



New Hampshire Fish and Game Department

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Scott R. Mason
Executive Director

May 18, 2022

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 Natural and Cultural Resources (DNCR) (vendor code 177887) in the amount of \$45,000.00 for the purpose of implementing NH's Wildlife Action Plan from the date of Governor and Council approval through June 30, 2023. 100% Federal Funds.

Funding is available in account, Nongame Management for State Fiscal Year 2023 as follows:

03 75 75 751520-2125 Wildlife Program -Nongame Management

	<u>FY23</u>
20-07500-21250000-049-584935	Transfers to Other Agencies \$45,000.00

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 DNCR's Division of Forests and Lands. Staff at the NHB have the necessary expertise in biodiversity, ecology, and database management, and their program has maintained a statewide database of known rare species occurrences since 1987. This database provides New Hampshire businesses, communities, and state agencies a single source of information on the occurrence and distribution of wildlife, plants, and natural communities, and serves as a key tool in the development and implementation of the NH Wildlife Action Plan. Federal funds from NHFG will assist in implementation of the NH Wildlife Action Plan strategies including maintenance of the Natural Heritage database and the NHB will provide the necessary non-federal match.

Respectfully submitted,

Scott R. Mason
Executive Director

Kathy Ann LaBonte
Chief, Business Division

Memorandum of Agreement (MOA)
between the
New Hampshire Department of Natural and Cultural Resources
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 Natural and Cultural Resources (DNCR), hereafter referred to as the “Natural Heritage Bureau,” and the Nongame and Endangered Wildlife Program, a program within the New Hampshire Fish and Game Department (NHFG), 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 New Hampshire 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 Natural and Cultural Resources 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 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 Natural and Cultural Resources 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 NH State Wildlife Action Plan (WAP).

Nongame Program funding for the contracted services outlined in this document will be provided in part 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 July 1, 2022 through June 30, 2023.

PROJECT JOBS

The 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, 2023, in direct consultation with NHFG, the Natural Heritage Bureau will work on the following Projects under federal grants T2-3-R-2 and T-9-T-3 and succeeding grants for the same purpose.

Grant T2-3-R-2 Monitoring, Management and Recovery of New Hampshire's Wildlife Species of Concern

PROJECT 1 – Species Recovery Planning

GRANT OBJECTIVES:

Objective 1-1: To assess the distribution, condition, and risks to 20 Species of Greatest Conservation Need and data deficient wildlife by 2023.

Objective 1-2: To develop 10 recovery/population management plans and/or best management practices for species determined to be endangered, threatened, and special concern wildlife by 2023.

Action 1-1 (Objective 1-1): Research, Survey, Data Collection and Analysis (Action Strategy) Fish and Wildlife Species Data Acquisition and Analysis (Action Activity)

NHB Task: NHB will work with NHFG biologists to determine S-ranks for wildlife species and whether wildlife species should be tracked through the Heritage database. Following risk assessments, wildlife species may be recommended for a change in listing status under the Endangered Species Conservation Act (RSA 212-A) or Special Concern lists. NHB may also be asked to assist with wildlife surveys as needed.

Action 1-1 Unit of Measure:

- Number of investigations
- Number of wildlife surveys conducted

Action 1-2 (Objective 1-2): Planning (Action Strategy) Species and Habitat Management Planning (Action Activity)

NHB Task: Assist NHFG with developing restoration, recovery, and population management plans for priority species and/or habitats. Provide technical expertise to inform species and habitat plan development through meetings, data analysis, and helping to develop written documents such as guidelines or best management practices. NHB will attend periodic recovery team meetings during development and implementation of species recovery plans as requested.

Action 1-2 Unit of Measure:

- Number of plans
- Number of specific meetings for recovery plans

T-9-T-3 Conservation Science and Technical Assistance to Support Species and Habitat Protection and Recovery

PROJECT I - Research, Survey, Data Collection, and Analysis

GRANT OBJECTIVE:

Objective 1-1: To annually develop and/or manage at least three (3) comprehensive wildlife conservation data management systems including data acquisition, species recovery, monitoring, habitat management, monitoring WAP actions, and performance monitoring, to be used to guide conservation activities through 2023.

