

**New Hampshire Department of Environmental Services  
Wetlands Bureau  
AQUATIC RESOURCE MITIGATION FUND PROGRAM**

**Introduction**

In March, 2004, the NH Department of Environmental Services Wetlands Program adopted a set of mitigation rules that establish what is necessary for an applicant to provide for wetland compensation. The rules spell out ratios for wetland creation, restoration and upland preservation relative to the type of wetland lost through the proposed development. During the 2006 legislative session, the General Court enacted Senate Bill 140, known as Aquatic Resource Compensatory Mitigation. The law became effective on August 18, 2006 and the DES adopted rules for operation of a wetland mitigation fund on June 20, 2007.

The Aquatic Resource Mitigation (ARM) Fund has been created as an additional compensatory mitigation option available to applicants for impacts to wetlands and other aquatic resources. This mitigation option is available for use after avoidance and minimization of impacts to these aquatic resources has been achieved. The Department is authorized to collect mitigation funds *in lieu of* other forms of wetland mitigation as part of a wetlands application. DES holds and manages funds to be offered as grants for potential projects that will accomplish long-term environmental results that consider the service area goals and replaces or protects wetland and other aquatic resource functions and values that were impacted by development projects in the service area.

ARM fund payments are collected according to nine service areas. Illustration of the areas is found on page 10 of this packet. Projects that have deposited money into the ARM fund, the corresponding information about the wetland loss and the wetland functions and values associated with this loss, can be reviewed at:

<http://des.nh.gov/organization/divisions/water/wetlands/wmp/categories/technical.htm>

A Site Selection Committee, made up of representatives from four state agencies and four non-governmental agencies, reviews ARM Fund grant proposals and recommends grant awards to the NH Wetland Council and a federal interagency review team composed of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, and the National Marine Fisheries Service. Funds awarded must be approved by Governor and Council before being distributed. Details of the DES wetland mitigation program can be found at:

<http://des.nh.gov/organization/divisions/water/wetlands/wmp/index.htm>.

An ideal ARM Fund grant project would provide resource restoration within the context of a proposed conservation proposal. DES encourages projects that provide connectivity to other protected resources or are in close proximity to the wetland impacts. Opportunities to provide benefit to rare resources are also looked upon favorably. Proposals will be scrutinized for the likelihood of project success and the sustainability of the wetland functions and values that are proposed for restoration, enhancement, preservation, or creation. In addition, the overall mitigation potential, environmental significance of the project, project cost-effectiveness and partnership potential will be assessed during the evaluation and ranking of applications. Detailed information on projects funded can be provided upon request.

The key to success is the long-term protection of those wetland functions that are restored or enhanced. Where project scores are comparable, preference will be given to those projects that provide long term protection of the project area and its buffer or provide long term management to ensure the greatest environmental benefit from funds available.

### **Pre-Proposal Submission Details**

Applicants are required to submit a 1-2 page summary detailing their watershed proposal. The pre-proposal summary will be reviewed by DES and the Site Selection Committee and feedback will be provided as to why the project may not meet the program criteria or how the proposal could be strengthened. The ARM Fund Program pre-proposal form can be found at: <http://www.des.nh.gov/organization/divisions/water/wetlands/wmp/categories/forms.htm>

### **DEADLINE FOR PRE-PROPOSALS - APRIL 30, 2012**

#### **2012 Available Funding**

<b>Service Area</b>	<b>Functions/Values</b>	<b>Wetland &amp; Stream Loss</b>	<b>Carry-over Funds</b>	<b>Total Funds Available</b>
<b>1 Androscoggin River</b>			\$200.00	<b>\$200.00</b>
<b>2 Saco River</b>	Floodflow alteration, sediment/toxicant retention/nutrient removal	0.38 acres		<b>\$46,000.00</b>
<b>3 Pemigewasset Winnepesaukee Rivers</b>	Fish and wildlife habitat	1.68 acres		<b>\$300,000.00</b>
<b>4 Salmon Falls – Piscataqua Rivers</b>			\$9,000.00	<b>\$9,000.00</b>
<b>5 Merrimack River</b>	Wildlife habitat, groundwater rechg/discharge, sediment/tox retention, flood storage	13.11 acres		<b>\$2,175,000.00</b>
<b>6 Lower Connecticut River</b>	Fish and wildlife habitat, sediment/tox retention, recreation, shoreline stabilization	5.91 acres		<b>\$500,000.00</b>
<b>7 Contoocook River</b>	Fish and wildlife habitat, shoreline stabilization	0.07 acres; 78 linear feet stream		<b>\$14,000.00</b>
<b>8 Middle Connecticut River</b>	Wildlife habitat, groundwater discharge	3.06 acres		<b>\$180,000</b>
<b>9 Upper Connecticut River</b>			\$600.00	<b>\$600.00</b>

