



## **New Hampshire Council on Resources and Development (CORD)**

Date: Thursday, March 6, 2025  
Time: 3:00-4:00 P.M.  
Location: Department of Business and Economic Affairs  
Kinsman Conference Room,  
100 N. Main Street, Concord, NH 03301

### **AGENDA**

- I. ROLL CALL AND INTRODUCTIONS**
- II. MINUTES** – Approval of January 9<sup>th</sup>, 2025 minutes
- III. LAND & COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP)** – No Item.
- IV. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)**
  - A. Request to renew a Memorandum of Agreement between CORD, the NH Fish and Game Department, and Conservation Land Stewardship Program within the Department of Administrative Services relating to contribution of funds to the Land Conservation Endowment, and distribution of funds for conservation easement monitoring and stewardship.
- V. SURPLUS LAND REVIEW** – No Item.
- VI. OTHER BUSINESS**
  - A. Next meeting – May 8<sup>th</sup>, 2025

II. Minutes  
January 9, 2025



**New Hampshire Council on Resources and Development**

**DRAFT MINUTES – January 09, 2025**

**MEMBERS PRESENT**

- Heather Shank, Designee, Department of Business and Economic Affairs, Chair
- John Martin, Designee, Department of Health and Human Services
- Jared Nylund, Designee, Department of Administrative Services
- Eric Sargent, Designee, Department of Transportation
- Patrick Hackley, Designee, Department of Natural and Cultural Resources
- Allen Wyman, for Designee, Department of Agriculture
- Jim Oehler, Designee, NH Fish & Game
- Jack Ruderman, Designee, NH Housing Finance Authority
- Adam Crepeau, Designee, Department of Environmental Services (joined at 3:02 PM)

**OTHER PARTICIPANTS**

- Paula Bellemore, Executive Director of Land & Community Heritage Investment Program (LCHIP).
- Chris Aslin, CORD Attorney, Senior Assistant Attorney General, Environmental Protection Bureau

**ROLL CALL AND INTRODUCTIONS**

The meeting was opened at 3:00 PM by Chair Shank.

**MINUTES**

**Approval of December 12, 2024 meeting minutes.**

December 12, 2024 minutes were reviewed, and no changes were made.

**MOTION:** *On a motion by Mr. Martin, seconded by Mr. Wyman, the December 12, 2024 minutes were approved as written by a majority vote in favor with one abstention by Mr. Ruderman.*

**LAND & COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP)**

**Paula Bellmore, Executive Director of Land & Community Heritage Investment Program (LCHIP). Request for distribution of Community Conservation Endowment monitoring funds.**

Ms. Bellmore, from the NH Land and Community Heritage Investment Program, requests approval from the Council to withdraw up to \$254,912 from the Community Conservation Endowment (CCE) fund for the purpose of awarding stewardship grants for the 2024 monitoring year and supporting LCHIP’s administration of the stewardship program in fiscal year 2025.

50 Ms. Bellmore then answered a few questions from members about the administrative staff and  
51 who the grants go to.

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53 **MOTION:** Motion was made by Mr. Wyman, seconded by Mr. Ruderman, to approve the  
54 withdrawal of up to \$254,912 from the Community Conservation Endowment (CCE) fund for the  
55 purpose of awarding stewardship grants for the 2024 monitoring year, and supporting LCHIP's  
56 administration of the stewardship program in fiscal year 2025. Motion carried with a 7:2:0 vote,  
57 with Mr. Hackley and Mr. Oehler abstaining.

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## 59 **OTHER BUSINESS**

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### 61 **VI. OTHER BUSINESS**

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#### 63 **CORD procedures discussion**

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65 Chair Shank said the updated draft of the guidance document discussed at the previous  
66 meeting was in the packet. The final draft is intended to be given to Steve Walker to distribute to  
67 owners of LCIP properties when they have questions about permitted activities and the  
68 procedures to follow for requested changes. Once this document is finalized, it will be branded  
69 and made available as needed.

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71 Mr. Martin noted that it was a good idea to create this guidance document. He also suggested  
72 the document clarify whether the landowner should be addressing CORD or the managing  
73 agency. He also asked why it notes that CORD opinions are not legally binding.