Action 1-1 (Objective 1-1) – Research, survey, data collection and analysis (Action Strategy), Information technology and management (Action Activity)

NHB Tasks:

- Download wildlife sightings from the Wildlife Sightings Database, verify that entries are accurate, map wildlife occurrences, and incorporate into the Biotics database. NHB will also assist in reviewing and vouchering select records in the Wildlife Sightings Database. NHB will download and map Wildlife Sightings at least once per month or as record updates become available from NHFG.
- 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 boundary data and wildlife habitats (using known home range sizes, habitat use information, existing data, and air photos, etc.). This may require partnering with neighboring states.
- 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 or provide NHFG with a Nature Serve user account for live access to data record updates.
- 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 1-1 Unit of Measure:

- Number of databases

Additional (non-TRACS) Measures for Results Narrative:

- Number of Element Occurrences updated in Biotics database
- Number of EOs added to Biotics database
- Number of species for which data occurrences was updated or added
- Number of actions tracked by the NH Wildlife Action Plan Database
- Number of priorities and regional actions identified by the Northeast Wildlife Action Plan Database
- Number of meetings with partners on database needs
- Number of database modules developed

GRANT OBJECTIVE:

***Objective 1-2:** To conduct at least one (1) habitat data acquisition and/or analysis investigation by 2023, such as enhancing, updating and maintaining NHFG's conservation GIS including updating habitat and habitat condition maps, developing models of ecological processes (e.g., connectivity and human influences), updating and refining maps of the distribution of wildlife and wildlife habitats for use by NHFG staff and partners in conducting conservation activities.*

Action 1-2 (Objective 1-2): Research, survey, data collection and analysis (Action Strategy), Habitat data acquisition and analysis (Action Activity)

NHB Task: Assist NHFG in developing habitat and habitat condition maps or ecological models that will be used by NHFG in conducting or providing assistance in identifying and implementing wildlife conservation activities. Includes updating existing Wildlife Action Plan maps.

Action 1-2 Unit of Measure:

- Number of Investigations

Additional (non-TRACS) Measures for Results Narrative:

- 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
- Number of connectivity analyses at the state or regional level
- Number of local connectivity analyses
- Incorporation of the effects of climate change into analyses
- Other specialized analyses

PROJECT 2 – Environmental Review

GRANT OBJECTIVE:

Objective 2-1: To annually review and provide recommendations on a minimum of 100 development and other impact projects proposed by applicants and state, federal, and municipal governmental agencies in order to minimize adverse impacts to endangered, threatened, and Species of Greatest Conservation Need (SGCN) wildlife through 2023.

Action 2-1 (Objective 2-1): Environmental review (Action Strategy), Review of proposed projects/plans (Action Activity)

NHB Tasks:

- Generate environmental database checks, update environmental review screening layers, and assist NHFG with other environmental review functions for SGCN wildlife.
- When requested by NHFG, review proposed projects and plans and provide written analysis and recommendations to NHFG.

Action 2-1 Unit of Measure:

- Number of projects/plans reviewed
- Number of environmental review screening layer updates

GRANT OBJECTIVE:

Objective 2-3: To annually review a minimum of one (1) existing protocol, policy, and/or guideline and recommend changes that will improve the coordination and efficiency among regulatory agencies, boards, and applicants to enhance the protection of sensitive and/or imperiled wildlife resources through 2023.

Action 2-3 (Objective 2-3): Environmental review (Action Strategy), Review of proposed projects/plans (Action Activity)

NHB Task: Assist NHFG in the development of 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. Participation in the Aquatic Resource Mitigation committee will be used as match for this activity.

Action 2-3 Unit of Measure:

- Number of projects/plans reviewed (policies)
- Number of environmental review guidelines developed

PROJECT 3 - Planning

GRANT OBJECTIVE:

Objective 3-1: *To continually evaluate priorities and performance of the NH Wildlife Action Plan through monthly meetings of the NH Wildlife Action Plan Implementation Team, in preparation for the 2025 Wildlife Action Plan revision.*

Action 3-1 (Objective 3-1): Planning (Action Strategy)

NHB Task: Participate in the Wildlife Action Plan Implementation Team that will focus on the 2025 Wildlife Action Plan revision. The Team reviews the status of Wildlife Action Plan actions as well as threats to species and habitats. In addition, the Team will make recommendations for adaptive management and prioritize actions listed in the current plan. The Team will develop and use performance metrics to track the effectiveness of the current plan and use in creating future plans. This includes the creation of more detailed plans to address particular species, taxonomic groups, species guilds, habitats, threats or actions listed in the Wildlife Action Plan as recommended by the Nongame and Endangered Wildlife Program Supervisor or the Wildlife Action Plan Implementation Team. As part of this action, NHB will participate in monthly NHFG Wildlife Action Plan meetings.

