



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

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March 19, 2024

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

REQUESTED ACTION

Authorize the Department of Natural and Cultural Resources (DNCR), Division of Forests and Lands to **retroactively** amend a Memorandum of Agreement (MOU) with the University of New Hampshire, Cooperative Extension (UNH-CE), Durham, NH to address selected needs and issues in natural resources with university-based educational outreach programs in areas such as forest stewardship, forest health, urban and community forestry, economic viability, and natural resource conservation education, effective upon Governor and Council (G&C) approval for the period beginning July 1, 2023 and shall remain in effect unless modified by mutual agreement of both parties.

EXPLANATION

This request is **retroactive** because the original MOU was entered into prior to the reorganization of the Department of Natural and Cultural Resources and referenced an agency that no longer exists. This oversight was recently discovered during an internal audit.

The intent of this MOU is to continue the established relationship between DNCR and the UNH-CE that allows specific programs and services to be performed under Cooperative Project Agreements to assist the Division of Forests and Lands in fulfilling its mission to conduct natural resource education and public outreach programs in accordance with RSA 227-G:1 and RSA 227-G:3, II (c).

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

Respectfully submitted,

Patrick D. Hackley
Director

Concurred,

(15M)

Sarah L. Stewart
Commissioner

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
STATE OF NEW HAMPSHIRE
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
AND
UNIVERSITY OF NEW HAMPSHIRE COOPERATIVE EXTENSION**

Statement of the Memorandum of Understanding between the Commissioner, New Hampshire Department of Natural and Cultural Resources, and the Dean and Director, of the University of New Hampshire Cooperative Extension relative to a cooperative extension program in forestry and natural resources.

WHEREAS, the Department of Natural and Cultural Resources, Division of Forests and Lands, is vested with the responsibility for the development and promotion of forestry within the state under the provisions of RSA 227 and other state and federal authorization (see appendix for details), and;

WHEREAS, the University of New Hampshire Cooperative Extension is vested with the mission to improve peoples' lives by addressing selected needs and issues with outreach and educational programs, and;

WHEREAS, the University of New Hampshire Cooperative Extension conducts major research-based outreach-programming in natural resources, food and agriculture, community and economic development and youth and family; with forest stewardship being an area of expertise within the natural resources program team, and;

WHEREAS, the University of New Hampshire Cooperative Extension is a statewide outreach-program-partnership funded jointly by provisions of the Smith Lever Act of Congress May 8, 1914, with state, county, and the federal authorizations (see appendix for details), and;

WHEREAS, a high percentage of the forest land in this state is privately owned in thousands of separate parcels by people from all walks of life, and;

WHEREAS, the state's environment, forest economy, tourism, wildlife habitat, water resources and public recreational opportunities and quality of life depend on the degree to which these private lands are properly managed and utilized;

THEREFORE, it is deemed to be in the public interest for the Department of Natural and Cultural Resources, Division of Forests and Lands, and the University of New Hampshire Cooperative Extension to work together addressing selected needs and issues in natural resources with university-based educational outreach programs in such areas as forest stewardship, forest health, urban and community forestry, economic viability and natural resource conservation education.

MOU Between State of NH DNCR and UNH Cooperative Extension, 2024

Initials and Date:

SS 3/25/24

Commissioner Stewart

DL 2/8/24
Dean LaValley

PDH 2/14/24

Director Hackley

The Commissioner of the Department of Natural and Cultural Resources and the Dean and Director of University of New Hampshire Cooperative Extension hereby subscribe to the following Memorandum of Understanding with reference to their cooperative activities:

I. The Commissioner, Department of Natural and Cultural Resources, through the Division of Forests and Lands, agrees:

- 1) To cooperate in joint forest stewardship programming, making available and contributing such departmental resources as are mutually agreed to develop and implement a sound program of forestry education and demonstration among landowners, foresters, loggers, processors of forest products, municipalities, public decision-makers, urban landowners, youth, and the general public.
- 2) To conduct statewide educational outreach programs in cooperation with UNH Cooperative Extension for the protection and enhancement of New Hampshire's natural resources. Programs based at the Urban Forestry Center, Fox Forest and Shieling Forest will designate UNH Cooperative Extension as a co-sponsor.
- 3) To co-sponsor, assist and participate in meetings, conferences, lectures, training programs, exhibits, demonstrations, preparation of publications, and other public education activities in coordination with UNH Cooperative Extension working with other public and private organizations and agencies as may be appropriate.
- 4) To foster mutual cooperative working relations among the Department of Natural and Cultural Resources staff and UNH Cooperative Extension staff.
- 5) To expend and make available funds designated for forest resource education in accordance with this Memorandum of Understanding with the knowledge and agreement of the Dean and Director, UNH Cooperative Extension and further provide for the receipt and disbursement of such available funds in accordance with accepted federal, state and university procedures. The Director of the Divisions of Forests and Lands will provide letters for the award of federal and state funds describing the source, amount, terms and program expectations.

