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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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William Cass, P.E.
Commissioner

David Rodrigue, P.E.
Assistant Commissioner

Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

Bureau of Environment
July 6, 2023

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

REQUESTED ACTION

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

In accordance with the requirements approved by Governor and Executive Council on June 16, 2021 (Item #45), DOT is submitting an annual accounting of permit fees and in lieu mitigation fees made to the Department of Environmental Services (DES) pursuant to RSA 482-A, and RSA 483-B during fiscal year 2023 for construction projects and maintenance activities requiring fill and dredge in wetlands and other areas under the jurisdiction of RSA 482-A, as well as impacts to the protected shoreland of surface waters. Attached please find a detailed reporting for the fiscal year ending June 30, 2023.

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 the department [of environmental services].”* 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 (CHAPTER Env-Wt 800). 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.

Pursuant to RSA 483-B:5-b, I, *“No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department [of environmental services] to ensure compliance with this chapter...”* The law includes prescribed fees for permit applications based on the amount of impact to the protected shoreland.

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
2023	25	\$165,047.60	4	\$398,515.05	\$563,562.65

RSA 483-B Payments Made to the Department of Environmental Services

State FY	# of Fee Applications	Application Fees
2023	7	\$12,850.00

It is respectfully requested that this item be accepted.

Sincerely,



William J. Cass, P.E.
Commissioner

WJC/ktn
Attachment

6-Jul-23

DES Payments Summary (RSA 482-A)

FY	Application Fee	ARM Fund	Total
2023	\$165,047.60	\$398,515.05	\$563,562.65
2022	\$70,803.20	\$4,755,988.58	\$4,826,791.78
2021	\$62,396.80	\$828,841.20	\$891,238.00
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	\$1,011,258.80	\$15,131,854.91	\$16,143,113.71

DES Payments Summary (RSA 483-B)

FY	Application Fee
2023	\$12,850.00
2022	\$13,451.20
2021	\$26,750.20
2020	\$14,682.40
Total	\$67,733.80

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RSA 482-A Payments to DES - SFY 2023

Project Name	State Number	PermitNumber	Type	Class	Owner	Payment Sent	Permit Cost	ARM Fund	SFY
Francestown	42837	2022-01990	SPGP	MAJOR	BRIDGE MAINTENANCE	7/6/2022	\$583.20		2023
Dummer	16304B	2022-01959	SPGP	MAJOR	HIGHWAY DESIGN	7/6/2022	\$30,000.00		2023
Shelburne	42619	2022-02002	SPGP	MAJOR	BRIDGE MAINTENANCE	7/11/2022	\$780.80		2023
Hampton-Portsmouth	26485	2022-02027	SPGP	MAJOR	HIGHWAY DESIGN	7/11/2022	\$23,058.00		2023
Gilsum	201901629	2022-01280	SPGP	MINOR	DISTRICT 4	7/13/2022	\$124.00		2023
Colebrook	43899	2022-02118	SPGP	MAJOR	BRIDGE MAINTENANCE	7/15/2022	\$400.00		2023
Troy	43900	2022-02116	SPGP	MAJOR	BRIDGE MAINTENANCE	7/18/2022	\$826.00		2023
Conway	2019-M301-2	2022-02339	SPGP	MAJOR	DISTRICT 3	8/10/2022	\$666.80		2023
Bath	43953	2022-02733	PBN	NOTIFICATION	DISTRICT 2	9/19/2022	\$400.00		2023
Gilsum	201901629	2022-01280	RFMI 1	RFMI Level 1	DISTRICT 4	10/17/2022	\$152.00		2023
Claremont	27691	2022-03006	SPGP	MAJOR	BRIDGE DESIGN	10/19/2022	\$12,738.00		2023
Bedford	13761E	2022-03264	SPGP	MAJOR	HIGHWAY DESIGN	11/18/2022	\$7,044.40		2023
Rochester-Dover	43303	2022-03305	SPGP	MINIMUM	TURNPIKES	11/23/2022	\$400.00		2023
Wolfeboro	2022-M311-1	2023-00266	SPGP	MAJOR	DISTRICT 3	2/2/2023	\$400.00		2023
Loudon	44011	2023-00526	SPGP	MAJOR	DISTRICT 3	2/17/2023	\$2,134.40		2023
Warner-Sutton	15747	2023-00553	SPGP	MAJOR	HIGHWAY DESIGN	3/9/2023	\$10,794.00		2023
Newington-Dover	11238S	2023-00601	SPGP	MAJOR	BRIDGE DESIGN	3/15/2023	\$28,779.00		2023
Meredith	(44048)	2023-00642	SPGP	MINOR	DISTRICT 3	3/17/2023	\$776.20		2023
Seabrook-Hampton	15904	2023-00690	SPGP	MAJOR	BRIDGE DESIGN	3/20/2023	\$30,000.00		2023
Jaffrey	16307	2023-00858	SPGP	MAJOR	HIGHWAY DESIGN	4/5/2023	\$4,989.20		2023
Manchester-Hooksett	42753	2023-00757	SPGP	MINIMUM	BRIDGE DESIGN	4/6/2023	\$400.00		2023
Columbia	43441	2023-00959	SPGP	MAJOR	HIGHWAY DESIGN	4/17/2023	\$1,740.80		2023
Plaistow-Kingston	10044E	2023-00958	SPGP	MAJOR	HIGHWAY DESIGN	4/17/2023	\$6,899.20		2023
Walpole	41624A	2023-01109	SPGP	MAJOR	RAIL&TRANSIT	4/26/2023	\$561.60		2023
Dalton	2021-M111-1	2023-01446	SPGP	MAJOR	DISTRICT 1	5/31/2023	\$400.00		2023
Hampton-Portsmouth	26485	2022-02027	SPGP	MAJOR	HIGHWAY DESIGN	9/28/2022		\$258,331.08	2023
Exeter	43254	2022-00553	SPGP	MAJOR	HIGHWAY DESIGN	11/17/2022		\$19,116.29	2023
Bedford	13761E	2022-03264	SPGP	MAJOR	HIGHWAY DESIGN	11/18/2022		\$115,392.53	2023
Statewide	41915	2020-01719	SPGP	MAJOR	BRIDGE DESIGN	12/28/2022		\$5,675.15	2023

Totals: \$165,047.60 \$398,515.05
 Grand Total: \$563,562.65

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RSA 483-B Payments to DES - SFY 2023

Project Name	StateNumber	PermitNumber	Type	Class	Owner	Payment Sent	PermitCost	SFY
Seabrook-Hampton	15904	2023-00790	SHORELAND	SHORELAND	BRIDGE DESIGN	3/29/2023	\$3,750.00	2023
Claremont	27691	2023-00317	SHORELAND	SHORELAND	BRIDGE DESIGN	2/6/2023	\$3,750.00	2023
Dummer	163048	2022-03344	SHORELAND	SHORELAND	HIGHWAY DESIGN	12/2/2022	\$3,750.00	2023
Wilton	42747	2022-02653	PBN	SHORELAND	HIGHWAY DESIGN	9/12/2022	\$400.00	2023
Wilton	43544	2022-	PBN	SHORELAND	HIGHWAY DESIGN	9/16/2022	\$400.00	2023
Newington-Dover	112385	2023-	SHORELAND	SHORELAND	BRIDGE DESIGN	6/23/2023	\$400.00	2023
Deerfield	24477	2023-00251	PBN	SHORELAND	BRIDGE DESIGN	2/8/2023	\$400.00	2023

Total: \$12,850.00