The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

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June 6, 2023

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

REQUESTED ACTION

Authorize the Department of Environmental Services (NHDES) to **RETROACTIVELY** amend a Memorandum of Agreement (MOA) (PO#1082854) with the NH Fish and Game Department (NHFG) (VC#311244-B001) to extend the duration of the agreement to December 31, 2023 from April 1, 2023, and to adjust the budget between cost categories for the feasibility study to evaluate improvements and upgrades of fish production operations, effective as of April 1, 2023 through December 31, 2023, upon Governor and Council approval. This is a no cost time extension only. The MOA was approved by the Governor and Council on October 12, 2021 (Item #72C), 100% Federal funds.

EXPLANATION

The requested MOA amendment for a no cost time extension is needed because the funded feasibility study took longer than anticipated due to unforeseen complexities. The issues associated with the Powder Mill Fish Hatchery are vastly more complex than originally understood because of the level of treatment required by the EPA discharge permit. In addition, the work on other fish hatcheries within the system was delayed by data requirements. This is the same reason for the budget adjustment, to allow additional time for the consultant to address these complexities, and internal agency costs were less than budgeted. This request is **RETROACTIVE** because the need for additional work necessary to assess multiple options for the statewide hatchery system was not identified by the consultant until after the MOA expired. As such, the request for the amendment was received after the expiration date.

The original MOA allocated $1,000,000 of ARPA funds to NHFG for a state-wide fish hatchery feasibility study to evaluate management and treatment alternatives for compliance with the facilities' National Pollutant Discharge Elimination System (NPDES) permits. Given the age of the state's fish hatcheries, the study will also focus on modernization approaches to improve fish rearing and solids management practices, and reduce the volume of wastewater requiring treatment. To date, $917,482 of the grant award has been spent.

The American Rescue Plan Act (ARPA) of 2021 is a $1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by President Biden on March 11, 2021, to speed up the United States' recovery from the economic health effects of the COVID-19 pandemic and the resultant recession. The Act defines eligible uses of the state and local funding, including responding to public health

emergencies, responding to workers performing essential work during the COVID-19 emergency, providing revenue relief to states and making investments in water, sewer, and broadband infrastructure. In the event that federal funds become no longer available, General funds will not be requested to support this program. This amendment has been approved by the Attorney General's Office as to form, substance, and execution.

We respectfully request your approval of this item.

Robert R. Scott, Commissioner

MEMORANDUM OF AGREEMENT BETWEEN THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE NH FISH AND GAME DEPARTMENT RELATIVE TO A FEASIBILITY STUDY TO EVALUATE IMPROVEMENTS AND UPGRADES OF FISH PRODUCTION OPERATIONS.

Amendment No. 1

This Agreement (hereinafter called the "Amendment") dated this __31__ day of ___May____, 2023, is by and between the New Hampshire Department of Environmental Services (hereinafter referred to as "NHDES") and the NH Fish and Game Department (hereinafter referred to as "NHFG").

WHEREAS, pursuant to a Memorandum of Agreement (hereinafter called the "Agreement") approved by the Governor and Council on November 22, 2021 (Item #64), NHFG agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by NHDES of certain sums as specified therein; and

WHEREAS, NHDES and NHFG have agreed to amend the Agreement in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment of Agreement: The Agreement is hereby amended as follows:

   Section II. Timeline of Agreement: The NHDES and NHFG agree to extend the MOA duration to December 31, 2023 from April 1, 2023.

   Section VI. Funding, Costs and Payment: The NHDES and NHFG agrees to modify the cost categories in Table 1: Project Budget to the following:

Cost Categories	Original Budget	Change	Final Budget
Feasibility Study Contractors and Services	$946,848	$38,377	$985,225
NHFG Feasibility Study Contractor Oversight and Project Support	$53,152	($38,377)	$14,775
TOTAL		0	$1,000,000

2. Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.

3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

By:

New Hampshire Department of Environmental Services

Robert R. Scott, Commissioner — 6/8/23 Date

New Hampshire Fish and Game Department

Scott Mason, Executive Director — 5/31/2023 Date

Approved by the Office of Attorney General this 9 day of June, 2023, as to form, substance and execution.

