

30
LAM



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 6, 2020

REQUESTED ACTION

The Department of Transportation requests placing this item on the Consent Calendar.

In accordance with the requirements approved by Governor and Executive Council on June 19, 2019 (Item #107A), DOT is submitting an annual accounting of permit fees and Aquatic Resource Mitigation Fund (ARM) payments made during fiscal year 2020 pursuant to RSA 482-A, to the Department of Environmental Services (DES) for construction projects and maintenance activities requiring fill and dredge in wetlands, as well as other areas under the jurisdiction of RSA 482-A. Attached please find a detailed reporting for the fiscal year ending June 30, 2020.

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.

Below is a summary of payments made by DOT for permit application fees and ARM Fund payments for FY 2020.

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
2020	32	\$137,038.80	4	\$219,286.63	\$356,325.43

It is respectfully requested that this item be accepted.

Sincerely,

Victoria F. Sheehan
Commissioner

VFS/ktn
Attachments



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

G+C #107A



William Cass, P.E.
Assistant Commissioner

Bureau of Environment
May 23, 2019

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, 2021.

Funding for this request is contingent upon the availability and continued appropriation of funds in FY 2020 and FY 2021.

EXPLANATION

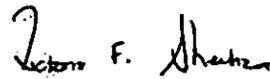
Pursuant to RSA 482-A, "no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from [DES]." The law includes prescribed fees for such impacts which DES uses to fund delivery of this 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 2019 an informational item will be provided identifying the permit fees and ARM Fund payments made during FY 2019 and all future years approved under this memorandum. 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:

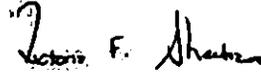
RSA 482-A Payments Made to the Department of Environmental Services

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

6-Jul-20

DES Payments Summary

FY	Application Fee	ARM Fund	Total
2020	\$137,038.80	\$219,286.63	\$356,325.43
2019	\$101,907.60	\$1,392,372.19	\$1,494,279.79
2018	\$54,823.00	\$2,994,122.16	\$3,048,945.16
2017	\$53,032.60	\$364,129.44	\$417,162.04
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
2013	\$66,621.60	\$0.00	\$66,621.60
2012	\$47,081.60	\$152,569.50	\$199,651.10
2011	\$57,053.60	\$165,692.62	\$222,746.22
Total	\$713,011.20	\$9,148,510.08	\$9,861,521.28

RSA 482-A Payments to DES - SFY 2020

Project Name	StateNumber	PermitNumber	Type	Class	Owner	Payment Sent	PermitCost	ARM Fund	SFY
Columbia-Colebrook	42313	2020-****	SPGP	MAJOR	Bridge Design	6/26/2020	\$2,388.80		2020
Alenstown	40362	2020-01405	SPGP	MAJOR	Bridge Design	6/15/2020	\$2,754.80		2020
Bedford	42268	2020-01379	SPGP	MAJOR	Highway Design	6/11/2020	\$3,476.00		2020
Errol	41069	2019-01279	AMEND1	MAJOR	Highway Design	6/4/2020	\$784.40		2020
Stratford	41788	2019-03673	AMEND1	MAJOR	District 1	5/18/2020	\$149.20		2020
Loudon-Canterbury	29613	2019-03745	RFMI 1	RFMI Level 2	Highway Design	2/21/2020	\$12,146.00		2020
Derry-Londonderry	13065	2018-03134	RFMI 1	RFMI Level 2	Highway Design	2/14/2020	\$20,000.00		2020
Jaffrey	2019-M412-1	2019-03853	SPGP	MINOR	District 4	12/11/2019	\$804.00		2020
Bethlehem	M116-1801	2018-02574	SPGP	MAJOR	District 1	12/11/2019	\$400.00		2020
Danbury	16303	2019-03832	SPGP	MAJOR	Highway Design	12/10/2019	\$10,798.00		2020
Chatham	42634	2019-03842	SPGP	MAJOR	Bridge Maintenance	12/10/2019	\$618.40		2020
Cornish-Windsor	25067	2019-03807	SPGP	MAJOR	Bridge Design	12/9/2019	\$11,040.00		2020
Hinsdale-Brattleboro	12210C	2019-03774	SPGP	MAJOR	Bridge Design	12/6/2019	\$30,000.00		2020
Loudon-Canterbury	29613	2019-03745	SPGP	MAJOR	Highway Design	12/4/2019	\$14,260.40		2020
Sandwich	99055Z	2019-03738	SPGP	MAJOR	Bridge Maintenance	12/4/2019	\$2,038.40		2020
New Hampton	41896	2019-03701	SPGP	MAJOR	District 3	11/26/2019	\$400.00		2020
Stratford	41788	2019-03673	SPGP	MAJOR	District 1	11/22/2019	\$1,484.00		2020
Peterborough	15879	2019-03637	SPGP	MAJOR	Bridge Design	11/19/2019	\$7,272.40		2020
Gilmanton	2019-M316-1	2019-03497	SPGP	MINOR	District 3	10/31/2019	\$200.00		2020
Littleton	42535	2019-03488	SPGP	MAJOR	Bridge Maintenance	10/31/2019	\$1,533.60		2020
Fitzwilliam	201901736	2019-01736	SPGP	MAJOR	District 4	10/28/2019	\$203.00		2020
Newmarket	201901909	2019-01909	SPGP	MAJOR	District 6	10/25/2019	\$200.00		2020
Wakefield	M312-13	2019-03386	SPGP	MAJOR	District 3	10/24/2019	\$200.00		2020
North Woodstock	42618	2019-03133	SPGP	MAJOR	Bridge Maintenance	9/30/2019	\$3,671.20		2020
Meredith	41890	2019-03033	SPGP	MAJOR	District 3	9/23/2019	\$200.00		2020
Northwood	42363	2019-02481	SPGP	MAJOR	District 6	9/20/2019	\$516.60		2020
Shelburne	42426	2019-02971	SPGP	MAJOR	Highway Design	9/18/2019	\$334.20		2020
Clarksville	42524	2019-02668	SPGP	MAJOR	Bridge Maintenance	8/20/2019	\$420.40		2020
Rye	42613	2019-01585	SPGP	MAJOR	District 6	8/5/2019	\$234.20		2020
Rollinsford	41385	2019-02390	SPGP	MAJOR	Aeronautics	8/1/2019	\$7,853.20		2020
Monroe	42411	2019-02118	SPGP	MAJOR	Bridge Maintenance	7/10/2019	\$301.40		2020
Landaff	STM77109	2019-02125	SPGP	MAJOR	Bridge Maintenance	7/10/2019	\$356.20		2020
Durham	16236	2018-02051	AMEND1	MAJOR	Bridge Design	5/15/2020		\$5,584.25	2020
Warner	40512	2019-00083	SPGP	MAJOR	Highway Design	9/11/2019		\$186,503.04	2020
Monroe	42411	2019-02118	SPGP	MAJOR	Bridge Maintenance	12/11/2019		\$7,384.94	2020
Conway	15864	2018-00772	SPGP	MAJOR	Bridge Design	9/11/2019		\$19,814.40	2020

Totals: \$137,038.80 \$219,286.63
 Grand Total: \$356,325.43