



NHDES  
Aquatic Resource Mitigation  
Program

Aquatic Resource Mitigation  
In-lieu Fee Option  
(Effective August 18, 2006)





# NHDES Aquatic Resource Mitigation Program

## What Guides the NHDES In-Lieu Fee Program?

- NHDES Mitigation Rules: Chapter 800. Adopted in 2004, Revised in 2007 and 2/1/2016
- Federal Mitigation Rules: Department of Defense (Corps) and Environmental Protection Agency. April 10, 2008. *Compensatory Mitigation for Losses of Aquatic Resources*. Final rule. Federal Register. Vol. 73, No. 70: pp. 19594-19705.
- In Lieu Fee Instrument:  
<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/NHinstrument051812.pdf>
  - District Engineer Oversight/Approval
  - Interagency Review Team and Site Selection Committee



## ARM Fund Goals & Objectives

- Increase extent & quality of compensatory mitigation
- Conservation of important wildlife habitats with a goal to connect existing protected lands
- ID/restore wetland systems of regional and statewide significance
- Preserve vernal pools and associated terrestrial habitat as well as headwater streams
- Remove barriers to inland migration of coastal wetlands
- Implement BMPs that reduce pollution such as nitrogen loading to the Great Bay
- Salt marsh restoration including eel grass beds, living shorelines
- Manage and re-vegetate riparian buffers

## Aquatic Resource Mitigation (ARM) Fund

- Additional mitigation option available to applicants who cannot find good on-the-ground mitigation.
- Process provides payment into a fund that pools money together to be spent in the watershed where impacts occurred.
- Funds used for wetland restoration, preservation of land adjacent to aquatic resources, wetland creation or aquatic resource improvements.



## When is Mitigation Required

- Impacts within an exemplary natural community (NHB hit);
- Impacts to a state or federally listed endangered or threatened species or its habitat or reproduction areas;
- All wetland impacts > 10,000 square feet;
- Perennial Stream impacts > 200 linear feet;  
(bank + channel + bank)
- Intermittent Stream Impacts > 200 linear feet measured  
along the thread of the channel



# NHDES Aquatic Resource Mitigation Program

How much mitigation is required?

Table 800-1: Minimum Compensatory Mitigation Ratios

Resource Type	Creation	Restoration	Enhancement		Preservation of Upland Buffer
			Hydrologic	Vegetative	
<i>Bog</i>	N/A	2 : 1	5:1	10:1	15 : 1
<i>Tidal Wetlands</i>	3 : 1	2 : 1	5:1	10:1	15 : 1
<i>Forested</i>	1.5 : 1	1.5 : 1	5:1	10:1	10 : 1
<i>Undeveloped Tidal Buffer Zone</i>	N/A	2 : 1	5:1	10:1	3 : 1
<i>All Other Jurisdiction</i>	1.5 : 1	1 : 1	5:1	10:1	10 : 1



## Calculating a Mitigation Payment

The impact amount is adjusted according to the ratio required for wetland creation.

- \$65,000 X Adjusted Acreage Amount (usually 1.5:1)
- DRA land value X Adjusted Acreage Amount
- 20% overhead to administer the ILF program