(K. Allen Brooks)
ASSISTANT ATTORNEY GENERAL

[illegible]

The State of New Hampshire SEP29'21 AM10:08 RCVD

Department of Environmental Services

Robert R. Scott, Commissioner

NHDES

September 28, 2021

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

REQUESTED ACTION

Authorize the Department of Environmental Services (NHDES) to enter into a Memorandum of Agreement (MOA) with the NH Department of Fish and Game (NHFG) (VC# 311244-B001), Concord, NH in an amount not to exceed $1,000,000 to fund a feasibility study to evaluate improvements and upgrades at the state fish hatcheries, effective upon Governor & Council approval through April 1, 2023. 100% Federal Funds.

Funding is available in the following account:

	FY 2022
03-44-44-440010-2476-072-500580	$1,000,000
Dept. Environmental Services, ARPA Program, Grants Federal	

EXPLANATION

The American Rescue Plan Act (ARPA) of 2021 is a $1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by President Biden on March 11, 2021, to speed up the United States' recovery from the economic health effects of the COVID-19 pandemic and the resultant recession. The Act defines eligible uses of the state and local funding, including responding to public health emergencies, responding to workers performing essential work during the COVID-19 emergency, providing revenue relief to states and making investments in water, sewer, and broadband infrastructure. In June 2021, the Fiscal Committee and Governor & Council authorized NHDES to accept and expend $50,000,000 from the state's allocation of ARPA funds to fund investments in drinking water and wastewater infrastructure.

NHDES is requesting this authorization to enter into an MOA to allocate $1,000,000 of ARPA funds to NHFG for a state-wide fish hatchery feasibility study to evaluate management and treatment alternatives for compliance with the facilities' National Pollutant Discharge Elimination System (NPDES) permits. Given the age of the state's fish hatcheries, the study will also focus on modernization approaches to improve fish rearing and solids management practices, and reduce the volume of wastewater requiring treatment. NHFG will utilize the funds to hire contractors, and cover costs incurred by NHFG, to conduct the feasibility evaluation of the long-term operations at the state fish hatcheries in New Durham (Powder Mill), Berlin, Milford, New Hampton, Carroll (Twin Mountain) and Warren.

In accordance with the interim guidance from the US Treasury Department for water and wastewater infrastructure investments, project eligibility is aligned with the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). This project is an eligible CWSRF planning project due to the fact that the project has a vision of implementing construction and/or operations actions that have a tangible water quality benefit.

In the event that federal funds become no longer available, General funds will not be requested to support this program. This agreement has been approved by the Attorney General's Office as to form, substance, and execution.

We respectfully request your approval of this item.

Robert R. Scott, Commissioner

MEMORANDUM OF AGREEMENT
between the
NH DEPARTMENT OF ENVIRONMENTAL SERVICES
and the
NH FISH AND GAME DEPARTMENT

Title: State-Wide Fish Hatchery Feasibility Study

I. Purpose of the Agreement:

This Memorandum of Agreement (MOA) describes the transfer of American Rescue Plan Act of 2021 (ARPA) federal grant funds to the New Hampshire Fish and Game Department (NHFG) from the New Hampshire Department of Environmental Services (NHDES) to fund a feasibility study to evaluate improvements and upgrades of fish production operations, wastewater treatment facility upgrades to achieve compliance with National Pollutant Discharge Elimination System (NPDES) permit effluent limits, and the feasibility of long-term operations at the following state fish hatcheries:

1. Powder Mill in New Durham
2. Berlin
3. Milford
4. New Hampton
5. Twin Mountain in Carroll
6. Warren

NHFG will contract through a Request for Qualifications process with a qualified consultant to conduct the study. NHFG plans to conduct a feasibility study to evaluate management and treatment alternatives for complying with the NPDES permits. Given the age of the state's fish hatcheries, the study will also focus on possible hatchery modernization approaches to improve fish rearing and solids management practices, and reduce the volume of wastewater requiring treatment.

