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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

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

Bureau of Environment
July 3, 2019

REQUESTED ACTION

The Department of Transportation (DOT) requests placing this item on the Consent Calendar.

In accordance with the requirements approved by Governor and Executive Council on November 18, 2016 (Item #28), DOT is submitting an annual accounting of permit fees and Aquatic Resource Mitigation Fund (ARM) payments made during fiscal year 2019 pursuant to RSA 482-A, to the Department of Environmental Services (DES) for construction projects and maintenance activities requiring fill and dredge in wetlands, as well as other areas under the jurisdiction of RSA 482-A. Attached please find a detailed reporting for the fiscal year ending June 30, 2019.

EXPLANATION

Pursuant to RSA 482-A, "no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from [DES]." The law includes prescribed fees for such impacts which DES uses to fund delivery of this fee-funded permitting program. In addition, to compensate for the loss of jurisdictional areas, DES adopted rules that require mitigation for major impact projects, certain minor impact projects with jurisdictional impacts of 10,000 square feet or greater, and projects involving stream impact (Env-Wt 303.02). The ARM Fund authorizes DES to collect mitigation funds in lieu of wetland restoration, wetland creation, or upland buffer preservation, as part of a wetlands permit application. These funds are then pooled by DES with payments from other permit applications to fund projects that have greater conservation value within the same watershed. The ARM program was authorized in legislation that became effective in August 2006.

Below is a summary of payments made by DOT for permit application fees and ARM Fund payments for FY 2019.

RSA 482-A Payments Made to the Department of Environmental Services

State FY	# of Fee Applications	Application Fees	# of ARM Fund Projects	ARM Fund Payments	Total
2019	35	\$101,907.60	12	\$1,392,372.19	\$1,494,279.79

It is respectfully requested that this item be accepted.

Sincerely,

Victoria F. Sheehan
Commissioner

VFS/ktn

27-Jun-19

DES Payments Summary

FY	Application Fee	ARM Fund	Total
2019	\$101,907.60	\$1,392,372.19	\$1,494,279.79
2018	\$54,823.00	\$2,994,122.16	\$3,048,945.16
2017	\$53,032.60	\$364,129.44	\$417,162.04
2016	\$94,130.20	\$2,194,227.28	\$2,288,357.48
2015	\$45,879.40	\$731,656.33	\$777,535.73
2014	\$55,442.80	\$934,453.93	\$989,896.73
2013	\$66,621.60	\$0.00	\$66,621.60
2012	\$47,081.60	\$152,569.50	\$199,651.10
2011	\$57,053.60	\$165,692.62	\$222,746.22
Total	\$575,972.40	\$8,929,223.45	\$9,505,195.85

RSA 482-A Payments to DES - SFY 2019

Project Name	State Number	Type	Class	Payment Sent	Permit Cost	ARM Fund	SFY
Hampton	42439	SPGP	MAJOR	6/5/2019	\$2,445.20		2019
Plainfield	42580	SPGP	MAJOR	6/4/2019	\$10,000.00		2019
Barnstead-Alton	14121	SPGP	MAJOR	5/13/2019	\$7,568.60		2019
Lyme-Thetford	14460	SPGP	MAJOR	4/25/2019	\$10,000.00		2019
Dixville	42398	SPGP	MAJOR	4/25/2019	\$682.20		2019
Ossipee	10431	SPGP	MINIMUM	2/25/2019	\$514.40		2019
Lisbon	M114-1802	EMERGENCY	MINOR	1/15/2019	\$262.80		2019
Bow	42300	SPGP	MINIMUM	1/14/2019	\$200.00		2019
Harts Location	M113-1801	EMERGENCY	MAJOR	1/14/2019	\$1,320.00		2019
Warner	40512	SPGP	MAJOR	1/10/2019	\$8,620.60		2019
Andover	M210-09	EMERGENCY	MAJOR	1/9/2019	\$200.00		2019
Salem	13933A	SPGP	MAJOR	1/9/2019	\$200.00		2019
Gilford	42249	SPGP	MAJOR	12/13/2018	\$1,113.80		2019
Lisbon	M114-1801	EMERGENCY	MINOR	12/7/2018	\$1,670.00		2019
Gilford	41655	SPGP	MAJOR	12/7/2018	\$852.00		2019
Warren	41738	AMEND1	MAJOR	11/19/2018	\$2,354.80		2019
Lempster	42274	SPGP	MAJOR	11/16/2018	\$1,284.20		2019
Canaan	40493	RFMI 1	RFMI Level 2	11/2/2018	\$790.40		2019
Barrington	42259	EMERGENCY	MAJOR	10/31/2018	\$200.00		2019
Eaton	41864	SPGP	MAJOR	10/24/2018	\$737.20		2019
Barrington	41660	SPGP	MAJOR	10/19/2018	\$388.60		2019
Derry-Londonderry	13065	INDIVIDUAL	MAJOR	10/3/2018	\$10,000.00		2019
Lebanon-Hartford	16148	SPGP	MAJOR	9/21/2018	\$10,000.00		2019
Westmoreland	41553	SPGP	MAJOR	9/19/2018	\$354.40		2019
Westmoreland	41394	SPGP	MAJOR	9/19/2018	\$403.60		2019
Brentwood	41892	SPGP	MAJOR	8/30/2018	\$632.20		2019
Ellsworth	40874	SPGP	MAJOR	8/21/2018	\$3,014.80		2019
Warren	41738	SPGP	MAJOR	8/15/2018	\$2,928.60		2019
Brookline	41814	SPGP	MAJOR	8/6/2018	\$271.60		2019
Conway	25103	SPGP	MAJOR	7/25/2018	\$2,165.20		2019
Canaan	40493	SPGP	MAJOR	7/24/2018	\$790.40		2019
Alexandria	15937	SPGP	MINOR	7/16/2018	\$798.20		2019

