



The State of New Hampshire
Department of Environmental Services

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2021

Robert R. Scott, Commissioner

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September 20, 2022

The Honorable Karen Umberger, Chairman
 Fiscal Committee of the General Court
 State House
 Concord, NH

His Excellency, Governor Christopher T. Sununu
 and the Honorable Council
 State House
 Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to amend Fiscal Item FIS 22-195, approved by the Fiscal Committee on May 20, 2022, and approved by Governor and Council on June 1, 2022, Item #74 by transferring funds in the amount of \$905,000 between class lines, effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. Funding is 100% Federal Funds. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(C) for the provision of government services to the extent of the reduction in revenue.

ARPA DES DAMS¹
03-44-44-440010-2657
Fiscal Year 2023

Class	Budget Category	Current Budget	Requested Action	Revised Budget
Income				
000-400338	Federal Funds	(\$35,000,000)	0	(\$35,000,000)
Expenditures				
18-500106	Overtime	20,000	0	20,000
20-500200	Current Expense	20,750	0	20,750
22-500255	Building Rent-Other than State	52,500	0	52,500
23-500291	Heat Electricity Water	13,000	0	13,000

¹ All direct program costs will be accounted for using activity 00FRF602GS4402A, activity 00FRF602GS4402B for Municipal Dam Grants, activity 00FRF602GS4402Z for administrative and indirect costs, and costs relative to the four full-time temporary positions will be accounted for using activity 00FRF602PH4402A. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

Class Con't	Budget Category	Current Budget	Requested Action	Revised Budget
24-500225	Maint Other than Bldg/Grnds	4,000	0	4,000
27-582703	Transfers to OIT	21,228	0	21,228
28-582814	Transfer to General Services	15,136	0	15,136
30-500321	Equipment	47,344	40,000	87,344
37-500174	Technology-Hardware	14,000	0	14,000
38-500175	Technology Software	26,360	15,000	41,360
39-500188	Telecommunications	15,500	0	15,500
40-500800	Indirect Costs	61,486	0	61,486
41-500801	Audit Set-Aside	35,000	0	35,000
42-500620	Additional Fringe Benefits	28,574	0	28,574
46-500463	Consultants	6,200,000	0	6,200,000
47-500240	Own Force Maintenance Bldg/Grnds	250,000	0	250,000
49-588575	Transfer to other State Agencies	136	0	136
50-500109	Part Time Personnel	668,314	0	668,314
57-500531	Books & Periodicals	400	0	400
59-500117	Full Time Temporary	303,230	0	303,230
60-500601	Benefits	517,021	0	517,021
66-500544	Employee Training	4,000	0	4,000
70-500705	In-State Travel	65,500	0	65,500
72-500574	Grants – Federal	5,000,000	850,000	5,850,000
80-500710	Out of State Travel	5,500	0	5,500
102-500731	Contracts for Program Services	19,330,021	(905,000)	18,425,021
302-500834	Dam Projects	2,281,000	0	2,281,000
	Total	\$35,000,000	\$0	\$35,000,000

EXPLANATION

The American Rescue Plan Act (ARPA) of 2021, is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by President Biden on March 11, 2021, to expedite the United States' recovery from the economic and health effects of the COVID-19 pandemic and the resultant recession. The Act defines eligible uses of the state and local funding, including responding to public health emergency, responding to workers performing essential work during the COVID -19 emergency, providing revenue relief to states and making investments in water, sewer, and broadband infrastructure.

Of the \$35 million in federal funds awarded, \$30 million was to be allocated for the rehabilitation of state-owned dams, and \$5 million was to be allocated for grants to municipalities for the rehabilitation of

The Honorable Karen Umberger, Chairman
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municipally owned high hazard dams. To support the existing NHDES Dam Bureau staff in the rehabilitation of state-owned dams, four additional full-time temporary positions were created to accomplish rehabilitation work within the deadlines established in ARPA, under which the funds for all work must be obligated by December 31, 2024, and fully expended by December 31, 2026. One of the four positions, an Environmentalist IV, has been hired and tasked with not only assuming responsibility for all the environmental permitting and compliance associated with the rehabilitation projects on state-owned dams, but is also tasked with completing and confirming wetland delineation and obtaining bathymetric data at these state-owned dam sites. Historically, after performing a wetland delineation or bathymetric survey, all data was captured using conventional survey techniques which required multiple survey staff and resources to complete. Now, with the advent of GPS technology, wetland and bathymetric data can be more accurately captured real-time by one individual completing the tasks. NHDES is requesting the transfer of \$40,000 from Class 102 Contracts for Program Services to Class 030 Equipment for the purchase of a GPS system capable of capturing the survey-grade data, which will save the NHDES Dam Bureau resources and time.