This project is funded under an ARPA grant. ARPA projects must align with SRF eligibilities. This project is an eligible Clean Water State Revolving Fund planning project; the project has a vision of implementing construction and/or operations actions that have a tangible water quality benefit.

II. Timeline of Agreement:

The MOA duration extends from the date of approval by Governor and Executive Council of the State of New Hampshire (Effective Date) through April 1, 2023, unless terminated by either party, or extended in writing by subsequent agreement of the parties and acceptance by Governor and Council.

For the purpose of this MOA, NHDES and NHFG agree to cooperate as follows:

III. Department of Environmental Services:

The Department of Environmental Services agrees to:

1. Provide NHFG with funding as described in Section VI, Funding, Costs, and Payment.

2. Accept, review and approve disbursement requests on a monthly basis, as requested. Each invoice shall be accompanied by a summary of the work completed. All payments are subject to the approval of the NHDES Wastewater Engineering Bureau Grants Management Section Administrator. NHDES will review disbursement requests to determine that the costs covered by the requests are eligible under N.H. Code of Administrative Rules Env-Wq 504.02 through Env-Wq 504.04.

3. Meet with NHFG and the contracted consultant for the project, as needed, to review the status and progress of the project including project kick-off, periodic status and wrap-up meetings.

4. Review and comment on draft report documents.

IV. Fish and Game Department:

The Fish and Game Department agrees to:

1. Enter into a contract with a qualified consultant identified through a Request for Qualifications (RFQ) for the *Statewide Fish Hatchery Feasibility Study*, incorporated herein by reference. The study will examine and recommend ways that the Powder Mill Fish Hatchery can comply with federal water quality permits. It will also investigate the capacity and modernization opportunity at the other fish hatcheries around the state. Generally, the scope of services described in the RFQ includes:
   a) Existing Data Collection and Review
   b) Evaluate approaches and alternatives for hatchery modernization
   c) Evaluate quality of hatchery source water and wastewater effluent
   d) Evaluate candidate technologies for wastewater treatment and solids handling, as applicable
   e) Review results of the pilot testing of feasible treatment technologies to evaluate the effectiveness in meeting the National Pollutant Discharge Elimination System (NPDES) permit requirements as applicable
   f) Develop and evaluate full-scale system alternatives for the Powder Mill Fish Hatchery and other hatcheries as applicable.
   g) Prepare a final report documenting the study methods, results, and recommendations.

2. Enter into the necessary contracts with qualified consultants to conduct pilot testing of the feasible treatment technologies to evaluate the effectiveness in meeting the applicable NPDES permit requirements which may include laboratory contract services or the laboratory services may be under a separate contract.

3. Submit disbursement requests to NHDES not more frequently than once per calendar month, and at least quarterly, for a total amount not to exceed $1,000,000. Invoices shall include documentation of work associated with the funds being requested in accordance with Section VI, Funding, Costs and Payment. The first disbursement request shall be submitted by April 1, 2022 and the last on or before April 1, 2023.

4. Provide NHDES the work scope and contract for the feasibility study project to be pre-approved by NHDES prior to initiating work.

5. Provide NHDES with the final Statewide Fish Hatchery Feasibility Study Report.

6. Adhere to the Standard Terms and Conditions and any special conditions of the federal grant for this project, Including the cost principals and accounting requirements as referenced in said Standard Terms and Conditions. Said terms and conditions are incorporated in Exhibit A of this agreement.

7. Comply, and to require all of its contractors to comply, with all applicable state and federal requirements and applicable state and federal laws, including those specific requirements outlined in Exhibit A.

8. Assign appropriate NHFG staff to coordinate this project with NHDES.

V. Mutual Agreement of the Parties:

1. The parties will maintain communication via regular meetings between program staff to ensure collaboration on work is being conducted including a project kick-off meeting, periodic status meetings, and a project wrap-up meeting.

2. In the event that changes in either State or Federal laws or regulations occur which render performance of portions of this MOA illegal, void, impractical or impossible, those responsibilities shall be removed from this MOA but such removal shall not affect the other provisions and obligations contained within the remainder of this MOA.

3. The parties will review this MOA at least once each year to determine whether the MOA should be revised, renewed, or terminated.

