



State of New Hampshire

DEPARTMENT OF SAFETY
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ROBERT L. QUINN
 COMMISSIONER

November 16, 2022

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

REQUESTED ACTION

Authorize the Department of Safety, Division of Homeland Security and Emergency Management (HSEM) to enter into a Memorandum of Agreement (MOA) with the Department of Environmental Services (DES), Dam Bureau Water Division (VC#201164-B001), for the amount of \$770,431.00, for activities to assist with the rehabilitation of eligible high hazard potential dams. Effective upon Governor and Council approval through September 14, 2024. 100% Federal Funds.

02-23-23-236010-56300000 Dept. of Safety – HSEM - HHPD Program	<u>SFY 2023</u>
085-588544 Interagency Transfers Fed Funds	\$770,431.00
Activity Code: 23HHPD 2021	

EXPLANATION

This MOA between the Division of Homeland Security and Emergency Management (HSEM) and the Department of Environmental Services (DES) provides funding to utilize services of a consultant to prepare final designs to adequately address deficiencies of the Milton 3-Ponds Dam (NID No. NH00320) in Milton, NH and Dollof Dam (NID No. NH00134) in Nottingham, New Hampshire.

The MOA listed above is funded from the FFY 2021 High Hazard Potential Dam (HHPD) Program, which was awarded to the Department of Safety, HSEM from the Federal Emergency Management Agency (FEMA). The HHPD Program provides technical, planning, design, and construction assistance in the form of grants to states for non-Federal governmental organizations or nonprofit organizations for rehabilitation of eligible high hazard potential dams. For FFY 2021, the HHPD will provide assistance for technical, planning, design and construction activities. Grant guidance and applications are available to all Emergency Management Directors, eligible dam owners, and other qualified organizations in the State. Subrecipients submit applications to this office, which are reviewed by the State Hazard Mitigation Officer/Assistant Chief of Mitigation and Chief of Mitigation and Recovery and approved by the HSEM Director. The criteria for approval are based on grant eligibility in accordance with the grant's current guidance and the documented needs of the local jurisdictions.

The High Hazard Potential Dam Program is 65% federally funded by FEMA with a 35% match requirement supplied by the subrecipient. The subrecipient acknowledges their match obligation as part of Section V of the MOA.

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In the event that Federal Funds are no longer available, General Funds and/or Highway Funds will not be requested to support this program.

Respectfully submitted,



Robert R. Scott
Commissioner of Department of Environmental Services

Respectfully submitted,



Robert L. Quinn
Commissioner of Safety

**MEMORANDUM OF AGREEMENT (MOA)
BETWEEN
THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
THE NEW HAMPSHIRE DEPARTMENT OF SAFETY**

FFY'21 High Hazard Potential Dam (HHPD) Program

CFDA #97.041

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to provide funding in the amount of \$770,431.00 to the New Hampshire Department of Environmental Services, Dam Bureau Water Division to utilize services of a consultant to prepare final designs needed to support an eventual final rehabilitation to address all deficiencies of Milton 3-Ponds Dam (NID NO. NH00320) and Dollof Dam (NID No. NH00134).

II. PARTIES

The parties to this agreement are the New Hampshire Department of Environmental Services (hereinafter DES), Dam Bureau Water Division and the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management (hereinafter HSEM).

III. AUTHORITY

The High Hazard Potential Dam (HHPD) Program provides technical, planning, design, and construction assistance in the form of grants to states for non-Federal governmental organizations or nonprofit organizations for rehabilitation of eligible high hazard potential dams. For FFY2021, the HHPD will provide assistance for technical, planning, design, and construction activities. The State received the FY2021 HHPD funding award on October 8, 2021 with a period of performance end date of September 14, 2024.

IV. SCOPE OF WORK

The purpose of this Memorandum of Agreement (MOA) is to provide funding in the amount of \$770,431.00 to the New Hampshire Department of Environmental Services, Dam Bureau Water Division to utilize services of a consultant to prepare final designs needed to support an eventual final rehabilitation to address all deficiencies of Milton 3-Ponds Dam and Dollof Dam to bring the dams in compliance with current dam safety standards. The final design of Milton 3-Ponds Dam and Dollof Dam will use previous studies in order to prepare the final design.

