



# New Hampshire Fish and Game Department

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Glenn Normandeau  
Executive Director

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03/28/12 GRC, Item #80  
DB # 1019

February 15, 2012

His Excellency, Governor John H. Lynch  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

## REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department (NHFGD) and the Department of Resources and Economic Development (DRED) to enter into an MOA to jointly administer the revenues from the endowment funds established for management of the Connecticut Lakes Headwaters Tracts from date of Governor and Council approval through February 6, 2018.

## EXPLANATION

In October, 2004 the State of New Hampshire purchased an extensive conservation easement covering 146,400 acres of land in Pittsburg, Clarksville and Stewartstown. At that time, three separate endowment funds were created to assist the State with monitoring, stewardship and road maintenance on the lands under easement (Connecticut Lakes Working Forest managed by DRED), and 25,000 acres purchased outright (Connecticut Lakes Natural Area managed by Fish and Game). As a condition of the easement, funds in the three endowments are to be managed jointly by the Commissioner of the Department of Resources and Economic Development (DRED) and the Executive Director of Fish and Game.

Attached is a copy of the fully executed copy of the Memorandum of Agreement with DRED for the sharing of funds for the next 6 years:

Respectfully submitted

Glenn Normandeau  
Exec. Director, NHFGD

George Bald  
Commissioner, DRED

Kathy Ann LaBonte  
Chief, Business Division, NHFGD

Thomas E. Martin  
Business Administrator, DRED



**Memorandum of Agreement**  
**New Hampshire Department of Resources and Economic**  
**Development (DRED)**  
**and**  
**New Hampshire Department of Fish and Game (F&G)**

**Revised December, 2011**

Whereas, Chapter 148 Laws of 2002 made funds available for the purchase of certain tract of land and related conservation easements located in Pittsburg, Clarksville, and Stewartstown, consisting of approximately 171,500 acres known as the Connecticut Lakes Headwaters tract (CLH tract);

Whereas, Chapter 148 Laws of 2002 further declared that "it is in the public interest to acquire fee ownership and conservation easement interests in these lands to ensure that they remain as a largely undeveloped, productive, working forest which also provides public access for recreation and conserves ecologically sensitive areas";

Whereas, funds have been made available for the purchase of the easement from the Forest Legacy Program administered by the Department of Agriculture, U.S. Forest Service;

Whereas, funds have been made available for the purchase of the easement from the State Land and Community Heritage Investment Program established in RSA 227-M;

Whereas, of the CLH tract, 146,400 acres were sold to the Trustees of the Connecticut Lakes Realty Trust c/o Lyme Timber Company subject to the Grant of Conservation Easement (DRED Easement) executed on October 10, 2003 held by the State under the jurisdiction of DRED to ensure compliance with the DRED Easement through support of monitoring and enforcement for continued forest management and timber harvesting; support of guaranteed public access for recreation, use and management; and support of road maintenance for continued vehicular access to major portions of the property over the existing road network; and, of the CLH tract, 100 acres are managed by DRED as an addition to the Deer Mountain campground;

Whereas, of the CLH tract, approximately 3,264± acres, more particularly described as those corridors of land that are generally depicted as the "Designated Roads," were conveyed to the State under the jurisdiction of DRED by Deed of Designated Roads and Reservation of Appurtenant Easement executed on October 10, 2003 subject to the covenants and terms and conditions imposed therein;

Whereas, of the CLH tract, the State's fee ownership of 25,000 acres in natural areas are subject to the Grant of Conservation Easement (TNC Easement) executed on December 30, 2002 and held by The Nature Conservancy to ensure wildlife habitat and public use management of those acres; and those natural areas are managed in the public interest by the Fish and Game Department (F&G);

Whereas, Chapter 148 Laws of 2002 established funds for the stewardship of these lands: a) the Monitoring Endowment for the purpose of monitoring compliance with the terms and conditions of the conservation easement interests acquired by the State in the CLH tract; b) the Stewardship Endowment for the purposes of habitat and public use management of 25,000 acres of natural areas owned by the State, and for the purposes of recreation, use, and the conservation easement management of the 146,400 acres within the CLH tract; and c) the Road Maintenance Endowment for the purpose of maintaining the system of roads that exists within the conservation easement and property interest acquired by the State;

Whereas, Chapter 148 Laws of 2002 further states that the Monitoring and Road Maintenance Endowments shall be administered jointly by the Executive Director of F&G and the Commissioner of DRED, and the Stewardship Endowment shall be utilized jointly by the Executive Director of F&G and the Commissioner of DRED;

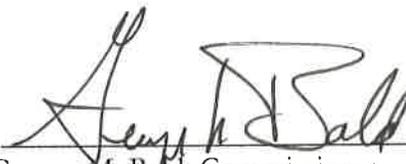
Whereas, DRED and F&G are committed to working cooperatively to uphold the intent and purposes of Chapter 148 Laws of 2002 and the grants of conservation easements;

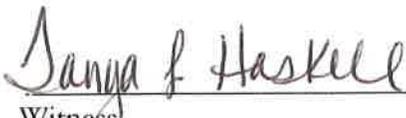
Now therefore, DRED and F&G agree to the following terms:

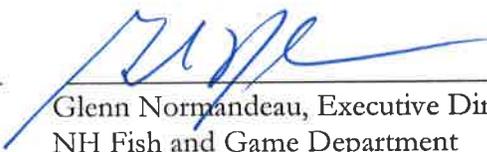
1. PERIOD OF AGREEMENT: The term of the Agreement shall be six years from the date of execution by both parties.
2. MONITORING ENDOWMENT: DRED and F&G shall utilize and administer the funds available from the Monitoring Endowment in accordance with RSA 216:7 and RSA 216:8. The agencies agree that fifty percent (50%) of the funds available from the Monitoring Endowment shall be allocated to DRED and fifty percent (50%) to F&G.
3. STEWARDSHIP ENDOWMENT: DRED and F&G shall utilize and administer the funds available from the Stewardship Endowment in accordance with RSA 216:9. The agencies agree that seventy percent (70%) of the funds available from the Stewardship Endowment shall be allocated to DRED and thirty percent (30%) to F&G.
4. ROAD MAINTENEANCE ENDOWMENT: DRED and F&G shall utilize and administer the funds available from the Road Maintenance Endowment in accordance with RSA 216:10 and RSA 216:11. The agencies agree that eighty nine percent (89%) of the funds available from the Road Maintenance Endowment shall be allocated to DRED and eleven percent (11%) to F&G.
5. CONFLICT RESOLUTION: The decision of the Attorney General's Office relative to the proper performance of the conditions of this Agreement shall be agreed to by the attorneys representing each agency and shall be final and conclusive as to each matter not covered in the Agreement and questions that may arise in connection with the agreements made in the Agreement.
6. PROVISION FOR AMENDMENT: This Agreement may be amended only by a written document made in the agreement by both parties and their counsel.

**Signatures:**

  
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 Witness

  
 \_\_\_\_\_ 1/25/12  
 George M. Bald, Commissioner Date  
 Department of Resources and Economic Development

  
 \_\_\_\_\_  
 Witness

  
 \_\_\_\_\_ 1/23/12  
 Glenn Normandeau, Executive Director Date  
 NH Fish and Game Department

Approved to Form, Substance, and Execution,

  
 \_\_\_\_\_ 2/6/12  
 Anne M. Edwards, Esquire  
 Associate Attorney General  
 Civil Bureau

  
 \_\_\_\_\_ 2-6-12  
 Evan Mulholland, Esquire  
 Assistant Attorney General  
 Environmental Protection Bureau