



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 4, 2016

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

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to enter into a **sole source** Memorandum of Agreement with the Department of Resources and Economic Development, Concord, NH (DRED) (VC# 177887-B001) in the amount of \$100,500 for projects to conduct research and develop tools related to characterize wetlands for assessment, permitting or resource protection purposes, effective upon G & C approval through September 30, 2018. 100% Federal Funds.

Funding is available in the account as follows, with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified.

	<u>FY 16</u>	<u>FY 17</u>
03-44-44-442010-2205-072-500576	\$60,000	\$40,500
Dept. Environmental Services, Wetland Improvement Grants, Grants - Federal		

EXPLANATION

DES was awarded a federal grant from EPA for the implementation of a project entitled: "Wetland Biocriteria and Outreach Tools in New Hampshire." This agreement is **sole source** because the EPA-approved grant workplan directs \$100,500 to DRED as a term and condition of the grant award. The attached Memorandum of Agreement outlines the scope of work for DRED to utilize the portion of grant funds identified above.

The DRED-Natural Heritage Bureau finds, tracks, and facilitates the protection of New Hampshire's rare plants and exemplary natural communities (types of forests, wetlands, grasslands, etc.). Its mission, as mandated by the Native Plant Protection Act of 1987 (RSA 217-A), is to determine protective measures and requirements necessary for the survival of native plant species in the state, investigate the condition and degree of rarity of plant species, and distribute information regarding the condition and protection of these species and their habitats.

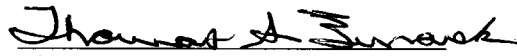
Under this grant, the DRED-Natural Heritage Bureau will:

- Evaluate and document historical exemplary wetland systems so they can be reliably used for environmental reviews and conservation planning.
- Identify and report on thresholds for interpreting Floristic Quality Assessment (FQA) scores that are specific to New Hampshire wetland types.

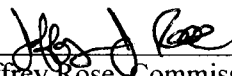
In the event that federal funds no longer become available, general funds will not be requested to support this program.

This agreement has been approved as to form, content, and execution by the Attorney General's Office.

We respectfully request your approval.



Thomas S. Burack, Commissioner
Department of Environmental Services



Jeffrey Rose, Commissioner
Department of Resources and Economic Development



**MEMORANDUM OF AGREEMENT
BETWEEN THE
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
NATURAL HERITAGE BUREAU
AND THE
DEPARTMENT OF ENVIRONMENTAL SERVICES**

PROJECT: Wetland Biocriteria and Outreach Tools in New Hampshire

This Memorandum of Agreement (hereinafter called the “Agreement”) describes a project that has been agreed to by the Department of Resources and Economic Development Natural Heritage Bureau (DRED-NHB) and the New Hampshire Department of Environmental Services (DES) Watershed Management Bureau, which includes tasks related to characterizing wetlands for assessment, permitting or resource protection purposes. This project is funded from the following Federal Clean Water Act section 104(b)(3) wetland grant awarded to DES by the U.S. Environmental Protection Agency (EPA) on September 18, 2015.

Federal Assistance ID No. CD-00A00014-0: *Wetland Biocriteria and Outreach Tools in New Hampshire*

DRED-NHB agrees to conduct the following tasks. A description of each task is followed by the grant funding and the Federal fiscal year in which the work is anticipated to be completed. Year 1 begins upon Governor and Council approval and ends September 30, 2016, Year 2 begins October 1, 2016 and ends September 30, 2017, and Year 3 begins October 1, 2017 and ends September 30, 2018. Task numbers correspond to those in the EPA-approved grant application workplan.

Table 1. Task descriptions and timelines.

<i>Task and grant-funded amount</i>	<i>Description</i>	<i>Timeline/ Due Date</i>
Part of Tasks 2 & 3	Before reviewing natural community records to identify those that need updates (Task 2, Subtask 1) or collecting data during surveys for those natural community records with insufficient data (Task 1, Subtask 2) or collecting relev� data for wetland systems lacking useable data (Task 3, subtask 1.C.), NHB will provide appropriate text for task-related elements of QAPP for incorporation into grant QAPP and respond to task-related EPA comments, as needed for EPA’s approval of the QAPP, no less than 60 days before field data collection or data review activity is scheduled to start.	Provide input for draft QAPP and provide review of and comment on draft QAPP within 30 days of receipt.

