



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

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William Cass, P.E.
Assistant Commissioner

Bureau of Environment
May 4, 2018

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), 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, for DOT 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, 2019.

Funding for this request is available for FY 2019 based upon the source of funds for each particular project or activity.

EXPLANATION

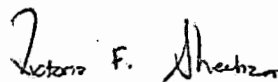
Pursuant to RSA 482-A, "no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from [DES]." The law includes prescribed fees for such impacts which DES uses to fund delivery of this 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.

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 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), at the conclusion of FY 2018 an informational item will be provided identifying the permit fees and ARM Fund payments made during FY 2018. Prior to approval of this process, ARM Fund payments were individually authorized and the current process streamlines approval and reporting.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan
Commissioner

VFS/ktn
Attachments



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:

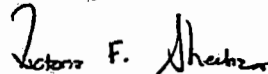
RSA 482-A Payments Made to the Department of Environmental Services

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

October 12, 2016

DES Payments Summary

FY	Application Fee	ARM Fund	Total
2017	\$8,287.40	\$196,015.31	\$204,302.71
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
Total	\$203,739.80	\$4,056,352.85	\$4,260,092.65

RSA 482-A Payments to DES - SFY 2017 (ytd)

ProjectName	StateNumber	Type	Class	ApplicationSent	PermitCost	ARM Fund	SFY
Sunapee	41014	SPGP	MAJOR	10/6/2016	\$1,504.20		2017
Woodstock	40571	SPGP	MAJOR	10/6/2016	\$1,208.00		2017
Dixville	41077	SPGP	MINOR	10/6/2016	\$372.60		2017
Salem	16471	SPGP	MINOR	10/6/2016	\$991.60		2017
Farmington	16212	SPGP	MINOR	10/5/2016	\$754.00	\$1,470.24	2017
Sunapee	41013	SPGP	MAJOR	9/27/2016	\$274.20		2017
Salem	41012	SPGP	MAJOR	9/19/2016	\$538.00		2017
Salem	41012-2	SPGP	MAJOR	9/19/2016	\$510.60		2017
Sutton	40501	SPGP	MAJOR	9/12/2016	\$494.60		2017
Gorham	40826	SPGP	MAJOR	8/26/2016	\$852.20		2017
Ossipee	29315	EXPEDITED	MINIMUM	8/24/2016	\$587.40		2017
Enfield	2016-M205-5	EXPEDITED	MINIMUM	7/12/2016	\$200.00		2017
Weare	40882	EXPEDITED	MINOR	6/24/2016		\$15,840.00	2017
Stewartstown	16312	SPGP	MAJOR	5/26/2016		\$22,800.00	2017
Thornton-Woodstock	40404	SPGP	MAJOR	5/24/2016		\$5,040.00	2017
Gilford	16279	SPGP	MAJOR	3/30/2016		\$27,360.00	2017
Falls-Hampton	40424	SPGP	MAJOR	3/9/2016		\$20,545.07	2017
Hampton Falls	40502	SPGP	MAJOR	3/2/2016		\$13,200.00	2017
Portsmouth	2015-M610-1	SPGP	MAJOR	3/2/2016		\$960.00	2017
Concord	16287	SPGP	MINOR	2/25/2016		\$40,800.00	2017
Alexandria	40244	SPGP	MAJOR	1/15/2016		\$5,280.00	2017
Chichester-Epsom	29533	SPGP	MINOR	1/11/2016		\$42,720.00	2017

