THE NH DOT ENVIRONMENTAL REVIEW PROCESS

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

September 2016
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THE NHDOT ENVIRONMENTAL REVIEW PROCESS
FOR MUNICIPALLY MANAGED PROJECTS AND
TE AND CMAQ PROJECTS

PROGRAMMATIC CATEGORICAL EXCLUSION
DETERMINATIONS

Prepared by: NHDOT Bureau of Environment
THE NHDOT ENVIRONMENTAL REVIEW PROCESS FOR MUNICIPALLY MANAGED PROJECTS AND TE AND CMAQ PROJECTS

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

INTRODUCTION

In accordance with the National Environmental Policy Act (NEPA) of 1969, the New Hampshire Department of Transportation (NHDOT) must assess alternatives to, and the environmental impacts of, transportation improvement projects that are funded or approved by Federal agencies. Typically, the Federal Highway Administration (FHWA) is the lead Federal agency for NHDOT projects; thus, NHDOT follows FHWA regulations (23 CFR 771) and technical guidance (Technical Advisory T6640.8A) for implementing requirements of NEPA. Environmental documentation is required to address the natural, socio-economic, and cultural resource impacts associated with a given action. This documentation will also serve to record compliance with requirements of other environmental laws, including the Endangered Species Act (ESA), Clean Water Act (CWA), and National Historic Preservation Act (NHPA).

From an environmental standpoint, projects are classified according to the expected significance of their impact on the environment. Projects with the potential for significant environmental impact potential require completion of an Environmental Impact Statement (EIS) and are classified as Class I projects. Projects that are expected to have very minor environmental impacts are processed as Categorical Exclusions (CE) and are classified as Class II projects. Projects for which potential environmental impacts are unknown are processed as Environmental Assessments (EA) and are classified as Class III projects. Typically, Transportation Enhancement (TE) and Congestion Mitigation Air Quality (CMAQ) projects are processed as CEs and generally qualify for an even more abbreviated review process know as a Programmatic Categorical Exclusion (Programmatic CE).

This guidance material provides project sponsors overseeing projects for NHDOT with a systematic, interdisciplinary approach to evaluating the potential impacts a proposed action will have on the surrounding environment. In addition, appropriate forms and examples are provided for accurate completion of a “Categorical Exclusion Programmatic Determination Checklist” (The Checklist) and the materials and backup information that are needed to support the determination. In the event that a project does not meet the criteria for processing as a Programmatic CE, information is provided for the next level of required documentation: a “Categorical Exclusion Non-Programmatic Impact Summary” (see Step 5 for non-programmatic CE documentation requirements).

1. The URLs of the websites hyperlinked in this document are listed in Appendix A.
2. A list of all acronyms used in this document are listed in Appendix I.
SYSTEMATIC APPROACH

For every program or project authorized, funded, or otherwise approved by a Federal agency, an evaluation of the environmental affects of that program or project is required. Many of the resources that make up the “environment,” are regulated, protected, or fall under the jurisdiction of a State or Federal agency. In addition to these agencies, local officials often have a good understanding of the local issues and resources that may have an affect on project design. It is essential to involve the right entities and agencies early in the design process to provide for a streamlined environmental review and ensure that a project is compatible with the environment and Federal, State, and local laws, rules, and regulations.

The following systematic approach should be utilized on all projects to ensure that all issues and resources are appropriately addressed as design progresses from the preliminary stages through the construction phase.

**Step 1: Initial Contact Letters**

As the first step in an environmental review, a project sponsor should contact, via letter, the officials in the town where the project is proposed, and the officials with jurisdiction over the resources listed on the first page of *The Checklist*. The responses will help inform the design of the project and will be included, as appropriate, in the document appendices as supporting documentation. For information on completing *The Checklist* see **Step 3**. Contact information for the officials with jurisdiction over the resources in the checklist are also found in **Steps 2 & 3** and in a comprehensive list in **Appendix B**. When contacting local officials, send correspondence to the following individuals, by title, as appropriate:

- Selectmen Chairman/Mayor
- Planning Board Chairman
- Town Planner
- Conservation Commission
- Historical Society
- Fire Chief
- Emergency Management Director
- Public Works Director
- City Engineer
- City Manager
- Road Agent
- Police Chief

The letter should clearly detail the project name and number, a description of the project limits, needs, and proposed action. In addition, the NHDOT Bureau of Environment (BOE) has developed a list of ten questions to provide the most appropriate information for design purposes. A sample letter can be found in **Appendix C**.

