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Victoria F. Sheehan  
Commissioner

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

JUL14'22 PM 2:33 RCUD



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William Cass, P.E.  
Assistant Commissioner

Bureau of Environment  
July 1, 2022

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

**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 June 16, 2021 (Item #45), DOT is submitting an annual accounting of permit fees and in lieu mitigation fees made to the Department of Environmental Services (DES) pursuant to RSA 482-A, and RSA 483-B during fiscal year 2022 for construction projects and maintenance activities requiring fill and dredge in wetlands and other areas under the jurisdiction of RSA 482-A, as well as impacts to the protected shoreland of surface waters. Attached please find a detailed reporting for the fiscal year ending June 30, 2022.

**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 the department [of environmental services]." 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 (CHAPTER Env-Wt 800). 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.

Pursuant to RSA 483-B:5-b, 1, "No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department [of environmental services] to ensure compliance with this chapter..." The law includes prescribed fees for permit applications based on the amount of impact to the protected shoreland.

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

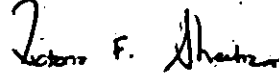
State FY	# of Fee Applications	Application Fees	# of ARM Fund Projects	ARM Fund Payments	Total
2022	37	\$70,803.20	12	\$4,755,988.58	\$4,826,791.78

**RSA 483-B Payments Made to the Department of Environmental Services**

State FY	# of Fee Applications	Application Fees
2022	6	\$13,451.20

It is respectfully requested that this item be accepted.

Sincerely,



Victoria F. Sheehan  
Commissioner

VFS/ktn  
Attachments



Victoria F. Sheehan  
Commissioner

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

G+C #45  
Date 6/16/21



William Cass, P.E.  
Assistant Commissioner

Bureau of Environment  
May 11, 2021

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

REQUESTED ACTION

In accordance with the requirements approved by Governor and Executive Council on November 18, 2016 (Item #28), and January 8, 2020 (Item #9), authorize DOT to continue 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, and RSA 483-B for DOT construction projects and maintenance activities requiring fill and dredge in wetlands and other areas under the jurisdiction of RSA 482-A, as well as impacts to the protected shoreland of surface waters. The DOT requests that these payments be approved and effective upon Governor and Executive Council approval through June 30, 2023.

Funding for this request is contingent upon the availability and continued appropriation of funds in FY 2022 and FY 2023.

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 the department [of environmental services]." 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 (CHAPTER Env-Wt 800). 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.

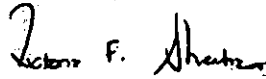
Pursuant to RSA 483-B:5-b, I, "No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department [of environmental services] to ensure compliance with this chapter..." The law includes prescribed fees for permit applications based on the amount of impact to the protected shoreland.

Having the flexibility for these payments is crucial to the nature of the work performed and completed by DOT. Continued 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 or RSA 483-B jurisdiction without permits or without having made required ARM Fund payments. This reporting system further assists the Governor and Executive Council in understanding this permitting component of the DOT's work.

In addition, and as approved by the Governor and Executive Council on November 18, 2016 (Item #28), and January 8, 2020 (Item #9), at the conclusion of FY 2021 an informational item will be provided identifying the permit fees and ARM Fund payments made during FY 2021, and all future years approved under this memorandum.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan  
Commissioner

VFS/ktn  
Attachments

27-May-21

**DES Payments Summary (RSA 482-A)**

<b>FY</b>	<b>Application Fee</b>	<b>ARM Fund</b>	<b>Total</b>
2020	\$137,038.80	\$219,286.63	\$356,325.43
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
<b>Total</b>	<b>\$713,011.20</b>	<b>\$9,148,510.08</b>	<b>\$9,861,521.28</b>

**DES Payments Summary (RSA 483-B)**

<b>FY</b>	<b>Application Fee</b>
2020	\$14,682.40
<b>Total</b>	<b>\$14,682.40</b>

