



New Hampshire Fish and Game Department

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Glenn Normandeau
Executive Director

May 30, 2017

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

REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department (NHFG) to enter into a Memorandum of Agreement (MOA) with the New Hampshire Department of Resources and Economic Development (DRED) for the purpose of maintaining and updating the New Hampshire Natural Heritage rare species and exemplary natural community database and to assist with implementation of the NH Wildlife Action Plan for a total of \$124,000.00 effective upon Governor and Council approval through June 30, 2019. 100% Federal Funds.

Funding is available in account, Nongame Management as follows, contingent upon the availability and continued appropriations for State Fiscal Years 2018 and 2019, with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified:

03 75 75 751520-2125 Wildlife Program -Nongame Management

		<u>FY018*</u>	<u>FY019*</u>
20-07500-21250000-049-500294	Transfers to Other Agencies	\$62,000.00	\$62,000.00
			*Pending budget approval

EXPLANATION

The NHFG has been working with private and public partnerships to monitor, manage, and restore wildlife populations. One such partnership is with the Natural Heritage Bureau (NHB) within DRED's Division of Forests and Lands, which has maintained a statewide database of known rare and significant biological occurrences since 1987. This database provides New Hampshire businesses, communities, and state agencies a single source of information on the occurrence and distribution of plants, wildlife, and natural communities, and serves as a key tool in the development of the Wildlife Action Plan.

Federal funds from NHFG will assist in the updating of the Biological Conservation Database and to assist with implementation of the NH Wildlife Action Plan strategies. Attached for your review is the Memorandum of Agreement (MOA), documenting the federal funds that NHFG will provide for the work outlined in this agreement, as well as necessary matching funds to be provided by DRED.

Respectfully submitted,

Glenn Normandeau
Executive Director

Kathy Ann LaBonte
Chief, Business Division

Memorandum of Agreement (MOA)
between the
New Hampshire Department of Resources and Economic Development
and the
New Hampshire Fish and Game Department

Concerning
the State Wildlife Action Plan

This MOA is entered into by the New Hampshire Natural Heritage Bureau, a unit of the New Hampshire Division of Forests and Lands at the Department of Resources and Economic Development, hereafter referred to as the “Natural Heritage Bureau,” and the Nongame and Endangered Species Program, a program within the New Hampshire Fish and Game Department, hereafter referred to as the “Nongame Program.” The purpose of this MOA is to establish a relationship between both parties regarding the implementation of the State Wildlife Action Plan. As such, the Natural Heritage Bureau and the Nongame Program do hereby consent to the following terms:

WHEREAS the Fish and Game Department is mandated by the Endangered Species Conservation Act of 1979 (NH RSA 212-A) and the Nongame Species Management Act (NH RSA 212-B) to develop nongame and endangered wildlife research, management, and education programs and has established the Nongame Program to accomplish these goals; and

WHEREAS the Department of Resources and Economic Development is mandated by the Native Plant Protection Act of 1987 (NH RSA 217-A) to determine protective measures and requirements necessary for the survival of native plant species in the state, to investigate the condition and degree of rarity of plant species and to distribute information regarding the condition and protection of these species, and to assist and cooperate with all state agencies to carry out these purposes; and

WHEREAS the Natural Heritage Bureau is part of a national Heritage network that tracks selected plant species, wildlife species, and natural communities throughout North

America, and as a member of this network, is obligated to maintain fields within its occurrence database regarding the known locations of and selected biological information about certain plant species, wildlife species, and natural communities in New Hampshire; and

WHEREAS the New Hampshire Fish and Game Department has jurisdiction over New Hampshire wildlife as defined in NH RSA 212-A:2, and as such, makes frequent use of and has sole authority regarding the usage of wildlife Element Occurrence (EO) data residing at the Natural Heritage Bureau, and must approve of all agreements that involve the provision or use of Natural Heritage wildlife EO data; and

WHEREAS the Native Plant Protection Act of 1987 (RSA 217-A) requires that all state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the Department of Resources and Economic Development to carry out its purposes, and that to the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species.