Totals: \$8,287.40 \$196,015.31
Grand Total: \$204,302.71

RSA 482-A Payments to DES - SFY 2016

ProjectName	StateNumber	Type	Class	ApplicationSent	PermitCost	ARM Fund	SFY
Tilton	2016-M313-31	EXPEDITED	MINIMUM	6/29/2016	\$200.00		2016
Weare	40882	EXPEDITED	MINOR	6/24/2016	\$329.00		2016
Bow	40627	PBN	MAJOR	6/9/2016	\$200.00		2016
Northfield-Tilton	14744A	SPGP	MAJOR	5/27/2016	\$9,382.00		2016
Stewartstown	16312	SPGP	MAJOR	5/26/2016	\$1,921.00		2016
Thornton-Woodstock	40404	SPGP	MAJOR	5/24/2016	\$202.60		2016
Dixville-Colebrook	40518	SPGP	MAJOR	4/11/2016	\$10,000.00		2016
Gilford	16279	SPGP	MAJOR	3/30/2016	\$1,060.00		2016
Meredith	40492	SPGP	MAJOR	3/11/2016	\$913.40		2016
Falls-Hampton	40424	SPGP	MAJOR	3/9/2016	\$10,000.00		2016
Raymond	29762	SPGP	MAJOR	3/9/2016	\$796.60		2016
Piermont	40322	SPGP	MAJOR	3/9/2016	\$418.60		2016
Harts Location	40827	SPGP	MAJOR	3/9/2016	\$378.80		2016
Harts Location	40828	SPGP	MAJOR	3/7/2016	\$572.80		2016
Acworth	40750	SPGP	MAJOR	3/3/2016	\$1,669.20		2016
Boscawen	29277	SPGP	MAJOR	3/3/2016	\$399.20		2016
Hampton Falls	40502	SPGP	MAJOR	3/2/2016	\$1,038.00		2016
Portsmouth	2015-M610-1	SPGP	MAJOR	3/2/2016	\$200.00		2016
Acworth	40749	SPGP	MAJOR	2/26/2016	\$420.00		2016
Washington	29761	SPGP	MAJOR	2/26/2016	\$448.80		2016
Acworth	40751	SPGP	MAJOR	2/26/2016	\$318.00		2016
Concord	16287	SPGP	MINOR	2/25/2016	\$3,920.00		2016
Acworth	M401	SPGP	MAJOR	2/4/2016	\$1,170.60		2016
Lancaster	40522	SPGP	MAJOR	2/3/2016	\$4,985.20		2016
Marlborough	40517	SPGP	MAJOR	1/29/2016	\$241.60		2016
Marlborough	40516	SPGP	MAJOR	1/29/2016	\$332.40		2016
Farmington	16146	SPGP	MAJOR	1/27/2016	\$1,555.60		2016
Sugar Hill	40489	SPGP	MAJOR	1/25/2016	\$200.00		2016
Madison	40774	SPGP	MAJOR	1/21/2016	\$287.00		2016
Gilford	40776	SPGP	MAJOR	1/21/2016	\$200.00		2016
Alexandria	40244	SPGP	MAJOR	1/15/2016	\$772.80		2016
Manchester	40367	SPGP	MAJOR	1/13/2016	\$2,178.00		2016

