The State of New Hampshire 5E - 11/10/26

Department of Environmental Services

Robert R. Scott, Commissioner

October 12, 2026

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

REQUESTED ACTION

Authorize the New Hampshire Department of Environmental Services (NHDES) to amend a Memorandum of Understanding (MOU) with the New Hampshire Department of Transportation (NHDOT) (PO# 1094431) (VC #312243-B001) by extending the end date from March 31, 2027, to March 31, 2028, upon Governor and Council approval. The original agreement was approved by the Governor and Council on June 28, 2023, Item #156. 100% Federal Funds. This is a no-cost time extension.

EXPLANATION

NHDES entered into a Memorandum of Understanding (MOU) with NHDOT in the amount of $2,876,442 to install three upgraded replacements at high-priority tidal crossings in the Towns of Rye and Stratham under the NH Resilient Tidal Crossings Project. A no-cost time extension amendment is requested to enable NHDES to complete monitoring at Rye post-construction. The project encountered a series of delays at the onset, including a contract delay, unexpected Section 106 (historic resources) compliance issues at the Rye site, unexpected permitting processes that occurred due to a change in lead federal agency, and unique state and federal processes concerning right-of-way on conserved land in Stratham. Currently, the Stratham project has secured all permits and permissions and will be constructed in Fall 2026. The Rye project has recently achieved several important milestones including completion of NEPA and the submittal of the Wetland Permit Application to NHDES. The Rye project is expected to advertise for construction in August 2026 and get built in late winter/early spring of 2027.

To date, $288,852 of the original $2,876,442 has been spent. In the event that federal funds become no longer available, general funds will not be requested to support this program.

This agreement 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

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MEMORANDUM OF AGREEMENT
between the
Department of Environmental Service and the
Department of Transportation
Amendment #1

This Agreement (hereinafter called the Amendment) dated this 10 day of August, 2026 is by and between the Department of Environmental Services (DES) and the Department of Transportation (DOT).

WHEREAS, pursuant to a Memorandum of Agreement (MOA) approved by Governor and Council on June 28, 2023, Item #156, DES and DOT entered into a Memorandum of Agreement in the amount of $2,876,442 to complete three upgraded replacements of high priority tidal culverts in the Towns of Rye and Stratham, NH.

WHEREAS, a 12-month extension was approved by the National Oceanic and Atmospheric Administration due to delays at the start of the project, and this extension will enable post-restoration monitoring and completion of construction;

NOW THEREFORE, DES and DOT have agreed to amend the MOA in the following manner:

(A) Paragraph 5 shall read:

The Memorandum of Understanding is effective on July 1, 2023 and upon Governor and Council approval until [DATE]: ~~March 31, 2027~~ *March 31, 2028*

(B) Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.

(C) 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 respective parties have hereunto set their hands as of the dates indicated.

Date 10/12/26

Robert. R Scott, Commissioner
NH Department of Environmental Services

Date August 10, 2026

David Rodrigue, Commissioner
NH Department of Transportation

Reviewed and approved as to form, substance, and execution:

Date 10/19/26

Melissa Foles
Assistant Attorney General
NH Department of Justice

Approved by the Governor and Executive Council:

By: _____

On: _____