### **DEADLINE FOR APPLICATIONS - AUGUST 10, 2012**

## **Eligible Projects**

Although all projects within project types below are technically eligible for an ARM Fund application submittal, some projects may not be competitive based on established ranking criteria. Because the ARM committee is responsible for selecting projects that are likely to be sustainable long-term, projects should propose methodologies where success can be demonstrated elsewhere and where a monitoring plan will be implemented long-term. We recommend that you maximize potential rank points by considering the following guidance and contact the DES mitigation coordinator for early input.

### **Land/Wetland Acquisition/Legal Protection**

- A rare resource (natural community or threatened/endangered plant/wildlife) will benefit.
- Area was identified in NH Wildlife Action Plan as statewide or regional significance.
- Project is adjacent to other conservation lands or provides linkage to other protected parcels.
- Aquatic resources and their associated buffers will be protected.
- Easement language will ensure permanent protection of resources.

### **Wetland Restoration/Creation**

- Wetland restoration will enhance/create functions lost in the HUC 10 watershed. Wetland restoration is not required. However, applicants can maximize potential points by including it.
- Include a land protection component as part of project should occur on a property that has already been permanently protected. To receive maximum points, a land protection component must be part of the project proposal.
- Wetland restoration/creation is identified as a priority in a regional or statewide plan.
- A rare resource (natural community or threatened/endangered plant/wildlife) will benefit.
- Restoration plans should be detailed and illustrate a clear link to improving wetland functions.

### **Stream Restoration**

- Stream restoration will enhance/create functions lost in the HUC 10 watershed. Stream restoration is not required. However, applicants can maximize potential points by including it.
- Include a land protection component as part of the project or project should occur on a property that has already been permanently protected. To receive maximum points, a land protection component must be part of the project proposal.
- Stream restoration is identified as a priority in a regional or statewide plan.
- A rare resource (natural community or threatened/endangered plant/wildlife) will benefit.
- Bank stabilization, if proposed, is required to improve the system ecologically, not just the human infrastructure.
- Bank stabilization projects where erosion appears natural or where the cause is unknown, in general, are less likely to be funded.
- Restoration plans should be detailed and illustrate a clear link to improving aquatic functions.

### **Culverts/Dams**

- Culvert/dam removal or replacement is identified as a priority in a regional or statewide plan. Because culvert and dam removal/replacements are often extremely expensive, there are numerous culverts/dams needing replacement/removal statewide, and there are limited funds in the ARM fund, the ARM committee is unlikely to recommend funding for these types of projects unless applicants demonstrate the project is exceptional and has numerous and significant ecological ramifications.
- Culvert/dam replacement or removal will enhance functions lost in the HUC 10 watershed. Wildlife habitat (including fish) is often the primary function enhanced by these projects but other functions may be enhanced occasionally.
- Include a land protection component as part of the project or project should occur on a property that has already been permanently protected. To receive maximum points, land protection must be part of the project proposal.

- A rare resource (natural community or threatened/endangered plant/wildlife) will benefit.
- Aquatic organism passage is improved; preferably goes from non-passable to fully passable to all organisms.
- Number of stream miles connected are maximized. For example, a project that opens up 50 miles of barrier free river is likely to be more competitive than a project site that has additional barriers just up and down river.
- Culvert replacement is not a part of a current or future planned development project requirement.

### **Invasive Species Management**

- Invasive Species Management will enhance functions lost in the HUC 10 watershed. Application should clearly demonstrate which functions are being improved.
- Include a land protection component as part of project. To receive maximum points, a land protection component must be part of the project proposal or project should occur on a property that has already been permanently protected.
- Treatment methods are known and will not cause negative effects on aquatic resource.
- A long-term treatment plan, if needed, has been established. The ARM fund is unlikely to fund repeated treatments for a particular area.
- A monitoring plan has been established.
- A landscape plan for treatment is in place (not just a single parcel).
- A rare resource (natural community, threatened/endangered plant/wildlife) will directly benefit from the treatment.

### **Eligible Applicants**

Any of New Hampshire's communities wholly or partially located within the service areas are eligible to apply. Other organizations eligible include County governments, Regional Planning Commissions, County Conservation Districts, Watershed/River Associations, state agencies, departments within the University of New Hampshire and other institutions of higher education, community public school districts, and nonprofit organizations. Projects submitted for funding should have the support of the host municipality and this should be clearly documented in a letter of support or in minutes of a meeting where a vote was taken to proceed with the proposal.