RSA 482-A Payments to DES - SFY 2022

Project Name	StateNumber	PermitNumber	Type	Class	Owner	Payment Sent	PermitCost	ARM Fund	SFY
Bedford	13692C	2021-02173	SPGP	MAJOR	BRIDGE DESIGN	7/1/2021	\$4,252.00		2022
Sutton-New London	40511	2021-02208	SPGP	MAJOR	HIGHWAY DESIGN	7/2/2021	\$5,766.80		2022
Sutton	42419	2021-02209	SPGP	MAJOR	HIGHWAY DESIGN	7/2/2021	\$14,292.40		2022
Thornton	2020-M325-1	2021-02791	SPGP	MINIMUM	DISTRICT 3	8/27/2021	\$400.00		2022
Charlestown	43565	2021-02838	SPGP	MAJOR	HIGHWAY DESIGN	9/1/2021	\$6,259.60		2022
Franconia	42835	2021-03206	SPGP	MINOR	BRIDGE MAINTENANCE	10/11/2021	\$614.00		2022
Eaton	43475	2021-03285	SPGP	MINOR	DISTRICT 3	10/20/2021	\$400.00		2022
Wakefield	2019-M312-1	2021-03354	SPGP	MINIMUM	DISTRICT 3	10/27/2021	\$400.00		2022
Statewide	40042	2021-03377	SPGP	MINOR	TURNPIKES	10/28/2021	\$2,893.20		2022
Sandwich	43487	2021-03496	SPGP	MAJOR	BRIDGE MAINTENANCE	11/15/2021	\$832.40		2022
Madbury	43276	2021-03538	SPGP	MAJOR	HIGHWAY DESIGN	11/22/2021	\$574.40		2022
Bedford	43138	2021-03569	SPGP	MAJOR	HIGHWAY DESIGN	11/29/2021	\$1,277.60		2022
Ossipee	14749	2018-00595	AMEND1	MAJOR	CONSTRUCTION	12/22/2021	\$14.40		2022
Middleton	43067	2022-00085	SPGP	MINOR	DISTRICT 6	1/10/2022	\$400.00		2022
Bath	43247	2022-00084	SPGP	MAJOR	HIGHWAY DESIGN	1/10/2022	\$588.00		2022
Sandwich	2021-M302-1	2022-00094	SPGP	MAJOR	DISTRICT 3	1/11/2022	\$400.00		2022
Northwood	43077	2022-00128	SPGP	MINOR	BRIDGE MAINTENANCE	1/12/2022	\$547.20		2022
Campton	42097	2022-00163	SPGP	MAJOR	BRIDGE MAINTENANCE	1/20/2022	\$965.20		2022
Hampstead	43275	2022-00430	SPGP	MINOR	HIGHWAY DESIGN	2/18/2022	\$753.60		2022
Pittsfield	43049	2022-00552	SPGP	MAJOR	DISTRICT 6	3/4/2022	\$530.80		2022
Exeter	43254	2022-00553	SPGP	MAJOR	HIGHWAY DESIGN	3/4/2022	\$968.40		2022
Jackson	43312	2022-00895	SPGP	MAJOR	HIGHWAY DESIGN	4/5/2022	\$400.00		2022
Sugar Hill	43226	2022-00995	SPGP	MAJOR	DISTRICT 1	4/11/2022	\$1,794.00		2022
New London	42877	2022-01103	SPGP	MINIMUM	HIGHWAY DESIGN	4/19/2022	\$400.00		2022
Ossipee	41251	2022-01154	SPGP	MAJOR	HIGHWAY DESIGN	4/22/2022	\$5,292.40		2022
Gilsum	201901629	2019-01629	EMERGENCY	MAJOR	DISTRICT 4	5/2/2022	\$276.00		2022
Tamworth	41434	2022-01517	SPGP	MAJOR	BRIDGE DESIGN	5/23/2022	\$2,385.20		2022
Statewide	41915A-1	2022-01540	SPGP	MAJOR	BRIDGE DESIGN	5/23/2022	\$545.60		2022
Statewide	41915A-2	2022-01535	SPGP	MAJOR	BRIDGE DESIGN	5/23/2022	\$5,311.60		2022
Statewide	41915A-4	2022-01538	SPGP	MAJOR	BRIDGE DESIGN	5/23/2022	\$1,352.40		2022
Statewide	41915A-5	2022-01541	SPGP	MAJOR	BRIDGE DESIGN	5/23/2022	\$2,783.60		2022
Bedford	43138-1	2022-01515	SPGP	MINOR	HIGHWAY DESIGN	5/23/2022	\$505.20		2022
Alton	43075	2022-01664	SPGP	MAJOR	BRIDGE MAINTENANCE	6/6/2022	\$884.40		2022
Effingham	43974	2022-01694	PBN	MINIMUM	DISTRICT 3	6/8/2022	\$400.00		2022
Keene	40100	2022-01695	SPGP	MAJOR	HIGHWAY DESIGN	6/8/2022	\$400.00		2022
Woodstock	66017J-E	2010-02709	EMERGENCY	MINOR	RAIL&TRANSIT	6/10/2022	\$480.00		2022
Statewide	41915A-6	2022-01831	SPGP	MAJOR	BRIDGE DESIGN	6/22/2022	\$4,462.80		2022
Bedford	13692C	2021-02173	SPGP	MAJOR	BRIDGE DESIGN	2/1/2022		\$33,280.00	2022
Sutton-New London	40511	2021-02208	SPGP	MAJOR	HIGHWAY DESIGN	1/24/2022		\$45,585.33	2022
Sutton	42419	2021-02209	SPGP	MAJOR	HIGHWAY DESIGN	1/24/2022		\$116,614.66	2022
Danbury	16303	2019-03832	AMEND1	MAJOR	HIGHWAY DESIGN	12/10/2021		\$88,809.33	2022
Charlestown	43565	2021-02838	SPGP	MAJOR	HIGHWAY DESIGN	11/12/2021		\$12,259.65	2022
Hinsdale-Brattleboro	12210C	2019-03774	SPGP	MAJOR	BRIDGE DESIGN	7/15/2021		\$152,260.88	2022