For the most up-to-date list of local officials, visit the Public Officials Directory at the NHDOT Bureau of Planning and Community Assistance website.

**Step 2: On-Line Regulatory Reviews**

Some information required by *The Checklist* and to ensure that project related impacts or involvement with resources is avoided and/or minimized will require a project sponsor to utilize web-based information systems. These systems are another important tool when acquiring background information, or environmental conditions, for a project. There are three web-based systems that can be utilized when completing *The Checklist*. 
NH Natural Heritage Bureau

The first web-based system is the “DataCheck” tool employed by the NH Department of Resources and Economic Development Natural Heritage Bureau (NHNHB). The NHNHB mission, as mandated by the Native Plant Protection Act of 1987 (RSA 217-A), is to determine protective measures and requirements necessary for the survival of native plant species in the state, to investigate the condition and degree of rarity of plant species, and to distribute information regarding the condition and protection of these species and their habitats. NHNHB also maintains information on rare wildlife in cooperation with the NH Fish & Game Department's (NHF&G) Nongame and Endangered Wildlife Program, which has legal jurisdiction over New Hampshire wildlife.

The NHNHB maintains a database of known locations of rare species and exemplary natural communities. Federal, state, and local agencies may require a check of this database to determine whether a proposed project could impact rare species or exemplary natural communities. This information is required by The Checklist under Question #3. There is a $25 fee for this service.

The information generated from this review will be contained in correspondence returned from NHNHB. If the project is not likely to impact rare species or exemplary natural communities, a form letter will be generated by the “DataCheck” tool to be printed by the project sponsor. If the project has the potential to impact rare species or exemplary natural communities, a $25 fee is assessed and NHNHB will provide separate correspondence that identifies the species or communities of concern and follow-up recommendations. This response may require the project sponsor to contact additional State or Federal resource agencies to determine the potential impacts of the project on protected plant and animal species/communities. See Step 3 for more information. Sample letters can be found in Appendix D.

US Fish and Wildlife Service

The USFWS consultation website (http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm) and Information, Planning, and Conservation System (http://ecos.fws.gov/ipac/) should be utilized to determine if potential concerns exist with federally listed species. If a project is located in tidal waters, the National Oceanic and Atmospheric Administration (NOAA) Protected Resources Division website should be consulted (http://www.greateratlantic.fisheries.noaa.gov/Protected/).

Potential concerns require coordination with USFWS or NOAA.

Section 7 of the Endangered Species Act (ESA) directs all Federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the US Fish and Wildlife Service (USF&WS), to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Question #3 of The Checklist directs the project sponsor to determine if Federally Threatened or Endangered species occur within or may be affected by a proposed project. The USF&WS New England Field Office offers a Section 7 web-based consultation process under Section 7 of the ESA for Federal actions. The project sponsor should utilize this website to complete this review or determine if additional review is required. Moreover, the USF&WS has determined that individual review for specific types of projects associated with highway maintenance and upgrade activities is not required. Individual correspondence with the USF&WS is not required for the following types of projects:
1. Resurfacing projects;
2. Intersection improvements, including the construction of traffic signals; and
3. Routine maintenance and installation of guardrail.

A copy of this letter is included in Appendix E if the project sponsor’s project fits into any of these three categories, and should be included as backup information for a Programmatic CE determination.

NHDES OneStop Web Geographic Information System

The purpose of the OneStop Web GIS application is to provide access to GIS data that are developed by the NH Department of Environmental Services (NHDES) and other State and Federal government agencies under the auspices of NH GRANIT (the New Hampshire Geographically Referenced Analysis and Information Transfer System). While there is a lot of good, general information available, the BOE primarily utilizes the information it contains to determine if there are any properties in the project area that may be contaminated by any hazardous or noxious materials. This information is then utilized to complete an Initial Site Assessment (ISA). The ISA details the potential for construction to involve contaminated materials and discusses any follow up action that may be necessary during construction. For a sample ISA see Appendix F.

Step 3: Resource Agency Meetings

The review of projects by State and Federal resource agencies is essential in determining the extent of environmental impacts and identifying the need for permits and approvals. Project review meetings can supplement written correspondence, and at times are not only recommended but necessary. The project sponsor can arrange for such meetings or avail itself of regularly scheduled (monthly or bimonthly) meetings hosted by the NHDOT Bureau of Environment. There are two regularly scheduled meetings as discussed below.

