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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
Phone: 271-2214 Fax: 271-6488 www.nhdfl.org

May 9, 2019

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

REQUESTED ACTION

Authorize the Department of Natural and Cultural Resources (DNCR), Division of Forests and Lands to enter into a Memorandum of Agreement (MOA) with the Office of Strategic Initiatives (OSI) in the amount of \$68,000 to provide monitoring and stewardship services of the State's interests in privately owned conservation lands held by DNCR upon Governor and Executive Council approval through June 30, 2021. **100% Agency Income**

Funding is available as follows pending budget approval for Fiscal Years 2020 and 2021:

	<u>FY 2020</u>	<u>FY 2021</u>
03-35-35-351010-35050000		
Management and Protection Fund		
049-584902 Transfer to Other State Agencies	\$34,000	\$34,000

EXPLANATION

The intent of this MOA is to provide funding to the OSI for monitoring and stewardship services of the State's interests in privately owned conservation lands held by DNCR. Monitoring and stewardship for many of these easements is required under the federal funding that supported the original acquisition of these easements. The Conservation Land Stewardship Program, which is housed within the OSI, monitors and stewards several other State-held conservation easements. Providing monitoring and stewardship support through the Conservation Land Stewardship Program minimizes duplication of effort and enables cost-saving efficiencies since many of the easements held by DNCR are contiguous with properties that the Conservation Land Stewardship Program is already responsible for.

The Attorney General's Office has approved this MOA as to form, substance and execution.


(4)

Respectfully Submitted,

Concurred,



Brad W. Simpkins
Director



Sarah L. Stewart
Commissioner

Exhibit A

MEMORANDUM OF AGREEMENT
between the
OFFICE OF STRATEGIC INITIATIVES
(Conservation Land Stewardship Program)
and the
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

SUBJECT: Agreeing that the Conservation Land Stewardship Program (CLS), within the Office of Strategic Initiatives (OSI), will provide conservation easement monitoring capabilities for the Department of Natural and Cultural Resources (DNCR) and providing for the transfer of funds to accomplish this purpose (the AGREEMENT).

The AGREEMENT sets forth the responsibilities of DNCR and OSI (the PARTIES) relative to the administration and completion of conservation easement monitoring on those easement lands held by DNCR for the State of New Hampshire. Monitoring responsibilities are differentiated for the properties listed in Appendix A and Appendix B.

The AGREEMENT is subject to annual review and update; however, it is the intention of the PARTIES to ensure the long-term protection of these lands and the State's interest is achieved by providing for a timely renewal of the AGREEMENT. It is understood that monitoring of conservation easements, while performed annually, may not coincide perfectly with the fiscal year. The period of the AGREEMENT shall be from the date of Governor and Council approval through June 30, 2021.

For the purposes of the AGREEMENT, the PARTIES agree to cooperate as follows:

NH Department of Natural and Cultural Resources

For properties in Appendices A & B, DNCR agrees to:

- 1) transfer an amount not to exceed \$34,000.00 for FY 20 and \$34,000.00 for FY 21, from the Forest Management and Protection Fund to OSI upon approval by the Governor and Executive Council for the purposes of providing conservation easement monitoring support as outlined below; and
- 2) provide OSI with all necessary deeds, survey plans, maps, GIS shape files if available, photographs, addresses, and baseline documentation, as needed, for the included parcels; and
- 3) provide technical support to OSI regarding the prevention, interpretation, and /or enforcement, of violations or diminution of the terms of any conservation easement deed which is part of the AGREEMENT. DNCR shall have final determination of the disposition of the enforcement of the terms of any easement; and
- 4) provide technical advice and assistance to CLS regarding forest management and trail construction/maintenance practices as they may occur; and
- 5) assign appropriate staff to serve as the contact person to meet with OSI as needed to review progress of the program and develop the next annual AGREEMENT, and assist OSI when necessary regarding matters rising from the AGREEMENT; and
- 6) provide on an as available basis and as appropriate, a high clearance vehicle if needed for DNCR properties with difficult access; and

- 7) coordinate and/or participate in annual meetings with the Grantor and representatives from CLS as needed for certain Forest Legacy easements; and
- 8) review and approve/disapprove stewardship management plans and amendments of the Grantor as required by any conservation easement deed which is part of the Agreement and provide copies of correspondence/approvals to CLS; and
- 9) ensure monitoring report copies are provided to USDA/WMNF personnel for 13 Mile Woods I, Jahoda, and Joahoda/Johnson Forest Legacy parcels as agreed upon between USDA and DNCR.

For properties listed in Appendix B DNCR will:

- 1) assign a Forests & Lands staff contact to perform the monitoring of North Country conservation easements listed in Appendix B; and
- 2) develop with CLS staff a detailed plan for monitoring of North Country properties; and
- 3) conduct monitoring consistent with CLS protocols; and
- 4) communicate and/or meet regularly regarding monitoring activities, interpretation, enforcement, or other issues.

NH Office of Strategic Initiatives

For properties in Appendices A & B, OSI, through the CLS Program, agrees to:

- 1) accept the funds transferred by DNCR in an amount not to exceed \$34,000.00 for FY 20 and \$34,000.00 for FY 21 for the purpose of conducting conservation easement monitoring support; and
- 2) participate in annual meetings with the Grantor and representatives from DNCR as required for certain Forest Legacy easements.

