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New Hampshire Fish and Game Department

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Scott R. Mason
Executive Director

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December 23, 2022

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the NH Fish and Game Department (NHFGD) to enter into a Memorandum of Agreement with the United States Fish and Wildlife Service (USFWS) (VC#175773) in the amount of \$37,500 to support the restoration of American Shad, Blueback Herring, Shortnose Sturgeon, American Eel, Sea Lamprey and other migratory fishes and their habitats to the Connecticut River effective upon Governor and Council approval through June 30, 2027. 100% Fish and Game Funds.

Funds are available in the following account for Fiscal Year 2023, and are anticipated to be available in Fiscal Years 2024 through 2027 upon the continued appropriation of funds in the future operating budgets, with the authority to adjust encumbrances between fiscal years within the price limitation through the Budget Office, if needed and justified:

03-075-075-752020-21300000, Inland Fisheries Management
075-500590-Grants Non-Federal

<u>FY 23</u>	<u>FY 24</u>	<u>FY 25</u>	<u>FY 26</u>	<u>FY 27</u>
\$7,500	\$7,500	\$7,500	\$7,500	\$7,500

EXPLANATION

THE NHFGD has cooperated with the USFWS in the restoration of migratory fish and their habitats on the Connecticut River for many years. This was accomplished through a USFWS Sportfish Restoration Federal Aid Grant (F-100-R). This grant has concluded but the work needs to continue in order to benefit the citizens and anglers of New Hampshire. Under this MOA, the USFWS will provide for centralized interagency coordination of program activities, information management, program advocacy and outreach, regulatory assistance, and technical assistance, to help protect, conserve, restore and enhance migratory fish populations and their habitats in the Connecticut River Basin for public benefit. Fish population assessment and research activities, data collection and related work will also be conducted by the USFWS with partners to address program priorities. Three other states have committed similar funding for this work including Connecticut, Massachusetts, and Vermont.

Respectfully submitted,

Scott R. Mason
Executive Director

Kathy Ann LaBonte
Chief, Business Division

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES FISH AND WILDLIFE SERVICE
AND
THE FISHERY AGENCIES OF THE STATES OF
CONNECTICUT
MASSACHUSETTS
NEW HAMPSHIRE
AND
VERMONT**

I. PURPOSE

This Memorandum of Understanding (MOU) is made and entered into by and between the U.S. Fish and Wildlife Service, hereafter referred to as the Service, and the States, under authority of the Connecticut River Atlantic Salmon Compact, P.L. 98-138, Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)), the Fish and Wildlife Coordination Act, 16 U.S.C. 661, and the Economy Act, Title 31, U.S. Code, Section 1535. The Service and the States have a history of, and a common interest in, restoring the Connecticut River stock of American Shad, Blueback Herring, Shortnose Sturgeon, American Eel, Sea Lamprey and other migratory fishes and their habitats to the Connecticut River. The States of Connecticut, Massachusetts, New Hampshire and Vermont have been working cooperatively since 1967 to restore and manage migratory fish in the Connecticut River watershed. Until 1982, cooperative efforts were guided by the Policy and Technical Committees for Fisheries Management of the Connecticut River Basin. Subsequently, the Connecticut River Atlantic Salmon Commission (Commission) was developed and will operate through October 2023. The Commission and its supporting Technical Committee are served by representatives from the four state fishery agencies (Connecticut Department of Energy and Environmental Protection (CTDEEP), Massachusetts Division of Fisheries and Wildlife (MassWildlife), New Hampshire Fish and Game Department (NHFG), Vermont Fish and Wildlife Department (VTFW), the public, the National Marine Fisheries Service, the Service, and the U.S. Forest Service. The CRASC members are developing a new Connecticut River Migratory Fish Restoration Cooperative that is planned to become active with the Federal sunset of the CRASC in October of 2023. The Cooperative is intended to seamlessly transition the CRASC membership and structure to better defined and current purposes and will follow a similar organizational and operational structure.