Derry-Londonderry	13065	2018-03134	INDIVIDUAL	MAJOR	HIGHWAY DESIGN	6/20/2022		\$3,769,086.39	2022
Nashua	13761D	2021-02109	SPGP	MAJOR	HIGHWAY DESIGN	4/8/2022		\$61,696.16	2022
Bennington	29486	2021-01500	SPGP	MAJOR	BRIDGE DESIGN	12/10/2021		\$21,873.76	2022
Dover-Rochester	29440	2021-00643	SPGP	MAJOR	TURNPIKES	10/21/2021		\$449,947.39	2022
Center Harbor	24579	2020-02767	SPGP	MAJOR	BRIDGE DESIGN	1/25/2022		\$692.03	2022
Wilton	43076	2021-01235	SPGP	MINOR	BRIDGE MAINTENANCE	9/22/2021		\$3,883.00	2022

Totals: \$70,803.20 \$4,755,988.58  
Grand Total: \$4,826,791.78

1-Jul-22

RSA 483-B Payments to DES - SFY 2022

Project Name	StateNumber	PermitNumber	Type	Class	Owner	Payment Sent	PermitCost	SFY
Hinsdale-Brattleboro	12210C	2020-02589	AMEND2	SHORELAND	BRIDGE DESIGN	10/25/2021	\$610.20	2022
Bow	42704	202102502	PBN	SHORELAND	HIGHWAY DESIGN	8/3/2021	\$400.00	2022
Tamworth	41434	202201516	SHORELAND	SHORELAND	BRIDGE DESIGN	5/23/2022	\$3,750.00	2022
Jaffrey	16307A	2022	SHORELAND	SHORELAND	HIGHWAY DESIGN	1/14/2022	\$3,496.80	2022
Bennington	29486	202102615	SHORELAND	SHORELAND	BRIDGE DESIGN	8/16/2021	\$2,903.00	2022
Lyme-Thetford	14460	202102501	SHORELAND	SHORELAND	BRIDGE DESIGN	8/3/2021	\$2,291.20	2022

Total: \$13,451.20



7/1/2022

**DES Payments Summary (RSA 482-A)**

<b>FY</b>	<b>Application Fee</b>	<b>ARM Fund</b>	<b>Total</b>
2022	\$70,803.20	\$4,755,988.58	\$4,826,791.78
2021	\$62,396.80	\$828,841.20	\$891,238.00
2020	\$137,038.80	\$219,286.63	\$356,325.43
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
<b>Total</b>	<b>\$846,211.20</b>	<b>\$14,733,339.86</b>	<b>\$15,579,551.06</b>

**DES Payments Summary (RSA 483-B)**

<b>FY</b>	<b>Application Fee</b>
2022	\$13,451.20
2021	\$26,750.20
2020	\$14,682.40
<b>Total</b>	<b>\$54,883.80</b>