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STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS
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November 9, 2012

His Excellency, Governor John H. Lynch
and the Honorable Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Authorize the Department of Resources and Economic Development, Division of Forests and Lands, Natural Heritage Bureau to enter a Memorandum of Agreement (MOA) with the Department of Environmental Services (DES) (VC# 177894) in the amount of \$33,736 for the development of outreach materials, including a vernal pool website and enhanced field guide materials which is in compliance with a grant awarded by the US Environmental Protection Agency (EPA) upon Governor and Council approval through April 30, 2014. 100% Federal Funds
2. Further authorize the Department to enter into a MOA with New Hampshire Fish and Game (NHFG) (VC# 177911) in the amount of \$30,000 for upgrading their Wildlife Sightings website to better accommodate vernal pool data which is in compliance with a grant awarded by the EPA upon Governor and Council approval through April 30, 2014. 100% Federal Funds

Funding is available in account titled Natural Heritage – Federal, as follows and pending budget approval for Fiscal Year 2014 with authority to adjust encumbrances in each of the State Fiscal years through the Budget Office if needed and justified.

	<u>FY 2013</u>	<u>FY 2014</u>
03-35-35-351010-21040000-049-500294 Transfer to Other State Agencies	\$31,868	\$31,868

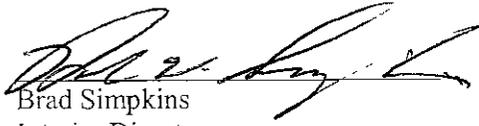
EXPLANATION

The Department’s Natural Heritage Bureau (NHB) has been awarded a grant from the EPA to conduct a project titled “Modeling Vernal Pool Locations and Outreach.” Vernal pools are temporary bodies of water that provide critical breeding habitat for multiple species of amphibians. The purpose of the project is to develop a predictive model for vernal pool habitats, and to conduct outreach efforts to facilitate resource identification and protection, through a collaborative effort with DES and NHFG. The MOA’s formalize this collaboration, i.e. DES will be developing outreach materials, including a vernal pool website and enhanced field guide materials, as well as assisting NHB with the development of the predictive model, and NHFG will be upgrading their Wildlife Sightings website to better accommodate vernal pool data.

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



Respectfully submitted,



Brad Simpkins
Interim Director

Concurred,

TW



Philip A. Bryce
Acting Commissioner

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

PROJECT: Modeling Vernal Pool Locations and Vernal Pool Outreach

This Memorandum of Agreement (hereinafter called the "Agreement"), describes a project which 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) Wetlands Bureau, that includes the development of a model to predict the location of vernal pools, as well as efforts to improve information provided to the public and natural resource professionals on vernal pools. This project is funded from the following federal Clean Water Act section 104(b)(3) wetland grant awarded to DRED-NHB by EPA on September 20, 2012.

Grant (Federal Assistance ID No. CD-96169501): *Modeling Vernal Pool Locations and Outreach*

The following is a general description of the EPA approved grant work plan elements involving DES:

Task 2 of the EPA approved work plan involves the development of a model for predicting potential vernal pool locations. This will include DES providing any existing data or leads to existing data on vernal pool locations and distribution, as well as any references on previous modeling efforts as part of a literature review. DES staff will assist in the development of the model. Task 3 involves outreach to the general public and permittees on natural resource information and regulatory requirements. This outreach will include the development by DES of a vernal pool web page, as well as documentation sheet(s) and useful field guide materials on secondary vernal pool indicators.

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 no later than April 30, 2014 or as agreed by written extension as signed by the parties to this agreement.

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

- A. The Department of Environmental Services agrees to perform the following tasks by the dates and time periods shown (unless time extensions are otherwise authorized by DRED-NHB):
1. Attend meetings, led by DRED-NHB, on the collection of existing data and model development.
 2. Review and provide input and feedback on the Quality Assurance Project Plan (QAPP), which is to be developed by DRED-NHB.
 3. Compile all digitized vernal pool information held by DES and, as time allows, compile additional known vernal pool information, and provide this information to DRED-NHB by January 31, 2013.
 4. In consultation with New Hampshire Fish & Game (NHF&G) Nongame and Endangered Wildlife Program, provide input to DRED-NHB on the development of the vernal pool location model before and during its development, and "testing" afterwards.
 5. Assist in conducting field visits to ground-truth the location model, as needed (not to exceed 10 field days).

6. Develop a vernal pool web page on the DES website that includes links to the rules, Wildlife Action Plan, and other related materials to provide the resources that consultants, conservation commissions, and the general public will find useful in permitting and resource protection and educational efforts, with the web page being available by December 31, 2013.
7. Develop useful field guide materials that include information to assist in the identification of secondary vernal pool indicators for use during both the breeding and non-breeding seasons, with the materials available by December 31, 2013.
8. Create a documentation sheet for DES staff and others to use that includes secondary vernal pool indicators, and can be attached to the updated version of *Identification and Documentation of Vernal Pools in New Hampshire*, with the sheet available by March 31, 2014.
9. Provide input, as needed, to NHF&G on the updating of the 2nd edition of the *Identification and Documentation of Vernal Pools in New Hampshire* manual so that it is consistent with DES vernal pool Rules adopted in 2008.
10. Review and provide comment on the final grant report to be written by DRED-NHB.