Cultural Resource Agency Coordination Meeting

Twice each month, usually the first and second Thursday, the NHDOT BOE hosts a Cultural Resource Agency Coordination Meeting for review of design alternatives and the presence and potential impacts to historic and/or archaeological resources that may be present in the project area of a particular project. The meeting provides the opportunity for NHDOT to coordinate with the NH Division of Historical Resources (NHDHR), which is also known as the State Historic Preservation Office (SHPO), FHWA, and/or ACOE, as appropriate, to discuss cultural resources. Each project is reviewed, on average, once or twice throughout project development at this meeting venue. To schedule a project for review, contact the NHDOT Bureau of Environment, Cultural Resource Program Manager.

Contact
Jill Edelmann
Cultural Resource Program Manager
NHDOT Bureau of Environment
(603) 271-3226
Jedelmann@dot.state.nh.us

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Natural Resource Agency Coordination Meeting

Once each month, usually the third Wednesday of each month, the NHDOT BOE hosts a **Natural Resource Agency Coordination Meeting** for review of design alternatives and their impacts to environmental resources (including wetlands, endangered species, water quality, air, wildlife, fisheries, etc.) for a particular project. Agencies in attendance include the Environmental Protection Agency (EPA), USF&WS, Army Corps of Engineers (ACOE), NHF&G, NHDES, FHWA, NHNHB, and the NH Bureau of Emergency Management (NHBEM). This venue provides agencies an opportunity to review designs, design alternatives and potential impacts. In addition, mitigation opportunities are also reviewed, as needed. Each project is reviewed, on average, once or twice throughout project development: once during alternative selection and once during impacts analysis. Review at this meeting increases the likelihood that a project sponsor will be able to receive a timely permit for a proposed project. To schedule a project for review, contact the NHDOT Bureau of Environment,

**Contact:** Matt Urban,
Wetlands Program Manager
NHDOT Bureau of Environment
(603) 271-3226
murban@dot.state.nh.us

Step 4: Completing *The Checklist*

Overview

While the level of analysis for a project is dependent on the nature and scope of the specific action, most Municipally Managed projects and TE and CMAQ projects will be processed as Programmatic CEs. See **Appendix F** for sample Programmatic CE Checklists. The completed form and all appropriate supporting information (e.g. letters from resource agencies) is necessary for all projects to provide evidence of compliance with applicable environmental laws and regulations and to avoid last minute project delays.

Compliance with these environmental regulations requires that the proposed project avoid impacts to natural and cultural/historical environmental resources wherever possible and practicable. Once the least damaging alternative is identified, the project should be reviewed for ways to minimize the remaining impacts. If the remaining impacts are significant, mitigation may be necessary. This process is particularly important relative to wetland impact permits issued by the NHDES Wetlands Bureau under **RSA 482-A** and the US Army Corps of Engineers (ACOE), which administers **Section 404 of the CWA**.

Federal regulations that protect cultural and historical resources include **Section 4(f)** of the **US Department of Transportation (USDOT) Act**, **Section 106** of the **NHPA**, and **Section 6(f)** of the **Land and Water Conservation Fund (LWCF) Act**. If a project will result in substantial impacts to any of the resources protected by these regulations, then more involved analyses and documentation may be required.

If, at any time, the project sponsor requires additional information, the Project Development Section Chief at NHDOT BOE can provide assistance *(see previous contact)*.

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Part I: Project Name and Tracking Numbers

**Action/Project Name:** The city/town in which the action will occur  
**State Project Number:** The 5 digit NHDOT project number – usually begins with a “1”  
**Federal Project Number:** The FHWA project number – usually begins with “X-A000”  
**CE Action Number:** This number identifies which regulation allows the project to be classified as a CE, and in the State of NH, as programmatic. Most TE and CMAQ projects qualify under No’s: 3, 13, 21, 32 or 33.

In order to determine the CE Action numbers see Appendix G.

Part II: Description of Project

The project sponsor should identify and describe the proposed action, including its location, termini, and design aspects. This is important to document the scope of the action at the time the Programmatic CE determination is made. If available, attach the *Engineering Report* to the checklist. Attach a project location map to *The Checklist*.

