

STATE OF NEW HAMPSHIRE

INTER-DEPARTMENT COMMUNICATION

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| FROM | Marc G. Laurin Senior Environmental Manager | DATE AT (OFFICE) | October 7, 2015 Department of Transportation |
| SUBJECT | Keene-Swanzey, 10309P NHWB Permit Condition - NHWB# 2015-01505 Mitigation Commitment Summary | | Bureau of Environment |
| TO | Lori Sommer NHDES Wetlands Bureau | | |

As requested, here is the history of the broader mitigation commitment for the Keene-Swanzey project. The original permit issued in March 2000 (#1999-01080) estimated impacts to 29.6 acres of wetlands, 2.2 acres of drainage ditches, and 12,800 square feet of bank to provide for the widening and intersection reconstructions of NH Routes 9, 10, 12, and 101 in and around Keene and Swanzey. Approximately 116 acre-feet of floodplain impacts were estimated.

In accordance with a March 2004 Settlement Agreement with the CLF on the wetland permitting, DOT has completed three "Interim Improvement" construction contracts resulting in a total of 3.2 acres of wetland impacts and 17.2 acre-feet of floodplain impacts as follows: the Base Hill Road intersections (10309A - 2.3 acres with 0.13 acre-feet), completed Fall 2005; the Winchester Street roundabout (10309H -0.9 acres with 17.03 acre-feet), completed Fall 2008, and; the West Street reconfiguration (10309O - no wetland nor floodplain), completed Fall 2007. The construction of the MUT bridge over NH 101 (10309P) with 0.46 acres of wetland impacts and 2.7 acre-feet of floodplain impacts, was advertised on September 2015 with the wetland impacts to be compensated with an ARM fund payment of \$89,440.67.

The principal wetland function and values impacts of the Interim projects are to floodflow alteration, sediment/toxicant retention, and wildlife habitat. As part of the mitigation, DOT has committed to the preservation of ±80 acres (minus the amount of land adjacent to NH Routes 9/101 that will be required for the "T" Intersection re-construction) of the undeveloped "NH Route 10 Bypass ROW" parcel consisting of uplands, vernal pools, wetlands that provide a wildlife corridor through Ash Swamp Brook. City of Keene Conservation lands and Conservation Easements are placed on properties located west of this corridor, with one conservation parcel directly abutting the DOT lands. Ultimately the DOT is to transfer this property with conservation covenants and deed restrictions that would ensure the land would remain in a natural undeveloped state. A conservation easement held by the DOT on an ±8 acre Buffum property located to the south of the NH Route 10 ROW, would also be transferred to this entity as part of the package.

As discussed in Natural Resource meetings (October 2009, August 2013, January 2015 and April 15, 2015), the Resource Agencies were in agreement that the continued preservation of the NH Route 10 ROW would be appropriate in conjunction with additional mitigation that will compensate for the floodplain impacts incurred by the completed Interim Improvement contracts. This mitigation is to be coordinated with the City of Keene. The DOT will therefore commit to providing floodplain compensation within the Ashuelot River watershed that will fully compensate for the 19.9 acre-feet of impacts incurred.

The DOT is fully committed to fulfill the constructible components of the mitigation described above as part of the Keene-Swanzey 40100 project. Funds for Preliminary Engineering of the design of the project will be obligated by DOT in 2018 and 2019, with the project currently scheduled to advertise for construction in March 2021.

MGL:mgl
cc
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