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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

Bureau of Environment
June 10, 2016

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

REQUESTED ACTION

Authorize the Department of Transportation (DOT), Bureau of Environment, to pay the Department of Environmental Services (DES) Aquatic Resource Mitigation (ARM) Fund (Vendor #177894) \$116,545.07 as documented in E-mail correspondence/ARM fund calculators, effective upon Governor and Council approval, through June 30, 2017. 100% Federal Funds.

Funding is available as follows:

	<u>FY 2017</u>
04-96-96-963515-3054	
Consolidated Federal Aid	
400-500870 Highway Contract Payments	\$116,545.07

EXPLANATION

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.

Six (6) permits for Consolidated Federal Aid projects require mitigation for jurisdictional wetland and stream impacts as listed below:

- Concord, 16287 (culvert replacements along I-393) requires a payment of \$24,000.00 as mitigation for 100 linear feet of impact to stream channel and bank.
- Concord, 16288 (culvert replacements along I-393) requires a payment of \$16,800.00 as mitigation for 70 linear feet of impact to stream channel.
- Seabrook-Hampton, 40424 (pavement and guardrail upgrades along US Route 1) requires a payment of \$20,545.07 for 2,128 square feet of impact to tidal wetlands.
- Gilford, 16279 (box culvert replacement carrying West Alton Brook under NH Route 11A) requires a payment of \$27,360.00 for 114 linear feet of impacts to stream channel and bank.

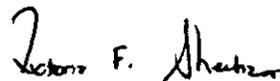
Page 2

- Thornton-Woodstock, 40404 (pavement and drainage improvements along I-93) requires a payment of \$5,040.00 for 21 linear feet of impacts to stream channel and bank.
- Stewartstown, 16312 (replacement of the bridge that carries NH Route 145 over Bishop Brook) requires a payment of \$22,800.00 for 95 linear feet of impact to stream channel and bank.

The funding for these projects is 80% federal funds with 20% state match. Turnpike toll credit is being utilized for match requirements, effectively using 100% federal funds.

Your approval of this resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink that reads "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan
Commissioner

VFS/ktn

Attachments

Kevin Nyhan

From: Sommer, Lori <Lori.Sommer@des.nh.gov>
Sent: Wednesday, June 01, 2016 3:40 PM
To: Matt Urban
Cc: Kevin Nyhan; Infascelli, Gino
Subject: RE: Concord 16287 & 16288 (DES#2016-00495)

Hi Matt,

This is fine to split the overall mitigation payment into two separate payments for the projects with the numbers indicated below. I will make note of the error in terms of the project numbers and correct it when the permit is issued. Thanks,

Lori

From: Matt Urban [<mailto:MUrban@dot.state.nh.us>]
Sent: Wednesday, June 01, 2016 9:35 AM
To: Sommer, Lori
Cc: Kevin Nyhan
Subject: Concord 16287 & 16288 (DES#2016-00495)

Lori,

Our existing approval notice only referenced project # 16287 with a total mitigation amount of \$40,800. Based on how we have set up the funding for this project we now have two project numbers and need to split the mitigation amount to meet our reporting requirements to FHWA. (The total mitigation paid won't change but will be split by project number).

Can you confirm that it is okay to split our overall mitigation payment (\$40,800) into two separate payments for these specific project numbers as indicated below?

16288: (54" pipe) = 70 LF Channel = \$16,800

16287: (48" pipe) = 15 LF channel +85 LF Bank Left = \$24,000

Overall combined total = \$40,800

Also, if possible, when we do make payment and send you a voucher # indicating the payment was made would it be possible for you to edit the permit description/condition to reference these two project numbers and the specific mitigation amounts.

Thanks,
Matt Urban

Concord, 16288 ARM Fund Calculator

DES AQUATIC RESOURCE MITIGATION FUND STREAM PAYMENT CALCULATION		
INSERT LINEAR FEET OF IMPACT on BOTH BANKS AND CHANNEL	Right Bank	0.00
	Left Bank	
	Channel	70.0000
	TOTAL IMPACT	70.0000
	Stream Impact Cost:	\$14,000.00
	DES Administrative cost:	
		\$2,800.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
		\$16,800.00

Concord, 16287 ARM Fund Calculator

DES AQUATIC RESOURCE MITIGATION FUND STREAM PAYMENT CALCULATION		
INSERT LINEAR FEET OF	Right Bank	0.00
	Left Bank	85.0000
	Channel	15.0000
	TOTAL IMPACT	100.0000
	Stream Impact Cost:	\$20,000.00
	DES Administrative cost:	
		\$4,000.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
		\$24,000.00

Kevin Nyhan

From: Matt Urban
Sent: Friday, May 27, 2016 2:44 PM
To: Kevin Nyhan
Subject: FW: NHDOT Seabrook-Hampton Falls-Hampton 40424 Mitigation Discussion