Part III: Programmatic CE Criteria

The project sponsor should gather supporting documentation, as appropriate, to address the questions enumerated in *The Checklist*. Much of this supporting documentation has already been gathered under **Steps 1 & 2**. Respond to each question by checking either **YES** ☑️ or **NO** ☐️. Although a single **YES** ☑️ response will disqualify the action for processing as a Programmatic CE, complete the responses for all questions. This will provide a full record for future reference, in case the project scope is subsequently revised or the environmental parameters change.

Documentation (letters, memos, forms, etc.), as appropriate, should be attached to *The Checklist*.

**Right-of-Way**

1. **Right-of-Way** – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

To qualify for Programmatic CE approval, actions must meet a two-part test with respect to potential right-of-way impacts. First, the action must not require the acquisition of residences or businesses. The acquisition of unoccupied buildings, including garages, barns, storage facilities, vacant domiciles, vacant commercial establishments, etc., will not preclude the use of the Programmatic CE, unless such acquisition is deemed to have a substantial adverse effect on the value of the property or impedes the operation of business enterprises on the property. Second, if the action requires fee simple acquisition or permanent easements that will impair the function of the property, the Programmatic CE will not apply. These right-of-way “tests” are independent of any cultural resource, Section 4(f), or Section 6(f) impact determinations required for Programmatic CE approval.

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Note: As appropriate, an analysis of the effects of property acquisition should be completed and attached to the checklist.

Traffic

2. Traffic—Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

A project resulting in capacity expansion of a roadway by the addition of through lanes will be disqualified from processing as a Programmatic Categorical Exclusion.

Roadway Access

3. Roadway Access—Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

Major traffic disruption is defined as a case-by-case scenario, when the NHDOT, in consultation with FHWA, agree that the project scope will interrupt traffic patterns beyond normal project conditions.

Cultural Resources

4. Cultural Resources – Does the proposed action have an adverse effect on properties eligible for or listed in the National Register of Historic Places?

Federal and State legislation directs the consideration of historical resources for LPA undertakings. Section 106 of the National Historic Preservation Act requires federal agencies and those receiving federal funding, permitting or licensing to take into account the impacts of their undertakings on properties eligible for or listed in the National Register of Historic Places and affords the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on the undertaking prior to the project’s execution. Projects that are not subject to Section 106 must adhere to regulations of NH RSA 227-c: Historic Properties. A determination of “No Historic Properties Affected” or “No Adverse Effect” qualifies the action for Programmatic CE approval. See Appendix H for a sample “municipal effects memorandum.”

Request for Project Review

The Request for Project Review (RPR) form initiates the Section 106 consultation process with the NH State Historic Preservation Office (SHPO). Guidance for filling out the form and templates are on the NH Division of Historical Resources website: http://www.nh.gov/nhdhr/review/rpr.htm. All transportation RPR forms are first sent to the NHDOT Cultural Resources Program for review.

If it is determined by NHDOT Cultural Resource staff, NHDHR and/or the federal agent there are no cultural resources concerns, an effect memo can be written, ending the Section 106/cultural resources review process.

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In addition, the Bureau of Environment’s monthly Cultural Resource Agency Coordination Meetings can be utilized for help in assessing impacts to cultural resources. For information on this meeting venue see Step 3.

Programmatic Agreement (PA)

The PA establishes procedures for processing projects, provides standardized forms for reporting, and clearly lays out the roles and responsibilities of FHWA, NHDOT, SHPO and the project sponsor in order to operate under the PA. It streamlines the Section 106 process by promoting consistency and transparency of project development and review practices and requirements, and by encouraging an understanding among project sponsors of the goals of Section 106 and the benefits of incorporating those goals early during a project’s design. A wide range of transportation undertakings (“projects”) typically do not impact or affect historical resources. The PA streamlines the Section 106 review of these types of projects by enabling NHDOT to conduct individual historical resource reviews, thereby removing FHWA and the SHPO from project-by-project evaluation activities.

The NHDOT Cultural Resources Program will make the determination whether a proposed project is an Appendix A undertaking. If so, Section 106 review will be limited to completion of an Appendix A Certification Form. Appendix B undertakings require further coordination with the NHDOT Cultural Resources Program, as well as information gathering due to the potential, albeit minimal, for the undertaking to cause effects to historic resources.

All other Section 106 compliance procedures are also outlined in the Programmatic Agreement. An LPA sponsor must comply with the procedures outlined in the PA.

More information is available here:
http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm

Note: If using the Programmatic Agreement, for undertakings processed through Appendix A and B certification forms, these forms act as the Section 106 project effect determination. Contact the Bureau of Environments Cultural Resource Program Manager to determine the proper response to the cultural resources question.

