

6 - 9/2/26



The State of New Hampshire
Department of Transportation



David Rodrigue, P.E.
Commissioner

Susan M. Klasen, P.E.
Assistant Commissioner

Michelle L. Winters
Deputy Commissioner

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

Bureau of Environment
August 11, 2026

Requested Action

1. Authorize the Department of Transportation (DOT) to **retroactively** change payment vendor from Department of Natural and Cultural Resources (DNCR) to the Department of Environmental Services (DES) (Vendor #177894) for reviews of rare plants and exemplary natural communities, as well as rare wildlife associated with DOT construction projects and maintenance activities for FY 2026 and FY 2027, in compliance with RSA 217-A and RSA 212-A.
2. In accordance with the requirements approved by Governor and Executive Council on June 25, 2025 (Item #13), DOT is submitting an annual accounting of payments made during FY 2026 pursuant to RSA 217-A. Unlike in years past, payments in FY 2026 were made to both DES and to the DNCR for reviews of rare plants and exemplary natural communities, as well as rare wildlife associated with DOT construction projects and maintenance activities. Attached please find a detailed report for the fiscal year ending June 30, 2026.

Explanation

This item is **retroactive** because on July 1, 2025, HB2 (AN ACT relative to state fees, funds, revenues, and expenditures) reassigned many reviews for rare plants and exemplary natural communities as well as rare wildlife, from DNCR and the Fish and Game Department (F&G) to DES. At that time, DOT began making project-specific payments to DES instead of DNCR. While DOT had authority to make these mandated payments pursuant to RSA 217-A, it was to DNCR not DES. In addition, fees made payable to DES for reviews pursuant to RSA 212-A were also new and required pursuant to HB2. F&G does not impose fees for these types of reviews.

Pursuant to RSA 217-A:7, "*All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the [DNCR] commissioner to carry out the purpose of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species or exemplary natural community.*" In addition, RSA 217-A:7-a establishes that the DNCR commissioner may charge a fee for screening DNCR Natural Heritage Bureau (NHB) records for instances of protected species or environmental reviews. DOT and NHB entered into Data Sharing Agreements (DSA) on March 7, 2025 and June 9, 2026 for these purposes.

As a result of the passage of HB2 in 2025, RSA 217-A:7, II now further stipulates that, *“If another state agency or department requires an environmental review to meet its obligations [relative to this Chapter], they shall consult with the department of environmental services. The department of environmental services may charge a fee of not less than \$50 for screening the database for instances of protected species and may charge a fee for providing an environmental review.”*

Additionally, HB2 amended RSA 212-A:9, IV to stipulate that, *“...the department of environmental services shall complete the review [for threatened or endangered species of wildlife] for any permit, approval, or written authorization required pursuant to RSA 482-A, RSA 485-A, and RSA 236.”*

Having the flexibility for these payments is crucial to the nature of the work performed and completed by DOT.

Below is a summary of the payments made by DOT to DNCR and DES pursuant to RSA 217-A and RSA 212-A for FY 2026.

RSA 217-A and RSA 212-A Data Check (Database) Payments Made to DES

State FY	# of DCT Payments to DES	Total DCT Payments
2026	48	\$2,400.00

RSA 212-A Ecological Review Payments Made to DES

State FY	# of Ecological Review Payments	Total Ecological Review Payments
2026	2	\$1,000.00

Data Sharing Agreement Payment Made to DNCR

State FY	Data Sharing Agreement Payment
2026	\$2,269.00

Your approval of this resolution is respectfully requested.

Respectfully,



David M. Rodrigue, P.E.
Commissioner

Attachments

16-Jul-26

RSA 217-A and RSA 212-A Payments Summary

FY	Data Checks \$ (DES)	Ecological Reviews \$ (DES)	DSA \$ (DNCR)	Total
2026	\$2,400.00	\$1,000.00	\$2,269.00	\$5,669.00
2025	\$640.00	N/A	\$1,523.75	\$2,163.75
2024	\$900.00	N/A	\$1,473.00	\$2,373.00
2023	\$600.00	N/A	\$0.00	\$600.00
2022	\$850.00	N/A	\$1,544.75	\$2,394.75
2021	\$700.00	N/A	\$0.00	\$700.00
2020	\$1,370.00	N/A	\$730.00	\$2,100.00
2019	\$1,400.00	N/A	\$532.00	\$1,932.00
2018	\$1,725.00	N/A	\$532.00	\$2,257.00
2017	\$1,350.00	N/A	\$1,060.00	\$2,410.00
Total	\$9,535.00	\$1,000.00	\$7,395.50	\$17,930.50

