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STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION OF FORESTS AND LANDS

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July 6, 2021

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 **Retroactive** Memorandum of Agreement (MOA) with the Conservation Land Stewardship Program (CLSP) 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 from July 1, 2021 through June 30, 2023. 100% Agency Income.

Funding is available in account, Management and Protection Fund, as follows:

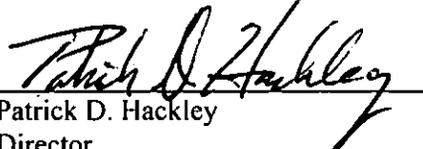
	<u>FY 2022</u>	<u>FY 2023</u>
03-35-35-351010-35050000-049-500294 - Transfer to Other State Agencies	\$34,000	\$34,000

EXPLANATION

The intent of this MOA is to provide funding to the CLSP to monitor and provide stewardship services of the State's interests in privately owned conservation lands held by DNCR. Stewardship and monitoring of many of these easements is required under the federal funding that supported the original easement acquisition. The CLSP monitors and stewards several other state-held conservation easements. Providing monitoring and stewardship support through the CLSP, minimizes duplication of effort and enables cost-saving efficiencies since many of the easements held by DNCR are contiguous with properties that the CLSP is already responsible for. This request is **retroactive** because CLSP was part of the Office of Strategic Initiatives, which was restructured as part of House Bill 2 effective July 1, 2021. The CLSP is now administratively attached to the Department of Administrative Services.

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

Respectfully submitted,


Patrick D. Hackley
Director

Concurred, (100)

Sarah L. Stewart
Commissioner

MEMORANDUM OF AGREEMENT
between the
CONSERVATION LAND STEWARDSHIP PROGRAM
and the
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

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

The AGREEMENT sets forth the responsibilities of DNCR and CLS (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 biennial 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, 2023.

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 22 and \$34,000.00 for FY 23, from the Forest Management and Protection Fund to CLS upon approval by the Governor and Executive Council for the purposes of providing conservation easement monitoring support as outlined below; and
- 2) provide CLS 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 CLS 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 CLS as needed to review progress of the program and develop the next annual AGREEMENT, and assist CLS 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 Jahoda/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 conservation easements listed in Appendix B; and
- 2) develop with CLS staff a detailed plan for monitoring of Appendix B properties; and
- 3) conduct monitoring consistent with CLS protocols; and
- 4) communicate and/or meet regularly regarding monitoring activities, interpretation, enforcement, or other issues.

Conservation Land Stewardship Program

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

- 1) accept the funds transferred by DNCR in an amount not to exceed \$34,000.00 for FY 22 and \$34,000.00 for FY 23 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, unless otherwise agreed to by DNCR. Forest Legacy conservation easements shall be monitored no later than every 12 months. Monitoring 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 or satellite-based 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; and

- 6) work with landowners and coordinate/participate in additional meetings and/or site visits as necessary to resolve problems, interpretation, enforcement, or other issues; and
- 7) ensure the CLS Program Director, or other CLS staff, will 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 properties by Forests & 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:



 Patrick D. Hackley
 Director, Division of Forests and Lands

7/8/21
 Date



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

7/12/21
 Date

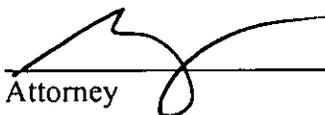


 Stephen G. Walker
 Director, Conservation Land Stewardship Program

2 July 2021
 Date

Approved as to form, substance and execution:

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



 Attorney

7/14/2021
 Date