



New Hampshire Fish and Game Department

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Glenn Normandeau
Executive Director

May 28, 2013

Her Excellency, Governor Margaret Wood Hassan
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 and revision of the NH Wildlife Action Plan for a total of \$101,000.00 effective upon Governor and Council approval through June 30, 2015. 100% Federal Funds.

Funding is available in account, Nongame Management as follows, contingent upon the availability and continued appropriations for State Fiscal Years 2014 and 2015, 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>FY014*</u>	<u>FY015*</u>
20-07500-21250000-049-500294	Transfers to Other Agencies \$41,000.00	\$60,000.00
		*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. Also, the NHB will provide a critical role in assisting with the revision to NH's Wildlife Action Plan, a requirement of the USFWS for continued federal funding to state wildlife agencies. 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, 2015.

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 (NHB) in order to be accomplished. Also, the New Hampshire Fish and Game (NHFG) is required to submit a revised WAP to the United States Fish and Wildlife Service (USFWS) by October 2015. The NHB will be critical in this revision under a Planning grant. Through June 30, 2015, in direct consultation with NHFG, NHB will work on the following Projects and Jobs under federal grants T-2-3-R1, T-9-T-2, and T-2-2-P-1.

Grant T-2-3-R-1 Wildlife Population & Habitat Monitoring & Management

Project 1 – Species Recovery Planning

Objective: Develop restoration and recovery plans for species and habitats at risk.

Actions:

- Assist NHFG 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 (WAP Strategy 505).

Project 1 Effectiveness Measures:

- Number of surveys conducted

Project 2 - Conduct Surveys to Describe Distribution of Species and Habitats

Objective: Collect data critical to assessing the distribution, abundance and status of species and habitats at risk. Research and comparatively analyze threats to the condition of wildlife populations and habitats to identify critical problems.

Actions:

- Survey selected habitat locations for associated wildlife species as requested by NHFG (WAP Strategy 201).

Project 2 Effectiveness Measures:

- Number of surveys conducted

Project 19 – Coordination and Administration; Performance Evaluation

Objective: 1) to monitor and evaluate performance of the WAP and 2) to produce reports on wildlife health by habitat (901, 902, 903, 904, 905, 906, 907)

Actions:

- Develop metrics to determine success of actions.
- Evaluate and report on performance of conservation actions.

Project 19 Effectiveness Measures:

- Number of metrics developed and/or reported.

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

Project I - Conservation Database Development and Management

Job 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. (WAP Strategy 202)
- Participate as part of a team to review and recommend enhancements to the NH Wildlife Sightings Database by improving the user interface, functionality and reporting capabilities.
- Incorporate bulk rare wildlife data sources from field survey reports (e.g., loon, eagle monitoring data) into Biotics database (WAP Strategy 202). 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.) (WAP Strategy 202).
- Revise the database as needed due to rare animal list revisions (WAP Strategy 102).
- 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 (WAP Strategy 202).

- Develop specifications and criteria to assess and rank the status of mapped wildlife habitats and populations (WAP Strategy 203).
- 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 (WAP Strategy 202).
- Expand the capabilities of the rare species database to include functionality for storing information on species and habitat monitoring (WAP Strategy 202).
- Develop database modules for storing information on conservation targets and restoration/management activities (WAP Strategy 202).

Job1 Effectiveness Measures:

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

Job 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.

Job 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

Job 1 - Environmental Impact Review and Mitigation

Objective: Review permit applications and evaluate the risks to state and federally listed endangered and threatened wildlife and species of conservation concern and provide recommendations to avoid, minimize and/or mitigate the risks.

Actions:

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

Project 2, Job 1 Effectiveness Measures:

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

Job 2 - 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 (WAP Strategy 402).
- Assist with development of environmental review guidelines for threatened, endangered, and special concern wildlife.