A Connecticut River Coordinator position was established to manage administration of the program in 1967. The Coordinator's office, re-titled the Connecticut River Fish and Wildlife Conservation Office, is located in Sunderland, Massachusetts. This office is staffed by the Coordinator/Project Leader and one Fish Biologist. Funding for the office has been provided by the Service through appropriated funds and through funding by the

four state fish and wildlife agencies, which is eligible (should they choose) for reimbursement through Dingell-Johnson Sport Fish Restoration program grants administered by the Service's Division of Wildlife and Sport Fish Restoration (WSFR).

Restoration activities conducted in the Connecticut River basin require close coordination and cooperation from state and federal resource agencies, regulatory agencies, universities, public and private power companies, conservation groups, and individuals involved or affected by migratory fish restoration activities. Such coordination requires a standard focal point, or coordinator, and associated staff to facilitate and provide interagency coordination, information management and dissemination, program accountability, communication, program advocacy, and technical, management and research assistance.

The need for coordination, technical assistance and outreach is established in the Commission's *Management Plan for American Shad in the Connecticut River Basin (2017; Fish Passage Performance Addendum 2020)*, and *Management Plan for River Herring in the Connecticut River Basin (2004)*.

Expected results and benefits include improved interagency communication, documentation, and information dissemination, regulatory coordination, and efficiency in cooperatively accomplishing high priority planning, management and research objectives. The approach emphasizes the Connecticut River Basin Migratory Fish Restoration Program as a coordinated effort versus individual agency programs and initiatives as well as in the design and implementation of priority field and laboratory work activities.

II. SCOPE

Under this MOU, the Service will provide for centralized interagency coordination of Program activities, information management, program advocacy and outreach, regulatory assistance, technical assistance, to help protect, conserve, restore and enhance migratory fish populations and their habitat in the Connecticut River Basin for public benefit. Field population assessment and research activities, data collection and related work will also be conducted by the Service with partners to address Program priorities.

III. SERVICE RESPONSIBILITIES

Specifically the Service will:

- A. Work closely with the State member agency of the Connecticut River Atlantic Salmon Commission and its Technical Committee (and its future alternate – Migratory Fish Cooperative) to help protect, conserve, restore and enhance migratory fish populations and their habitat in the Connecticut River Basin for public benefit.
- B. The Connecticut River Coordinator may serve as Executive Assistant to the Commission and Secretary to the Technical Committee (if appointed by the Commission), or in related roles in the pending Migratory Fish Restoration Cooperative. The Coordinator will: arrange meetings; prepare and distribute meeting agendas and

Minutes of meetings; maintain databases; serve on technical committees and work groups; keep all records of Commission and/or future Cooperative business and finances; assist in the preparation of the annual financial report to the Governors and legislators of the member states as required by Article XI of the Compact;

- C. Invoice the States for final payment on or before June 30 annually to coincide with the States' fiscal year.
- D. Fund permanent personnel costs for the Connecticut River Coordinator position.
- E. Prepare an annual performance report for the Connecticut River Coordinator's Office and submit it to the Division of Wildlife and Sport Fish Restoration (WSFR), with a copy to the States, to comply with the requirements of the state WSFR grants (F-100-R) for those states that choose to use WSFR funding. The report will be submitted by December 31 or within 90 days of the end of the grant period. Regardless of funding source (State only funds or WSFR) the noted Annual Report will be provided on the same schedule.
- F. The Coordinator (CTRFWCO) may lead or have partner roles in fish population and habitat assessments, monitoring, or research activities, data collection and related work within the basin.

IV. STATE RESPONSIBILITIES

Specifically, each State will:

- A. Fund its identified share of Program operational costs for this Project to cover costs including, but not limited to, seasonal employees or other temporary staff, technical committee meeting travel, field or laboratory equipment or supplies, office/facility operations (may include electric, fuel, or other equipment costs), data compilation and reporting, office and facility supplies, and other costs supporting Program activities.