II. The Dean and Director, UNH Cooperative Extension agrees:

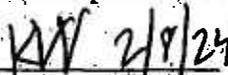
- 1) To maintain a forest stewardship program component within Cooperative Extension, with appropriate staff such as a program team leader, state specialists, field specialists, and program coordinators.
- 2) To develop and implement a program of public education, addressing selected needs and issues in natural resources with university-based outreach and educational programs in such areas as forest stewardship, urban and community forestry, economic viability and natural resources conservation education for landowners,

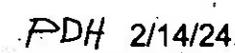
MOU Between State of NH DNCR and UNH Cooperative Extension, 2024

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foresters, loggers, processors of forest products, municipalities, public decision-makers, urban landowners, youth, and the general public.

- 3) To coordinate budgets, plans, and programs and inform the Director, Division of Forests and Lands regarding programs, plans-of-work and accomplishments.
- 4) To acknowledge the partnership between UNH Cooperative Extension and NH Department of Natural and Cultural Resources, Division of Forests and Lands in forest stewardship program material.
- 5) To employ specialists in forest stewardship and such other staff as may be mutually agreed by the Dean and Director, UNH Cooperative Extension and the Director, Division of Forests and Lands, to help carry out the objectives of forest stewardship programming.
- 6) To foster mutual cooperative working relations among the UNH Cooperative Extension staff and Department of Natural and Cultural Resources staff.
- 7) To expend funds for forest stewardship education as described in this Memorandum of Understanding, with the knowledge and agreement of the Department of Natural and Cultural Resources, and further provide for the receipt and disbursement of such funds in accordance with accepted federal, state and university procedures. Funds from federal, state, county and private sources may be used by UNH Cooperative Extension for salaries, wages, fringe benefits, travel, equipment, supplies, consultants, service providers, programs and other purposes which meet the criteria of the funding source. UNH Cooperative Extension may use such funds to enter into contracts with others to provide certain educational products with knowledge and approval of the NH Department of Resources and Economic Development.

III. It is mutually agreed by the Commissioner, Department of Natural and Cultural Resources and the Dean and Director, UNH Cooperative Extension that:

- 1) Responsibility for the forest stewardship programming will be shared by the two agencies, under the leadership of the Dean and Director, Cooperative Extension and Director, Division of Forests and Lands.
- 2) UNH Cooperative Extension and Department of Natural and Cultural Resources will share funding responsibility for forest stewardship programming.
- 3) UNH Cooperative Extension will prepare a plan of work in accordance with the USDA National Institute of Food and Agriculture (formerly Cooperative State Research, Education, and Extension Service) guidelines. Copies of the plans will be provided to the Dean and Director of UNH Cooperative Extension and the Director,

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Division of Forests and Lands. An annual accomplishment report based on the plan of work and other reports required by funding sources will be provided by the Dean and Director, UNH Cooperative Extension, and the Director of the Division of Forests and Lands.

- 4) Forest stewardship staff will be employees of the University of New Hampshire.
- 5) Applications for employment in forest stewardship will be processed in accordance with the policies of the University of New Hampshire. The Director of the Division of Forests and Lands will be invited to participate in the selection process. Final appointment will be made by the Dean and Director, University of New Hampshire Cooperative Extension.
- 6) Publicity relating to activities under this agreement may be released by either party and shall contain a statement of the cooperative relationship of the Department of Natural and Cultural Resources, Division of Forests and Lands and UNH Cooperative Extension.
- 7) This Memorandum of Understanding shall remain in effect unless modified by mutual agreement of both parties. It is understood that this Memorandum may be terminated by either party at the end of a fiscal year, upon 120 days' written notice to the other party.

MOU Between State of NH DNCR and UNH Cooperative Extension, 2024

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Dean LaValley

PDH 2/14/24
Director Hackley

HISTORICAL RECORD OF MEMORANDUM OF UNDERSTANDING SIGNATURES

Original Agreement Approved:
August 12, 1925

August 12, 1925

Revised Agreement Approved:
October 6, 1945

October 11, 1945

Revised Agreement Approved:
June 8, 1951

June 9, 1951

Revised Agreement Approved:
October 21, 1965

October 21, 1965

Revised Agreement Approved:
March 14, 1972

February 8, 1972

Revised Agreement Approved:
May 5, 1978

May 17, 1978

Revised Agreement Approved:

January 24, 1994

February 2, 1994

January 24, 1994

J.C. Kendall
Director of Extension, UNH

John H. Foster
State Forester, for the NH Forestry Commission

John H. Foster
State Forester

H.B. Stevens
Director of Extension

William H. Messeck, Jr.
State Forester

Lawrence A. Bevan
Director, Agricultural Extension

John Rowe
Commissioner, Dept. of Resources
and Economic Development

Samuel W. Hoyt
Director, Cooperative Extension Service

George Gilman
Commissioner, Dept. of Resources
and Economic Development

Maynard C. Heckel
Director, Cooperative Extension

George Gilman
Commissioner, Dept. of Resources
and Economic Development

Maynard C. Heckel
Director, Cooperative Extension Service

Stephen K. Rice
Commissioner, NH Dept. of Resources
and Economic Development

Peter J. Horne
Dean and Director, UNH Cooperative Extension

John E. Sargent
NH State Forester
Director, NH Division of Forests and Lands,
Dept. of Resources and Economic Development

