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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 9, 2018

**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 2018 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, 2018.

**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 2018.

**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
2018	33	\$63,283.40	9	\$2,994,122.16	\$3,057,405.56

It is respectfully requested that this item be accepted.

Sincerely,

Victoria F. Sheehan  
Commissioner

VFS/ktn  
Attachments

6-Jul-18

**DES Payments Summary**

<b>FY</b>	<b>Application Fee</b>	<b>ARM Fund</b>	<b>Total</b>
2018	\$63,283.40	\$2,994,122.16	\$3,057,405.56
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
<b>Total</b>	<b>\$482,525.20</b>	<b>\$7,536,851.26</b>	<b>\$8,019,376.46</b>

RSA 482-A Payments to DES - SFY 2018

Project Name	StateNumber	Type	Class	Payment Sent	PermitCost	ARM Fund	SFY
Alton	41352	SPGP	MAJOR	6/28/2018	\$242.80		2018
Bethlehem	26763	SPGP	MAJOR	6/7/2018	\$250.20		2018
Haverhill	40557	SPGP	MAJOR	6/5/2018	\$288.60		2018
Fitzwilliam	16211	SPGP	MAJOR	6/5/2018	\$298.80		2018
Concord-Pembroke	41267	SPGP	MAJOR	5/31/2018	\$1,533.80		2018
Portsmouth	27690	SPGP	MAJOR	5/24/2018	\$616.00		2018
Errol	41069	SPGP	MAJOR	5/4/2018	\$2,003.00		2018
Franconia	24497	AMEND1	MAJOR	5/3/2018	\$33.80		2018
Portsmouth-Kittery	15731	NEW	MAJOR	5/1/2018	\$566.00		2018
Dummer	16304A	INDIVIDUAL	MAJOR	4/10/2018	\$10,000.00		2018
Alstead	20817	SPGP	MAJOR	4/10/2018	\$781.00		2018
Northfield	41876	SPGP	MAJOR	4/2/2018	\$200.00		2018
Kingston	41222	SPGP	MAJOR	4/2/2018	\$688.40		2018
Conway	15864	SPGP	MAJOR	3/22/2018	\$2,227.60		2018
Peterborough	41860	SPGP	MAJOR	3/14/2018	\$245.00		2018
Dublin	41861	SPGP	MAJOR	3/14/2018	\$273.40		2018
Ossipee	14749	SPGP	MAJOR	2/27/2018	\$18,460.40		2018
Loudon-Canterbury	29613	SPGP	MAJOR	2/21/2018	\$4,605.20		2018
Walpole-Charlestown	14747	INDIVIDUAL	MAJOR	1/25/2018		\$1,318,873.52	2018
Westmoreland	41691	SPGP	MAJOR	1/17/2018	\$260.00		2018
Bedford	16156	SPGP	MAJOR	1/11/2018		\$15,927.60	2018
Randolph	41564	SPGP	MAJOR	12/19/2017	\$895.40		2018
Roxbury-Sullivan	10439	SPGP	MAJOR	12/13/2017		\$598,511.77	2018
Rochester	21832	SPGP	MAJOR	12/13/2017		\$23,278.80	2018
Lebanon	15880	SPGP	MAJOR	12/13/2017		\$51,948.48	2018
Gorham	41393	SPGP	MAJOR	10/24/2017	\$449.40		2018
Grantham	41188	SPGP	MAJOR	10/11/2017	\$699.80		2018
Swanzey	23737	SPGP	MAJOR	9/26/2017		\$2,450.40	2018
Portsmouth	41253	SPGP	MINIMUM	9/15/2017	\$200.00		2018
Hebron	41473	SPGP	MINIMUM	8/25/2017	\$200.00		2018
Gilford	M314-22	EXPEDITED	MINIMUM	8/25/2017	\$200.00		2018
Bedford	13953	SPGP	MAJOR	7/19/2017		\$954,706.95	2018

Westmoreland	27287-6	SPGP	MAJOR	7/13/2017	\$2,943.80		2018
Plainfield	27287-4	SPGP	MAJOR	7/13/2017	\$449.60		2018
Cornish	27287-5	SPGP	MAJOR	7/13/2017	\$789.40		2018
Tamworth	16239	SPGP	MAJOR	7/12/2017	\$3,212.60	\$23,523.84	2018
Peterborough	27287-3	SPGP	MAJOR	7/12/2017	\$1,333.80		2018
Hinsdale	27287-2	SPGP	MAJOR	7/11/2017	\$2,051.60		2018
Lebanon	27287-1	SPGP	MAJOR	7/10/2017	\$5,471.20		2018
Gilford	16279	SPGP	MAJOR	7/7/2017		\$4,900.80	2018
Acworth	16301	SPGP	MAJOR	7/7/2017	\$812.80		2018

**Totals:           \$63,283.40   \$2,994,122.16**  
**Grand Total:   \$3,057,405.56**



Victoria F. Sheehan  
Commissioner

**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



William Cass, P.E.  
Assistant Commissioner

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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:

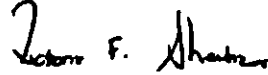
**RSA 482-A Payments Made to the Department of Environmental Services**

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

October 12, 2016

**DES Payments Summary**

<b>FY</b>	<b>Application Fee</b>	<b>ARM Fund</b>	<b>Total</b>
<b>2017</b>	<b>\$8,287.40</b>	<b>\$196,015.31</b>	<b>\$204,302.71</b>
<b>2016</b>	<b>\$94,130.20</b>	<b>\$2,194,227.28</b>	<b>\$2,288,357.48</b>
<b>2015</b>	<b>\$45,879.40</b>	<b>\$731,656.33</b>	<b>\$777,535.73</b>
<b>2014</b>	<b>\$55,442.80</b>	<b>\$934,453.93</b>	<b>\$989,896.73</b>
<b>Total</b>	<b>\$203,739.80</b>	<b>\$4,056,352.85</b>	<b>\$4,260,092.65</b>