Project 2, Job 2 Effectiveness Measures:

- Number of Meetings
- Number of Protocol changes

Project 3 - Conservation Planning

Actions:

- Develop and disseminate wildlife information and habitat management recommendations based on the needs of species of greatest conservation need to landowners, municipalities, other agencies and organizations and developers.
- Participate in monthly WAP Implementation Team meetings.
- Assess vulnerability of wildlife and associated habitats to climate change and other threats and develop conservation strategies to reduce impacts. Tasks may include conducting comprehensive literature reviews, meetings with state and regional experts, and drafting text.

Project 3 Effectiveness Measures

- Number of technical assistance events

Project 4 – Regional Cooperation

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

- 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

Grant T-2-2-P-1 PLANNING FOR MAJOR REVISION OF STATE WILDLIFE ACTION PLAN*

*(*Grant number may change during course of this contract period. NHFG will notify NHB if and when that occurs)*

Project 1, Job 2 – UPDATES TO SPECIES, HABITATS, THREATS AND STRATEGIES OTHER THAN CLIMATE CHANGE

Actions:

The NHB will participate on a Wildlife Action Plan Revision team. Specific tasks may include:

- Review the WAP to identify sections in need of improvement/updates.
- Review the WAP to see which emerging issues need to be addressed.
- Lead or participate in species and/or habitat evaluations, rankings, and rewrites of species and habitat profiles.
- Evaluate threats to species and habitats.
- Identify conservation actions to benefit species and habitats.
- Map and/or model species and habitats.

Project 1, Job 2 Effectiveness Measures

- Sections revised in NH WAP.

Budget

Federal Funds (provided by the Nongame Program) \$101,000

Non-Federal Matching Funds (provided by the Natural Heritage Bureau) \$54,385

Project Grand Total \$155,385

Total Funding Obligation

The Nongame Program will contract the services of the Natural Heritage Bureau from the date of Governor and Council Approval to July 1, 2015 for a total of **\$101,000**. Natural Heritage Bureau will be responsible for documenting a total of **\$54,385** of non-federal

match for this project. 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, project and job. 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.

Amendments

This MOA may be amended through July 1, 2015 by mutual agreement of all parties and Governor and Council approval.

In witness of the Memorandum of Agreement:

5/17/13
Date



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

5/15/13
Date



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

6/3/13
Date



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

5/21/13
Date



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

Approved by the Attorney General this 3 day of June 2013.



Attorney General's Office

EXHIBIT A

Federal Award Information and Compliances

Through execution of this agreement, the contractor acknowledges that they are a sub-recipient of the New Hampshire Fish and Game Department under grants T-2-3-R, T-2-2-P, and T-9-2-T from the United States Department of the Interior, U.S. Fish and Wildlife Service, and agrees to comply with the following provisions, as applicable:

1. Applications for Federal Assistance T-2-3-R, T-2-2-P, and T-9-2-T, titled "Monitoring, Management, and Recovery of New Hampshire's Wildlife Species of Concern", "Planning for Major Revision of State Wildlife Action Plan", and "Conservation Science and Technical Assistance to Support Species and Habitat Protection and Recovery" respectively.
2. Program Authorization and Funding Legislation: State Wildlife Grants
3. Catalog of Federal Domestic Assistance Number: 15.634
4. 43 CFR Part 12 Administrative and Audit Requirements and Cost Principles for Assistance Programs
5. Sub-part C of the OMB guidance in 2 CFR Part 180, as adopted and supplemented by 2 CFR Part 1400 Non-procurement Debarment and Suspension
6. 2 CFR Part 225 Cost Principles (Office of Management and Budget Circular A-87)
7. 43 CFR Part 17 Nondiscrimination in Federally Assisted Programs of the Department of the Interior
8. 43 CFR Part 18 New Restrictions on Lobbying.
9. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations
10. Pursuant to the requirements of 43 CFR Part 12.82(b)(1) the financial, programmatic and supporting documents pertinent to this agreement must be retained for a period of three years beginning on the date the sub-recipient submits its final expenditure report for the period.
11. Certification Regarding Debarment and Suspension – Lower Tier Covered Transactions.
The Grantee certifies per Subpart C of 2 CFR Part 180 that neither the contractor 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.