Lancaster-Guildhall	16155	SPGP	MAJOR	7/6/2018	\$8,014.20		2019
Haverhill	41297	SPGP	MAJOR	7/6/2018	\$1,129.60		2019
Durham	16236	SPGP	MAJOR	7/6/2018	\$10,000.00		2019
Loudon-Canterbury	29613			8/24/2018		\$106,102.32	2019
Northfield	41876			8/2/2018		\$12,136.32	2019
Alexandria	15937			2/21/2019		\$24,520.32	2019
Lancaster-Guildhall	16155			2/21/2019		\$20,805.12	2019
Bethlehem	26763			2/21/2019		\$18,868.08	2019
Dummer	16304A			2/1/2019		\$892,620.62	2019
Concord-Pembroke	41267			12/21/2018		\$26,749.44	2019
Canaan	40493			12/20/2018		\$8,421.12	2019
Brentwood	41892			10/15/2018		\$7,678.08	2019
Ossipee	14749	SPGP	MAJOR	11/7/2018		\$61,645.35	2019
Durham	16236	SPGP	MAJOR	3/27/2019		\$208,862.54	2019
Barrington	42259	SPGP	MAJOR	5/22/2019		\$3,962.88	2019

Totals: \$101,907.60 \$1,392,372.19
Grand Total: \$1,494,279.79



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

Bureau of Environment
October 12, 2016

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Transportation (DOT) to make payments to the Department of Environmental Services (DES) (Vendor #177894) for permit application fees, and in lieu mitigation fees pursuant to RSA 482-A, for Department construction projects and maintenance activities requiring fill and dredge in wetlands, as well as other areas under the jurisdiction of RSA 482-A. The DOT requests that these payments be approved and effective upon Governor and Executive Council approval through June 30, 2017.

Funding for this request is available for FY 2017 based upon the source of funds for each particular project or activity.

EXPLANATION

Pursuant to RSA 482-A, "no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from [DES]." The law includes prescribed fees for such impacts which DES uses to fund delivery of this fee funded permitting program. In addition, to compensate for the loss of jurisdictional areas, DES adopted rules that require mitigation for major impact projects, certain minor impact projects with jurisdictional impacts of 10,000 square feet or greater, and projects involving stream impact (Env-Wt 303.02). The ARM Fund authorizes DES to collect mitigation funds in lieu of wetland restoration, wetland creation, or upland buffer preservation, as part of a wetlands permit application. These funds are then pooled by DES with payments from other permit applications to fund projects that have greater conservation value within the same watershed. The ARM program was authorized in legislation that became effective in August 2006.

Similar to the Governor and Executive Council approved processes for rented equipment (G&C Item #62, March 12, 2014) and force account agreements (G&C Item #179, June 18, 2014), at the conclusion of each fiscal year, an informational item will be presented to the Governor and Executive Council identifying the permit fees and ARM Fund payments made during the prior fiscal year, while requesting continued approval for payments in the next fiscal year. ARM Fund payments up to now have been individual authorized and this new process will streamline approval and reporting.

Having flexibility for these payments is critical to the nature of the work performed and completed by DOT.

Below is a summary of the payments made by the DOT for permit application fees and ARM Fund payments for the past four (4) fiscal years:

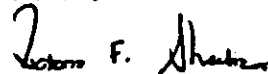
RSA 482-A Payments Made to the Department of Environmental Services

State FY	# of Fee Applications	Application Fees	# of ARM Fund Projects	ARM Fund Payments	Total
2017 (YTD)	12	\$8,287.40	11	\$196,015.31	\$204,302.71
2016	58	\$94,130.20	6	\$2,194,227.28	\$2,288,357.48
2015	47	\$45,879.40	7	\$731,656.33	\$777,535.73
2014	42	\$55,442.80	9	\$934,453.93	\$989,896.73
Total	159	\$203,739.80	33	\$4,056,352.85	\$4,260,092.65

Approval of this method will ensure the timeliness of project and maintenance work, as the DOT cannot begin work on a project within RSA 482-A jurisdiction without permits or without having made required ARM Fund payments. We believe the reporting system being proposed will further assist the Governor and Executive Council in understanding this permitting component of the DOT's work.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan
Commissioner

VFS/ktn

Attachments