



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

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

Bureau of Environment
July 11, 2016

REQUESTED ACTION

Authorize the Department of Transportation (DOT), Bureau of Environment, to **retroactively** pay the Department of Environmental Services (DES) Aquatic Resource Mitigation (ARM) Fund (Vendor #177894) \$15,840.00, as documented in an E-mail correspondence/ARM fund calculator, effective upon Governor and Council approval through June 30, 2017. 100% Betterment funds.

Funding is available as follows:

04-96-96-963015-3039	<u>FY 2017</u>
Betterment Funds	
400-500870 Highway Contract Payments	\$15,840.00

EXPLANATION

This item is **retroactive** as the payment has been made in order to facilitate permitting needed to commence and complete the work in the committed timeframe. The work involves a road closure and the intent is to complete the work by the end of August as it is a school bus route. The payment was in process when the schedule constraints were realized.

Pursuant to RSA 482-A, 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 over 200 linear feet of 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.

This project (Weare, 40882), which involves the reconstruction of a retaining wall that structurally supports NH Route 77, and replacement of an existing, partially failed culvert of irregular dimension that crosses NH Route 77 with a 36" reinforced concrete pipe, requires a one-time payment in Fiscal Year 2017 of \$15,840.00 as mitigation for 66 linear feet of jurisdictional stream and bank impacts.

This project funding is 100% betterment funds.

Your approval of this resolution is respectfully requested.

Sincerely,

Victoria F. Sheehan
Commissioner

VFS/ktn

Kevin Nyhan

From: Sommer, Lori <Lori.Sommer@des.nh.gov>
Sent: Friday, July 08, 2016 8:13 AM
To: Kevin Nyhan; Matt Urban
Cc: Brian Desfosses; Infascelli, Gino
Subject: RE: Weare, 40882 (DES #2016-01817) ARM Confirmation

Good morning,
The amount noted for the 61 feet of bank and 5 feet of channel impact is accurate.

I just noticed that the Belmont ARM Fund payment is due, file #2016-43. Can you provide a status on this? Thanks,

Lori

From: Kevin Nyhan [<mailto:KNyhan@dot.state.nh.us>]
Sent: Thursday, July 07, 2016 8:55 AM
To: Sommer, Lori; Matt Urban
Cc: Brian Desfosses; Infascelli, Gino
Subject: Weare, 40882 (DES #2016-01817) ARM Confirmation

Hi Lori,

I am preparing the G&C request for this project. Would you please confirm the amount at your earliest convenience. As applied for, and agreed upon, we are mitigating 61 linear feet of bank and 5 feet of channel for this project. I ask because it differs from what is outlined in the earlier email chain below. According to the ARM fund calculator (attached) this amounts to \$15,840.00 in lieu fee payment.

In brief: This application seeks the approval of a NHDES Dredge and Fill permit in order to impact areas adjacent to the Piscataquog River. These construction activities are necessary for the reconstruction of a retaining wall that structurally supports NH Route 77. Additionally, during these construction activities, an existing, partially failed culvert of irregular dimension that crosses NH Route 77 will be replaced with a 36" Reinforced Concrete Pipe (RCP).

Thank you,

Kevin

From: Sommer, Lori [<mailto:Lori.Sommer@des.nh.gov>]
Sent: Monday, June 20, 2016 11:48 AM
To: Matt Urban
Cc: Brian Desfosses; Infascelli, Gino
Subject: RE: Weare

Hi Matt and Brian,
Thanks for sending the pictures. I would agree with your proposal to mitigation for the 60 LF only and add the footage of intermittent stream impact in the calculations. I hope this helps you to continue moving forward with this project. Have a good day,

Lori

From: Matt Urban [<mailto:MUrb@dot.state.nh.us>]
Sent: Friday, June 17, 2016 9:06 AM
To: Sommer, Lori
Cc: Brian Desfosses
Subject: Weare

Hi Lori,

I wanted to shoot you a quick email to get your preliminary concurrence for how to approach the mitigation for this project.

I have attached a draft plan that I have highlighted to help tell the story.

We are proposing to replace a failing retaining wall with a newly constructed wall adjacent to the Piscataquog River in the Town of Wear on Route 77. The existing wall also has an 18" pipe that is currently buried in the slope and seeps out. We are going to replace that pipe with a 36" pipes that has an established outlet with scour protection.

Ultimately to complete the proposed work we will permanently be impacting approximately 140 LF of Bank (Shown in Green on the plan).

Of that 140 total LF approximately 80 LF is existing wall that will be removed and replaced (Shown in Orange). We would like to not have to mitigate for the LF feet of existing wall that is going to be replaced (Only areas of new wall would be mitigated)

That said approx. 140LF (total impacts) - 80LF (existing wall) = 60 LF of new wall to be mitigated.

We will also have a small length of intermittent channel that will be permanently dredged at the inlet of the pipe. We are currently showing approx. 22 LF but are looking to reduce this length. We intend to include whatever the final length is with the mitigation package.

Can you let me know if you are comfortable with this approach for only mitigating the length of new wall and not the existing.

Note...we will have no impacts below OHW on the Piscataquog River.

Once I have final numbers I intend to touch base with you again...(we are trying to submit this by next Friday so your initial thoughts would be helpful.)

Thanks,
Matt

Weare, 40882

DES AQUATIC RESOURCE MITIGATION FUND STREAM PAYMENT CALCULATION		
INSERT LINEAR FEET OF IMPACT on BOTH BANKS AND CHANNEL	Right Bank	0.00
	Left Bank	61.0000
	Channel	5.0000
	TOTAL IMPACT	66.0000
	Stream Impact Cost:	\$13,200.00
	DES Administrative cost:	
		\$2,640.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
\$15,840.00		

Note: 5 Linear Feet of Channel Impact at inlet (intermittent stream channel)

Total of 140 LF of permanent Bank Impacts (minue 79LF of existing retaining wall) = 61LF to be mitigated.