NOW, THEREFORE the Nongame Program and the Natural Heritage Bureau agree to the following:

The Nongame Program will provide financial assistance to the Natural Heritage Bureau to conduct conservation research and science, database development and management and planning activities as outlined in the Wildlife Action Plan.

Nongame Program funding for the contracted services outlined in this document will be provided by federal funds administered by the U.S. Fish & Wildlife Service and consistent with federal award information and compliances as identified in Exhibit A.

This MOA covers the time period of Governor and Council approval through June 30, 2019.

PROJECT JOBS

The Wildlife Action Plan (WAP) identifies a suite of specific strategies to further wildlife conservation in New Hampshire. Several of these strategies depend on the involvement and contribution of the New Hampshire Natural Heritage Bureau in order to be accomplished. Through June 30, 2019, in direct consultation with F&G, the NHB will work on the following Projects under federal grants T2-3-R-1 and T-9-T-2 and succeeding grants for the same purpose.

Grant T2-3-R-1 Wildlife Population & Habitat Monitoring & Management

(Note: Project and Action numbers correspond to the T-2-3-R-1 Grant. Grant Projects will be updated January, 2018)

PROJECT 1 – Species Recovery Planning

Objectives:

- 1) Assess species risks for species with either new risk factors or whose status has previously been undetermined.
- 2) Develop recovery/population management plans for new species determined to be endangered, threatened, and special concern wildlife;
- 3) Draft guidelines and recommendations for processing proposed project applications that have the potential to impact endangered, threatened, and special concern wildlife.

Actions:

- Assist Fish and Game with developing restoration, recovery, and population management plans for priority wildlife species and/or habitats. Provide technical expertise to inform species and habitat plan development through meetings, data analysis, and helping to develop written documents.

Project 1 Effectiveness Measures:

- Number of species assessed.
- Number of plans or guidelines developed

Grant T-9-T-2 Conservation Science for Species and Habitats

(Note: Project and Action numbers correspond to the T-9-T-2 Grant. Grant Projects and Actions will be updated during January, 2019)

PROJECT I - Conservation Database Development and Management

Action 1 – Rare species database management

Objective: To develop, manage and maintain a comprehensive wildlife conservation data management system to be used to guide conservation activities including species recovery, monitoring and habitat management.

Actions:

- Download wildlife sightings from the Wildlife Sightings Database, verify that entries are accurate, map wildlife occurrences, and incorporate into the Biotics database. NHB will download and map Wildlife Sightings at least once per month.
- Incorporate bulk rare wildlife data sources from field survey reports (e.g., loon, eagle monitoring data) into Biotics database. Work with data providers to ensure that data is provided in consistent and useful format.
- Delineate, maintain, and refine wildlife element occurrence and independent source feature boundary data and wildlife habitats (using known home range sizes, habitat use information, existing data, and air photos, etc.
- Revise the database as needed due to rare animal list revisions.
- Deliver all wildlife database records to the Nongame Program via email, CD or other agreeable means not less than once/month, unless there have been no changes to the animal data since the last update.
- Develop specifications and criteria to assess and rank the status of mapped wildlife habitats and populations.
- Conduct meetings with NHFG, NHB, and non-profit partners (e.g. NH Audubon Society) to determine in-house and partner database needs beyond current capabilities.
- Expand the capabilities of the rare species database to include functionality for storing information on species and habitat monitoring.
- Develop database modules for storing information on conservation targets and restoration/management activities.

Action 1 Effectiveness Measures:

- Number of Element Occurrences updated in Biotics database
- Number of EO added to Biotics database
- Number of species for which data occurrences was updated or added.

Action 2 – NH Wildlife Sightings enhancements

Objective: To maintain and enhance the web-based Wildlife Sightings Reporting Database in order to collect distribution, location and habitat information for wildlife of New Hampshire through the reporting of observations by professionals and citizens of New Hampshire.

Actions:

- Recommend enhancements to the NH Wildlife Sightings Database by improving the user interface, functionality and reporting capabilities.

Action 2 Effectiveness Measures:

- # Meetings/Enhancements recommended.