Contact: Jill Edelmann
Cultural Resource Program Manager
NHDOT Bureau of Environment
(603) 271-3226
Jedelmann@dot.state.nh.us

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Section 4(f)

5. **Section 4(f)** – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

Section 4(f) of the USDOT Act addresses the use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or private historic sites for Federal highway projects. Compliance with Section 4(f) is typically evaluated during the NEPA review process. Section 4(f) applies to transportation projects that receive funding from or require approval by FHWA.

FHWA regulations state: "The Administration may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use.

Supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts or community disruption resulting from such alternatives reach extraordinary magnitudes."

It should be noted that Section 4(f) applies to all significant historic sites, regardless of ownership, but only to publicly owned public parks, recreational areas, and wildlife and waterfowl refuges. Significant historic sites are those listed or eligible for listing in the National Register of Historic Places.

Any use of 4(f) property will disqualify the action for Programmatic CE processing, unless a *de minimis* impact finding has been made.

FHWA can provide for a finding of *de minimis* impact on a 4(f) property if:

- **A.** For historic properties, the transportation program or project will have no adverse effect on the historic site; or there will be no historic properties affected by the transportation program or project; or

- **B.** For parks, recreation areas, and wildlife or waterfowl refuges, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and the finding has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

FHWA determines whether 4(f) applies to an action. The Federal, State, or local officials having jurisdiction over the 4(f) property make the significance determination. For more information on Section 4(f) and whether it applies to a proposed action the project sponsor should contact either the Project Management Section Chief at the NHDOT Bureau of Environment, or the Environmental Program Manager at the FHWA NH Field Office.

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For more detailed guidance, please see the FHWA Section 4(f) Policy Paper: http://environment.fhwa.dot.gov/4f/4fpolicy.pdf

Contact: Jamie Sikora
Environmental Program Manager
US Federal Highway Administration, NH Field Office
19 Chenell Drive, Suite 1, Concord, NH 03301

Contact: Ronald Crickard
Chief, Project Management
NHDOT Bureau of Environment
(603) 271-3226

Section 6(f) / Conservation Properties

6. Section 6(f)/Conservation Properties – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

The Land and Water Conservation Fund Act of 1965 provides for the preservation and development of quality outdoor recreation resources. Section 6(f) of the Act states, in part, that no property acquired or developed with funding assistance authorized by this Act shall be converted to non-recreational uses without the approval of the Secretary of Interior. If an action requires such conversion, it will not be eligible for Programmatic CE approval.

New Hampshire administers the state’s Section 6(f) lands through the NH Department of Resources and Economic Development (DRED), Division of Parks and Recreation. The project sponsor should contact the State Liaison Officer at DRED to determine if actions involve 6(f) lands and whether or not the proposed use of such lands constitutes a conversion.

Contact: Bill Gegas
Program Assistant
NH Department of Resources and Economic Development
172 Pembroke Road, Concord, NH 03301
LWCF@dred.nh.gov

To determine if additional special conservation lands exist in the project area and to determine if they will be impacted by a proposed action, the project sponsor should contact the Stewardship Specialist at the NH Conservation Land Stewardship (CLS) Program and the Executive Director at the Land and Community Heritage Investment Program (LCHIP).

Contact: Steve Walker
Stewardship Specialist
Conservation Land Stewardship Program
NH Office of Energy and Planning
57 Regional Drive
Concord, NH 03301

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Wetlands/Surface Waters

7. Wetlands/Surface Waters – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

Impacts to wetlands (i.e. dredge, fill, drain, etc.) require a permit from the NH Department of Environmental Services, Wetlands Bureau (NHWB), and/or the ACOE, in accordance with RSA 482-A and/or Section 404 of the Clean Water Act, respectively. To qualify for Programmatic CE approval, the action must not require an Individual permit and/or a Section 10 permit from the ACOE. If the action meets the criteria for the ACOE’s State Programmatic General Permit (SPGP), or is not in the ACOE’s jurisdiction, it may qualify for Programmatic CE approval.

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the Ordinary High Water (OHW) elevation of navigable waters of the United States be approved/permitted by the U.S. Army Corps of Engineers. Regulated activities include the placement/removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the U.S. that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past or may be susceptible to use to transport interstate or foreign commerce.

The Bureau of Environment’s monthly Natural Resource Agency Coordination Meetings can be utilized for help in determining permit thresholds and mitigation requirements. For information on this meeting venue see Step 3.

