

**COOPERATIVE AGREEMENT
BETWEEN
MONTANA DEPARTMENT OF CORRECTIONS
AND
MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**

**DNRC AGREEMENT # 165109
DOC AGREEMENT # MCE 2016-1**

This Cooperative Agreement (CA) is between Montana Department of Corrections (DOC) and Montana Department of Natural Resources and Conservation (DNRC).

1. Background

The DNRC maintains a professional forestry staff with forest management expertise and is responsible for compliance with Montana forest practices laws and the Montana Environmental Policy Act (MEPA), an act with which DOC must also comply. DNRC provides limited forest management advice and assistance to landowners within the state. The DNRC Southwest Land Office and its Anaconda Unit office are responsible for providing services in the geographic area of the DOC Prison Ranch in Powell County, Montana.

The DOC owns 33,287 acres of land in Powell County, Montana. Montana Correctional Enterprises (MCE), a division of the DOC, is responsible for the stewardship of this land for the State of Montana. A cattle ranch and dairy farm are important components of the use of the DOC owned acreage. In addition, MCE manages approximately 9,000 acres of land under the terms of school trust land leases. As part of good land stewardship, MCE has the responsibility to maintain these lands in a healthy manner. The DOC forestlands currently have insect and disease infestations in need of attention. DOC is in need of forest management expertise and assistance to develop a forest management plan consistent with DOC land management objectives.

2. Purpose

Under this CA, DNRC will advise and assist DOC with timber sale planning and implementation, MEPA environmental analysis, and development of a comprehensive forest management plan consistent with DOC land management objectives. DOC will reimburse DNRC for the costs of providing this assistance.

3. Responsibilities

a) DNRC will:

- i) Provide a Project Manager (Forester) to work with the assigned DOC Project Manager. DNRC may also provide additional support, as appropriate, and as available, to fulfill the responsibilities of this CA.
- ii) Assist DOC with preparation of a MEPA environmental analysis on proposed salvage harvest activities in the form of an Environmental Impact Statement (EIS) or

Environmental Assessment (EA), whichever is determined appropriate by the DOC in consultation with the DNRC. DOC will retain decision making authority for proposed actions.

- iii) Assist DOC with timber sale preparation and implementation, including harvest unit and road location and design, tree marking, sensitive area delineation, timber cruising, timber appraisal, contract preparation, sale advertisement, bid/award review, and contract administration as deemed necessary by both parties.
- iv) Provide DOC with timber sale documentation including inspection reports documenting purchaser progress and compliance with contract terms.
- v) Provide oversight of logging and related activities, including disposal of slash.
- vi) Assist DOC with development of short-term and long-term term forest management goals to be included in a comprehensive forest management plan.
- vii) Provide quarterly itemized invoices to DOC requesting reimbursement of actual costs of Personal Services and Operating expenses that are within the scope of this CA.

b) DOC will:

- i) Provide a Project Manager to work with the assigned DNRC Project Manager.
- ii) Provide administrative oversight for activities on DOC lands.
- iii) Issue payment to DNRC through the interagency transfer process within 30 days of receipt of invoice from DNRC for Personal Services and Operating expenses that are within the scope of his CA, not to exceed **\$20,000.00** (Twenty thousand dollars).
- iv) Conduct all necessary procurement and/or bidding actions related to the selection of a timber-sale purchaser.

c) DNRC and DOC will:

- i) Conduct liaison meetings as needed to update the status of the project and coordinate activities associated with this CA.
- ii) Periodically review the CA and cooperatively recommend changes.
- iii) Provide access to all pertinent files and plans upon request from the other party.
- iv) Provide additional technical services on an as-needed, mutually agreed-upon basis.

4. It is mutually agreed:

- a) The assistance and analysis to be provided by DNRC will in no way affect and/or limit the DOC's statutory obligation to comply with MEPA either with respect to fulfillment of the terms of this CA or with respect to any forest-management activities that take place subsequent to fulfillment of the terms of this CA.
- b) The work will begin as soon as possible, given existing DNRC workloads and fiscal constraints, to minimize additional tree mortality and the loss of merchantable volume.
- 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 is not assignable.
- e) 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.
- f) This CA may be amended via written amendment signed by both parties.

5. Scope and Duration

This CA is effective upon date of last signature below and will expire on **June 30, 2017**, unless extended via written amendment signed by both parties.

6. Contacts

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7. Signatures

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Date

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