### **Eligible Activities**

To be eligible, every project must be aimed at restoring or protecting wetlands and other aquatic resource functions and values in the service area announced in the application cycle. The following categories of project elements shall be eligible for consideration. Other categories may be considered but should be discussed with the DES Mitigation Coordinator.

#### **1. Wetland and Other Aquatic Resource Restoration**

Funds can be used for wetland or other aquatic resource restoration including the re-establishment of a filled, dredged or otherwise altered resource to its historic condition, to restore or enhance lost functions to the greatest extent practicable. This can be accomplished through the removal of fill, restoration of hydrology to the area, or by other means. The request for funds can include development of final restoration plans and the costs associated with the proposed restoration work such as site clearing and excavation, construction management, consulting fees, permit costs, grading and soil augmentation, disposal costs of excavated materials, and planting. The funds can also go towards the permanent legal protection of areas adjacent to the restored resource to insure long-term sustainability, and for subsequent monitoring and maintenance expenses that may be necessary until the site is successfully restored.

## **2. Land Preservation**

DES recognizes the importance and the long-term benefits of protecting upland area associated with wetlands and other aquatic resources. The greater the buffer provided to the wetland or surface water, the more likely the area will continue to provide valuable functions. Requested funds can be used for land preservation, which includes the permanent protection of aquatic resources and associated upland areas using legal mechanisms so that the resource remains in a natural or undeveloped condition. Funds can be used for acquisition of conservation easements or fee simple ownership in land for protection in perpetuity. The conservation interest to be acquired must be land that is not already permanently protected and is not currently owned by the applicant. Allowable expenses include purchase of the fee or easement and associated transaction costs such as property surveys, appraisals, environmental hazard assessments, title review, closing costs, legal fees, registry fees, and subdivision fees. In addition, ARM monies may be used to establish dedicated stewardship funds to ensure the long-term management and protection of the land.

## **3. Aquatic Resource Improvements**

A request for funds can be used for projects that produce habitat improvements so as to provide enhancement of functions within a degraded wetland or riparian system. Proposed improvements include water quality improvements, tidal flow manipulations, dam removal, stream or river restoration/enhancement activities, or habitat improvements associated with restoring stream continuity.

## **4. Wetland Creation**

Funds can be used to implement projects that propose to transform upland areas to wetland areas at a site where the upland was not created by human activity such as by filling or water diversion. A request for funds may include development of final creation plans and the costs associated with the proposed work such as site clearing and excavation, construction management, consulting fees, permit costs, wetland grading and soil augmentation, disposal costs of excavated materials, and planting. The funds can also go towards acquisition of areas adjacent to the created resource to insure long-term sustainability. In addition, monitoring and maintenance of the areas can also be included in the request.

## **Leveraging of Funds**

Leveraged funds are defined as additional funding for a project that is counted toward completion of the project. Applicants are encouraged to pursue partnerships as much as possible and leveraged funds should be noted in the budget materials. The more partners that may assist in funding a project often is the key for a successful project. Please note, most of the ARM funds are collected to meet state and federal requirements. Therefore ARM funds cannot be used as match for other federal grant programs that require non-federal match. If there is a question about leveraging funds, the DES ARM Fund coordinator should be contacted.

## **Application Submission Details**

One hard copy and one electronic copy (PDF format) of the completed application and all associated documentation are due at the DES Wetlands Bureau office no later than **4:00 PM** on the application deadline date. The application should take into consideration comments provided by DES on the pre-proposal summary.

**When submitting an application, please provide: a project narrative (page 6), maps and other supporting information (pages 7 & 8), and a completed application form (page 9).**

All application materials shall be submitted to the DES Mitigation Coordinator:

**Lori Sommer**  
NHDES Wetlands Bureau  
PO Box 95 Concord, NH 03302-0095  
[Lori.Sommer@des.nh.gov](mailto:Lori.Sommer@des.nh.gov) (603) 271-4059

## Project Narrative

The application form requests submission of a narrative that answers the following questions. Your application will likely rank higher if the project narrative also includes information that addresses the applicable evaluation criteria in the DES rules found at the following:

<http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands>

**1. What are the project's goals and how will you accomplish them? Include a description of how the project proposes to gain or protect functions and values similar to those impacted in the service area.**

Describe what the project is attempting to accomplish with respect to wetland or other aquatic resource restoration, protection, or habitat improvement. Explain how protection measures, including conservation easement terms where relevant, will explicitly protect the functions and values of wetlands on the property. Discuss any existing or potential threats to the property's wetland resources. To the extent possible, include what will be achieved and how the results will be measured.

