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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 3, 2019

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 April 17, 2019 (Item #39), DOT is submitting an annual accounting of payments made during fiscal year 2019 to the Department of Natural and Cultural Resources pursuant to RSA 217-A and NH Code of Administrative Rules Res 1105.02 Projects by State Agencies for reviews of rare plants and exemplary natural communities, as well as rare wildlife associated with DOT construction projects and maintenance activities. Attached please find a detailed reporting for the fiscal year ending June 30, 2019.

EXPLANATION

Pursuant to RSA 217-A:7, "All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the [DNCR] commissioner to carry out the purpose of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species or exemplary natural community." In addition, RSA 217-A:7-a establishes that the DNCR commissioner may charge a fee for screening Natural Heritage Bureau (NHB) records for instances of protected species or environmental reviews. The NHB has established a fee of \$25.00 for access to these records.

Below is a summary of the payments made by DOT to DNCR pursuant to RSA 217-A, and NH Code of Administrative Rules Res 1105.02 for FY 2019:

RSA 217-A Payments Made to the Department of Natural and Cultural Resources

Table with 5 columns: State FY, # of 217-A Project Payments to DNCR, Total Project Payments to DNCR, Data Sharing Agreement Fee, Total. Row 1: 2019, 52, \$1,400.00, \$532.00, \$1,932.00

It is respectfully requested that this item be accepted.

Sincerely, Victoria F. Sheehan Commissioner

VFS/ktn Attachments

3-Jul-19

**RSA 217-A Payments Summary**

<b>FY</b>	<b>217-A Project \$</b>	<b>DSA \$</b>	<b>Total</b>
2019	\$1,400.00	\$532.00	\$1,932.00
2018	\$1,725.00	\$532.00	\$2,257.00
2017	\$1,350.00	\$1,060.00	\$2,410.00
<b>Total</b>	<b>\$4,475.00</b>	<b>\$2,124.00</b>	<b>\$6,599.00</b>

**RSA 217-A Payments to DNCR - SFY 2019**

Project Name	Project Number	Amount Paid	Date Paid	SFY
Stratford	41788	\$25.00	7/13/2018	2019
Tilton-Sanbornton	41787	\$25.00	7/25/2018	2019
Concord-Pembroke	41267	\$25.00	8/13/2018	2019
Gilford	41655	\$25.00	8/15/2018	2019
Concord	41704	\$25.00	8/15/2018	2019
Litchfield	29733	\$75.00	8/20/2018	2019
Walpole	41624A	\$25.00	8/22/2018	2019
Bartlett	41439	\$25.00	8/22/2018	2019
Statewide	28134	\$25.00	9/6/2018	2019
Gilford	42249	\$25.00	9/13/2018	2019
Lebanon	15717	\$25.00	9/18/2018	2019
Campton-Thornton	41903	\$25.00	9/26/2018	2019
Statewide	28139	\$25.00	9/28/2018	2019
Lyme-Thetford	14460	\$25.00	10/5/2018	2019
New Hampton-Ashland	41674	\$25.00	10/19/2018	2019
Ossipee	10431	\$25.00	11/5/2018	2019
Bow	42300	\$25.00	11/20/2018	2019
Bennington	29486	\$25.00	11/20/2018	2019
Statewide	41327	\$25.00	11/21/2018	2019
District 6	16166H	\$25.00	12/6/2018	2019
District 5	16165H	\$25.00	12/6/2018	2019
District 1	42321	\$25.00	12/19/2018	2019
District 3	16163H	\$25.00	12/19/2018	2019
District 1	16161H	\$25.00	12/19/2018	2019
District 2	16162H	\$25.00	12/19/2018	2019
District 2	42322	\$25.00	12/19/2018	2019
District 4	16164H	\$25.00	12/20/2018	2019
Statewide	42288	\$25.00	1/3/2019	2019
District 6	16166H	\$25.00	1/3/2019	2019
Statewide	42287	\$25.00	1/4/2019	2019
Merrimack	41830	\$25.00	1/4/2019	2019
District 5	42325	\$25.00	1/15/2019	2019
Hampton-Portsmouth-Roc	41486	\$50.00	1/23/2019	2019
Bow	29641	\$25.00	1/23/2019	2019
Gorham	42239	\$25.00	1/31/2019	2019
Northwood	42363	\$25.00	2/5/2019	2019
District 4	M414	\$25.00	2/14/2019	2019
Rollinsford	41385	\$25.00	2/19/2019	2019
Barnstead	14121	\$25.00	3/6/2019	2019
Swanzey	40485	\$25.00	3/13/2019	2019
Rochester-Farmington	42243	\$25.00	3/13/2019	2019
District 5	M594	\$25.00	4/10/2019	2019
Danbury	40395	\$25.00	4/18/2019	2019
District 3	M315	\$25.00	4/19/2019	2019
Boscawen	42440	\$25.00	4/19/2019	2019
Plainfield	42580	\$25.00	5/10/2019	2019
Bridge Maintenance	40825	\$25.00	5/10/2019	2019
Newfields-Newmarket	28393	\$25.00	5/10/2019	2019
Landaff	STM77109	\$25.00	5/14/2019	2019
Ossipee	13910	\$25.00	5/16/2019	2019
Bridge Maintenance	40825	\$25.00	6/24/2019	2019
Warner-Sutton	15747	\$50.00	6/27/2019	2019