Warren	23420	SPGP	MAJOR	1/11/2016	\$902.60		2016
Chichester-Epsom	29533	SPGP	MINOR	1/11/2016	\$770.80		2016
Charlestown	29801	SPGP	MAJOR	1/7/2016	\$200.00		2016
Barnstead	14121E	SPGP	MAJOR	1/5/2016	\$7,471.60		2016
Belmont	16203	SPGP	MINOR	1/4/2016	\$2,354.00	\$25,680.00	2016
Freedom	24002	SPGP	MAJOR	12/4/2015	\$1,306.00		2016
North Hampton	16060	SPGP	MAJOR	12/2/2015	\$416.60		2016
Ellsworth	40715	SPGP	MAJOR	12/2/2015	\$568.20		2016
Rumney	40080	SPGP	MAJOR	12/1/2015	\$483.60		2016
Loudon	40078	SPGP	MAJOR	11/30/2015	\$239.40		2016
Chester	29696	SPGP	MAJOR	11/30/2015	\$489.80		2016
Wakefield	40710	SPGP	MAJOR	11/25/2015	\$465.80		2016
Berlin	40716	SPGP	MAJOR	11/20/2015	\$254.20		2016
Swanzey	23737	SPGP	MAJOR	10/20/2015	\$2,742.40		2016
Winchester	23738	SPGP	MAJOR	10/20/2015	\$3,043.80		2016
Westmoreland	29282	SPGP	MINOR	10/14/2015	\$200.00		2016
Rollinsford	16284	SPGP	MAJOR	10/5/2015	\$833.00		2016
Stewartstown	15838	SPGP	MAJOR	9/23/2015	\$1,605.00		2016
Carroll-Jefferson	25066	SPGP	MINOR	8/28/2015	\$1,120.20		2016
Intervale Road	40178	SPGP	MAJOR	8/20/2015	\$440.80		2016
Plaistow-Kingston	10044G	AMEND1	MAJOR	8/18/2015	\$5,772.20	\$135,507.71	2016
Drainage	29024	SPGP	MAJOR	8/5/2015	\$1,276.20		2016
Ashland	16237	SPGP	MAJOR	8/3/2015	\$382.00		2016
Andover	2015-M210-08	SPGP	MAJOR	7/24/2015	\$200.00		2016
Lyme	M201-12	SPGP	MAJOR	7/17/2015	\$413.00		2016
Dixville	29776	SPGP	MAJOR	7/1/2015	\$3,467.80	\$113,760.00	2016
Keene-Swanzey	10309P	SPGP	MAJOR	6/15/2015		\$89,440.67	2016
Dalton	2015-M111-1501	SPGP	MAJOR	4/10/2015		\$6,600.00	2016
Salem-Manchester	10418C	INDIVIDUAL	MAJOR	12/5/2014		\$1,823,238.90	2016

Totals: \$94,130.20 \$2,194,227.28

Grand Total: \$2,288,357.48

RSA 482-A Payments to DES - SFY 2015

ProjectName	StateNumber	Type	Class	ApplicationSent	PermitCost	ARM Fund	SFY
Portsmouth	13455E	SPGP	MAJOR	6/22/2015	\$1,121.80		2015
Keene-Swanzey	10309P	SPGP	MAJOR	6/15/2015	\$4,737.00		2015
Rye	2015-M610-2	SPGP	MAJOR	6/12/2015	\$2,513.20		2015
Peterborough	40082	SPGP	MAJOR	6/11/2015	\$475.40		2015
Easton	M116-1502	SPGP	MINOR	5/27/2015	\$200.00		2015
Deerfield	29759	SPGP	MAJOR	5/26/2015	\$1,040.80		2015
Franconia	40272	SPGP	MAJOR	5/26/2015	\$590.80		2015
Newfields	2015-M609-2	SPGP	MINIMUM	4/14/2015	\$200.00		2015
Dalton	2015-M111-1501	SPGP	MAJOR	4/10/2015	\$529.00		2015
Concord	29760	SPGP	MAJOR	3/11/2015	\$595.20		2015
Bath	2015-M204-09	SPGP	MINIMUM	3/9/2015	\$200.00		2015
Pittsburg	M-1501	SPGP	MINIMUM	2/23/2015	\$200.00		2015
Sanbornton	28635	SPGP	MAJOR	1/13/2015	\$200.00		2015
Columbia	28133	SPGP	MINOR	12/11/2014	\$520.00		2015
Salem-Manchester	10418C	INDIVIDUAL	MAJOR	12/5/2014	\$10,000.00		2015
Newfields	2014-M609	SPGP	MINIMUM	12/2/2014	\$200.00		2015
Franklin	13928A	SPGP	MINIMUM	11/18/2014	\$638.80		2015
Sanbornton	2014-M211-08	EXPEDITED	MINIMUM	11/7/2014	\$200.00		2015
Bartlett-Gorham	13857A	SPGP	MINOR	11/4/2014	\$200.00		2015
Gilford	29569	SPGP	MAJOR	11/3/2014	\$404.60		2015
Benton	29703	SPGP	MINIMUM	11/3/2014	\$238.20		2015
Boscawen	2014-M211-07	SPGP	MINIMUM	11/3/2014	\$200.00		2015
Candia/Epping	26606	SPGP	MINOR	10/6/2014	\$3,445.00		2015
Bath	2014-M114-1402	SPGP	MINIMUM	10/3/2014	\$200.00		2015
Hampton	13408B	SPGP	MAJOR	9/30/2014	\$10,000.00	\$31,900.00	2015
Alton	2014-M315-7	SPGP	MINIMUM	9/30/2014	\$200.00		2015
New Boston	29662	PBN	NOTIFICATION	9/29/2014	\$200.00		2015
Newport	2014-M213-06	SPGP	MINIMUM	9/24/2014	\$200.00		2015
Salisbury	2014-M211-06	PBN	NOTIFICATION	9/18/2014	\$200.00		2015
Salisbury	2014-M211-05	PBN	NOTIFICATION	9/18/2014	\$200.00		2015
Unity	2014-M215-20	SPGP	MAJOR	9/15/2014	\$200.00		2015
Harrisville	29568	SPGP	MINIMUM	9/11/2014	\$220.00		2015