Action 3 - Conservation GIS and Habitat Map Updates

Objectives:

- 1) Maintain and update NHFG's conservation GIS;
- 2) Continually validate, update, and refine maps of the distribution of wildlife and wildlife habitats;
- 3) Develop models of ecological processes, such as connectivity, and human influences, such as climate change, that impact sustainability of wildlife in the landscape;
- 4) Incorporate emerging data on the changing condition of the landscape into conservation planning maps.

Actions:

- Work with NHFG to keep WAP maps up to date and accurate based on the current science and knowledge.

Action 3 Effectiveness Measures:

- Number of updates to wildlife habitat land cover data
- Number of updates to analysis of ecological condition
- Analysis of regional mapping and data and its applications in NH

PROJECT 2 – Environmental Review, Mitigation, and Interagency Protocols

Action 1 - Environmental Impact Review

Objective: To review applications for permits, evaluate risks, and recommend measures to mitigate risks to state and federally listed endangered and threatened wildlife and species of conservation concern.

Actions:

- Create, maintain, and update screening layers used for Environmental Review
- Provide database check for project applicants that identify which wildlife species are in proximity to a project.

Project 2, Action 1 Effectiveness Measures:

- Number of Projects submitted to NHB for review
- Number of updates to Screening layer

Action 3 - Development & Improvement of Protocols, Guidelines, and Procedures of Environmental Reviews

Objective: To review existing protocols and guidelines and recommend changes that will improve the coordination and efficiency among regulatory agencies and boards to enhance the protection of sensitive and/or imperiled wildlife resources.

Actions:

- Develop protocols to improve inter-agency database management and data transfer in support of the environmental review process.
- Assist with development of environmental review guidelines for threatened, endangered, and special concern wildlife.

Project 2, Action 3 Effectiveness Measures:

- Number of Meetings
- Number of Protocols developed or revised

PROJECT 4 – Regional Cooperation

Objective: To provide technical assistance to projects based in the USFWS Region 5 and nationally including Wildlife Action Plan coordinated projects such as the Northeast Regional Conservation Needs Program, as well as other projects that cross state lines.

Actions:

- Participate in Regional wildlife working groups as requested by NHFG.

Project 4 Effectiveness Measures

- Number of technical assistance events

PROJECT 5 - Technical Assistance for wildlife & habitat management

Objective: Develop and disseminate wildlife information and habitat management recommendations, based on the needs of species of greatest conservation need, to landowners, natural resource professionals, municipalities, other agencies and organizations, and developers.

Actions:

- Provide information and management recommendations on the location and condition of wildlife species in greatest need of conservation.

Project 5 Effectiveness Measures

- Number of technical assistance events
- Number of Wildlife Action Plan Implementation Team (WAPIT) meetings attended.

Budget

<i>Federal Funds (provided by the Nongame Program)</i>	<i>\$124,000</i>
<i>Non-Federal Matching Funds (provided by the Natural Heritage Bureau)</i>	<i>\$66,769</i>
Project Grand Total	\$190,769

Total Funding Obligation

The Nongame Program will contract the services of the Natural Heritage Bureau from the date of Governor and Council Approval to June 30, 2019 for a total of \$124,000. Natural Heritage Bureau will be responsible for documenting a total of \$66,769 of non-federal match for this project. The Natural Heritage Bureau shall maintain financial records in order to comply with State and Federal requirements. The ability to provide this financial assistance to the Natural Heritage Bureau to complete the tasks outlined in this MOA will be contingent upon the availability of federal grant funds as administered by the U.S. Fish & Wildlife Service.

Method of Payment

Payment will be made within 30 days after receipt of a proper invoice. Payment shall be made by interdepartmental funds transfer.

Terms of Payment

The Nongame Program will pay the Natural Heritage Bureau on a quarterly basis based on the invoiced amount of expenses incurred provided in quarterly invoices itemized by project and job as identified in this MOA. Payment will be dependent on: 1) completion of a quarterly report describing how the actions of the NHB contributed to the strategies detailed in the Wildlife Action Plan; reports must provide action updates consistent with the USFWS TRACS reporting database; 2) quarterly meetings between NHB and F&G staff to coordinate work planning; and 3) an itemization of all match provided to date.