B. The Department of Resources and Economic Development Natural Heritage Bureau agrees to:

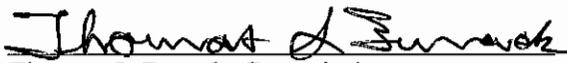
1. Assign responsible staff to serve as the contact person with DES regarding any provision of this agreement.
2. Draft a QAPP, revise the QAPP to address any comments received from DES and NHF&G, submit a final version to EPA, and then revise the QAPP to address any comments received by EPA.
3. Coordinate and lead meetings on the collection of existing data and model development.
4. Develop vernal pool location model.
5. Prepare a final grant report to be delivered to EPA.
6. Transfer funds not to exceed \$33,736 from DRED-NHB to DES upon Governor and Council (G&C) approval of this Agreement in accordance with the following schedule of payment:

Schedule of Payment

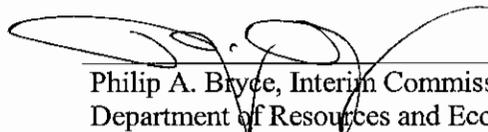
DES will receive an initial payment of \$8,434 within thirty (30) days of G&C approval. Subsequent invoices will be submitted quarterly by DES to DRED-NHB. Payment shall be provided within thirty (30) days of billing.

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

Date 11/8/2012

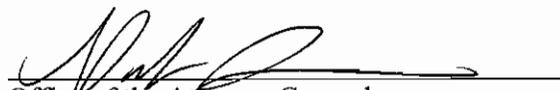

Thomas S. Burack, Commissioner
Department of Environmental Services *tm*

Date 11/14/12


Philip A. Bryce, Interim Commissioner
Department of Resources and Economic Development

Reviewed and approved as to form, substance and execution.

Date 11/19/12


Office of the Attorney General
Print Name Patrick Quacken

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 _____

**MEMORANDUM OF AGREEMENT
BETWEEN THE
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
NATURAL HERITAGE BUREAU
AND THE
NEW HAMPSHIRE FISH AND GAME DEPARTMENT**

PROJECT: Modeling Vernal Pool Locations and Vernal Pool Outreach

This Memorandum of Agreement (hereinafter called the "Agreement"), describes a project which has been agreed to by the Department of Resources and Economic Development Natural Heritage Bureau (DRED-NHB) and the New Hampshire Fish and Game Department (NHFG), that includes the development of a model to predict the location of vernal pools, as well as efforts to improve information provided to the public and natural resource professionals on vernal pools. This project is funded from the following federal Clean Water Act section 104(b)(3) wetland grant awarded to DRED-NHB by EPA on September 20, 2012.

Grant (Federal Assistance ID No. CD-96169501): *Modeling Vernal Pool Locations and Outreach*

The following is a general description of the EPA approved grant work plan elements involving NHFG:

Task 2 of the EPA approved work plan involves the development of a model for predicted potential vernal pool locations. This will include NHFG providing DRED-NHB with any existing data or leads to existing data on vernal pool locations and distribution, as well as any references on previous modeling efforts as part of a literature review. Input and feedback on the development of the model will also be provided. Task 3 involves outreach to the general public and natural resources professionals on vernal pool habitats and wildlife. This outreach will include an update by NHFG to the NHFG *Identification and Documentation of Vernal Pools in New Hampshire* manual, which was last updated in 2004. NHFG will also upgrade the Wildlife Sightings website to more easily accommodate vernal pool data.

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 no later than April 30, 2014 or as agreed by written extension as signed by the parties to this agreement.

For the purpose of this Agreement, DRED-NHB and NHFG agree to cooperate as follows.

- A. The New Hampshire Fish and Game Department agrees to perform the following tasks by the dates and time periods shown (unless time extensions are otherwise authorized by DRED-NHB):
 1. Attend meetings on the collection of existing data and model development.
 2. Provide input and feedback on the Quality Assurance Project Plan (QAPP), which is to be developed by DRED-NHB.
 3. Compile known vernal pool information held by NHFG, and provide this information to DRED-NHB by January 31, 2013.
 4. Provide GIS expertise and assist with the development of the vernal pool location model, with an initial draft of the model completed by May 31, 2013.

5. Assist with the update the NHFG *Identification and Documentation of Vernal Pools in New Hampshire* manual, including documentation sheets for secondary vernal pool indicators, with an initial draft completed by December 31, 2013.
6. Upgrade the Wildlife Sightings website to more easily accommodate vernal pool data, with the improvements completed by January 31, 2014.

B. The Department of Resources and Economic Development Natural Heritage Bureau agrees to:

1. Assign responsible staff to serve as the contact person with NHFG regarding any provision of this agreement.
2. Transfer funds not to exceed \$30,000 from DRED-NHB to NHFG upon Governor and Council approval of this Agreement in accordance with the following schedule of payment:

Schedule of Payment

Invoices will be submitted quarterly by NHFG to DRED-NHB. Payment shall be provided within thirty (30) days of billing.

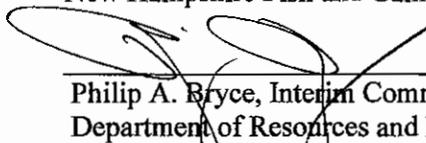
IN WITNESS WHEREOF, the respective parties have hereunto set their hand on the dates indicated.

Date 11/6/12



 Glenn Normandeau, Executive Director
 New Hampshire Fish and Game Department

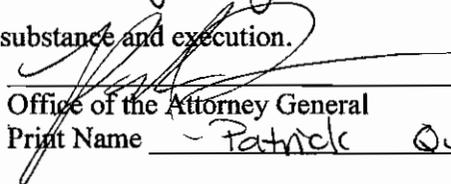
Date 11/15/12



 Philip A. Bryce, Interim Commissioner
 Department of Resources and Economic Development

Reviewed and approved as to form, substance and execution.

Date 11/19/12



 Office of the Attorney General
 Print Name Patrick Queenan

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 _____