



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Boula 19

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Environment
October 14, 2014

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) (Vendor #177894) Aquatic Resource Mitigation (ARM) Fund \$31,900.00 for impacts to the Taylor River, effective upon Governor and Council approval, through June 30, 2015. 100% Turnpike Funds.

Funding is as follows:

04-96-96-961017-7500

Blue Star Memorial Highway

400-500870 Highway Contract Payments - DOT

FY 2015

\$31,900.00

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 linear impacts to stream channels and their banks (Env-Wt 303.02, and Env-Wt Part 900). 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 (Hampton-Hampton Falls, 13408B), which involves the replacement of the bridge that carries Interstate 95 over Taylor River (Br. No. 120/102), requires a one-time payment in Fiscal Year 2015 of \$31,900.00 as mitigation for 145 linear feet of jurisdictional stream and bank impacts, as documented in the attached memorandum, mitigation matrix, and e-mail confirmation from DES.

Your approval of this resolution is respectfully requested.

Sincerely,

[Handwritten signature of Christopher D. Clement, Sr.]

Christopher D. Clement, Sr.
Commissioner

CDC/ktn
Attachments

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

 **DATE:** September 30, 2014

FROM: Matt Urban
Wetlands Program Specialist **AT (OFFICE):** Department of
Transportation

SUBJECT Dredge & Fill Application **Bureau of**
Hampton – Hampton Falls, 13408B **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 Normandeau Consultants for NH DOT Bureau of Highway Design for the subject Major impact project. This project is classified as Major per Env-Wt 904.09. The New Hampshire Department of Transportation (NH DOT) is proposing the replacement of the I-95 Bridge (NH Bridge No. 120/102) over the Taylor River in Hampton and Hampton Falls, New Hampshire. (Please see additional sheet with full project description provided).

Please find within this application package a waiver request for Env-Wt 703.03, Env-Wt 704.01 & Env-Wt 06.05(b).

The Department is proposing a mitigation payment into the Arm-Fund in the amount of \$31,900. The impacts were calculated with 75 linear feet of impact to bank and 70 linear feet of impact to channel on the downstream side of the bridge. This value is refined from the \$33,000 that was originally approximated at the 6/11/14 meeting at DES. No other mitigation is being proposed for this project as the impacts cause no loss to functions or values of the prime wetlands and/or are for the protection of existing infrastructure.

This project was reviewed at numerous Natural Resource Agency Meetings the last two of which were held on 6/19/2013 and 5/21/2014. The minutes from those meetings can be found within this application package. For minutes from prior meetings you can find them at the following location: <http://www.nh.gov/dot/org/projectdevelopment/environment/units/project-management/nracmeetings.htm>

The lead people to contact for this project are Peter Stamnas, Highway Design (271-2524 or pstamnas@dot.state.nh.us) or Matt Urban, Wetlands Program Specialist, Bureau of Environment (271-3226 or murban@dot.state.nh.us).

A payment voucher has been processed for this application (Voucher #35021) in the amount of \$10,000.

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

MRU:mru
Enclosures
cc:
BOE, Original
Town of Hampton (4 copies via certified mail)
Town of Hampton Falls (4 copies via certified mail)
District Construction Engineer, NH DOT Bureau of Construction
Contract Administrator, NH DOT Bureau of Construction
Carol Henderson, NH Fish and Game
Edna Feighner, Division of Historical Resources
Maria Turr, USF&WS
Mark Kern, EPA
Michael Hicks, US Army Corp of Engineers

S:\Environment\PROJECTS\DESIGN\13408B\Wetlands\WETAPP - Design.doc

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

INSERT LINEAR FEET OF IMPACT on BOTH BANKS AND CHANNEL		
	Right Bank	75.00
	Left Bank	0.0000
	Channel	70.0000
	TOTAL IMPACT	145.0000
	Stream Impact Cost:	\$29,000.00
	DES Administrative cost:	
		\$2,900.00
***** TOTAL ARM FUND STREAM PAYMENT*****		
		\$31,900.00

Kevin Nyhan

From: Matt Urban
Sent: Tuesday, September 30, 2014 10:15 AM
To: Kevin Nyhan
Cc: Christine Perron
Subject: FW: Hampton - Hampton Falls 13408B (mitigation)

Lori has confirmed Arm-fund payment in amount of \$31,900.
This will need to be added to the next available G&C agenda.

Let me know if there is anything you will need from me.

Thanks,
Matt

From: Sommer, Lori [<mailto:Lori.Sommer@des.nh.gov>]
Sent: Tuesday, September 30, 2014 10:11 AM
To: Matt Urban; Infascelli, Gino
Cc: Christine Perron
Subject: RE: Hampton - Hampton Falls 13408B (mitigation)

Hi Matt,
Based on the impacts noted below, the \$31,900 payment into the ARM Fund is the correct amount for the mitigation for the project. Thanks for letting me know it is moving forward to G&C.

Lori

From: Matt Urban [<mailto:MUrban@dot.state.nh.us>]
Sent: Monday, September 29, 2014 11:47 AM
To: Infascelli, Gino
Cc: Sommer, Lori; Christine Perron
Subject: Hampton - Hampton Falls 13408B (mitigation)

Hi Gino and Lori,

I am in the process of submitting our wetlands application for the subject project.

The bolded below is what we have included on the cover memo in regards to mitigation.
I know we have spoken about the mitigation a few times specifically on 6/11/14 as I mention below.
Can you confirm the mitigation in the amount of \$31,900 so that Kevin and I can proceed with getting it on the next G&C agenda?

In the meanwhile, I intend to submit the application with the language as shown just to get this project submitted within the timeframe needed (we are already behind schedule).

The Department is proposing a mitigation payment into the Arm-Fund in the amount of \$31,900. The impacts were calculated with 75 linear feet of impact to bank and 70 linear feet of impact to channel on the downstream side of the bridge. This value is refined from the \$33,000 that was originally approximated at the 6/11/14 meeting at DES. No other mitigation is being prosed for this project as the impacts cause no loss to functions or values of the prime wetlands and/or are for the protection of existing infrastructure.

Let me know if you need any additional information to make your confirmation.

Thanks,

Matt Urban