Action 3-1 Unit of Measure

- Number of plans
- Number of meetings attended

PROJECT 4 – Regional Collaboration

GRANT OBJECTIVE:

Objective 4-1: *To develop and disseminate wildlife information and habitat management recommendations, based on the needs of NH species of greatest conservation need and their habitats, to at least 1 regional (e.g., USFWS Region 5) and/or national organization annually through 2023.*

Objective 4-2: *To participate in at least 3 regional or national technical committees annually through 2023.*

Action 4-1 (Objective 4-1): Technical assistance (Action Strategy), Assistance to other organizations (Action Activity)

NHB Task: Provide Wildlife Action Plan maps, wildlife and habitat data, conservation planning tools, expert review, and other technical assistance to regional and national projects working on wildlife and habitats as requested by NHFG.

Action 4-1 Unit of Measure

- Number of organizations provided assistance

GRANT OBJECTIVE:

Objective 4-2: *To participate in at least 3 regional or national technical committees annually through 2023.*

Action 4-2 (Objective 4-2): Technical assistance (Action Strategy), Participation on technical committees (Action Activity)

NHB Task: Participate in regional wildlife and conservation working groups as requested by NHFG. Participation in the Aquatic Resource Mitigation committee and animal species related agenda items from the Department Lands Management Team (DLMT) meetings will be used as match for this activity.

Action 4-2 Unit of Measure

- Number of technical committees as requested by NHFG.

BUDGET	
<i>Federal Funds (provided by the Nongame Program)</i>	<i>\$45,000</i>
<i>Non-Federal Matching Funds (provided by the Natural Heritage Bureau)</i>	<i>\$24,230</i>
Project Grand Total	\$69,230

Total Funding Obligation

The Nongame Program will contract the services of the Natural Heritage Bureau from July 1, 2022 to June 30, 2023 for a total of **\$45,000**. Natural Heritage Bureau will be responsible for documenting a total of **\$24,230** 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 and approved invoice. Payments shall be made in accordance with the state's inter-governmental payment accounting process.

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, as applicable; 2) quarterly meetings

between NHB and NHFG 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: Mike Marchand, Nongame and Endangered Wildlife Program Supervisor, 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

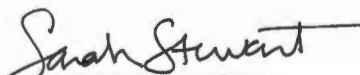
This MOA may be amended through June 30, 2023 by mutual agreement of all parties and Governor and Council approval.

Federal Award Information and Compliances


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

In witness of the Memorandum of Agreement:

5/18/2022
Date

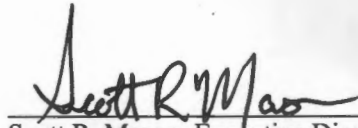


Sarah L. Stewart, Commissioner
N.H. Department of Natural and Cultural Resources



5/31

Date



Scott R. Mason, Executive Director

N.H. Fish and Game Department

Approved by the Attorney General this 6th day of June 2022. *As to form, substance, and execution.*



Attorney General's Office

Exhibit A

Federal Award Information and Compliances

1. Federal Award Information

Grant Title(s):

T2-3-R-2 Monitoring, Management and Recovery of New Hampshire's Wildlife Species of Concern

T-9-T-3 Conservation Science and Technical Assistance to Support Species and Habitat Protection and Recovery

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

Catalog of Federal Assistance Number: 15.634

Federal Grant Identifier(s): F18AF00374 (T2-3-R-2) and F18AF00154 (T-9-T-3)

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 <https://www.fws.gov/media/fws-financial-assistance-award-terms-and-conditions-2020-12-31>.

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 Cultural and Natural Resources shall comply with all provisions, as applicable, including but not limited to the following:

- a. Administrative Requirements: 2 CFR Part 200, Subparts A through D
- b. Cost Principles: 2 CFR Part 200, Subpart E
- c. Central Service Cost Allocation Plans: 2 CFR Part 200, Appendix V
- d. Indirect Cost Proposals: 2 CFR Part 200, Appendix VII
- e. Audit Requirements: 2 CFR Part 200, Subpart F
- f. 2 CFR Part 25, Universal Identifier and System for Award Management

- g. 2 CFR Part 170, Reporting Subawards and Executive Compensation Information
- h. 2 CFR Part 175, Award Term for Trafficking in Persons. Applies if funding could be provided under the award to a private entity as a subrecipient. See the award term for definitions.
- i. 2 CFR Part 200, Appendix XII, Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than \$500,000.
- j. 2 CFR Part 1400, Nonprocurement Debarment and Suspension
- k. 2 CFR Part 1401, Requirements for Drug-Free Workplace
- l. 2 CFR Part 1402, Federal Assistance Interior Regulation, supplementing 2 CFR 200 Parts A-D
- m. 43 CFR 18, New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
- n. 41 USC §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. Applies to all awards over the simplified acquisition threshold (currently \$250,000). 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. 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. The recipient shall insert this clause in all subawards and in contracts over the simplified acquisition threshold related to this award.
- o. 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.
- p. 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. 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.
- q. 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.