US Coast Guard

8. US Coast Guard — Does the proposed action require a US Coast Guard bridge permit?

Under Section 9 of the Rivers and Harbors Act of 1899, and the General Bridge Act of 1946, the US Coast Guard has the authority to approve proposed bridge and/or causeway locations and plans. The primary purpose of these Acts is to preserve the public right of navigation and to prevent interference with interstate and international commerce. These Acts require that pertinent project information, including but not limited to proposed locations and plans for new bridges, be approved by the Coast Guard prior to construction.

Alteration or replacement of bridges over navigable waters may require a Bridge Permit from the Coast Guard. Navigable waters in New Hampshire include all tidal waters, the Merrimack River from the Massachusetts/New Hampshire state line to Concord, NH; Lake Umbagog within the State of NH; and the Connecticut River to Pittsburg.
If the Coast Guard confirms that a Bridge Permit is required, the action does not qualify for programmatic CE approval.

**Floodways/Floodplains**

9. *Floodways* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

The project sponsor should determine if an action is located in a regulatory floodway by reviewing the [National Flood Insurance Program (NFIP)](https://www.fema.gov/national-flood-insurance-program) maps (Flood Insurance Rate Map [FIRM], Flood Boundary & Floodway Map, or Flood Hazard Boundary Map, as available). If so, a hydraulic analysis is necessary to determine if flood levels will rise or fall. The required level of analysis should be determined through consultation with the engineering staff and confirmed by the [NH Office of Energy and Planning (NHOEP)](https://www.nh.gov/energy) Bureau of Emergency Management (NHBEM). If the analysis concludes there will be no rise in the flood elevation greater than one foot over the established Q 100 floodplain elevation, as confirmed by NHBEM or the Federal Emergency Management Agency (FEMA), the action does not encroach, does not result in more than a nominal increase, does not have a significant or adverse impact on floodplain values, or create a significant risk to human life or property in base flood elevation, the action qualifies for Programmatic CE approval. Initial correspondence under **Step 2** should be sent to the Water Resources Planner at the NHBEM.

Executive Order 11988, Floodplain Management, requires Federal agencies to evaluate the potential effects of actions it may take in a floodplain to avoid adversely impacting floodplains wherever possible. State Executive Order 96-4 requires all NH state agencies to comply with the floodplain management regulations of communities that participate in the NFIP. Coordination with FEMA is necessary only if there are impacts to the regulatory floodway or changes to the boundary of the floodplain or floodway due to an increase in water surface elevation above what has been calculated in the Flood Insurance Study (FIS), which is available through OEP.

**Contact**

Jennifer Gilbert  
Water Resources Planner  
National Flood Insurance Program  
NH Office of Energy and Planning  
57 Regional Drive, Suite 3, Concord, NH 03301-8519  
(603) 271-2155

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Water Quality

10. Water Quality – Does the proposed action have more than a negligible impact on surface waters?

Actions have the potential to impact water quality of both surface and ground waters. Impacts can be temporary (construction phase) and/or longer-term, and they can vary in magnitude. Typically, temporary impacts associated with small projects of short duration can be minimized by the effective use of proper erosion and sedimentation controls and storm-water management measures. These impacts should not result in substantial impairment to water quality. Such actions will normally qualify for Programmatic CE approval. However, if the receiving waters are sensitive resources (e.g. Class A waters, as designated by the NHDES Water Division, public water supplies, etc.), the potential for temporary and/or long-term impacts is greater and the Programmatic CE will not apply. Similarly, larger projects that affect sensitive resources or have the potential for sustained or cumulative impacts resulting from protracted construction operations or long-term, high-volume runoff will not be eligible for Programmatic CE approval.

The project sponsor should determine if sensitive water resources are present and determine the magnitude of potential impacts.

As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

In accordance with the NHDES Alteration of Terrain (AOT) Administrative Rules Env-Wq 1500, activities that result in terrain alteration shall not cause or contribute to any violations of the surface water quality standards established in Env-Wq 1700, the NHDES Surface Water Quality Regulations.

Wild and Scenic Rivers

11. Wild and Scenic Rivers – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.

The project sponsor should determine if the project is located within the corridor of a Wild and Scenic River, and identify the classification of the river segment where the project is located.