The other additional full-time temporary positions in the Engineering and Construction Section also require the use of CAD engineering software to oversee work performed with engineering consultants and construction contractors. The price of this software has increased significantly since the original request, and therefore NHDES is requesting the transfer of \$15,000 from Class 102 Contracts for Program Services to Class 038 Technology Software to cover the price increases for the software. Without this software, the staff will be limited in their ability to design and assist on ARPA projects.

The \$5 million in ARPA funds were set aside for grants to municipalities to assist with repair and reconstruction of locally owned high hazard dams. NHDES has received nine (9) applications for grants from municipalities totaling \$5,850,000. NHDES is requesting the transfer of \$850,000 from Class 102 Contracts for Program Services to Class 072 Grants in order to fully fund each project. This transfer will help the municipalities in their efforts to fully complete their projects as outlined in the applications.

We respectfully request your approval of this item.

RS


Robert R. Scott, Commissioner



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 26, 2022

The Honorable Karen Umberger, Chairman
 Fiscal Committee of the General Court
 State House
 Concord, NH

His Excellency, Governor Christopher T. Sununu
 and the Honorable Council
 State House
 Concord, New Hampshire 03301

**APPROVED
 FISCAL COMMITTEE**
 DATE 20 May 2022
 ITEM # 22-195

APPROVED G & C
 DATE 1 June 2022
 ITEM # 74

REQUESTED ACTIONS

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to accept and expend \$35,000,000 in federal funds from the American Rescue Plan Act of 2021 (ARPA) to fund the rehabilitation of state and municipally owned dams to meet current dam safety standards, effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. Funding is 100% Federal Funds. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(C) for the provision of government services to the extent of the reduction in revenue.

2. Pursuant to the provisions of RSA 124:15,1, authorize NHDES to establish class 046 Consultants and to establish four full time temporary positions effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. The positions were approved by the Division of Personnel on April 13, 2022. A copy of the approval documentation is attached.

Classification Title	Position #	Labor Grade	Salary Range
Civil Engineer V	9T3235	30	\$64,662 – \$92,891
Civil Engineer V	9T3236	30	\$64,662 – \$92,891
Environmentalist IV	9T3237	27	\$56,218 - \$80,106
Environmental Program Manager	9T3238	27	\$56,218 - \$80,106

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NHDES is requesting funding to be budgeted as follows:

ARPA DES DAMS¹
 03-44-44-440010-NEW
 Fiscal Years 2022

Class	Budget Category	Current Budget	Requested Action	Revised Budget
Income				
000-40xxxx	Federal Funds	0	(\$35,000,000)	(\$35,000,000)
Expenditures				
18-500106	Overtime	0	20,000	20,000
20-500200	Current Expense	0	20,750	20,750
22-500255	Building Rent-Other than State	0	52,500	52,500
23-500291	Heat Electricity Water	0	13,000	13,000
24-500225	Maint Other than Bldg/Grnds	0	4,000	4,000
27-582703	Transfers to OIT	0	21,228	21,228
28-582814	Transfer to General Services	0	15,136	15,136
30-500321	Equipment	0	47,344	47,344
37-500174	Technology-Hardware	0	14,000	14,000
38-500175	Technology Software	0	26,360	26,360
39-500188	Telecommunications	0	15,500	15,500
40-500800	Indirect Costs	0	61,486	61,486
41-500801	Audit Set-Aside	0	35,000	35,000
42-500620	Additional Fringe Benefits	0	28,574	28,574
46-500463	Consultants	0	6,200,000	6,200,000
47-500240	Own Force Maintenance Bldg/Grnds	0	250,000	250,000
49-588575	Transfer to other State Agencies	0	136	136
50-500109	Part Time Personnel	0	668,314	668,314
57-500531	Books & Periodicals	0	400	400
59-500117	Full Time Temporary	0	303,230	303,230
60-500601	Benefits	0	517,021	517,021
66-500544	Employee Training	0	4,000	4,000
70-500705	In-State Travel	0	65,500	65,500

¹ All direct program costs will be accounted for using activity 00FRF602GS4402A, activity 00FRF602GS4402Z for administrative and indirect costs, and costs relative to the four full-time temporary positions will be accounted for using activity 00FRF602PH4402A. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

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Class Con't	Budget Category	Current Budget	Requested Action	Revised Budget
72-500574	Grants – Federal	0	5,000,000	5,000,000
80-500710	Out of State Travel	0	5,500	5,500
102-500731	Contracts for Program Services	0	19,330,021	19,330,021
302-500834	Dam Projects	0	2,281,000	2,281,000
	Total	0	\$35,000,000	\$35,000,000

EXPLANATION

The American Rescue Plan Act (ARPA) of 2021, is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by President Biden on March 11, 2021, to speed up the United States' recovery from the economic and health effects of the COVID-19 pandemic and the resultant recession. The Act defines eligible uses of the state and local funding, including responding to public health emergency, responding to workers performing essential work during the COVID -19 emergency, providing revenue relief to states and making investments in water, sewer, and broadband infrastructure.