HSEM agrees to provide financial assistance to DES in support of the tasks listed above, in accordance with Section V. The financial assistance to be provided by HSEM (FFY 2021 HHPD Program) under this MOA requires a contribution of 35% of the total amount in matching of the total project amount. The non-federal match will be provided from a capital appropriation made by the New Hampshire Legislature for State Fiscal Years 22-23 specifically for the repair and reconstruction of state-owned dams.

DES shall maintain financial records, supporting documents, and all other pertinent records for a period of three (3) years. In these records, DES shall maintain documentation of the 35% cost share required by this grant and agreed upon by DES.

V. FUNDING

Upon approval of this MOA, HSEM shall reimburse up to \$770,431.00 to DES after the project is complete and upon receiving appropriate documentation of expended funds for the match as outlined in Section IV. Supporting documentation shall show proof of cost and proof of payment (submitted through invoices for services rendered). Payments shall be made by HSEM to DES through submittal of invoices for services rendered. DES agrees to document \$414,848.00 in matching expenditures.

VI. TERMINATION

Either party may terminate this agreement by providing a written notice for documentation purposes to the other thirty (30) days prior to termination.

VII. DURATION

This agreement shall continue in effect from the date of Governor and Council approval until September 14, 2024 unless terminated earlier by either party.

VIII. AGREEMENT

In WITNESS THEREOF, the parties hereto have executed this agreement, which shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve the agreement.

NH Department of Environmental Services



Robert R. Scott
Commissioner

8/10/22
Date

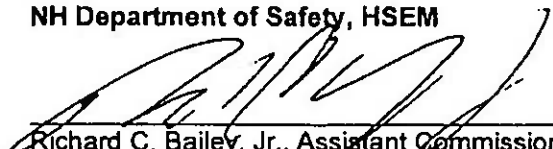
NH Department of Safety



Robert L. Quinn
Commissioner

9/2/22
Date

NH Department of Safety, HSEM

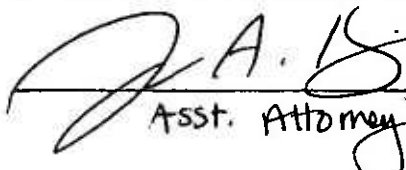


Richard C. Bailey, Jr., Assistant Commissioner/Acting Director

9/1/22
Date

Approved by the Attorney General this 6th day of December, 2022, as to form, execution and substance.

OFFICE OF THE ATTORNEY GENERAL


Asst. Attorney General

U.S. Department of Homeland Security
Washington, D.C. 20472



Jennifer Harper
NH Dept. of Safety, Div. of Homeland Security & Emergency Management
33 Hazen Drive
Concord, NH 03305 - 0011

Re: Grant No. EMW-2021-GR-00162

Dear Jennifer Harper:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2021 High Hazard Potential Dams (HHPD) Rehabilitation Grant has been approved in the amount of \$810,980.00. As a condition of this award, you are required to contribute a cost match in the amount of \$436,682.00 of non-Federal funds, or 35 percent of the total approved project costs of \$1,247,662.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2021 High Hazard Potential Dams (HHPD) Rehabilitation Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please log in to the ND Grants system at <https://portal.fema.gov>.

Step 2: After logging in, you will see the Home page with a Pending Tasks menu. Click on the Pending Tasks menu, select the Application sub-menu, and then click the link for "Award Offer Review" tasks. This link will navigate you to Award Packages that are pending review.

Step 3: Click the Review Award Package icon (wrench) to review the Award Package and accept or decline the award. Please save or print the Award Package for your records.

System for Award Management (SAM): Grant recipients are to keep all of their information up to date in SAM, in particular, your organization's name, address, DUNS number, EIN and banking information. Please ensure that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in the SAM; therefore, it is imperative that the information is correct. The System for Award Management is located at <http://www.sam.gov>.

If you have any questions or have updated your information in SAM, please let your Grants Management Specialist (GMS) know as soon as possible. This will help us to make the necessary updates and avoid any interruptions in the payment process.

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a small flourish.

CHRISTOPHER PATRICK LOGAN GPD Assistant Administrator