VI. Funding, Costs and Payment:

NHDES shall reimburse NHFG for costs associated with the feasibility study on a monthly basis, as requested. In the event this MOA does not become effective, NHDES shall be under no obligation to pay for costs incurred or services performed. The project budget is presented in Table 1.

Table 1: Project Budget

Cost Categories	Budget
Feasibility Study Contractors and Services	$946,848
NHFG Feasibility Study Contractor Oversight and Project Support	$53,152
TOTAL	$1,000,000

The total budget shall not exceed $1,000,000 over the course of this MOA and grant funding will be based on actual project costs incurred. NHFG is allowed to adjust funding between the two cost categories listed in Table 1 but shall not exceed a difference of 5% without advanced approval by NHDES. Any unused funds from one fiscal year may be carried over to future years within the MOA period.

The NHFG shall maintain supporting documentation for all costs incurred for a period of five years beyond the end of this MOA for federal reporting and auditing purposes. Supporting documentation includes but is not limited to detailed time sheets which identify hours worked on this project, vendor invoices, and other related supporting documents.

Federal funds paid under this MOA are from the American Rescue Plan Act of 2021 passed through the Secretary of the Treasury to the State of New Hampshire. All applicable requirements, regulations, provisions, terms and conditions of this federal grant, including but not limited to, the Department of Treasury Interim Final Rules under 31 CFR Part 35, are hereby adopted in full force and effect between NHDES and NHFG.

VII. Amendments:

This agreement may only be amended by mutual, written agreement of both NHDES and NHFG, with the approval of the Governor and Council.

VIII. Termination:

The termination of this Agreement for good cause by any one of the parties or for convenience if all parties agree, with provision for orderly termination of the project. Termination of this Agreement shall not occur until thirty (30) days after a "notice of termination" has been received by the other party. Said notice shall specify the cause for the termination.

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

Date 9/24/2021

Scott Mason, Executive Director
NH Fish and Game Department

Date 9/28/21

Robert R. Scott, Commissioner
NH Department of Environmental Services

Reviewed and approved as to form, substance, and execution:

Date 9/28/21

Assistant Attorney General

EXHIBIT A
STATE OF NEW HAMPSHIRE
STATE AND LOCAL FISCAL RECOVERY FUNDS
FEDERAL REQUIREMENTS

STATE OF NEW HAMPSHIRE STATE AND LOCAL FISCAL RECOVERY FUNDS FEDERAL REQUIREMENTS

This Agreement is funded under a grant to the State of New Hampshire and subsequently through the New Hampshire Department of Environmental Services (NHDES) as approved by the Governor and Executive Council on June 8, 2021 from the federal government through the American Rescue Plan Act of 2021 (ARPA), with the source of funds being the State and Local Fiscal Recovery Funds (SLFRF) identified under the Catalog of Federal Domestic Assistance (CFDA) number #21.027. This grant award is subaward of SLFRF funds and any and all compliance requirements for use of SLFRF funds are applicable.

DUNS NUMBER: The Subrecipient must obtain a Data Universal Numbering System (DUNS) number. The federal government has adopted the use of DUNS numbers to track how federal grant money is allocated. DUNS numbers identify your organization. A DUNS number may be obtained by visiting http://fedgov.dnb.com/webform/.

SAM REGISTRATION: The Subrecipient must have an active registration with the System for Award Management (SAM) (https://www.sam.gov).

ACH DIRECT DEPOSIT: The Subrecipient must have a bank account enabled for Automated Clearing House (ACH) direct deposit.

GENERALLY ACCEPTED ACCOUNTING PROCEDURES: The Subrecipient shall maintain project accounts in accordance with the Generally Accepted Accounting Principles (GAAP), including standards relating to the reporting of infrastructure assets as issued by the Governmental Accounting Standards Board (GASB). The full text of Governmental Accounting Reporting Standards is available through the GASB website at: http://www.gasb.org

SINGLE AUDIT REQUIREMENTS: Subrecipients that expend more than $750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements. For-profit entities that receive State and Local Fiscal Recovery Funds (SLFRF) subawards are not subject to Single Audit Requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities including Treasury, the Government Accountability Office, the Pandemic Relief Accountability Committee (PRAC) and the Treasury's Office of Inspector General (OIG). Subrecipients may also refer to the Office of Management and Budget (OMB) Compliance Supplements for audits of federal funds and related guidance and the Federal Audit Clearinghouse to see examples and single audit submissions.