V. FUNDING

Project Budget showing annual operational cost payment to the Service's Connecticut River Coordinator's Office (CT River FWCO) from the states and eligible for Federal Aid in Sport Fish Restoration grants, F-100-R, is shown below. This Project has been in effect since November 1983. The Project plan is reviewed and revised every five years and funds are obligated by the four basin states on an annual basis.

Year	Title	CTDEEP Cost	MassWildlife Cost	NHFG Cost	VTFW Cost	Total
2023	Coordination & Technical Assistance	\$7,500	\$7,500	\$7,500	\$7,500	\$30,000
2024	Coordination & Technical Assistance	\$7,500	\$7,500	\$7,500	\$7,500	\$30,000
2025	Coordination & Technical	\$7,500	\$7,500	\$7,500	\$7,500	\$30,000

	Assistance					
2026	Coordination & Technical Assistance	\$7,500	\$7,500	\$7,500	\$7,500	\$30,000
2027	Coordination & Technical Assistance	\$7,500	\$7,500	\$7,500	\$7,500	\$30,000
Total		\$37,500	\$37,500	\$37,500	\$37,500	\$150,000

*The four State Agencies may choose to fund their annual contribution using only state funds or elect at their discretion to use their Sport Fish Restoration Act funds using the WSFR Program.

This MOU is contingent upon the availability of funding to the Service and the States for this project. Nothing herein contained shall be construed as binding the Service to expend any sum in excess of Congressional appropriations as administratively allocated for the purpose of this MOU for the fiscal year. Nor is there anything herein contained that shall be construed as binding the States to expend any sum in excess of available state budget appropriations and WSFR apportionment funding unless so granted for the purpose of this MOU for the fiscal year.

VI. EFFECTIVE DATE

This MOU becomes effective upon the date of the last approving signature and will remain in effect indefinitely until superseded, rescinded, or modified by written, mutual agreement of both parties. Termination of the MOU by any signatory party may be made upon 60 days written notice to the other parties. If any of the four identified state agency cooperators cancels the agreement, the USFWS may collect costs incurred prior to the cancellation of the agreement, plus any termination costs, that shall not exceed the MOU stated level of funding support for that agency or agencies identified in this MOU, up to that period in time. This MOU supersedes any previous MOU for the same purpose.

VII. PROJECT OFFICERS

For the Service:

Kenneth I. Sprankle
 CT River Fish and Wildlife Conservation Office
 U.S. Fish and Wildlife Service
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 Sunderland, MA 01375
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For the CTDEEP

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CT Department of Energy and Environmental Protection
Natural Resources Bureau
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For MassWildlife:

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Massachusetts Division of Fisheries and Wildlife
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For the NHFGD:

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For the VTDFW

Christopher Herrick, Commissioner
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Montpelier, VT 05620-3702
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For the USFWS:

Kyla Hastie
Acting Regional Director
U. S. Fish and Wildlife Service
Northeast Region
300 Westgate Center Drive
Hadley, MA
Phone: 413-253-8300
Email: Kyla_hastie@fws.gov

VIII. SIGNATURE AND APPROVAL

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their duly authorized officers, on the day and year written below.

CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION

A handwritten signature in black ink, appearing to be the initials 'CJ'.

Signature

Bureau Chief
Title

Date December 8, 2022

MASSACHUSETTS DIVISION OF FISHERIES WILDLIFE

Mark S. Tisa

Signature

Director

Title

11/15/2022

Date

VERMONT DEPARTMENT OF FISH AND WILDLIFE



Signature

Commissioner

Title

12/7/2022

Date

U.S. FISH AND WILDLIFE SERVICE

KYLA
HASTIE

Digitally signed by KYLA
HASTIE
Date: 2022.12.13
17:27:41 -0500

Signature

Acting Regional Director
Title

Date

NEW HAMPSHIRE FISH AND GAME DEPARTMENT



Signature

EXECUTIVE DIRECTOR

Title

DECEMBER 23, 2022

Date



OFFICE OF THE ATTORNEY GENERAL

As to form, substance, and execution.