**2. If the project involves preservation of uplands adjacent to aquatic resources, describe how long-term protection will be provided. Describe how the parcel provides connectivity to other protected resources and how it relates to the resources impacted.**

Include details of how permanent land conservation will be accomplished through conservation easements or fee simple acquisition. Include whether the protection of the parcel adds to existing protected resources, provides a connection between lands that are currently unconnected, is within a large contiguous block of land, or relates to existing conservation plans, etc. An application may score higher if the proposed parcel lies in close proximity to the impacts that occurred in the service area. The DES rules that note these details are found in Env-Wt 804.

**3. If the project involves manipulation of the site, describe how the construction practices will be carried out and methods to be used to stabilize the site. Include the provisions for long-term monitoring and maintenance if applicable.**

Describe how the project will be carried out to achieve the project goals. Items to address include the techniques to be used, items to be removed or installed, soil and plant needs for the wetland area and buffer, and other items necessary to implement the plan. Details on the history of the site and the methodology to gain wetland functions and values should be provided. Describe the restoration/creation/habitat improvement work to be completed and the proposed plans that provide construction details, and any long-term measures necessary for the overall success of the project. The DES rules that note these details are found in Env-Wt 805.

**4. What are the schedule and costs for the project?**

Describe what you are going to do (project tasks), when you are going to do it, and what the end results will be. Provide a proposed budget that shows the costs for each budget item to be paid by ARM funds and those supported by matching funds. While matching funds are not required to fund a project, preference may be given to projects that have leveraged matching funds. Matching funds can include in-kind services. This proposal MUST reflect all costs that are necessary to achieve a completed project.

## **Supporting Information for All Applications**

### **Please submit the following information with the application form:**

- \* A USGS topographic map that identifies the property(ies) that are the subject of this application for mitigation funds, and any other protected lands within the service area or in the vicinity of the property. An electronic shape file with the site presented as a polygon is preferred.
- \* A tax map or other appropriate map, at a scale that ensures all details are legible, which identifies the property noted in the application. Provide detailed instructions on how to gain access to the property to view it.
- \* A property map of each parcel to be acquired with mitigation funds under this application, at a scale that ensures all details are legible, that identifies the approximate areas of wetlands, surface waters, streams, uplands, fields, forest, all structures or land alterations, utilities, wells, roads or trails, gravel pits or disturbed areas, and any easements or rights-of-way. The types of wetlands shall be provided as classified by the US Fish and Wildlife Service Manual FWS/OBS-79/31 Classification of Wetlands and Deepwater Habitats of the United States, Cowardin et al, 1979:  
[www.des.nh.gov/organization/divisions/water/wetlands/documents/cowardin.pdf](http://www.des.nh.gov/organization/divisions/water/wetlands/documents/cowardin.pdf). Both the wetland and upland classification codes should be provided in accordance with the Natural Communities of New Hampshire found at: <http://www.nhdf.org/about-forests-and-lands/bureaus/natural-heritage-bureau/about-us/naturalcommunities.aspx>
- \*A functional assessment of each of the wetlands to be restored, protected, enhanced, and/or created should be provided using the Method for Comparative Evaluation of Nontidal Wetlands in New Hampshire (2011) (NH Method) or Method for the Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire (1993)(Coastal Method), as amended. The name and qualifications of the person completing this evaluation should accompany this analysis. NH Method or Coastal Method data forms should be available upon request. Should the number of wetlands on the parcel be of such number as to be cost prohibitive in performing an evaluation of wetland functions, the assessment of wetland functions and values to be replaced shall be provided and the preparer's qualifications and methodology for determination shall be noted with the application form. Preference will be given to those projects for which a detailed wetland evaluation has been completed by a qualified wetland professional. A summary table of the wetlands on site and the functions and values associated with each wetland shall be included with this application package.
- \*A map of the soil types on the project site at the greatest detail available. If no other is available, an U.S Department of Agriculture, Natural Resource Conservation Service (NRCS) map may be prepared using the Web Site Soil Survey at <http://soildatamart.nrcs.usda.gov/USDGSM.aspx>
- \*Information relative to any state or federal threatened or endangered species or exemplary natural communities should be obtained from the Natural Heritage Bureau (NHB). Natural Heritage information can be obtained at [www.nhnaturalheritage.org](http://www.nhnaturalheritage.org). Click on "Services" for links to: 1) the DataCheck web tool, or 2) a hard copy form to obtain the required letter and map from NHB. If you do not have Internet access, you may contact NHB directly at (603) 271-2215 x 323 for information about obtaining the required documentation.
- \* A summary of known or potential contaminant sources as identified in the NHDES GIS "One-Stop" program (see <http://des.nh.gov/onestop/index.htm>)
- \* A brief description of the proposed management or stewardship plan for the property.

