the properties commonly known as Connecticut Lakes Headwaters, Jericho State Park, Nash Stream State Forest, and other areas of the State under their jurisdiction, pursuant to the authority under RSA 215-A:23, VIII(f).
2. If the DNCR, Forests and Lands Forest Protection Bureau and the New Hampshire Fish and Game Department shall determine that there is a need for additional Off Highway Recreational Vehicle Enforcement Patrols in areas other than Connecticut Lakes Headwaters, Jericho State Park, Nash Stream State Forest, and other areas of the State under their jurisdiction, prior approval must be obtained by the DNCR Forests and Lands Forest Protection Bureau from the New Hampshire Fish and Game Department.
3. All police officers providing Off Highway Recreational Vehicle Enforcement Patrols shall be employed by the Department of Natural and Cultural Resources, Division of Forests and Lands Forest Protection Bureau.
4. All police officers providing Off Highway Recreational Vehicle Enforcement Patrols shall be dressed in a recognizable department uniform.

Funds:

The total project cost is not to exceed \$6,340.00.

The Department of Natural and Cultural Resources, Forests and Lands Forest Protection Bureau shall receive compensation at the rate of \$45.00 per hour with a total compensation as approved by the Governor and Executive Council.

Payment shall be made to the Department of Natural and Cultural Resources, Forests and Lands Forest Protection Bureau within thirty (30) days of submission of an invoice submitted to the New Hampshire Fish and Game Department with the Off Highway Recreational Vehicle Special Detail Report form. The Fish and Game Department shall supply the printed form and/or computer program version.

Amendment

This agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto.

Termination of Agreement

Notices of intent to terminate the Agreement before the completion date shall be given, in writing, by either party desiring the termination of at least three (3) months in advance of such termination date.

Covenant Not to Discriminate: Prevention of Discrimination

The Department of Natural and Cultural Resources will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Department of Natural and Cultural Resources will take affirmative action to ensure that applicants are employed and that employees are treated during employment without discrimination because of their race, color, religion, sex or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; for training, including apprenticeship.

Notice of Advertisements of Employment

The Department of Natural and Cultural Resources will, in all solicitations of employees or advertisements of employment placed by or on behalf of the Department, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

## Attachment "A"

### EXHIBIT A

#### SCOPE OF WORK:

The Party of the First Part, **Department of Natural and Cultural Resources (DNCR), Forests and Lands Forest Protection Bureau**, agrees to furnish the following described services:

1. To provide adequate Off Highway Recreational Vehicle Enforcement Patrol coverage for a minimum of 4 hours per shift on properties commonly known as **Connecticut Lakes Headwaters, Jericho SP, Nash Stream SF, and other areas of the State under their jurisdiction**, pursuant to the authority under RSA 215-A:23, VIII(f).
2. If the **DNCR, Forests and Lands Forest Protection** and the New Hampshire Fish and Game Department shall determine that there is a need for additional Off Highway Recreational Vehicle enforcement patrols in areas other than **Connecticut Lakes Headwater, Jericho SP, Nash Stream SF, and other areas of the State under their jurisdiction**, prior approval must be obtained by the **DNCR Forests and Lands Forest Protection Bureau** from the New Hampshire Fish and Game Department.
3. All police officers providing Off Highway Recreational Vehicle Enforcement Patrols, shall be employed by the **DNCR, Forests and Lands Forest Protection Bureau**.
4. All police officers providing Off Highway Recreational Vehicle Enforcement Patrols shall be dressed in a recognizable department uniform.
5. The **DNCR, Forests and Lands Forest Protection Bureau** shall receive compensation at the rate of \$45.00 per hour with a total compensation as approved by the Governor and Executive Council. Such total compensation shall not exceed the amount approved.
6. Payment shall be made to the **DNCR, Forests and Lands Forest Protection Bureau** within 30 days of submission of an invoice submitted to the New Hampshire Fish and Game Department with the Off Highway Recreational Vehicle Special Detail Report form. The New Hampshire Fish and Game Department shall supply the printed form and/or computer program version.

#### EXHIBIT B:

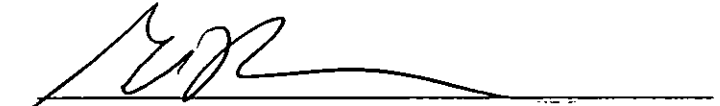
Payment shall be made within 30 days upon receipt of invoice and Off Highway Recreational Vehicle Special Detail Report forms.

Total shall not exceed: **\$6,340.00** as approved.

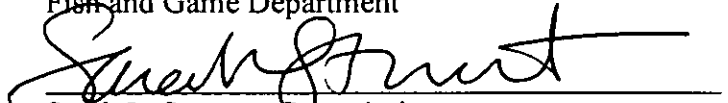
02/19/19

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

Date 6/19/2019

  
Glenn Normandeau, Executive Director  
Fish and Game Department

Date 6/18/19

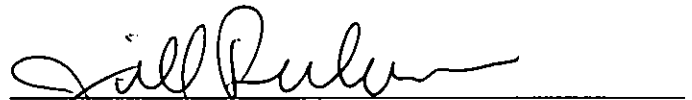
  
Sarah L. Stewart, Commissioner  
Department of Natural and Cultural Resources

Date 6/18/19

  
Brad W. Simpkins, Director  
Division of Forests and Lands

Approved by Attorney General (Form, Substance, and Execution)

Date 6/27/19

  
Attorney General's Office  
Department of Justice