



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

5E
 JAN 28 2026

December 22, 2025

Her Excellency, Governor Kelly A. Ayotte
 and the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Environmental Services (NHDES) to amend an American Rescue Plan Act (ARPA) grant agreement (PO # 1090187) with the City of Portsmouth, NH, (VC # 177463-B001), by extending the completion date to August 31, 2026 from February 28, 2026 and modifying the scope of services to conduct a hazard assessment to identify areas vulnerable to flooding during extreme weather events, effective upon Governor and Council approval through August 31, 2026. This is a no cost amendment. The original grant agreement was approved by Governor & Council on December 21, 2022, Item #88, amended on December 20, 2023, Item #5L, and May 21, 2025, Item #89. 100% Federal funds.

EXPLANATION

NHDES is requesting approval of a no-cost time extension and amendment to a grant agreement with the City of Portsmouth to allow additional time to complete an island-wide hazard assessment of Peirce Island in Portsmouth, NH. A no-cost time extension is being requested to accommodate completion of the assessment using the updated 2025 Coastal Flood Risk Summary, conduct field work to identify at-risk sites, and preliminary mitigation project development.

The purpose of this project was to assess risks to the recently completed major upgrade to the Peirce Island WWTF in the Portsmouth. This assessment was coupled with work to protect a low-lying section of Peirce Island Road, which serves as the only WWTF access road. Though not included in the original scope due to budget constraints, this amendment is part of the larger city effort to assess vulnerabilities and builds on the original scope of the project to assess important municipal assets on Peirce Island, including other vulnerabilities to vital infrastructure. The project will utilize the latest technologies and data to determine if any assets and/or access points remain vulnerable to coastal flooding under current and projected conditions to reduce risk facility during high water conditions.

To date, \$189,817 has been spent of the original \$275,000 grant award. This amendment has been approved by the Office of the Attorney General as to form, execution, and substance.

We respectfully request your approval.



Robert R. Scott, Commissioner

Agreement for Services with City of Portsmouth
Amendment No. 3

This Agreement (hereinafter called the "Amendment") dated this 5th day of November, 2025, is by and between the State of New Hampshire, acting by and through its Department of Environmental Services (hereinafter referred to as the "State") and City of Portsmouth, acting by and through its City Manager, Karen Conard (hereinafter referred to as the "Grantee").

WHEREAS, pursuant to an Agreement (hereinafter called the "Agreement") approved by the Governor and Council on December 21, 2022, Item #88, and its first amendment (hereinafter called "Amendment 1") approved by the Governor and Council on December 20, 2023, Item #5L, and its second amendment (hereinafter called "Amendment 2") approved by the Governor and Council on May 21, 2025, Item #89, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

WHEREAS, The Grantee and the State have agreed to amend the Agreement in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and Amendment 1 and 2 and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of Agreement: The Agreement is hereby amended as follows:
 - (A) The completion date as set forth in Paragraph 1.7 of the Agreement shall be changed from February 28, 2026 to August 31, 2026.
 - (B) Exhibit B (Scope of Services) Task Completion Dates shall be amended as follows and noted with strikethrough (deletion) and italics (addition).

Task 4: Island-Wide Resiliency Opportunity Assessment

Up to three staff will conduct a site visit to assess current conditions on Peirce Island and Four Tree Island, evaluate infrastructure layout, and identify any constraints or opportunities for potential projects. Using this data, the team will compare shorelines via LiDAR or satellite image to estimate existing and future shoreline changes in select areas. One in-person coordination meeting will be held with City staff to review findings and gather input. A technical memorandum will be prepared to summarize findings, including general locations of invasive species, conceptual design alternatives and nature-based solutions for improving shoreline resiliency and/or managing invasive species.

Deliverables:

- *One site visit and Existing and Future Conditions Memo*
- *Conceptual alternatives matrix*
- *Coordination meeting agenda and minutes*
- *Design Plans & Specifications*
- *Preliminary Opinion of Probable Construction Cost (OPCC)*

Initials: KSC

Date: 11/5/25

- *Permitting summary memo*

2. Effective Date of Amendment: This Amendment shall take effect upon approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.
3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

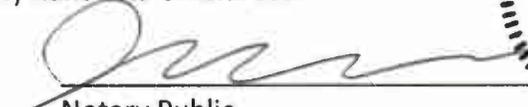
City of Portsmouth

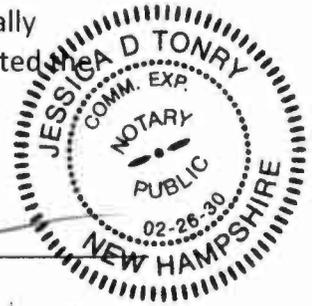
By 
Karen Conard

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this 5th day of November, 2025, before the undersigned officer, personally appeared Karen Conard who acknowledged him/herself to be the person who executed the foregoing instrument for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public
My Commission Expires: 2/26/30