**For restoration, creation, or habitat improvement proposals, submit the documentation as follows:**

1. Confirmation that the applicant is a political subdivision, a governmental agency, or a non-profit, 501(c)(3) organization having land conservation as a principal element of its mission, or a signed and dated statement from such an entity stating the willingness of the entity to carry out the proposed project.
2. Information on how the property will be acquired or written permission signed by the landowner and notarized giving the applicant permission to perform the proposed work;
3. Information on the necessary local, state, and federal authorizations or permits to be applied for or acquired to conduct the wetland restoration/creation/habitat improvement work.

**For land protection proposals, submit the documentation as follows:**

1. Confirmation that the applicant is a political subdivision, a governmental agency, or a non-profit, 501(c)(3) organization having land conservation as a principal element of its mission, or a signed and dated statement from such an entity stating the willingness of the entity to negotiate the proposed acquisition.
2. A written acknowledgement signed by the landowner, stating that the landowner is aware of this Aquatic Resources Mitigation proposal and approves of its submission. If the applicant has a signed Purchase and Sales Agreement or other legally binding contract to acquire a legal interest in the property, that document may serve in place of the landowner acknowledgement.
3. Documentation of how the applicant determined the market value of the legal interest (fee simple or conservation easement) to be acquired. If a fair market value appraisal prepared by certified appraiser does not already exist for the property, then: a) the applicant should provide a brief explanation of how the purchase price for the fee or easement was determined for the purposes of the budget contained in this proposal; and b) the applicant shall obtain an appraisal after the applicant receives notification from DES that the applicant's application for funding has been selected and prior to the funding being provided.

**Application Process**

Once applications are received, they are evaluated by the DES Mitigation Coordinator for eligibility and then ranked according to set criteria (see evaluation criteria in the DES rules, Env-Wt 807.17) by the Site Selection Committee. Once the projects are chosen, the Site Selection Committee decisions are forwarded to the Wetlands Council and federal agencies for approval. Upon approval, the applicant shall be contacted with a letter that notes the documents and agreements necessary for final submittal to the Governor and Executive Council. For those projects that are not selected for funding, a letter will be sent to the applicant. Disbursal of ARM Funds will occur after grant agreements have been submitted and authorized by the Governor and Council.

**New Hampshire Department of Environmental Services  
Aquatic Resource Mitigation Funds  
Application Form**

Project Title: \_\_\_\_\_

Project Location/Town(s): \_\_\_\_\_

Applicant/Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: (day) \_\_\_\_\_ (E-mail address) \_\_\_\_\_

Other Entities Involved in the Project and Their Role(s):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Grant Amount Requested: \$ \_\_\_\_\_

Amount of Matching Funds: \$ \_\_\_\_\_

Proposed Project Costs: \$ \_\_\_\_\_

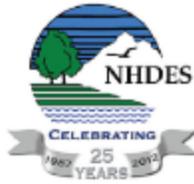
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The wetland functions and values that the project aims to replace or protect are as summarized (check all that apply):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Ecological Integrity    | <input type="checkbox"/> Wildlife Habitat         | <input type="checkbox"/> Finfish Habitat      |
| <input type="checkbox"/> Flood Control Potential | <input type="checkbox"/> Ground Water Use         | <input type="checkbox"/> Sediment Trapping    |
| <input type="checkbox"/> Nutrient Attenuation    | <input type="checkbox"/> Shoreline Anchoring      | <input type="checkbox"/> Recreation Potential |
| <input type="checkbox"/> Educational Potential   | <input type="checkbox"/> Visual/Aesthetic Quality | <input type="checkbox"/> Historical Potential |
| <input type="checkbox"/> Noteworthiness          | <input type="checkbox"/> Urban Quality of Life    |   |

Where applicable, an estimate of the amount of functions or values that will be gained by the project should be included in this summary (i.e., measured in acres, linear feet, percent increase, etc.)

Please provide a description of your project and all of the supporting information noted. A budget for the project should be included based on each cost associated with the project.



WETLANDS BUREAU

# NEW HAMPSHIRE ARM FUND BOUNDARIES

## ARM Region

- 1 – Androskoggin River
- 2 – Saco River
- 3 – Pemigewasset - Winnepesaukee Rivers
- 4 – Salmon Falls - Piscataqua Rivers
- 5 – Merrimack River
- 6 – Lower Connecticut River
- 7 – Contoocook River
- 8 – Middle Connecticut River
- 9 – Upper Connecticut River

