

SABHRS # 50629

\$45K PS > 4/4/24
\$5K OPS

**COOPERATIVE AGREEMENT
BETWEEN
MONTANA FISH, WILDLIFE, AND PARKS
AND
MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
FORESTRY DIVISION**

**DNRC AGREEMENT # DNRC 245025
FWP AGREEMENT # FWP 24-0051**

This Cooperative Agreement (CA), between Montana Fish, Wildlife, and Parks (FWP), hereinafter referred to as "FWP," PO Box 200701, Helena, MT 59620-0701 and Montana Department of Natural Resources and Conservation (DNRC), herein after referred to as "DNRC," 2705 Spurgin Road, Missoula, MT 59804, is for forestry and prescribed fire assistance on FWP sites.

1. Background

DNRC convened the Montana Forest Action Advisory Council to produce the Montana Forest Action Plan, which was completed in December 2020. A key strategy of the Plan is to promote cross-boundary, landscape-scale forest restoration and management and DNRC maintains a professional forestry and fire management staff with the expertise to provide assistance to landowners, such as FWP, with implementation of that strategy.

FWP is responsible for the stewardship of approximately 200,000 acres of forested land on state wildlife management areas, fishing access sites, and parks. FWP is required to implement forest management practices on these lands pursuant to 87-1-201(9)(a)(iv) and 87-1-622, Montana Code Annotated (MCA) to address fire mitigation, insect infestation, and wildlife habitat enhancement on forested lands under FWP's jurisdiction in accordance with forest management plans and based on an annual sustained yield. FWP possesses one forester on staff to implement these forest management statutes. FWP is in need of additional capacity, forest management expertise, and assistance to more efficiently and effectively meet the requirements of this law. It is of mutual benefit for DNRC to assist FWP in order to achieve goals outlined in the Montana Forest Action Plan.

2. Purpose

The purpose of this CA is to document the cooperation between the parties for DNRC to provide assistance to FWP in implementing forest management and prescribed fire projects, and for FWP to reimburse DNRC for costs of providing assistance, in accordance with the following provisions.

3. Responsibilities

a) DNRC and FWP will:

- i) Conduct liaison meetings as needed to develop and maintain a list of potential projects and scope of work in which DNRC may provide assistance to FWP.
 - a. The scope of work will contain information such as proposed project dates, names, locations, objectives, estimated costs, and project manager contact information.

- ii) Perform in accordance with the terms of this CA.
- iii) Periodically review the CA and cooperatively recommend changes.
- iv) Provide access to all pertinent files and plans upon request from the other party.

b) DNRC will:

- i) Provide qualified personnel, supplies, materials, and vehicles as requested, and as available, to perform work under the direction of the FWP Forester. Work to be performed may include:
 - a. Project layout (such as boundary marking, Streamside Management Zone (SMZ) layout, locating and marking property lines/corners, tree marking, traversing boundaries, GPS data collection, timber cruising, collecting road notes);
 - b. Harvest inspection (such as visiting FWP timber harvest projects to observe operators compliance with Forestry Best Management Practices (BMPs), SMZ law, and prescription and reporting observations to the FWP Forester);
 - c. Prescribed fire planning (such as technical assistance with preparing prescribed burn plans, mobilizing resources to implement prescribed burning, providing technical review of FWP burn plans); and
 - d. Prescribed burning as described in prescribed burn plans.
- ii) Provide a project manager, as available, to work with the assigned FWP project manager (the FWP project manager will be the FWP Forester).
- iii) Provide FWP with regular project activity updates during projects.
- iv) Provide quarterly itemized invoices and a narrative of work performed (only if work is performed in that quarter) to FWP requesting reimbursement of actual costs of project expenses that are within the scope of this CA.

c) FWP will:

- i) Provide a project manager to work with the assigned DNRC project manager.
- ii) Maintain responsibility and oversight for activities on FWP lands.
- iii) For projects that involve prescribed fire, approve burn plans and obtain required permits.
- iv) Be responsible for public meetings related to FWP activities and for MEPA compliance on FWP lands.
- v) Provide orientation, maps, and gate keys as necessary for the project area/s for which the work under this CA will be performed.
- vi) Issue payment to DNRC through the interagency transfer process within 30 days of receipt of invoice from DNRC for project expenses incurred that are within the scope of this CA.

4. It is mutually agreed:

- a) In consideration for work performed within the scope of this CA, FWP shall provide compensation to DNRC **not to exceed \$50,000.00.**
- b) Changes to this CA must be agreed to via written amendment signed by both parties.
- c) Specific project scope, details, and duties will be finalized in writing as necessary by each agency in advance of project implementation. Email is an acceptable manner of written agreement for this purpose.
- d) This CA may be terminated if either party, due to overriding circumstances, is unable to fulfill its obligations. Costs incurred by DNRC as of the termination date must be reimbursed by FWP.

- e) This CA is not assignable.
- f) Nothing in this CA is intended to waive or otherwise limit any applicable law, rule, or regulation, or any other requirements or duties under such laws, rules, or regulations.

5. Scope and Duration

This CA is effective upon date of last signature below and will expire on **August 31, 2026**, unless extended via written amendment signed by both parties.

6. Contacts

<p>DNRC Program Contacts</p> <p><u>Forestry:</u> Matt Arno 2705 Spurgin Road Missoula, MT 59804 (406) 542-4239 mattarno@mt.gov</p> <p><u>Prescribed Fire:</u> Karl Nikoleyczik 2705 Spurgin Road Missoula, MT 59804 (406) 542-4304 karl.nikoleyczik@mt.gov</p>	<p>FWP Forester Jason Parke 1625 11th Avenue, 3rd Floor PO Box 200701 Helena, MT 59620-0701 (406)444-7329 jparke@mt.gov</p>
<p>DNRC Fiscal Contact Marci Anderson 2705 Spurgin Road Missoula, MT 59804 (406)542-4305 marcianderson@mt.gov</p>	<p>FWP Fiscal Contact Caryn Dearing 1420 E. 6th Ave PO Box 200701 Helena, MT 59620 (406)444-3677 cdearing@mt.gov</p>

7. **Authorized Representatives.** By signature below, the parties certify that the individuals list in this document as representatives of each party are authorized to act in their respective areas for matters related to this CA.

Wyatt Frampton 10/4/23
Date
Wyatt Frampton
Deputy Division Administrator
DNRC, Forestry Division
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DocuSigned by:
Ken McDonald 2/27/2024
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Ken McDonald Date
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Approved as to Legal Content:

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Marty Tuttle 9/29/23
Date
Legal Counsel
DNRC

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24440C4A9A064BB...
Legal Counsel Date
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Approved as to form:

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Mari Anderson 9/28/23
Date
Budget Analyst/ G&A
DNRC

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Procurement Officer Date
FWP