Of the \$35 million in federal funds to be awarded, \$30 million will be allocated for the rehabilitation of state-owned dams, and \$5 million will be allocated for grants to municipalities for the rehabilitation of municipally owned dams. The state-owned dams intended to be rehabilitated include the following but this list may change based on safety assessments and/or ability to meet ARPA deadlines.

Dam Name	Town
Avery Dam	Laconia
Goose Pond Dam	Canaan
Jones Dam and Alton Dam	Alton
Little Bog Dam	Odell
Little Trio Dam	Odell
Mendums Pond Dam	Nottingham
Merrymeeting Dam	New Durham
Milton 3-Ponds	Milton
Murphy Dam	Pittsburg
Northwood Lake Dam	Northwood
Sunset Lake Dam	Alton

The rehabilitation of state-owned dams is largely performed on a force account basis by the NHDES Dam Bureau Engineering and Construction Section staff, consisting of three civil engineers, including the Section Supervisor, and two land surveyors who design and oversee the projects, as well as a nine-person construction crew that performs the actual construction. Some work is also performed on a contract basis

with engineering consultants and construction contractors, overseen by Engineering and Construction Section engineers. With its current staffing, the Section has the capacity to perform only approximately \$4 million of dam rehabilitation projects on a force account basis per biennium; and, with the help of other Dam Bureau staff, to oversee up to another \$4 million in contract design and construction work per biennium. With this award, the Engineering and Construction Section will be responsible for executing \$30 million in rehabilitation of state-owned dams in four and a half years, which is four times the current capacity of the Section. Additional full-time temporary positions are needed in the Engineering and Construction Section to accomplish this work within the deadlines established in ARPA, under which the funds for all work must be obligated by December 31, 2024, and fully expended by December 31, 2026.

In addition, with the award, the NHDES Dam Bureau will establish and administer an entirely new grant program in the amount of \$5 million to assist with the rehabilitation of municipally owned dams.

NHDES is requesting to budget these funds as shown below:

- Class 018 To cover the cost for overtime for personnel.
- Class 020 To cover costs for public outreach, postage, office and field supplies.
- Class 022 To cover costs for rented office and field equipment.
- Class 023 To cover costs for heat, electricity, and water.
- Class 024 To cover repairs of field equipment and other instrumentation.
- Class 027 To cover costs for Department of Information Technology services.
- Class 028 To cover costs for state office building rent and related services.
- Class 030 To cover costs for office and field equipment.
- Class 037 To cover the costs for computers for new staff.
- Class 038 To cover the costs for software for new staff.
- Class 039 To cover the costs of telecommunications.
- Class 040 To cover the program share of statewide indirect costs.
- Class 041 To cover the cost of Audit Set-Aside charges related to the federal program.
- Class 042 To cover the program share of additional fringe benefit costs.

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- Class 046 To cover the cost of outside engineering firms to assist with major projects.
- Class 047 To cover the cost of building and grounds maintenance.
- Class 049 To cover transfers to other State agencies.
- Class 050 These funds are available in support of expanded or new program activities not previously budgeted. Employee support from existing NHDES programs will be used to conduct activities under this program. FAQ 48 from US Treasury states that payroll and benefits of employees managing new grant programs established with FRF is an allowable use, therefore, these funds will be used to replace funding for the following full time positions, which are currently budgeted:

Position #	Title	Account 03-44-44-	Funding Mix	Amount
11369	Construction Superintendent	442010-3817	100% Other	60,553
11374	Dam Construction Foreman	442010-3817	100% Other	50,514
11378	Construction Technician	442010-3817	100% Other	42,982
11381	Construction Technician	442010-3817	100% Other	41,014
11382	Construction Technician	442010-3817	100% Other	40,656
11383	Construction Technician	442010-3817	100% Other	44,963
18148	Construction Technician	442010-3817	100% Other	44,963
18149	Dam Construction Foreman	442010-3817	100% Other	53,222
18150	Civil Engineer V	442010-3817	100% Other	23,791
19513	Construction Technician	442010-3817	100% Other	32,889
42184	Civil Engineer V	442010-3817	100% Other	23,866
11372	Survey Team Technician V	442010-3800	100% General	13,302
11376	Environmental Eng Admin	442010-3800	100% General	34,928
11391	Civil Engineer VI	442010-3800	100% General	31,371
18146	Survey Team Technician IV	442010-3800	100% General	11,390
43236	Civil Engineer VI	442010-3800	100% General	52,134
11367	Land Surveyor	442010-3800	100% General	11,501
11392	Civil Engineer VI	442010-2954	100% General	27,245
40154	Program Assistant II	442010-2954	100% General	10,072
12025	Civil Engineer VI	442010-2954	100% General	10,367
40153	Tech Support Spec III	442010-2954	100% General	6,591
			Total	\$668,314