If a project will impact the channel or banks of a Wild and Scenic River or the channel or banks of a river below, above, or on a stream tributary to a Wild and Scenic River, the action will not qualify for Programmatic CE approval. The Environmental Consultant should consult with the FHWA Environmental Program Manager to determine who should initiate contact with the river-administering agency. Coordination with the river-administering agency should be established as early in the design process as possible to avoid potential delays. More information on what
is considered an impact can be found here: http://www.rivers.gov/documents/section7/process-flowchart.pdf


Wild and Scenic Rivers are subject to Section 4(f) of the Department of Transportation Act of 1966 if the river segment is classified as recreational. If a project has the potential to impact a recreational segment of a Wild and Scenic River corridor, the Environmental Manager should work with the FHWA Environmental Program Manager to determine if Section 4(f) will be triggered by the proposed project.

**Noise**

12. Noise – Is the proposed action a Type I highway project?

Federal regulations (23 CFR 772) and the NHDOT Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I Highway Projects (the NHDOT Noise Policy) require the consideration of noise abatement measures where traffic noise impacts have been identified in conjunction with a Type I highway project. A Type I highway project entails construction on a new location or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes. To qualify for Programmatic CE approval, the proposed action must not be a Type I project as defined in the NHDOT Noise Policy. The NHDOT Noise Policy is available here: [http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/air-noise.htm](http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/air-noise.htm)

**Contact**

Jon Evans  
Air&Noise Program Manager  
NHDOT Bureau of Environment  
(603) 271-3226  
JEvans@dot.state.nh.us

**Endangered Species**

13. *Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act??

The Federal Endangered Species Act requires federal agencies to conserve endangered and threatened species. The New Hampshire Natural Heritage Bureau (NHB) maintains data on known locations of federal and state endangered plant and animal species as well as exemplary natural communities. Upon request, NHB will review the project area for known records of federal and state endangered plant and animal species and exemplary natural communities. If a species/habitat is located in the project area, NHB will review the project activities for the likelihood of adverse impacts. If no species are present, or impacts to species are considered unlikely, NHB will issue a letter stating that there are no anticipated impacts to rare species or natural communities.
If the proposed action results in a may affect, likely to adversely affect determination of a federally listed or candidate species, or proposed or designated critical habitat of species protected by the Endangered Species Act, or results in impacts subject to the conditions of the Bald and Golden Eagle Protection Act the Programmatic CE will not apply, with the following exception. For impacts to the Northern Long Eared Bat (NLEB), the FHWA has determined that projects that conform to the Programmatic Consultation for NLEB and are determined to Likely to Adversely Affect the NLEB may rely on the Biological Opinion issued for the Indiana and NLEB for the to comply with Section 7(a)(2) of the Endangered Species Act for its effects to the NLEB. Proposed actions determined to meet the criteria for processing under the range-wide programmatic informal/formal consultation for the Indiana and NLEB can be processed as programmatic CEs.

The USFWS consultation website (http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm) and Information, Planning, and Conservation System (http://ecos.fws.gov/ipac/) should be utilized to determine if potential concerns exist with federally listed species. If a project is located in tidal waters, the National Oceanic and Atmospheric Administration (NOAA) Protected Resources Division website should be consulted (http://www.greateratlantic.fisheries.noaa.gov/Protected/). For information about the Golden Eagle protection Act see: https://www.fws.gov/midwest/midwestbird/eaglepermits/bagepa.html

Potential concerns require coordination with USFWS or NOAA.

Reviewing Projects for Impacts to Northern Long Eared Bat (NLEB) (No Effect Determinations)

If a proposed action will have no effect, the USFWS does not have to be notified. Projects entirely outside the range of the NLEB, or projects with no suitable habitat within the project area (high-density urban areas or non-forested areas) will result in “no effect”. Projects with No Effect include activities conducted completely within existing road/rail surface and do not involve percussive or other activities that increase noise above existing traffic/background levels (blasting and use of pile drivers, rock drills, or hoe rams), maintenance, alteration, or demolition of bridges/structures if the results of a bridge assessment indicates no signs of bats, and activities that do not involve construction, such as bridge assessments, property inspections, development of planning and technical studies, property sales, property easements, and equipment purchases. For these projects document the determination of No Effect. USFWS has advised that bridge assessment results are considered valid for one year. If more than one year has passed since the initial bridge assessment, a subsequent bridge assessment should be conducted.