CIVIL RIGHTS COMPLIANCE: Subrecipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at
31 CFR part 23.

In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, NHDES may collect and review information from Subrecipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients and Subrecipients (see 28 CFR 42.406). Treasury may request that recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

PERIOD OF PERFORMANCE: All funds are subject to statutory requirements that they must be used for costs incurred by the recipient during the period that begins on March 3, 2021, and ends on December 31, 2024, and that award funds for the financial obligations incurred by December 31, 2024 must be expended by December 31, 2026. Any funds not used must be returned to Treasury.

PROCUREMENT, SUSPENSION AND DEBAREMENT: Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in circumstances where at least one of the conditions below is true: the item is below the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or after solicitation of a number of sources, competition is determined inadequate. Subrecipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320.

Subrecipient shall fully comply with Subpart C of 2 C.F.R. Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business With Other Persons," as implemented and supplemented by 2 C.F.R. Part 1532. Subrecipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 C.F.R. Part 180, entitled "Covered Transactions," and 2 C.F.R. § 1532.220, includes a term or condition requiring compliance with 2 C.F.R. Part 180, Subpart C. Subrecipient is responsible for further requiring the inclusion of a similar term and condition in any subsequent lower tier covered transactions. Subrecipient acknowledges that failing to disclose the information required under 2 C.F.R. § 180.335 to the EPA office that is entering into the transaction with the recipient may result in the delay or negation of this assistance agreement, or pursuance of administrative remedies, including suspension and debarment. Subrecipients may access the System for Award Management (SAM) exclusion list at https://sam.gov/SAM/ to determine whether an entity or individual is presently excluded or disqualified.

By entering into this agreement, the Subrecipient certifies that the Subrecipient is not debarred or suspended. Furthermore, the Subrecipient certifies that no part of this contract will be subcontracted to a debarred or suspended person or firm.

PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:

This term and condition implements 2 CFR 200.216 and is effective for obligations and expenditures of EPA financial assistance funding on or after 8/13/2020. As required by 2 CFR 200.216, EPA recipients and Subrecipients, including borrowers under EPA funded revolving loan fund programs, are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Recipients, Subrecipients, and borrowers also may not use EPA funds to purchase:

a. For the purpose of public safety, security of government facilities, physical security surveillance of critical Page 4 of 29 infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

b. Telecommunications or video surveillance services provided by such entities or using such equipment.

c. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to

be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Consistent with 2 CFR 200.471, costs incurred for telecommunications and video surveillance services or equipment such as phones, internet, video surveillance, and cloud servers are allowable except for the following circumstances:

a. Obligating or expending EPA funds for covered telecommunications and video surveillance services or equipment or services as described in 2 CFR 200.216 to:

(1) Procure or obtain, extend or renew a contract to procure or obtain;
(2) Enter into a contract (or extend or renew a contract) to procure; or
(3) Obtain the equipment, services, or systems. Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the System for Award Management exclusion list which can be found at https://www.sam.gov/SAM/pages/public/index.jsf

FEDERAL REQUIREMENTS APPLICABLE TO ARPA INFRASTRUCTURE PROJECTS OVER $10M

WAGE RATE REQUIREMENTS (DAVIS-BACON):
The Subrecipient agrees to include in all agreements to provide assistance for the construction of treatment works carried out in whole or in part with such assistance made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or with such assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both, a term and condition requiring compliance with the requirements of section 513 of that Act (33 U.S.C. 1372) in all procurement contracts and sub-grants, and require that Subrecipients, procurement contractors and sub-grantees include such a term and condition in subcontracts and other lower tiered transactions. All contracts and subcontracts for the construction of treatment works carried out in whole or in part with assistance made available as stated herein shall insert in full in any contract in excess of $2,000 the contract clauses as attached hereto entitled "Wage Rate Requirements Under The Clean Water Act, Section 513 and the Safe Drinking Water Act,

STATE REQUIREMENTS APPLICABLE TO SEWERAGE AND WASTEWATER TREATMENT FACILITIES

APPLICABILITY OF ENV-WQ 700

Any future construction related to wastewater treatment or waste solids handling shall comply with applicable sections of Env-Wq 700 - *Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities*. Env-Wq 700 design standards can have a significant impact on

capital costs, as such planning and design projects shall take these provisions in account when developing cost estimates for wastewater treatment alternatives.