Funding in the amount of \$668,314 which is budgeted for the current positions, will either be lapsed or closed to control resulting in a net zero increase in budgeted funds.

- Class 057 To cover costs of books and periodicals.
- Class 059 To cover the costs for the four full-time temporary positions for coordination and execution of NHDES's management of investments in dam infrastructure projects.
- Class 060 To cover benefits for full and part-time personnel.
- Class 066 To cover costs for employee training.
- Class 070 To cover instate travel to project sites and outreach/public meetings.
- Class 072 To cover grants to entities for infrastructure projects.
- Class 080 To cover out-of-state technical training travel costs for staff.
- Class 102 To cover costs of dam rehabilitation construction contracts.
- Class 302 To cover costs for rehabilitation of dams by in-house construction crews.

The following is intended to address the seven questions required by the Fiscal Committee with respect to the acceptance of federal and other funds in which new positions are established or extended:

1. **List All Personnel by Classification, Labor Grade, and Salary:** four fulltime, temporary positions as listed below:

- **Two Civil Engineer V (LG 30, \$64,662 - \$92,891)** to provide for the procurement and management of contracts for civil engineering design services, as well as construction, and oversight of the performance of contracted work for state-owned dams.
- **Environmentalist IV (LG 27, \$56,218 - \$80,106)** to assume responsibility for all the environmental permitting and compliance associated with the additional rehabilitation projects on state owned dams, including wetland permits, water quality certificates and Storm Water Pollution Prevention Plans, and others as required by Section 404 of the Clean Water Act, NH RSA 482-A, the National Environmental Policy Act and the Historic Preservation Act. The position will be responsible for conducting site investigations and all public outreach requirements associated with environmental impacts necessary to ensure that the projects are completed in a manner that benefits all stakeholders.

- **Environmental Program Manager (LG 27, \$56,218 - \$80,106)** to establish the new grant program to fund the rehabilitation of municipally owned dams and provide project management and administration of the funds granted to the communities for the planning, design and construction of dam repair or removal projects, including soliciting and processing project applications, funding agreements, and disbursements. As the primary point of contact for all Dam Safety permitting, this position will be integral in providing a preliminary review of all technical and supporting data to ensure resources needed to review the permit applications are used in the most efficient manner to achieve the goal of obligating all funds by December 31, 2024, and fully expending the funds by December 31, 2026.
2. ***Explain the Nature, Need, and Duration of the Program:*** The American Rescue Plan Act of 2021 is providing funds to states through the Coronavirus State Fiscal Recovery Fund to assist states with the economic impacts of the pandemic. To this end, this portion of those funds is earmarked for state owned dam rehabilitations and grants to municipalities for dam rehabilitations.
 3. ***What is the Relationship to Existing Programs?***
The ARPA funds will increase by a factor of four the existing appropriations per biennium for the rehabilitation of state-owned dams, and will establish a new temporary grant program for the rehabilitation of municipally owned dams.
 4. ***Has a Substantially Similar Program been Requested of the Legislature and Denied?*** No.
 5. ***Why was this Program and Its Funding Not Included in the Operating Budget?*** The federal grant funds were not available at the time the department created its FY22/23 Operating budget request. Management of the overall ARPA funds is being coordinated through GOEFFR.
 6. ***Can any Portion of the Funds Be Utilized if Either, None, or Only Part of the Positions are Authorized?*** No, the contracts, and grant portions of the requested funding could not be effectively awarded without approval of the positions. Current staff resources would preclude timely review and processing of work scope authorizations, reports, engineering plans and grant applications. Current staffing is not sufficient to allow timely execution of the work required under the federal requirements.
 7. ***What is the Estimate of the Amount of Funding Required to Continue the Positions in Future Years?***
It is anticipated that the positions are likely to continue until the ARPA funding expires on December 31, 2026. The estimated cost of these positions in FY 24/25 is \$455,931.

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and
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We respectfully request your approval of these items.

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

Robert R. Scott, Commissioner
NH Department of Environmental Services