16-Jul-26

RSA 217-A and RSA 212-A Payments to DNCR and NHDES - SFY 2026

Project Name	Project Number	Amount Paid	Date Paid	Agency Paid	Review Type	SFY
Dover	41824	\$50.00	7/17/2025	DES	Data Check	2026
Dover	41824	\$50.00	7/17/2025	DES	Data Check	2026
Bridge Maintenance	40825	\$50.00	7/17/2025	DES	Data Check	2026
Wakefield	45189	\$50.00	7/17/2025	DES	Data Check	2026
Bedford-Merrimack	16100	\$50.00	7/22/2025	DES	Data Check	2026
District 5	M526	\$50.00	7/24/2025	DES	Data Check	2026
District 5	M525	\$50.00	7/24/2025	DES	Data Check	2026
District 5	M525	\$50.00	7/24/2025	DES	Data Check	2026
District 5	M505	\$50.00	7/29/2025	DES	Data Check	2026
District 4	M414	\$50.00	8/14/2025	DES	Data Check	2026
District 4	M414	\$50.00	8/14/2025	DES	Data Check	2026
Nashua-Hudson	44502	\$50.00	9/9/2025	DES	Data Check	2026
Middleton	45327	\$50.00	9/10/2025	DES	Data Check	2026
Hooksett Maintenance	70011	\$50.00	9/11/2025	DES	Data Check	2026
District 3	M315	\$50.00	9/11/2025	DES	Data Check	2026
District 2	M294	\$50.00	9/30/2025	DES	Data Check	2026
District 5	M515	\$50.00	10/10/2025	DES	Data Check	2026
Kensington	45179	\$50.00	10/24/2025	DES	Data Check	2026
Pelham	16145	\$50.00	10/31/2025	DES	Data Check	2026
Boscawen	41578	\$50.00	11/3/2025	DES	Data Check	2026
Bridge Maintenance	40825	\$50.00	11/10/2025	DES	Data Check	2026
Manchester	44780	\$50.00	11/20/2025	DES	Data Check	2026
Gorham	42239	\$50.00	12/10/2025	DES	Data Check	2026
District 1	M101	\$50.00	1/2/2026	DES	Data Check	2026
Rail & Transit	10901	\$50.00	1/29/2026	DES	Data Check	2026
Hampton-North Hampton	45127	\$50.00	3/2/2026	DES	Data Check	2026
Newington-Dover	11238S	\$50.00	3/11/2026	DES	Data Check	2026
District 5	M594	\$50.00	3/18/2026	DES	Data Check	2026
District 5	M594	\$50.00	3/18/2026	DES	Data Check	2026
District 5	M594	\$50.00	3/18/2026	DES	Data Check	2026
District 3	M316	\$50.00	3/20/2026	DES	Data Check	2026
Madison	40774	\$50.00	3/24/2026	DES	Data Check	2026
District 5	45488	\$50.00	3/25/2026	DES	Data Check	2026
Dixville-Colebrook	40518	\$50.00	4/2/2026	DES	Data Check	2026
Manchester	44780	\$50.00	4/9/2026	DES	Data Check	2026
Richmond	45237	\$50.00	4/17/2026	DES	Data Check	2026
District 5	M594	\$50.00	4/23/2026	DES	Data Check	2026
District 6	M610	\$50.00	5/5/2026	DES	Data Check	2026
Pinkham Patrol Shed 109P	45429	\$50.00	5/5/2026	DES	Data Check	2026
District 3	M305	\$50.00	5/14/2026	DES	Data Check	2026
Bow	29641	\$50.00	5/18/2026	DES	Data Check	2026
Bow	29641	\$50.00	5/18/2026	DES	Data Check	2026
Loudon-Canterbury	29613C	\$50.00	5/18/2026	DES	Data Check	2026
Middleton	45327	\$50.00	5/21/2026	DES	Data Check	2026
District 1	M101	\$50.00	6/1/2026	DES	Data Check	2026
District 1	M101	\$50.00	6/1/2026	DES	Data Check	2026
Farmington	43410	\$50.00	6/8/2026	DES	Data Check	2026
Fowler River Road Culvert	45530	\$50.00	6/10/2026	DES	Data Check	2026

Dixville-Colebrook	40518	\$500.00	4/21/2026	DES	Ecological Review	2026
Loudon-Canterbury	29613C	\$500.00	5/27/2026	DES	Ecological Review	2026

Data Sharing Agreement	10883	\$2,269.00	6/9/2026	DNCR	DSA	2026
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