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PDH 2/14/24

Director Hackley

Revised Agreement Approved:

February 7, 2014

February 7, 2014

February 7, 2014

Jeffery J. Rose, Commissioner
NH Department of Resources &
Economic Development

John E. Pike, Dean & Director
University of New Hampshire
Cooperative Extension

Brad Simpkins, Interim Director
NH Division of Forests & Lands
NH Department of Resources &
Economic Development

Revised Agreement Approved:

February 15, 2024

February 15, 2024

February 15, 2024

Sarah L. Stewart, Commissioner
NH Dept. of Natural & Cultural Resources

Kenneth Lavalley
Dean, UNH Cooperative Extension

Patrick D. Hackley
Director, NH Division of Forests & Lands
NH Dept. of Natural & Cultural Resources

Initials and Date:

SS 3/25/24

Commissioner Stewart

KLV 2/8/24
Dean LaValley

PDH 2/14/24

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STATE AND FEDERAL AUTHORIZATION RELATED TO
DIVISION OF FORESTS AND LANDS
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
AND
UNIVERSITY OF NEW HAMPSHIRE COOPERATIVE EXTENSION

NEW HAMPSHIRE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

- New Hampshire RSA 227 and others as applicable.
- Current Appropriations Act for the Department of Interior and Related Agencies.
- Agricultural Organic Act of 1862. (Ch. 72, 12 Stat. 387).
- Organic Administration Act of 1897. (Ch. 2, 30 Stat. 11, as amended).
- Weeks Law of 1911. (Ch. 186, 36, Stat. 961, as amended).
- Soil Conservation and Domestic Allotment Act of 1936. (40 Stat. 1148).
- Flood Control Acts of 1936, (49 Stat. 1570); 1938, (52 Stat. 1215); 1944, (58 Stat. 887); and 1950, (64 Stat. 163).
- Department of Agriculture Organic Act of 1944. (Ch. 412, 58 Stat. 734, as amended).
- Granger-Thye Act of 1950. (Ch. 97, 64 Stat. 82).
- Federal Civil Defense Act of 1950. (Ch. 639, 64 Stat.).
- Agricultural Appropriations Act of 1954. (68 Stat. 897).
- Watershed Protection and Flood Prevention Act of 1954. (Ch. 656, 68 Stat. 666).
- Department of Agriculture Organic Act of 1956. (Ch. 950, 70 Stat. 1032).
- Food and Agriculture Act of 1965. (79 Stat. 1187).
- Water Resources Planning Act of 1965. (Public Law 89-80, 79 Stat. 244).
- National Environmental Policy Act of 1969. (Public Law 901-190, 83 Stat. 852).
- Youth Conservation Corps Act of 1970. (Public Law 91-378, 84 Stat. 794).
- Rural Development Act of 1972. (Public Law 92-419, 85 Stat. 657).
- Water Pollution Control Act Amendments of 1972. (Public Law 92-500, 86 Stat. 816).
- Endangered Species Act of 1973. (Public Law 93-205, 87 Stat. 884).
- Forest and Rangeland Renewable Resources Planning Act of 1974. (Public Law 93-378, 88 Stat. 476).
- Federal Grants and Cooperative Agreements Act of 1975. (Public Law 95-224, 92 Stat. 3).
- Cooperative Forestry Assistance Act of 1978. (Public Law 95-313, 92 Stat. 356).
- Federal Insecticide, Fungicide and Rodenticide Act, as amended.
- (Public Law 92-516, 86 Stat. 973).
- Food, Agriculture, Conservation and Trade Act of 1990 and subsequent legislation.

UNIVERSITY OF NEW HAMPSHIRE COOPERATIVE EXTENSION

- State of New Hampshire RSA Chapt. 187A:6.
- Memorandum of Understanding with the Ten New Hampshire County Conventions.
- Smith-Lever Act.
- Renewable Resources Extension Act of 1978. (Public Law 95-306).
- Current Appropriations Act as Related to Federal Extension.

MOU Between State of NH DNCR and UNH Cooperative Extension, 2024

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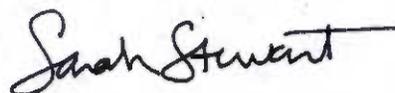
SS 3/25/24
Dean LaValley

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Director Hackley

This Agreement Approved:

March 25, 2024

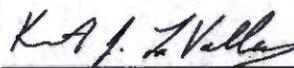
Date



Sarah Stewart, Commissioner
NH Department of Natural and Cultural Resources

February 8, 2024

Date



Kenneth LaValley, Dean
University of New Hampshire
Cooperative Extension

March 4, 2024

Date



Patrick D. Hackley, Director
NH Division of Forests and Lands
NH Department of Natural and Cultural Resources

This Agreement Approved By An Authorized Official of the New Hampshire Office of Attorney General:

3/26/2024

Date



Sheri Phillips, Assistant Attorney General