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75 Chair Shank explained that this is only in cases where the municipality has the authority. The  
76 municipality can ask CORD to weigh in, but that would be a courtesy request and CORD's  
77 opinion is not legally binding in that case.

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79 Mr. Martin also asked who would be administratively responsible for going through the process  
80 when an amendment is requested. Attorney Aslin said that the managing agency would be  
81 involved with the process if they supported the approval.

82

83 Mr. Sargent noted that it was a good document overall but noted that there is no instruction on  
84 the process of deed amendment and what is required from a property owner when an amended  
85 is requested. Chair Shank and Attorney Aslin noted that the document is intended to be a  
86 general summary of processes. If a property owner wanted to pursue an amendment, more  
87 detailed documents would be provided.

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89 There was a brief discussion about the amendment process itself and whether the managing  
90 agency should be the one driving it. Mr. Aslin noted that CORD can provide some advice and  
91 instructions on how to proceed, and possibly some legal support from the CORD attorney,  
92 should the managing agency legal counsel seek it.

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94 There were more questions from Mr. Sargent about whether CORD should be a signatory on  
95 the new amended deed, to which Mr. Aslin said that it should be the managing agency instead.  
96 He added that as long as the person to sign is authorized to do so, it would be ok.

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98 Chair Shank added that there will be other documents specifically describing processes like  
99 amendments and those will be discussed at a future meeting. She explained that some were

100 already drafted by Attorney Brooks in 2017 and will be further developed during future CORD  
101 discussions.

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103 Mr. Nylund said that he understood that each conservation easement amendment process  
104 depends on who the owner and the managing agency is and therefore the process is not  
105 uniform and is unique to each transaction.

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107 Chair Shank added that CORD would be heavily relying on the expertise of the managing  
108 agency as they know what the conservation easement is intended for better than anyone. She  
109 also said that this guidance is not intended to alter any procedures already in place, it is only to  
110 provide clarification.

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112 There was a brief discussion of whether the guidance is suggesting the first contact to be the  
113 managing agency which then can refer people to CORD. Attorney Aslin noted that the idea was  
114 to stay away from managing agencies giving legal advice, therefore, this guidance document  
115 could be provided first and guide the property owner as to whether they need to go to CORD or  
116 not for their particular issue.

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118 Members discussed the uncertainty of the managing agency interpreting the deed language as  
119 to whether an activity is allowed. Mr. Aslin seconded Chair's Shank sentiment that if the  
120 managing agency is unclear, CORD involvement is the best option. He suggested that initially  
121 the DOJ counsel could also be consulted prior to going to CORD.

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123 It was noted that this is not clear in the current document. Chair Shank agreed that as written, it  
124 cuts the managing agency out of the process. She will follow up with Attorney Brooks about  
125 adding the language indicating the managing agency should be contacted first.

126  
127 Ms. Bellmore noted a request made to CORD last year where the landowner was very frustrated  
128 with the length of the process and suggested adding some language about the fact that it could  
129 be a lengthy process and advise the landowners to prepare well in advance.

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131 There was a brief discussion about the case mentioned by Ms. Bellmore and how it came to  
132 CORD. The managing agency was not sure whether they could make a decision on their own in  
133 that case based on the deed language.

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135 Chair Shank noted that this is why this guidance was created, to help clarify procedures. She  
136 also noted that all the properties under LCIP have since been transferred to CORD, therefore  
137 the managing agencies should be aware of that anytime they see LCIP noted in the deed  
138 language, it essentially is referring to the agency.

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140 Mr. Nylund reiterated his concern with the guidance under Courtesy requests and informational  
141 items, noting that CORD's opinions are not legally binding and suggesting changing it to  
142 something of the effect that CORD's opinions are merely CORD's interpretation of the deed.

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144 Chair Shank suggested clarifying in the document that courtesy requests refer to instances  
145 when the municipality has the authority. She noted that while the municipality is the easement  
146 holder, CORD could request its legal counsel to rectify violations if it becomes aware of any.

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148 Mr. Wyman provided a brief recollection of how all the properties bought with LCIP funds were  
149 dispersed among various state agencies for easement management and that there are certain  
150 statutes that specify CORD involvement in the process.