Lebanon	29034	PBN	NOTIFICATION	9/4/2014	\$200.00		2015
Harrisville	29538	PBN	NOTIFICATION	9/4/2014	\$200.00		2015
Thornton	27263	SPGP	MAJOR	8/27/2014	\$395.40		2015
Canaan	28335	SPGP	MAJOR	8/27/2014	\$362.00		2015
Lisbon	2014-M116-1401	EXPEDITED	MINIMUM	8/21/2014	\$200.00		2015
Haverhill	M204-8	SPGP	MINOR	8/15/2014	\$200.00		2015
Alexandria	M206-10	SPGP	MINOR	8/11/2014	\$231.00		2015
Franconia	M116-1402	SPGP	MINIMUM	8/11/2014	\$200.00		2015
Dalton	M111-1401	SPGP	MINIMUM	8/11/2014	\$200.00		2015
Hebron	28893	SPGP	MAJOR	8/1/2014	\$295.80		2015
Lempster	29030	SPGP	MAJOR	8/1/2014	\$200.00		2015
Winchester	29483	PBN	NOTIFICATION	8/1/2014	\$200.00		2015
Charlestown	29036	PBN	NOTIFICATION	8/1/2014	\$200.00		2015
Belmont 098/062	14285	SPGP	MAJOR	7/25/2014	\$565.40		2015
Portsmouth-Kittery	15731	AMEND1	MAJOR	7/14/2014		\$1,610.09	2015
Conway	2014-M301-15	EMERGENCY	MINOR	7/3/2014	\$1,960.00		2015
Portsmouth-Kittery	15731	INDIVIDUAL	MAJOR	5/2/2014		\$350,285.78	2015
Jefferson	28973	SPGP	MAJOR	4/2/2014		\$5,500.00	2015
New Ipswich	14465	SPGP	MINOR	1/31/2014		\$33,880.00	2015
Lebanon	13951	SPGP	MAJOR	12/9/2013		\$203,480.46	2015
Durham-Newmarket	13080	SPGP	MAJOR	10/16/2013		\$105,000.00	2015