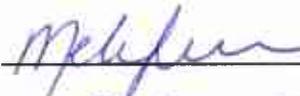


THE STATE OF NEW HAMPSHIRE
Department of Environmental Services

By 
Robert R. Scott, Commissioner

Approved by Attorney General this 2nd day of January, 2026

OFFICE OF ATTORNEY GENERAL

By 
On Melissz Feles, AAG

Initials: KSC
Date: 11/5/25



CERTIFICATE OF VOTE OF AUTHORIZATION
INFRASTRUCTURE PROJECTS
GRANTS ONLY



American Rescue Plan Act (ARPA)

A Certificate of Vote of Authorization is a certificate that states that a grant applicant is willing to enter into a grant agreement with the State of NH Department of Environmental Services and that whoever signs the Grant Agreement (provided under separate cover) has the authority to do so. The Certificate must be signed and notarized on the same date as, or within 30 days of, the Grant Agreement signature. This is a three-person form: Person Completing this Form, Authorized Representative, and a Public Notary.

- Completed and signed by someone other than the person being given authority.
Must be notarized.
Original is required for submittal.

Certificate of Vote of Authorization

CITY OF PORTSMOUTH
680 Peverly Hill Road, Portsmouth, NH 03801

I, Kelli Barnaby of the City of Portsmouth do hereby certify that at a meeting held on September 19, 2022, the City Council voted to enter into a American Rescue Plan Act Fund (ARPA) grant agreement with the New Hampshire Department Environmental Services to fund a Wastewater & Stormwater improvement project.

The City of Portsmouth further authorized the Karen Conard, City Manager to execute any documents which may be necessary to effectuate this grant agreement.

IN WITNESS WHEREOF, I have hereunto set my hand as City Clerk of City of Portsmouth, the 3rd day of November 2025.

Kelli Barnaby, City Clerk Signature [Handwritten Signature]
STATE OF NEW HAMPSHIRE, County of Rockingham

On this 3rd day of November 2025, June Philbrick, before me (Notary Public) the undersigned Officer, personally appeared. Kelli Barnaby, who acknowledged herself to be the City Clerk of City of Portsmouth, being authorized so to do, execute the foregoing instrument for the purpose therein contained.

In witness thereof, I have set my hand and official seal.

Notary Public June Philbrook My commission expires: November 2, 2027

[Handwritten Signature of Notary Public]



www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

<i>Participating Member:</i> City of Portsmouth One Junkins Avenue Portsmouth, NH 03801		<i>Member Number:</i> 275	<i>Company Affording Coverage:</i> NH Public Risk Management Exchange - Primex ³ PO Box 23 Hooksett, NH 03106-9716		
Type of Coverage		Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, If Not:	
<input checked="" type="checkbox"/>	General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	7/1/2025	7/1/2026	Each Occurrence	\$ 2,000,000
				General Aggregate	\$ 10,000,000
				Fire Damage (Any one fire)	
				Med Exp (Any one person)	
<input checked="" type="checkbox"/>	Automobile Liability Deductible Comp and Coll: \$1,000 <input type="checkbox"/> Any auto	7/1/2025	7/1/2026	Combined Single Limit (Each Accident)	\$2,000,000
				Aggregate	\$10,000,000
<input checked="" type="checkbox"/>	Workers' Compensation & Employers' Liability	7/1/2025	7/1/2026	<input checked="" type="checkbox"/> Statutory	
				Each Accident	\$2,000,000
				Disease – Each Employee	\$2,000,000
				Disease – Policy Limit	
<input checked="" type="checkbox"/>	Property (Special Risk includes Fire and Theft)	7/1/2025	7/1/2026	Blanket Limit, Replacement Cost (unless otherwise stated)	Deductible: \$1,000
Description: Proof of Primex Member coverage only. Pollution and hazardous waste related liabilities, expenses and claims are excluded from coverage in the coverage document.					

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ – NH Public Risk Management Exchange
			By: <i>Mary Beth Purcell</i>
			Date: 6/2/2025 mpurcell@nhprimex.org
State of New Hampshire Department of Environmental Services 29 Hazen Drive, PO Box 95 Concord, NH 03302-0095			Please direct inquiries to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax