

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

5E 48

1 Granite Place South
Concord, NH 03301

John M. Formella
ATTORNEY GENERAL



James T. Boffetti
DEPUTY ATTORNEY GENERAL

March 8, 2024

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

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice (DOJ) to enter into a Memorandum of Agreement – Time Extension with the Council on Resources and Development (CORD), and the Conservation Land Stewardship Program (CLS), for the purpose of providing continued stewardship support for the Torromeo Conservation Parcel effective on the date of Governor and Council approval through May 21, 2034, which may be extended with the mutual consent of all parties.

EXPLANATION

In 2014, the DOJ entered into a court-approved consent decree in *State v. Torromeo Industries, Inc.*, by which Torromeo Industries, Inc. was required to irrevocably dedicate to conservation a 69.1-acre parcel of land in Kingston. CORD is authorized under RSA 162-C:8 to accept gifts, donations, and grants to the Land Conservation Endowment to be utilized for monitoring and enforcing land conservation interests that may be acquired by the State, and CLS has the technical expertise to carry out land monitoring activities. In 2014, the DOJ deposited \$30,000 in the Land Conservation Endowment in accordance with RSA 162-C:8 for the purpose of providing conservation stewardship support for the Torromeo Conservation parcel. On May 23, 2014, the Governor and Council previously authorized CLS (OEP-CLS at the time) to steward the Torromeo Conservation Parcel for a period of ten years with the option to extend that term with the mutual consent of all parties. All parties now lend their mutual consent to extending the 2014 Memorandum of Agreement and CLS' stewardship of the Torromeo Conservation Parcel for an additional ten years.

Please let us know if you have any questions concerning this request.

Your consideration is greatly appreciated.

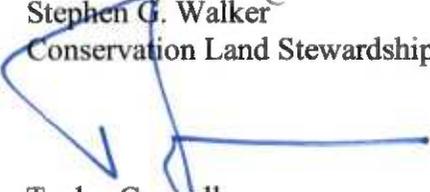
Respectfully submitted,



John M. Formella
Attorney General



Stephen G. Walker
Conservation Land Stewardship Program



Taylor Caswell
Council on Resources and Development

MEMORANDUM OF AGREEMENT – TIME EXTENSION
among the
COUNCIL ON RESOURCES AND DEVELOPMENT
and the
CONSERVATION LAND STEWARDSHIP PROGRAM
and the
NEW HAMPSHIRE DEPARTMENT OF JUSTICE
for the
Monitoring of the Torromeo Conservation Parcel

This Memorandum of Agreement Time Extension (MOA-TE) is entered into by the Council on Resources and Development (CORD), Conservation Land Stewardship Program (CLS), and New Hampshire Department of Justice (NHDOJ).

Whereas, NHDOJ entered into a court-approved consent decree in State v. Torromeo Industries, Inc. (Docket 218-2013-CV-00388, April 9, 2013) by which Torromeo Industries, Inc. (Torromeo) was required to irrevocably dedicate to conservation a 69.1 acre parcel of land in Kingston, (the Torromeo Conservation Parcel); and

Whereas, the consent decree contains specific restrictions on future uses of the Torromeo Conservation Parcel; and

Whereas, the restrictions in the consent decree run with the land in perpetuity and bind Torromeo, and its successors and assigns, forever; and

Whereas, CLS has the technical expertise to efficiently carry out land monitoring activities; and

Whereas, on May 23, 2014, the Governor and Council approved an agreement between NHDOJ, CORD, and the Office of Energy and Planning - CLS (2014 MOA) for CLS to monitor the Torromeo Conservation Parcel for a period of ten years with the option to extend monitoring via agreement by all parties (see attached); and

Whereas, CLS is now an independent agency with the authority to enter into this MOA-TE; and

Now Therefore, all parties agree as follows:

- (1) This MOA-TE extends the initial MOA approved by the Governor and Council on May 23, 2014 for an additional ten (10) year time period commencing on the date of Governor and Council MOA-TE approval and may be further extended beyond that period with the mutual consent of all parties.
- (2) The parties will continue to abide by their agreements contained in the MOA.

In witness whereof, the respective parties hereunto set their hands on the dates indicated.

Approved by:

John Formella

John Formella
Attorney General

3/27/24

Date

Stephen G. Walker

Stephen G. Walker
Conservation Land Stewardship Program

March 7, 2024

Date

[Signature]

Council on Resources and Development

3/22/2024

Date

Approved by the ATTORNEY GENERAL this 2 day of April, 2024.

~~Assistant~~
Associate Attorney General *Michael Phillips*

Approved by GOVERNOR AND COUNCIL

Deputy Secretary of State _____

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

22
New

Approval by the Governor
and Council on 5-23-14
Agenda Item 22

May 8, 2014

Her Excellency Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice (DOJ) to enter into a Memorandum of Agreement with the Council on Resources and Development (CORD), and the Office of Energy and Planning, Conservation Land Stewardship Program (OEP-CLS), for the purpose of providing stewardship support for the Torromeo Conservation Parcel effective on the date of Governor and Council approval through May 21, 2024, which may be extended with the mutual consent of all parties.