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Attorney Aslin said that at this point CORD has the ultimate authority over the interest in all LCIP funded properties.

Mr. Ruderman reiterated that there should be language in the guidance about the CORD's decisions and the weight they bear on the process.

For clarification, Mr. Aslin noted, as an example, that for easements managed by an agency of the state, CORD has the authority to which change agency is responsible. CORD cannot do the same if the municipality is the responsible party. In that case, CORD can become an enforcer, should the municipality neglect its easement management responsibilities for an LCIP property.

Attorney Aslin clarified that CORD's decisions are not legally binding in a sense that the disagreeing party can take the action to court and then the court will have the final say.

Mr. Hackley asked whether CORD would be involved in a conservation easement amendment for a non-LCIP property. Attorney Aslin said that CORD would have no involvement.

Chair Shank thanked everyone for their input and suggestions and asked Attorney Aslin to relay the suggestions to Attorney Brooks so that he could incorporate them into the guidance document for further CORD discussion.

There were no further discussions. Chair Shank announces the next meeting is March 6, and that SLR application deadline is January 31, 2025.

Chair Shank adjourned the meeting at 3:50 PM.

**NOTE:** SLR application deadline is January 31 for the March 2025 meeting, a department staff person must attend to present any requests their agency refers to CORD.

IV. Land Conservation  
Investment Program  
A. Request to Renew  
Memorandum of Agreement

**MEMORANDUM OF AGREEMENT**  
**Between the**  
**COUNCIL ON RESOURCES AND DEVELOPMENT**  
**and the**  
**CONSERVATION LAND STEWARDSHIP PROGRAM within the**  
**DEPARTMENT OF ADMINISTRATIVE SERVICES**  
**and the**  
**NEW HAMPSHIRE FISH AND GAME DEPARTMENT**  
**for the**  
**Monitoring of Conservation Easements under Endowment**

This Memorandum of Agreement (MOA) is entered into by the Council on Resources and Development (CORD), the Conservation Land Stewardship Program within the Department of Administrative Services (CLSP-DAS), and New Hampshire Fish and Game Department (NHFG).

**Whereas**, NHFG is mandated by RSA 206:4-a to conserve, protect and manage fish, wildlife, and marine resources and to acquire, develop and manage lands and waters for recreational purposes; and

**Whereas**, NHFG acquires conservation easements in perpetuity to protect fish and wildlife habitat and to provide public access to said lands; and

**Whereas**, NHFG periodically receives gifts, donations and grants as endowment to ensure that stewardship monitoring and enforcement will occur in perpetuity on said lands; 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**, CORD, through the CLSP-DAS, has the technical expertise to efficiently carry out easement stewardship, monitoring, and enforcement activities and currently carries out these activities pursuant to RSA 162-C for conservation interests acquired through the Land Conservation Investment Program (LCIP);

**Now Therefore**, all parties agree as follows:

- 1) This Agreement applies to all gifts, donations and grants deposited into the Land Conservation Endowment by NHFG pursuant to RSA 162-C:8, and to stewardship of the associated non-LCIP conservation easements held by NHFG for which the funds were received.
- 2) This Agreement covers a ten (10) year time period commencing on the date of Governor and Council approval through June 30, 2035. It is the intention however of the parties to continue the long-term stewardship of conservation lands through timely renewal of this Agreement. This Agreement may be amended in writing if necessary, with the consent of all parties.
- 3) CORD, CLSP-DAS, and NHFG agree to cooperate as follows:



NHFG agrees to:

- 1) at NHFG's discretion, deposit funds into the Land Conservation Endowment in accordance with RSA 162-C:8 for the purpose of providing conservation easement stewardship support for the specific easement lands for which the funds were received. The donated amount shall be agreed upon by NHFG and CLSP prior to deposit into the endowment and shall be deemed to be sufficient to generate interest in the long-term to support stewardship efforts for the easement land in perpetuity; and
- 2) provide technical and enforcement support to CLSP regarding the prevention or enforcement of violations or diminution of the terms of any conservation easement deed which is part of this Agreement. NHFG shall have final determination of the disposition or enforcement of the terms of any easement; and
- 3) review and approve/disapprove actions of the Grantor as required by any conservation easement deed which is part of this Agreement; and
- 4) assign responsible staff to serve as the contact person with CLSP regarding any provision of the Agreement.