FYI... found this too

From: Sommer, Lori [<mailto:Lori.Sommer@des.nh.gov>]
Sent: Thursday, March 10, 2016 7:55 AM
To: Melilotus Dube
Cc: Matt Urban
Subject: RE: NHDOT Seabrook-Hampton Falls-Hampton 40424 Mitigation Discussion

Hi Meli,
Thanks for sending this along. Those impacts and associated mitigation payment is accurate. Thanks,

Lori

From: Melilotus Dube [<mailto:MDube@dot.state.nh.us>]
Sent: Tuesday, March 08, 2016 1:42 PM
To: Sommer, Lori
Cc: Matt Urban
Subject: RE: NHDOT Seabrook-Hampton Falls-Hampton 40424 Mitigation Discussion

Lori,
The total permanent impacts directly within prime wetlands equaled 2,128 square feet. Using the online calculator for "tidal impacts" in Hampton, the mitigation for this project will be \$20,545.07. The great majority of these impacts are for the slope stabilization adjacent to Drake's River.

Thank you,
Meli

From: Sommer, Lori [<mailto:Lori.Sommer@des.nh.gov>]
Sent: Friday, March 04, 2016 3:02 PM
To: Melilotus Dube
Cc: Kathleen Corliss
Subject: RE: NHDOT Seabrook-Hampton Falls-Hampton 40424 Mitigation Discussion

Hi Meli –
This summary is acceptable. Thanks,

Lori

From: Melilotus Dube [<mailto:MDube@dot.state.nh.us>]
Sent: Friday, February 26, 2016 2:03 PM
To: Sommer, Lori
Cc: Kathleen Corliss
Subject: NHDOT Seabrook-Hampton Falls-Hampton 40424 Mitigation Discussion

Good afternoon Lori,

**DES AQUATIC RESOURCE MITIGATION FUND
WETLAND PAYMENT CALCULATION
INSERT AMOUNTS IN YELLOW CELLS**

1 Convert square feet of impact to acres:		
INSERT SQ FT OF IMPACT	Square feet of impact =	2128.00
		43560.00
	Acres of impact =	0.0489
2 Determine acreage of wetland construction:		
	Forested wetlands:	0.0733
	Tidal wetlands:	0.1466
	All other areas:	0.0733
3 Wetland construction cost:		
	Forested wetlands:	\$6,204.19
	Tidal Wetlands:	\$12,408.37
	All other areas:	\$6,204.19
4 Land acquisition cost (See land value table):		
INSERT LAND VALUE FROM TABLE WHICH APPEARS TO THE LEFT. (Insert the amount do not copy and paste.)	Town land value:	32,155
	Forested wetlands:	\$2,356.26
	Tidal wetlands:	\$4,712.52
	All other areas:	\$2,356.26
5 Construction + land costs:		
	Forested wetland:	\$8,560.45
	Tidal wetlands:	\$17,120.90
	All other areas:	\$8,560.45
6 DES Administrative cost:		
	Forested wetlands:	\$1,712.09
	Tidal wetlands:	\$3,424.18
	All other areas:	\$1,712.09
***** TOTAL ARM PAYMENT*****		
	Forested wetlands:	\$10,272.54
	Tidal wetlands:	\$20,545.07
	All other areas:	\$10,272.54

**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

DATE: March 29, 2016

FROM: Melilotus M. Dube 
Environmental Manager

AT (OFFICE): Department of
Transportation

SUBJECT Dredge & Fill Application
Gilford, 16279

Bureau of
Environment

TO Gino Infascelli, Public Works Permitting Officer
New Hampshire Wetlands Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Forwarded herewith is the application package prepared by NH DOT Bureau of Highway Design for the subject major impact project. This project is classified as major per Env-Wt 303.02(f). The project consists of replacing the existing undersized concrete box culvert carrying NH Route 11A over West Alton Brook in the Town of Gilford with a Stream Crossing Rules compliant structure. This work is necessary to maintain the integrity of the crossing and to allow for increased safety for the traveling public, pedestrians and NHDOT maintenance crews.

The lead people to contact for this project are Tobey Reynolds, Highway Design (271-2171 or treynolds@dot.state.nh.us) or Meli Dube, Environmental Manager, Bureau of Environment (271-3226 or mdube@dot.state.nh.us).

This project was presented at Natural Resource Agency Meetings on April 15, 2015 and October 21, 2015, see enclosed minutes. Mitigation was discussed with Lori Sommer at the Department of Environmental Services on February 24, 2016 and will total \$27,360.00, to be paid upon receipt of the permit approval notice.

A payment voucher has been processed for this application (Voucher #434561) in the amount of \$1,060.00.

If and when this application meets with the approval of the Bureau, please send the permit directly to Meli Dube, Environmental Manager, Bureau of Environment.