<p>Task 2 in Grant Workplan:</p> <p>Evaluate and document historical exemplary wetland systems so they can be reliably used for environmental reviews and conservation planning.</p> <p>\$60,000</p> <p>(Completion of this task is required if only first-year funding is received from EPA).</p>	<p>1.A. Identify outdated wetland natural community records that do not meet current data quality standards.</p> <p>1.B. Evaluate wetlands with EIA, current land cover data, aerial imagery, current GIS data layers, conservation status rank, improved vegetation classification.</p> <p>1.C. Update maps and ecological ranks in NHB Database.</p> <p>2.A. For records with insufficient data, resurvey in the field those that will best inform the establishment of FQA benchmark thresholds.</p> <p>2.B. Report on the updated wetland community records, including digital state-wide mapped extent, consistent with recent aerial imagery, and quantitative ecological integrity rank.</p>	<p>Feb 2016 - Apr 30, 2017</p>
<p>Task 3 in Grant Workplan:</p> <p>Develop thresholds for interpreting Floristic Quality Assessment (FQA) scores that are specific to NH wetland types.</p> <p>\$40,500</p>	<p>Determine least-impacted reference condition thresholds for FQA indices (mean C) for approximately 15 vegetated wetland system types in NH.</p> <p>1.A. Review existing relevé (plant plot) data.</p> <p>1.B. Identify wetland types for which new field surveys need to be conducted.</p> <p>1.C. Conduct field surveys to collect relevé data for wetland systems that will best inform the establishment of FQA benchmark thresholds.</p> <p>1.D. Analyze data for FQA indices values.</p> <p>1.E. Identify thresholds for minimally impacted reference wetlands by type.</p> <p>Report on FQA thresholds for wetland system types.</p>	<p>Oct 2016 - Apr 30, 2018</p>

For the purpose of the Agreement, DRED-NHB and DES agree to cooperate as follows:

Unless otherwise authorized by DES, the DRED-NHB agrees to:

1. Assign appropriate staff and complete the tasks as described in this agreement.
2. Receive payment of no more than \$60,000 until notified by DES that second-year funds for DRED-NHB have been received from EPA.
3. Complete tasks in accordance with the schedule shown in Table 1. Due dates shown in Table 1 may be extended with prior written approval from DES.
4. As a minimum, complete Task 2 if only first-year federal funding is received.
5. Meet with DES semi-annually to review progress on tasks and any technical issues, report on work underway and work remaining to be completed.
6. Submit semi-annual reports to DES by April 30 and October 31 of each year, starting with April 30, 2016. The reports shall include:
 - Work progress and status, including preliminary data results (if applicable) and the estimated percent complete for each task;
 - Changes in key personnel, if any;

- A detailed description of how activities were performed (i.e. methodologies used) and difficulties encountered (if applicable);
 - A comparison of accomplishments to date with anticipated outputs/outcomes specified in the original workplan, and explanation of why anticipated outputs and outcomes were not met;
 - Expenditures relative to budget; and
 - A statement of activity anticipated during the subsequent reporting period and other pertinent information.
7. Notify DES as soon as possible of problems, delays, or adverse conditions which affect the ability to meet the outputs/outcomes specified in the proposed work plan.
 8. Provide additional information on project details to DES, as requested.
 9. Submit all products, including reports and supporting data and information, to DES in electronic format (such as MS-Word or pdf for text documents, MS-Excel for spreadsheets, or shape files for GIS).
 10. Submit invoices to DES quarterly. Invoices shall be accompanied by the semi-annual report – current or last submitted – described in item 6 of this section. NHB agrees that they will receive no more than 80 percent of the total amount of federal funding received for this project (i.e., \$48,000 if only \$60,000 is received, and \$80,400 if \$100,500 is received) until the final report (Task 3 in Table 1) is submitted to and approved by DES.

The Department of Environmental Services agrees to:

1. Assign responsible staff to serve as the contact person with DRED-NHB regarding any provision of this agreement.
2. Conduct timely reviews of draft reports and draft QAPP text, and provide comments and respond to questions in a timely manner.
3. Meet with DRED-NHB semi-annually to review status of tasks and any technical issues, receive reports on work underway and work remaining to be completed.
4. Respond in writing to requests for changes to the schedule that are mutually agreeable.
5. Notify DRED-NHB if DES receives an additional \$40,500 in funding for DRED-NHB from EPA.
6. Transfer funds not to exceed \$60,000 from DES to DRED-NHB after Governor and Council approval of this Agreement, based on costs incurred and billed and in accordance with the schedule and terms of payment specified in this Agreement. If DES receives additional funds from EPA for DRED-NHB, DES will transfer the additional funds from DES to DRED-NHB based on the costs incurred and billed and in accordance with the schedule and terms of payment specified in this Agreement.

Termination of any paragraph, part or section of this Agreement per the conditions described herein shall not be interpreted as termination of the entire Agreement. The period of this Agreement shall be from the date of Governor and Council approval to September 30, 2018 or as agreed by written extension and signed by the parties to this agreement.

Schedule of payment

Following Governor and Council approval, transfer of funds will occur within 30 days of approved quarterly billing based on actual costs incurred with supporting documentation in accordance with the schedule shown in Table 1 and terms of payment specified in this Agreement.

IN WITNESS WHEREOF, the respective parties have hereunto set their hand on the dates indicated.

Date 4/4/2016

Thomas S. Burack
Thomas S. Burack, Commissioner
Department of Environmental Services

Date 2/25/16

Jeffrey Rose
Jeffrey Rose, Commissioner
Department of Resources and Economic Development

Reviewed and approved as to form, substance and execution.

Date 4/5/2016

Christopher E. Astor
Office of the Attorney General
Print Name Christopher E. Astor, AG

SECRETARY OF STATE

I hereby certify that the foregoing contract was approved by the Governor and Executive Council of the State of New Hampshire at their meeting on _____.

Signed _____