CORD agrees to:

- 1) at CORD's discretion, in consultation with CLSP, accept endowment contributions from NHFG into the Land Conservation Endowment and allow expenditures from the endowment in accordance with RSA 162-C:8 for the purpose of providing conservation easement stewardship support for NHFG-managed conservation easements not already covered by the Land Conservation Endowment (i.e., NHFG-managed easements not associated with the former Land Conservation Incentives Program); and
- 2) authorize CLSP-DAS to carry out stewardship support responsibilities as stated herein.

CLSP-DAS agrees to:

- 1) conduct easement monitoring on NHFG easements using CORD-approved endowment funds, which generally will include:
  - a. conducting easement monitoring to ensure that conditions of the conservation easement are being met annually (every 12 – 14 months) on each parcel. This shall include, when practical, a personal contact/visit with the landowner(s) or their representative(s) to discuss the easement and any proposed or undertaken activities related to it; and
  - b. maintaining electronic copies of correspondence, monitoring reports and information regarding changes of address, changes in land management that may affect wildlife habitat or public access, and other land management issues identified for each parcel; and
  - c. maintaining a database to track parcels, landowners, status, etc.; and
  - d. conducting remote sensing and photography as necessary or desirable to document the condition of the parcels; and

- e. resolving, to the extent practicable, any conflicts which arise from the enforcement of the conditions of the easement subject to NHFG approval; and
- 2) provide NHFG with copies of all monitoring reports and correspondence for each parcel; and
- 3) meet with NHFG as necessary to resolve any problems which may arise; and
- 4) serve as the point of contact for requests by the Grantor of activities requiring prior Grantee approval and coordinate with NHFG as necessary to ensure that review and approval/disapproval is conducted as required by any conservation easement deed that is part of this Agreement; and
- 5) coordinate with NHFG and State Treasury for the deposit of funds into the Land Conservation Endowment according to agreed upon policies and procedures; and
- 5) report annually to CORD on stewardship responsibilities under agreement.

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

Approved By:

\_\_\_\_\_  
 Stephanie L. Simek, Ph.D.  
 Executive Director  
 NH Fish and Game Department

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 Date

\_\_\_\_\_  
 Charles M. Arlinghaus, Commissioner  
 Department of Administrative Services

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 Date

\_\_\_\_\_  
 Taylor Caswell, Commissioner  
 Department of Business and Economic Affairs

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 Date

Approved by the ATTORNEY GENERAL this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Assistant Attorney General \_\_\_\_\_

Approved by GOVERNOR AND COUNCIL

Deputy Secretary of State \_\_\_\_\_

## VI. Other Business

# 2025 CORD APPLICATION & INFORMATION DEADLINES

The following deadlines are for submissions of Surplus Land Request (SLR) applications as well as any administrative information for CORD to review.

All SLR applications are to be submitted with:

- **One complete email application with signatures and**
- **One hard copy application, with original signatures to:**

NH Office of Planning & Development  
100 North Main St, Suite #100  
Concord, NH 03301

Attn: Brandan McDowell, Principal Planner [brendan.m.mcdowell@livefree.nh.gov](mailto:brendan.m.mcdowell@livefree.nh.gov)

All administrative information is to be submitted via email to:  
Brandan McDowell, Principal Planner [brendan.m.mcdowell@livefree.nh.gov](mailto:brendan.m.mcdowell@livefree.nh.gov)

Meeting Date	SLR Application Submission Deadlines	Administrative Information Deadlines
January 9, 2025	December 13, 2024	December 31, 2024
March 6, 2025	January 31, 2025	February 25, 2025
May 8, 2025	April 4, 2025	April 29, 2025
August 7, 2025	July 3, 2025	July 29, 2025
October 9, 2025	September 5, 2025	September 30, 2025
December 11, 2025	November 7, 2025	December 2, 2025

If you have any questions regarding submission requirements, please feel free to reach out to Brandan McDowell for assistance.

**\*Any SLR applications and/ or administrative information submitted after the deadlines will be taken up at the next scheduled CORD meeting.\***