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New Hampshire Fish and Game Department

11 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Website: www.WildNH.com

TDD Access: Relay NH 1-800-735-2964
Fax: (603) 271-1438
Email: info@wildlife.nh.gov

Scott R. Mason
Executive Director

October 21, 2021

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and

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

APPROVED G & C
DATE 22 November 2021
ITEM # 64

REQUESTED ACTION

1. Pursuant to RSA 14:30-a, VI, authorize the New Hampshire Fish and Game Department (NHFGD), to accept and expend $1,000,000 of American Rescue Plan (ARP) State and Local Fiscal Recovery Funds (FRF) from the Department of Environmental Services (DES) for the purpose of funding a feasibility study to evaluate improvements and upgrades at the state fish hatcheries, effective upon Fiscal Committee and Governor and Council approval through April 1, 2023. **Funding Source: 100% Federal Fund Transfer from Other Agency.**

2. Pursuant to the provisions of RSA 124:15, and contingent upon approval of Requested Action #1, authorize the New Hampshire Fish and Game Department (NHFGD) to create class 046, Consultants, for the purpose of hiring an outside consultant to conduct a feasibility study at the Department's Powder Mill Fish Hatchery, effective upon Fiscal Committee and Governor and Council approval through April 1, 2023. **Funding Source: 100% Federal Fund Transfer from Other Agency.**

Funds to be budgeted as follows:

ARPA Fish Hatchery Feasibility Study

ARPA Fish Hatchery Feasibility Study						
03-75-75-752020-24XX0000						
Fiscal Year 2022						
Class	Expense Account	Class Description	Revenue Account	Current Budget	Requested Change	Adjusted Budget
00D		FEDERAL FUNDS TRANSFER FROM OTHER AGENCY	488544	$0	($1,000,000)	($1,000,000)
Total				$0	($1,000,000)	($1,000,000)
Expense						
046	500464	CONSULTANTS	488544	$0	$1,000,000	$1,000,000
Total				$0	$1,000,000	$1,000,000

EXPLANATION

Pursuant to US Treasury 31 CFR Part 35, RIN 1505-AC77, the Coronavirus State Fiscal Recovery Fund established under the American Rescue Plan Act includes New Hampshire State funding for Water and Sewer Infrastructure Projects. NHFGD will use these funds to enter into a contract with a qualified consultant to examine and recommend ways that the Powder Mill Fish Hatchery can comply with federal water quality permits. It will also investigate the capacity and modernization opportunity at the other fish hatcheries around the state.

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

Funds are budgeted as follows:

Class 046 – Consultants – these funds are being budgeted in class 046, Consultants, to cover a significant contract with a consultant to conduct the study.

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981:

1) *List of Personnel Involved:*
No new staffing requirements

2) *Nature, need and duration:*
The period of performance runs until April 1, 2023.

3) *Relationship to existing agency programs:*
This work is to study the existing hatchery system to meet the requirements of the discharge limits set forth by the Environmental Protection Agency.

4) *Has similar program been requested of the Legislature and denied?* No

5) Why wasn't funding included in the agency's budget request?

It was not known that these funds would be available at the time the agency established its FY22/FY23 biennial budget.

6) *Can portions of the grant funds be utilized for other purposes?*
These funds can only be used for the purpose of the grant award.

7) *Estimate the funds required to continue these positions:*
N/A.

8) *Geographic Area Served:*
Statewide

9) *Sources of Funds:*
American Rescue Plan State and Local Fiscal Recovery Funds

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

Scott R. Mason
Executive Director

Kathy Ann LaBonte
Chief, Business Division