Invoices need to show a breakdown of expenses by grant and project. In addition NHB agrees to maintain records of contractual expenses applied to cost calculations, and supply such records upon request.

Quarterly invoices will be submitted by the Natural Heritage Bureau to: John Kanter, Nongame & Endangered Species Program Coordinator, New Hampshire Fish & Game Department, 11 Hazen Dr., Concord, NH 03301.

Record Retention and Access

The Natural Heritage Bureau shall permit New Hampshire Fish and Game Department and its auditors access to any books, documents, paper, and records which are directly pertinent to the agreement for making audits, examination, excerpts, and transcriptions. Financial records and supporting documents related to costs under this agreement must be retained for a period of three years from submission of the last request for payment. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Amendments

This MOA may be amended through June 30, 2019 by mutual agreement of all parties and Governor and Council approval.

Federal Award Information and Compliances

The Department of Resources and Economic Development shall comply with all federal regulations and requirements, as applicable. See attached Exhibit A.

In witness of the Memorandum of Agreement:

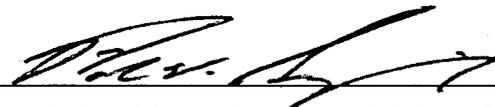
(C)

5/25/17
Date



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

5/24/17
Date



Brad Simpkins, Director – Division of Forests and Lands
N.H. Department of Resources and Economic Development

6/6/2017
Date



Glenn Normandeau, Executive Director
N.H. Fish and Game Department

6/6/17
Date



Mark Ellingwood, Chief – Wildlife Division
N.H. Fish and Game Department

Approved by the Attorney General this 7th day of June 2017.



Attorney General's Office

EXHIBIT A

Federal Award Information and Compliances

1. Federal Award Information

Grant Title(s): T2-3-R-1 Wildlife Population & Habitat Monitoring & Management
T-9-T-2 Conservation Science for Species and Habitats

Grantor: Department of the Interior – US Fish & Wildlife Service (Service)

Catalog of Federal Assistance Number: 15.634

Federal Grant Identifier(s): T2-3-R-1 and T-9-T-2

Grantee: State of New Hampshire – Fish & Game Department

2. Federal Compliance

Awards from the Service are subject to the terms and conditions incorporated into the award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. The Service financial assistance award terms and conditions flow down to subrecipients and contractors, unless a particular award term or condition specifically indicates otherwise. The Federal regulations applicable to Service recipients and their sub-recipients and contractors are listed by recipient type in the Service Financial Assistance Award Terms and Conditions posted on the Internet at <http://www.fws.gov/grants/>.

All requirements, regulations, provisions, terms and conditions applicable to the Federal award are hereby adopted in full force and effect with respect to this agreement. The Department of Resources and Economic Development shall comply with all provisions, as applicable, including but not limited to the following:

- a. 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- b. 2 CFR Part 25, Universal Identifier and Central Contractor Registration
- c. 2 CFR Part 170, Reporting Subawards and Executive Compensation
- d. 2 CFR Part 175, Award Term for Trafficking in Persons (Term is applicable to private entity subrecipients)
- e. 2 CFR Part 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters (Applicable to awards with a total Federal share of more than \$500,000)
- f. 2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement): Entering into this agreement represents the Department of Resources and Economic Development's certification per Subpart C of 2 CFR Part 180 that neither it nor its principles are presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded by any federal department or agency from participating in transactions supported by Federal funds.
- g. 2 CFR Part 1401, Requirements for Drug-Free Workplace (Financial Assistance)

- h. 43 CFR 18, New Restrictions on Lobbying: Entering into this agreement represents the Department of Resources and Economic Development's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
- i. 41 USC §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection
 - (1) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712.
 - (2) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712.
 - (3) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.
- j. 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.
- k. Section 743 of Division E, Title VII of Pub. L. 113-235, Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements: Prohibits the use of funds appropriated or otherwise made available under that or any other Act for grants or cooperative agreements to an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- l. Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.