EXPLANATION

The DOJ entered into a court-approved consent decree in *State v. Torromeo Industries, Inc.* by which Torromeo Industries, Inc. was required to irrevocably dedicate to conservation a 69.1 acre parcel of land in Kingston. CORD is authorized under RSA 162-C:8 to accept gifts, donations, and grants to the Land Conservation Endowment to be utilized for monitoring and enforcing land conservation interest that may be acquired by the State, and OEP-CLS has the technical expertise to carry out land monitoring activities. The DOJ agrees to deposit \$30,000, which was received pursuant to the Consent Decree (page 5, paragraph A), into the Land Conservation Endowment in accordance with RSA 162-C:8 for the purpose of providing conservation stewardship support for the Torromeo Conservation parcel and legal expertise and review, to approve/disapprove all proposed actions of the owner of the Torromeo Conservation parcel, and to assign staff to serve as the contact person regarding implementation of any provision of the Agreement.

Please let us know if you have any questions concerning this request.

Your consideration is greatly appreciated.

Respectfully submitted,



Joseph A. Foster
Attorney General



Karen Cramton, Deputy Director
NH Office of Energy and Planning



Meredith A. Hatfield, Chair
Council on Resources and Development

JAF/k
#1038991

MEMORANDUM OF AGREEMENT
Among the
COUNCIL ON RESOURCES AND DEVELOPMENT
and the
OFFICE OF ENERGY AND PLANNING - Conservation Land Stewardship Program
and the
NEW HAMPSHIRE DEPARTMENT OF JUSTICE
for the
Monitoring of the Torromeo Conservation Parcel

This Memorandum of Agreement (MOA) is entered into by the Council on Resources and Development (CORD), Office of Energy and Planning, Conservation Land Stewardship Program (OEP-CLS), and New Hampshire Department of Justice (NHDOJ).

Whereas, NHDOJ entered into a court-approved consent decree in *State v. Torromeo Industries, Inc.* (Docket 218-2013-CV-00388, April 9, 2013) (attached hereto) by which Torromeo Industries, Inc. (Torromeo) was required to irrevocably dedicate to conservation a 69.1 acre parcel of land in Kingston (the Torromeo Conservation Parcel); and

Whereas, the consent decree contains specific restrictions on future uses of the Torromeo Conservation Parcel; and

Whereas, the restrictions in the consent decree run with the land in perpetuity and bind Torromeo, and its successors and assigns, forever; and

Whereas, CORD is authorized under RSA 162-C:8 to accept gifts, donations, and grants to the Land Conservation Endowment to be utilized for monitoring and enforcing land conservation interests that may be acquired by the state; and

Whereas, OEP-CLS has the technical expertise to efficiently carry out land monitoring activities;

Now Therefore, all parties agree as follows:

- 1) This Agreement covers a ten (10) year time period commencing on the date of Governor and Council approval and may be extended beyond that period with the mutual consent of all parties.

NHDOJ agrees to:

- 1) Deposit \$30,000 into the Land Conservation Endowment in accordance with RSA 162-C:8 for the purpose of providing conservation stewardship support for the Torromeo Conservation Parcel; and
- 2) provide legal expertise to OEP-CLS regarding the interpretation of the specific restrictions in the consent decree as it relates to documentation and determination of potential enforcement or compliance issues that may arise; and
- 3) review and approve/disapprove all proposed actions of the owner of the Torromeo Conservation Parcel; and

4) assign responsible staff to serve as the contact person with OEP-CLS regarding any provision of this Agreement.

CORD agrees to:

- 1) accept the endowment contribution for the Torrromeo Conservation Parcel into the Land Conservation Endowment and allow expenditures from the endowment in accordance RSA 162-C:8 for the purpose of providing conservation stewardship support for the parcel; and
- 2) authorize OEP-CLS to carry out stewardship support responsibilities as stated herein.

OEP-CLS agrees to:

- 1) monitor the Torrromeo Conservation Parcel which generally will include:
 - a. monitoring to ensure that conditions of the consent decree are being met annually (every 12 – 14 months). This shall include, when practical, a personal contact/visit with the landowner(s) or their representative(s) to discuss the parcel and any proposed or undertaken activities related to it; and
 - b. maintaining hard and electronic copies of all correspondence, monitoring reports and information regarding changes of address, changes in land management that may affect wildlife habitat, other land management issues etc.; and
- 2) provide NHDOJ with copies of all monitoring reports and correspondence for the parcel; and
- 3) meet with NHDOJ and the landowner(s) or their representative(s), if necessary, to assist in resolution of any problems which may arise, including conducting additional site visits, if appropriate.

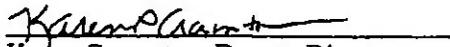
In witness whereof, the respective parties hereunto set their hands on the dates indicated.

Approved By:



Joseph Foster
Attorney General

5/9/14
Date



Karen Crampton, Deputy Director
NH Office of Energy and Planning

5/7/2014
Date



Meredith A. Hatfield, Chair
Council on Resources and Development

5/7/14
Date

Approved by the ATTORNEY GENERAL this 9th day of May, 2014.

^{Associate}
Assistant Attorney General W. M. Edwards

Approved by GOVERNOR AND COUNCIL

Deputy Secretary of State _____