Totals: \$45,879.40 \$731,656.33
Grand Total: \$777,535.73

RSA 482-A Payments to DES - SFY 2014

ProjectName	StateNumber	Type	Class	ApplicationSent	PermitCost	ARM Fund	SFY
Walpole	28434	SPGP	MAJOR	5/20/2014	\$841.00		2014
Whitefield-Lancaster	25068	SPGP	MINOR	5/15/2014	\$1,356.40		2014
Portsmouth-Kittery	15731	INDIVIDUAL	MAJOR	5/2/2014	\$10,000.00		2014
Littleton	2014-M125-1306	SPGP	MAJOR	4/21/2014	\$200.00		2014
Carroll	26902	SPGP	MINIMUM	4/15/2014	\$407.60		2014
Westmoreland	15867	EMERGENCY	MAJOR	4/11/2014	\$730.00		2014
Brookfield	29038	SPGP	MAJOR	4/9/2014	\$293.60		2014
Jefferson	28973	SPGP	MAJOR	4/2/2014	\$486.00		2014
Colebrook	M102-1305	SPGP	MINOR	3/31/2014	\$200.00		2014
Ashland-Plymouth	23794	SPGP	MINOR	3/27/2014	\$267.20		2014
Milton-Wakefield	23817	SPGP	MINIMUM	3/12/2014	\$200.00		2014
Bath	28896	SPGP	MAJOR	3/11/2014	\$416.80		2014
Sandwich	99056Z	SPGP	MAJOR	3/6/2014	\$229.80		2014
Bedford	29019	PBN	NOTIFICATION	2/28/2014	\$200.00		2014
Peterborough	26802	SPGP	MAJOR	2/18/2014	\$308.20		2014
Littleton	2013-M125-1303	SPGP	MINIMUM	2/6/2014	\$200.00		2014
New Ipswich	14465	SPGP	MINOR	1/31/2014	\$1,375.40		2014
Washington	2013-M404-01	SPGP	MINOR	1/29/2014	\$200.00		2014
Jefferson	2014-M108-201401	SPGP	MINOR	1/22/2014	\$200.00		2014
Lee	26883	SPGP	MAJOR	1/16/2014	\$313.80		2014
Pittsburg	28251	SPGP	MINOR	1/15/2014	\$356.00		2014
Waterville Valley	27265	SPGP	MINOR	1/15/2014	\$362.20		2014
Laconia	16225	SPGP	MINOR	1/13/2014	\$453.40	\$13,860.00	2014
Chesterfield	13597	SPGP	MAJOR	12/10/2013	\$5,393.40		2014
Lee	15692	SPGP	MINOR	12/9/2013	\$794.80		2014
Lebanon	13951	SPGP	MAJOR	12/9/2013	\$11,347.80		2014
Bethlehem	2013-M111-02596	EMERGENCY	MINIMUM	11/5/2013	\$200.00		2014
Sunapee	26843	PBN	NOTIFICATION	10/29/2013	\$200.00		2014
Bristol	28355	PBN	NOTIFICATION	10/29/2013	\$200.00		2014
Randolf	28334	PBN	NOTIFICATION	10/29/2013	\$200.00		2014
Bristol	28354	PBN	NOTIFICATION	10/29/2013	\$200.00		2014
Carroll	23999	AMEND1	MAJOR	10/24/2013	\$52.20		2014

Durham-Newmarket	13080	SPGP	MAJOR	10/16/2013	\$10,000.00		2014
Derry	15690	SPGP	MINOR	9/17/2013	\$3,155.60		2014
Albany	15454	SPGP	MINOR	9/13/2013	\$2,043.20		2014
Landaff	99404Z	SPGP	MAJOR	8/9/2013	\$536.00		2014
Gilford	16207	SPGP	MINIMUM	8/1/2013	\$216.00		2014
Barrington	16178	SPGP	MINIMUM	7/31/2013	\$353.00		2014
Colebrook	2013-M102-1304	EXPEDITED	MINIMUM	7/23/2013	\$200.00		2014
Bridgewater	26862	SPGP	MAJOR	7/3/2013	\$224.00		2014
Moultonborough	16436	SPGP	MAJOR	7/3/2013	\$200.00		2014
Brookline	26864	SPGP	MAJOR	7/3/2013	\$329.40		2014
Effingham	24038	SPGP	MAJOR	4/30/2013		\$3,080.00	2014
Rochester	20254	SPGP	MAJOR	2/1/2013		\$49,102.60	2014
Winchester	12906	SPGP	MAJOR	1/31/2013		\$119,020.00	2014
Manchester	14966	SPGP	MAJOR	12/17/2012		\$92,646.85	2014
Alton	14121D	SPGP	MAJOR	12/13/2012		\$41,944.13	2014
Haverhill	14154	SPGP	MINOR	10/2/2012		\$43,697.72	2014
Salem-Manchester	10418C	TIMEX	MAJOR	1/19/2011		\$282,598.51	2014
Salem-Manchester	10418H	SPGP	MAJOR	10/2/2012		\$288,504.12	2014

Totals: \$55,442.80 \$934,453.93
Grand Total: \$989,896.73