MRU:mmd
Enclosures

cc:
BOE Original
Carol Henderson, NH Fish and Game
Michael Hicks, US Army Corps of Engineers
Maria Tur, US Fish and Wildlife Service
Mark Kern, Environmental Protection Agency
District Construction Engineer, NHDOT Bureau of Construction
Contract Administrator, NHDOT Bureau of Construction
Town of Gilford (4 copies via certified mail)
Edna Feighner, NH Division of Historical Resources

Gilford, 16297 ARM Fund Calculator

DES AQUATIC RESOURCE MITIGATION FUND STREAM PAYMENT CALCULATION		
INSERT LINEAR FEET OF IMPACT on BOTH BANKS AND CHANNEL	Right Bank	51.00
	Left Bank	40.0000
	Channel	23.0000
	TOTAL IMPACT	114.0000
	Stream Impact Cost:	\$22,800.00
	DES Administrative cost:	
		\$4,560.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
		\$27,360.00

Kevin Nyhan

From: Matt Urban
Sent: Friday, May 27, 2016 2:34 PM
To: Kevin Nyhan
Subject: FW: Thornton-Woodstock 40404
Attachments: 40404 Mitigation.pdf; arm_fund_calculator 1.pdf

For your use.

From: Sommer, Lori [<mailto:Lori.Sommer@des.nh.gov>]
Sent: Friday, May 20, 2016 1:20 PM
To: Matt Urban
Subject: RE: Thornton-Woodstock 40404

Hi Matt,
This seems reasonable – looks good to go forward.

Lori

From: Matt Urban [<mailto:MUrb@dot.state.nh.us>]
Sent: Tuesday, May 17, 2016 9:38 AM
To: Sommer, Lori
Cc: Melilotus Dube
Subject: Thornton-Woodstock 40404

Hi Lori,

I believe Meli may have tried coordinating with you previously to get concurrence on the proposed mitigation for this project.

I have reviewed the impact plans and honed in on the only sheet that we see triggering the need for mitigation.

I have attached that sheet and commented in red to show where we took our measurements from. You will note on the Bank Right side we didn't include a LF to be included with the mitigation calculations because we were hoping you would agree that where this is the pivot point between the existing and newly proposed headwall the stone that's being placed in front of it would have been considered for the protection of existing infrastructure. (If you don't agree just let me know and we will include the 5 LF of Bank Right in our calculations when we submit.)

I have attached the Arm Fund calculator assuming no mitigation on bank right.

&

I have also attached the Arm Fund calculator if Bank Right does need to be included.

Please let me know which you feel is acceptable and more appropriate.
A response at your earliest convenience would be greatly appreciated.

Thanks,
Matt

**DES AQUATIC RESOURCE MITIGATION FUND
STREAM PAYMENT CALCULATION**

INSERT LINEAR FEET OF IMPACT on BOTH BANKS AND CHANNEL		
	Right Bank	0.00
	Left Bank	13.0000
	Channel	8.0000
	TOTAL IMPACT	21.0000
	Stream Impact Cost:	\$4,200.00
	DES Administrative cost:	
		\$840.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
		\$5,040.00

**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

FROM:  Matt Urban
Wetlands Program Manager

DATE: May 26, 2016

AT (OFFICE): Department of
Transportation

SUBJECT Dredge & Fill Application
Stewartstown, 16312

Bureau of
Environment

TO Gino Infascelli, Public Works Permitting Officer
New Hampshire Wetlands Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Forwarded herewith is the application package prepared by NH DOT Bureau of Bridge Design for the subject Major impact project. This project is classified as Major per Env-Wt 303.02(p). The project is located on NH Route 145 over Bishop Brook in the Town of Stewartstown, NH.

This project was reviewed at the 5/20/2015 and 10/21/2015 Natural Resource Agency Coordination Meeting. Minutes from that meeting can be found within this application package.

This project requires a onetime mitigation payment into the Arm-Fund in the amount of \$22,800.00 as agreed to during the March 8th mitigation meeting in the DES Lobby.

A payment voucher has been processed for this application (Voucher # 443624) in the amount of \$1,921.00.

The lead people to contact for this project are David Scott, Bridge Design (271-2759 or dscott@dot.state.nh.us) or Matt Urban, Wetlands Program Manager, Bureau of Environment (271-3226 or murban@dot.state.nh.us).

If and when this application meets with the approval of the Bureau, please send the permit directly to Matt Urban, Wetlands Program Manager, Bureau of Environment.

MRU:mru
Enclosures

cc:
BOE Original
Town of Stewartstown (4 copies via certified mail)
NH DOT Bureau of Construction
Randy Talon, Bureau of Environment
Carol Henderson, NH Fish and Game
Edna Feighner, NHDHR (Cultural Review within)
Maria Turr, USF&WS
Michael Hicks, US Army Corp of Engineers (Electronic Copy)
Mark Kern, EPA

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Stewartstown, 16312 ARM Fund Calculator

DES AQUATIC RESOURCE MITIGATION FUND STREAM PAYMENT CALCULATION		
INSERT LINEAR FEET OF IMPACT on BOTH BANKS AND CHANNEL	Right Bank	25.00
	Left Bank	34.0000
	Channel	36.0000
	TOTAL IMPACT	95.0000
	Stream Impact Cost:	\$19,000.00
	DES Administrative cost:	
		\$3,800.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
		\$22,800.00