



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



September 18, 2013

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

1. Pursuant to Chapter 253 of the Laws of 2011 and RSA 482:57, authorize the New Hampshire Department of Environmental Services (DES) and the New Hampshire Fish and Game Department (NHFG) (V# 177911) to enter into a Memorandum of Agreement (MOA) in the amount of \$335,889 for the repair of Jones Pond Dam (NH Dam #157.08) in Middleton, effective upon Governor and Council approval through June 30, 2015.
2. Further authorize the NHFG to provide payment of \$335,889 to DES for the purpose of repairing the Jones Pond Dam in Middleton, effective upon Governor and Council approval.

Funding is available as follows:

030-07500-86900000-034-500157

NH Fish and Game Dept., Jones Pond Dam Repair/Reconstruction

FY 2014

\$335,889

EXPLANATION

Chapter 253 of the Laws of 2011 authorized and appropriated funds to NHFG for the repair and reconstruction of Jones Pond Dam, which is owned by NHFG. Under RSA 482:57, DES is responsible for the maintenance, repair and reconstruction of state owned dams. This request is for authorization for DES to enter into an MOA with NHFG, pursuant to these laws, to carry out the design, engineering and repair of Jones Pond Dam. The FY14 operating budget for Account 03-44-44-442010-3831 includes the funds for this work in anticipation of the requested transfer of funds from NHFG.

The Jones Pond Dam, which is also known as the Jones Brook Dam, creates an impoundment of 19 acres that provides recreation for the public. The outlet structure of the dam partially failed in April 2005, causing a loss of a significant portion of the reservoir and the public recreation opportunities associated with this impoundment. The outlet of the dam and associated components are badly deteriorated and in need of replacement. The reconstruction project will include the installation of new outlet components and the re-grading of the earthen sections in and around the outlet of the dam.

We respectfully request your approval.

Fish and Game Department

Glenn D. Normandeau
Executive Director

Department of Environmental Services

Thomas S. Burack
Commissioner

DES Web Site: www.des.nh.gov

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



Jones Pond Dam, Middleton - Dam #157.08

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I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to outline the responsibilities for the performance of the repair of Jones Pond Dam, also known as Jones Brook Dam, in Middleton (NH Dam 157.08).

II. PARTIES

The parties to this agreement are the New Hampshire Department of Environmental Services (hereinafter DES) and the New Hampshire Fish and Game Department (hereinafter NHFG), which is the owner of Jones Pond Dam.

III. AUTHORITY

This agreement is entered into pursuant to Chapter 253 of the Laws of 2011, which authorized and appropriated funds to NHFG for the repair and reconstruction of Jones Pond Dam, and RSA 482:57, under which DES is responsible for the maintenance, repair and reconstruction of state-owned dams.

IV. SCOPE OF WORK

The purpose of this project is to repair the Jones Pond Dam in Middleton.

The DES agrees to complete, under this MOA, all of the following:

1. Apply for and obtain, on behalf of the NHFG, all state and local permits required for the completion of the project.
2. Perform the engineering and detailed design of the project.
3. Conduct the proposed work on a force account basis.
4. Leave all disturbed areas with a neat and clean appearance.

The NHFG agrees to complete, under this MOA, all of the following:

1. Furnish and execute any easements and leases necessary for the work.
2. Allow the pond to be lowered.

V. FUNDING

The NHFG will provide funding from NHFG 2011 Capital Budget Account #030-07500-86900000-034-500157, Jones Pond Dam Repair/Reconstruction, to the Dam Maintenance Program, Dam Construction Projects, Account #03-44-44-442010-3831-009 RA#407634, in the amount of \$335,889, upon approval of this MOA by the Governor and Executive Council.



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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 through June 30, 2015 unless terminated earlier by either party, or extended in writing by subsequent agreement of the parties.

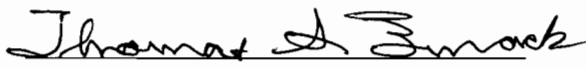
VIII. AGREEMENT

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


Thomas S. Burack, Commissioner


Glenn Normandeau, Executive Director

9/26/2013
Date

9/23/13
Date

Approved as to form, substance and execution:


Department of Justice

9/30/13
Date