For properties in Appendix A, CLS will:

- 1) conduct easement monitoring every 11 to 14 months on each parcel (every 12 months for Forest Legacy conservation easements) to include, where practicable, personal contact with the landowner or their representative to discuss the easement and any current and/or proposed activities related to the property; and
- 2) provide a copy of the monitoring report for each parcel upon completion of monitoring inspection (with additional copy to the Land and Community Heritage Investment Program as appropriate), including any information regarding changes of address, land management activities, interpretation issues, a statement of overall compliance with the terms of the easement, etc.; and
- 3) update and maintain database, records, photographs, GPS information, owner contact information, parcel status, interpretation and enforcement issues, baseline documentation for each parcel; and
- 4) coordinate with DNCR to explore methods of accessing low or no-cost aerial imagery to document the condition of the lands under conservation easement as practicable, necessary, or able; and

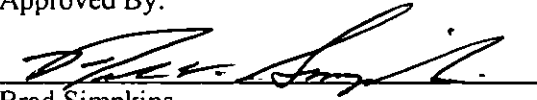
- 5) meet with DNCR as necessary to review the status of parcels and to resolve any problems, interpretation, or enforcement issues which may arise;
- 6) work with landowners and coordinate/participate in additional meetings and/or site visits as necessary to resolve problems, interpretation, enforcement, or other issues.
- 7) assign the CLS Coordinator, or other CLS staff as necessary to oversee and ensure that easement monitoring is conducted at levels consistent with the CLS monitoring protocols.

For properties in Appendix B, CLS will provide administrative coordination for the monitoring of North Country properties by Forest & Lands staff to:


- 1) maintain all monitoring records and files consistent with other DNCR conservation easement property files as provided by DNCR staff; and
- 2) provide quality assurance of DNCR monitoring and reporting through developing monitoring protocols, training and support, joint site visits, periodic meetings, regular communications, and other means; and
- 3) provide interpretation support to assure consistency of interpretation and enforcement matters as practicable.

In witness whereof, the respective parties have hereunto set their hands on the dates indicated.

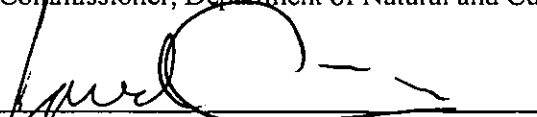
Approved By:


 Brad Simpkins
 Director, Division of Forest and Lands

5/16/19
 Date


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

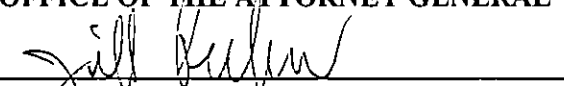
5-21-19
 Date


 Jared S. Chicoine
 Director, Office of Strategic Initiatives

5/9/19
 Date

Approved as to form, substance and execution:

**STATE OF NEW HAMPSHIRE
 OFFICE OF THE ATTORNEY GENERAL**


 Assistant Attorney General

5/22/19
 Date

Appendix A

Conservation Easements

South Country

<u>Property</u>	<u>Town</u>	<u>Acres</u>
Creek Farm / Noel	Portsmouth	30.0
Crotched Mountain	Greenfield / Fancestown / Bennington	1165.0
Green Acres Woodlands - South Branch	Groton / Dorchester	324.0
Green Acres Woodlands - Bailey Hill	Groton / Rumney	1436.0
Green Acres Woodlands - Groton Hollow	Groton / Plymouth / Hebron	3342.0
Kimball Pond	Dunbarton	1024.0
Moose Mountain	Brookfield / Middleton	2197.0
Ossipee Mountains / Chocurua	Ossipee / Tamworth / Tuftonboro	5372.0
Ossipee Pine Barrens (Target & Match)	Madison / Freedom	2224.0
Carroll Little River - North (Palmer Group)	Carroll	10.5
Carroll Little River - South (Palmer Group)	Carroll	10.7
Piermont Mountain (French)	Piermont	1650.0
Pillsbury - Belliveau	Lempster	218.0
Pillsbury Sunapee Highlands (Block A)	Washington / Bradford	2552.0
Pillsbury Sunapee Highlands (Block B)	Goshen/Newbury/Washington	2504.0
Pillsbury Sunapee Highlands (Block C)	Groton	952.0
Pillsbury Sunapee Highlands (Block D)	Alexandria	751.0
Pillsbury Sunapee Highlands (Block E)	Newbury	117.0
Pisgah - Woodman	Chesterfield	63.0
Rockingham Rec CE (Great Swamp Tract)	Hampstead	39.0
Rossvie Farm	Concord	547.0
Rhododendron - Slavic	Fitzwilliam	196.0
Trout Pond - Freedom Town Forest	Freedom / Madison	2661.0
Willard Pond I - Bald Mtn	Antrim	376.0
Willard Pond II - Robb Reservoir	Stoddard	1660.0
	Total Acres	31,421.21

Appendix B

Conservation Easements

North Country

<u>Property</u>	<u>Town</u>	<u>Acres</u>
Androscoggin Headwaters - North	Errol / Wentworth's Location	10,354
Androscoggin Headwaters - South	Cambridge / Dummer	12,603
Thirteen Mile Wood I - Plum Creek	Cambridge / Dummer	1,010
Thirteen Mile Wood I - Town of Errol	Cambridge / Errol	1,720
Jahoda	Pittsburg	344
Jahoda / Johnson	Clarksville	56
Pond of Safety	Randolph / Jefferson	10,198
CT Lakes Headwaters	Pittsburg / Clarksville / Stewartstown	146,326
Bunnell Mountain - TNC	Columbia	8,100
Bunnell Mountain - Bunting	Stratford	10,330
Thirteen Mile Wood II	Cambridge / Errol	5,269
Beaver Brook Falls	Colebrook	30
Jasper Mountain	Berlin	27
	Total Acres	206,367