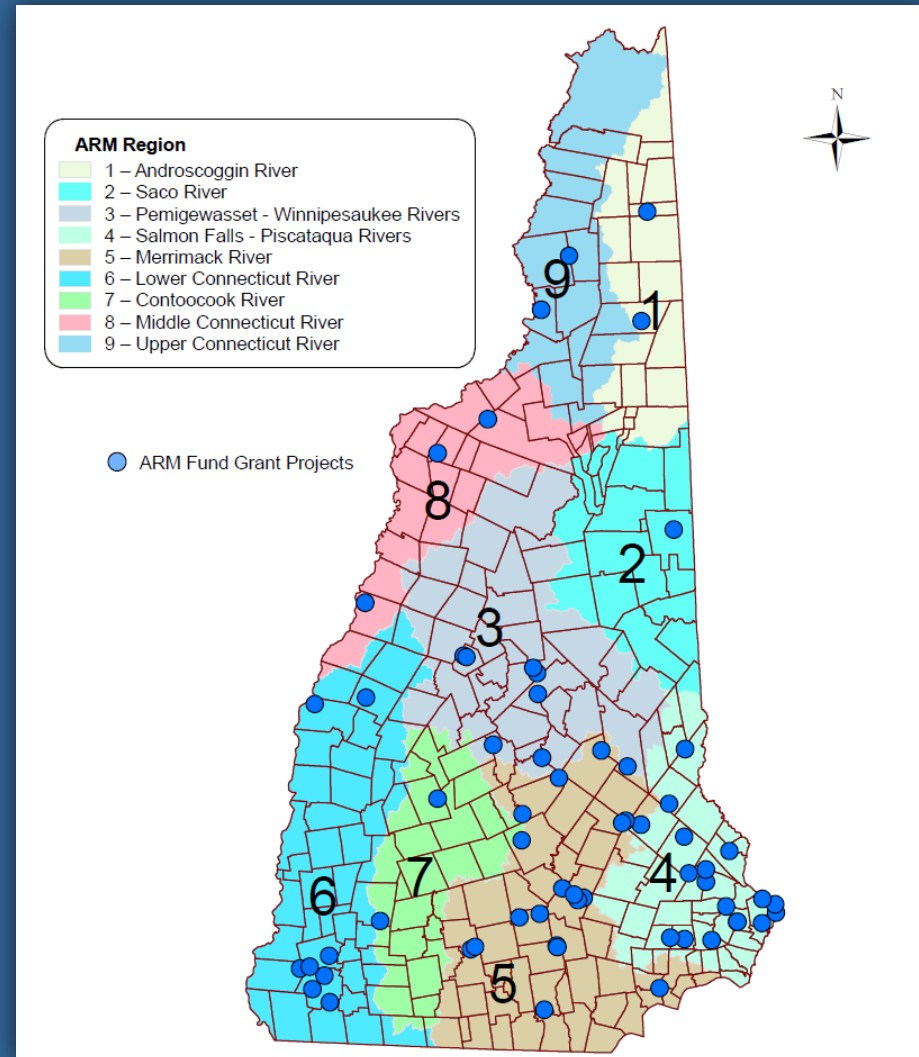
\*\*\*\*\*See ARM Fund Calculator\*\*\*\*\*



# NHDES Aquatic Resource Mitigation Program

## ARM FUND PROJECT AWARD SITES 2009-2015

- 80 projects funded
- More than 16,000 acres of land protected
- 18 acres of wetland restoration
- 82 acres of wetland enhancement
- Over 1-mile of stream restoration and 49 miles of stream connectivity





Request for Pre Proposals

Full Application Submittal

Site Selection Committee  
and DES Office Review

Site Selection Committee  
and DES Field Review

Site Selection Committee  
Score, Rank & Recommend

Army Corps of Engineers  
Review & Approve

Wetland Council  
Review & Approve

Governor & Council  
Approval



# RIBITS

## Regulatory In-lieu Fee and Bank Information Tracking System

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### Filter View

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- State
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New Hampshire

### New Transaction for New Hampshire Aquatic Resource Mitigation Fund

[Cancel](#)

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Transaction Type:

• **Type**

• **Program Service Area**

• **Transaction Date**

Permittee

• **Credits**

#### Impact Information

Cowardin System

Cowardin Subsystem

Cowardin Class

Cowardin Subclass

HGM

Impact HUC

Impact Quantity

Impact Latitude  (Decimal Degrees)

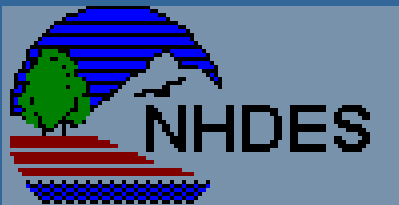
Impact Longitude

Comment

[Compute from Deg/Min/Sec](#)



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