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STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

603-271-2214
FAX: 603-271-6488
www.nhdf.org

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Executive Council
State House
Concord, New Hampshire 03301

June 24, 2015

REQUESTED ACTION

- 1) Pursuant to RSA 227-H:9, authorize the Department of Resources and Economic Development, Division of Forests and Lands (DRED) to enter into a retroactive Memorandum of Agreement (MOA) with the Department of Fish and Game (F&G), 11 Hazen Drive, Concord, New Hampshire 03301, for equipment and antenna space in designated areas at Mount Washington State Park for a 1-year period effective upon Governor and Executive Council approval from July 1, 2015 through June 30, 2016.
- 2) Further authorize DRED to accept an annual rental payment of \$10,000 for FY 2016. The rental payments will be deposited into accounting unit #03-35-35-351010-37420000 "Mt Washington Comm".

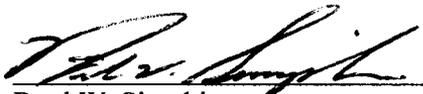
EXPLANATION

The summit of Mount Washington provides a critical base for NH F&G's ability to provide radio communications for its Conservation Officers and other field staff. The NH F&G Department executes all search and rescue operations that occur in the woods and waters of the state. NH F&G relies heavily on the Mount Washington tower to facilitate most of the state's search and rescue activity. Without this tower, the NH F&G Department would not effectively have the capabilities to keep its officers and citizens of New Hampshire safe. The MOA is subject to the "State of New Hampshire, Department of Resources and Economic Development Policy on Use and Management of Mountaintops for Communications Facilities", including that all installed communications equipment meet guidelines set forth by the "State of New Hampshire, Department of Resources and Economic Development Technical Requirements for the Use of Communication Sites."

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

Respectfully submitted,

Concurred,


Brad W. Simpkins
Director

7/7/15
Date


Jeffrey J. Rose
Commissioner

7/8/15
Date



MEMORANDUM OF AGREEMENT
between the
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
and the
DEPARTMENT OF FISH AND GAME

In accordance with RSA 227-H:9, this Memorandum of Agreement (Agreement) is entered into between the New Hampshire Department of Resources and Economic Development (DRED), 172 Pembroke Road, Concord, New Hampshire 03301, and the New Hampshire Department of Fish and Game (F&G), 11 Hazen Drive, Concord, New Hampshire 03301.

WHEREAS Mount Washington State Park, located at the Summit of Mount Washington in Sargent's Purchase, New Hampshire, is owned by the State of New Hampshire and managed by DRED through the Division of Parks and Recreation;

WHEREAS F&G currently occupies space in the Yankee Building on the summit of Mount Washington for equipment associated with its statewide radio system for the purpose of agency and public safety communications;

NOW THEREFORE, DRED and F&G agree to the following terms:

1. **Occupied Space.** F&G shall have the right to occupy certain space on the second floor of the Yankee Building for two 19-inch equipment racks together with the right to common areas necessary for access to lavatories (the Premises).
2. **Term.** The Agreement shall be in effect from July 1, 2015 until June 30, 2016, while DRED completes a market rent analysis of the Mount Washington communications tenant leases.
3. **Rent.** F&G shall pay DRED \$10,000 in rent upon approval of the Agreement by G&C or on July 1, 2015, whichever shall occur later.
4. **Access.** F&G must coordinate any access or entry to the Premises through DRED's Communication Technician. If possible, at DRED's sole discretion, DRED shall provide transportation free of charge for F&G to access the Premises on scheduled DRED transportation times; otherwise, F&G's access to the Premises shall be at F&G's expense. During the summer season, F&G shall, if possible, schedule non-emergency access at dates and times that cause the least amount of interruption to the public's recreational use of the property.

5. **Assignment.** F&G shall not assign its rights under the Agreement to any other third party without DRED's prior written consent.
6. **Notices** All notices, demands, requests and other communications required by the Agreement shall be in writing and shall be delivered to:
- (a) **DRED:**
The State of New Hampshire
Department of Resources and Economic Development
172 Pembroke Road
Concord, New Hampshire 03301
Attention: Jeffrey J. Rose, Commissioner (or duly appointed successor)
or at such other address of DRED from time to time may have designated by written notice to F&G. Such notice shall be deemed properly given upon the posting in the United States mail.
- (b) **F&G:**
The State of New Hampshire
Department of Fish and Game
11 Hazen Drive
Concord, New Hampshire 03301
Attention: Glenn Normandeau, Executive Director (or duly appointed successor)
or at such other address as the F&G from time to time may have designated by written notice to the DRED. Such notice shall be deemed properly given upon the posting in the United States mail.

(This section is intentionally left blank, signature page follows)

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed:

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT**

Concur:

BC
you *Susan Francker* *6/30/15*
Brad Simpkins Date
Director of Forests and Lands

Jeffrey J. Rose *6/30/15*
Jeffrey J. Rose Date
Commissioner

Philip A. Bryce *6-29-15*
Philip A. Bryce Date
Director of Parks and Recreation

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF FISH AND GAME**

Concur:

Major Kevin Jordan
Major Kevin Jordan Date
Acting Chief of Law Enforcement

Glenn Normandeau *6/11/15*
Glenn Normandeau Date
Executive Director

Approved to Form, Substance and Execution,

[Signature] *7/2/15*
Attorney General's Office Date
New Hampshire Department of Justice

Governor and Executive Council Approved: Date _____ Item No. _____