Data Sharing Agreement	10883	\$532.00	4/23/2019	2019
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Victoria F. Sheehan  
Commissioner

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

G+C #39  
Date 4-17-19



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  
March 4, 2019

**REQUESTED ACTION**

1. Authorize the Department of Transportation (DOT) to retroactively make payments to the Department of Natural and Cultural Resources (DNCR) (Vendor #177887) Natural Heritage Bureau (NHB) for reviews of rare plants and exemplary natural communities, as well as rare wildlife associated with DOT construction projects and maintenance activities for FY 2019, in compliance with RSA 217-A, and NH Code of Administrative Rules Res 1105.02 Projects by State Agencies, effective upon Governor and 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.

2. Further authorize the Department to enter into a Data Sharing Agreement (DSA) with NHB for \$532.00 for access to NHB data, which enables DOT to self-screen and review certain construction projects and maintenance activities in order to streamline environmental reviews, in compliance with RSA 217-A, and NH Code of Administrative Rules Res 1105.02 Projects by State Agencies, effective upon Governor and Council approval through January 23, 2020. 100% Highway Funds.

Funding for this request is available as follows:

04-96-96-962015-3032	<u>FY 2019</u>
Bureau of Environment	
046-500464	
Gen Consultants Non-Benefit	\$532.00

**EXPLANATION**

This item is retroactive because DOT began making periodic payments to NHB for environmental reviews beginning on July 1, 2018, with DSA data transmitted in September of 2018. It wasn't until after this time that DOT realized the \$10,000.00 interagency transfer threshold had been reached. The NHB is mandated by the Native Plant Protection Act of 1988 (RSA 217-A) to determine protective measures and requirements necessary for the survival of native plant species in the state, to investigate the condition and degree of rarity of plant species, and to distribute information regarding the condition and protection of these species and their habitats. The Nongame & Endangered Wildlife Program of the NH Fish & Game Department coordinates protection efforts for the state's wildlife that are not hunted, fished, or trapped. The Nongame Program works closely with NHB to maintain a database of rare and imperiled wildlife populations throughout the state.

Pursuant to RSA 217-A:7, "All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the [DNCR] commissioner to carry out the purpose of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species

or exemplary natural community." In addition, RSA 217-A:7-a establishes that the DNCR commissioner may charge a fee for screening NHB records for instances of protected species or environmental reviews. The NHB has established a fee of \$25.00 for access to these records.

The DSA further streamlines DOT's review of construction projects and maintenance activities by allowing DOT Bureau of Environment staff to access a subset of data for self-screening of projects/activities where:

- Construction is located within 15 feet of a paved roadway on paved/gravel or mowed areas; and
- All work is within the existing right-of-way; and
- Permits pursuant to RSA 482-A are not required; and
- Drainage work is conducted in-kind; and
- Coverage under the US Environmental Protection Agency's Construction General Permit is not required; and
- There is no change in the footprint of paved areas.

Having the flexibility for these payments is crucial to the nature of the work performed and completed by DOT.

Below is a summary of the payments made by the DOT to DNCR pursuant to RSA 217-A, and NH Code of Administrative Rules Res 1105.02 for the past two (2) fiscal years:

**RSA 217-A Payments Made to the Department of Natural and Cultural Resources**

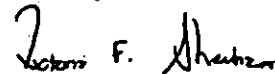
State FY	# of 217-A Project Payments to DNCR	Total Project Payments to DNCR	Data Sharing Agreement Fee	Total
2019 (YTD)	19	\$475.00	\$0.00	\$475.00
2018	69	\$1,725.00	\$532.00	\$2,257.00
2017	54	\$1,350.00	\$528.00	\$1,878.00
Total	142	\$3,550.00	\$1,060.00	\$4,610.00

Similar to the Governor and Executive Council-approved process for payments to the Department of Environmental Services for permitting and mitigation fees (G&C Item #28, November 18, 2016), at the conclusion of FY 2019 an informational item will be provided identifying the NHB payments made during FY 2019. In addition, a request will be made for continued approval for payments in the next fiscal year.

FY 2019 YTD vendor is over the Governor and Council threshold.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan  
Commissioner

VFS/ktm  
Attachments