



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Environment
September 6, 2013

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 \$43,697.72 effective upon Governor and Council approval, through June 30, 2014. 100% Agency Income (Betterment).

Funding is as follows:
04-96-96-963015-3039
Highway Betterment Aid
400-500870 Highway Contract Payments
FY 2014
\$43,697.72

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.

This project (slope stabilization along NH Route 10 in Haverhill) requires a payment of \$43,697.72 as mitigation for 14,977 square feet of jurisdictional wetland impacts per DES File #2012-02682, as documented in the attached wetland impact approval notice.

Your approval of this resolution is respectfully requested.

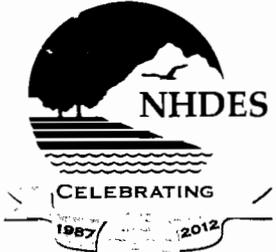
Sincerely,

Handwritten signature of Christopher D. Clement, Sr.

Christopher D. Clement, Sr.
Commissioner

CDC/ktn
Attachments

MRU ✓
CMG ✓



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
New Hampshire's Environment*



RECEIVED
BUREAU OF ENVIRONMENT

JAN 09 2013

NH DEPARTMENT OF
TRANSPORTATION

January 04, 2013

NH Dept Of Transportation
PO Box 483
Concord, NH 03302-0483

RE: NH Dept. of Transportation - File # 2012-02682 - Haverhill; NH Route 10

Dear Kevin Nyhan:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file #2012-02682. DES issues this approval notice for the application to place fill to stabilize the roadway slope impacting 14,977 sq. ft. (869 sq. ft. temporary) of palustrine wetlands. Compensatory mitigation includes a one-time payment of \$43,697.72 into the Aquatic Resource Mitigation Fund. NHDOT project #14154.

The decision to approve this application was based on the following conditions being met:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 06/12, as received by the Department on Oct. 4, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
12. The impacts associated with the temporary work shall be restored immediately following construction.

13. This approval is contingent on receipt by DES of a one time payment of \$43,697.72 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

The decision to approve this application was based on the following findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Fish and Game Dept. has reviewed the project relative to the species noted and does not expect any impacts.
6. The river advisory committee notes that the project is necessary.
7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
8. The payment calculated for the proposed wetland loss equals \$43,697.72.
9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
10. The payment into the ARM fund shall be deposited in the DES fund for the Middle Connecticut River service area per RSA 482-A:29.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

This permit is contingent on receipt of a one time payment of \$43,697.72 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. **The payment should be received after the 30-day reconsideration period or after February 3, 2013. If the payment is not received by DES by May 4, 2013 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.**

If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,



Lori Sommer
Wetland Mitigation Coordinator
DES Wetlands Bureau

cc: Haverhill Conservation Commission
Haverhill Board of Selectmen
Haverhill Municipal Clerk