

INTERGOVERNMENTAL AGREEMENT

COMMONWEALTH OF PENNSYLVANIA

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
AND
PENNSYLVANIA FISH AND BOAT COMMISSION**

This Agreement is made and entered into this 16th day of December, 2008, by and between the Department of Conservation and Natural Resources (hereinafter called "DCNR") and the Pennsylvania Fish and Boat Commission (hereinafter called the "PFBC").

The parties, as administrative agencies of the Commonwealth of Pennsylvania, wish to cooperate in protecting and improving fishing and boating access to enhance recreational opportunities across the state on DCNR lands.


Therefore, the parties shall perform these activities in accordance with the following terms and conditions:

1. DCNR and the PFBC shall work together to implement activities related to site assessment of existing and proposed access areas, site design and construction, signage planning and installation, and map development.
2. Upon identification by the parties of a proposed fishing or boating access site, the parties shall jointly determine the extent of the improvements to be made. The PFBC may be responsible for the provision of technical guidance and engineering resources, securing any access agreements with private landowners and development of cost estimates for the site. As determined by the parties upon identification of a site, either the PFBC or DCNR shall be responsible for supplying personnel or contractors, materials and equipment for construction of the access site, and the other party may contribute to these costs to the extent funds are available. Delineation of responsibilities shall be established by mutual agreement of the parties on a case by case basis. The design and construction work may be performed incrementally and shall be subject to the availability of resources.
3. The PFBC will make copies of structural and site design plans and specifications for each project site available to DCNR far enough in advance to permit DCNR to review and comment on the documents. If PFBC is responsible for construction, PFBC shall notify DCNR at least 14 days prior to construction.

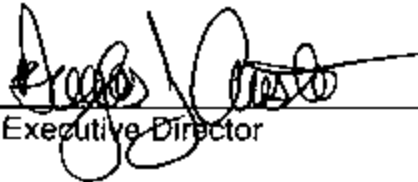
4. Upon completion of the construction of an access site, DCNR shall notify the PFBC that the site may be added to the PFBC's public notification tools, including but not limited to its website, water trail maps and newsletters.
5. DCNR shall fund and perform all major, minor and routine maintenance and repairs to the access area and associated structures, including but not limited to fencing, surface material, and vegetative plantings, if necessary. DCNR agrees to maintain the access sites in good working order and the vegetated areas in a satisfactory aesthetic appearance.
6. The appropriate District Forester / Park Manager shall issue a Letter of Authorization, including project map with geographic coordinates, to PFBC for each access site designating specific conditions to govern each construction project, including the schedule for construction activities and any special conditions that may apply to that particular site. See Appendix A.
7. This Intergovernmental Agreement is intended to and does create contractual rights and obligations with respect to the signatory agencies.
8. This Intergovernmental Agreement may be amended at any time by mutual consent of the parties.
9. Either party may terminate this Intergovernmental Agreement by providing the other with at least ninety (90) days prior written notice. The parties agree to complete any projects that have been started as of the date of the termination. This Agreement may be renewed upon mutual agreement of the parties. If not terminated or renewed, this Agreement shall terminate on December 31, 2018.

IN WITNESS WHEREOF, the parties have caused this Intergovernmental Agreement to be duly executed effective the day and year first written above.



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

BY:  DATE: 12 16 08
Secretary

PENNSYLVANIA FISH AND BOAT COMMISSION

BY:  DATE: 12/8/08
Executive Director

APPROVED AS TO LEGALITY AND FORM


BY:  DATE: 12/31/08
DCNR Office of Chief Counsel

BY:  DATE: 12/2/08
PFBC Office of Chief Counsel

BY:  DATE: 1/16/09
Office of General Counsel

BY:  DATE: 2/9/09
Office of Attorney General

DCNR-Bureau of Forestry & PFBC-Bureau of Boating and Access Access Review Process

The following steps shall be observed as protocol in the review of a requested new or rehabilitated fish and / or boating access (access) on state forest lands requiring the assistance of the PA Fish and Boat Commission (PFBC).

If a forest district has identified a waterway or waterbody site as a new or improved access for public use, an initial notification will be made to the Recreation Section Chief for assessment. The Recreation Section Chief will notify the PFBC's Bureau of Boating and Access to schedule a field visit with the appropriate staff. If PFBC has identified a waterway or waterbody site on state forest lands as a new or improved access for public use, an initial notification will be made to the PFBC's Director of the Bureau of Boating and Access. The Bureau Director or designee will notify the DCNR-Bureau of Forestry's Recreation Section Chief and schedule a field visit with the appropriate staff to evaluate the site.

If it is determined that the necessary work will require labor or equipment from PFBC, a Letter of Authorization (LOA), including project location map with lat / lon, will be issued by the District Forester or designee to the PFBC's Director of the Bureau of Boating and Access permitting the construction of the access and a carbon copy will be sent to the Recreation Section Chief. If it is determined that no labor or equipment will be necessary from PFBC, field drawings will be provided to the forest district staff to complete the necessary work and no LOA is required.