For more information about the Northern Long Eared Bat please review the Bureau of Environment Website at:

See Step 2 for initial consultation requirements to determine if species and/or critical habitat of species protected by the Endangered Species Act, the NH Endangered Species Conservation Act of 1979, and the State Native Plant Protection Act of 1987 are present within the action area. If species/habitat are present, the project sponsor should follow up with the appropriate agency(ies) to determine the effect of the action. This may involve field investigations by
qualified personnel and identification of special precautions, seasonal restrictions on work activities, and/or other mitigative measures. If it is concluded that the action will not impact these resources, the Programmatic CE will apply.

The NHNHB review contact information is: Amy Lamb
Environmental Information Specialist
DRED – Natural Heritage Bureau
PO Box 1856, Concord, NH 03302-1856
(603) 271-2214

The USFWS review contact information is: Susi von Oettingen
Endangered Species Biologist
US Fish and Wildlife Service
70 Commercial Street, Concord, NH 03301-5087
(603) 223-2541

If directed by the NHNHB review, contact
NHF&G: Kim Tuttle
Wildlife Biologist
NH Fish and Game Department
2 Hazen Drive, Concord NH 03301
(603) 271-2461

Air Quality

14. Air Quality – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

To qualify for Programmatic CE approval a project must be included in the most recent version of the NHDOT Statewide Transportation Improvement Program (STIP). The STIP is available on the Bureau of Planning and Community Assistance website at the following location: http://www.nh.gov/dot/org/projectdevelopment/planning/stip/index.htm. A project must either be individually listed in the STIP or included in one of the statewide programs which have been incorporated into the STIP. These statewide programs include, but are not limited to, the Highway Safety Improvement Program (HSIP), Safe Routes to School (SRTS) Program, Municipal Owned Bridge Rehabilitation & Replacement (MOBRR) program, etc. In order to qualify for Programmatic CE approval a project must also not be listed in the STIP as being “regionally significant”. For projects not listed or included in the STIP or that are listed as “regionally significant” please contact the Bureau of Environment’s Air Quality and Noise Program Manager for further assistance.

Contact: Jon Evans
Air & Noise Program Manager
NHDOT Bureau of Environment
(603) 271-3226
Jevans@dot.state.nh.us

September 2016

- 16 -
Coastal Zone Management Plan

Question 15 – Is the project inconsistent with the State’s Coastal Zone Management Plan?

The Coastal Zone Management Act (CZMA) is the congressional plan for managing America's coasts. It was enacted to encourage the participation and cooperation of state, local, regional, and federal agencies and governments having programs affecting the coastal zone. The CZMA is the only environmental program that requires a balance between economic development and resource protection within the coastal zone. The act allows states to develop a Coastal Zone Management Plan (CZMP) in which they define permissible land and water use within the state’s coastal zone. This coastal zone extends 3 miles seaward and inland as far as necessary to protect the coast.

The communities that are subject to the CZMA make up New Hampshire’s coastal zone: Dover, Durham, Exeter, Greenland, Hampton, Hampton Falls, Madbury, Newfields, Newington, Newmarket, New Castle, North Hampton, Portsmouth, Rollinsford, Rye, Seabrook, and Stratham.

The New Hampshire Coastal Program (NHCP) is authorized by the CMZA and administered by the New Hampshire Department of Environmental Services (NHDES). The CMZA established a formal review process known as federal consistency. The federal consistency review process in New Hampshire ensures that federal activities affecting any land or water use, or natural resource, in New Hampshire's coastal zone will be conducted in a manner consistent with the enforceable policies of the NHCP. NHDOT projects located within the aforementioned coastal zone communities may require a federal consistency review. The determination of the need for such review is made by the NHCP’s Federal Consistency Coordinator. Projects that generally require a formal consistency finding are those that require a non-programmatic federal permit (including Army Corps Individual Permit or Coast Guard Bridge Permit), and those that receive funding from specific federal programs within the US DOT (FHWA, Federal Railroad Administration, Federal Aviation Administration, and Federal Transit Administration). The federal program that funds most highway projects, the Federal-Aid Highway Program, requires federal consistency review under the CZMA. The source of funding for a project can be confirmed by the NHDOT Project Manager.

Projects that require a consistency finding due to federal funding must be reviewed through the intergovernmental review process. The contact for this process is the Grants and Compliance Office at the NH Office of Energy and Planning (OEP). Once the NHCP confirms that a consistency finding is required, the Environmental Manager needs to prepare a memo to OEP that provides a project summary, source of funding, anticipated permits, and the contact for the lead Federal agency. If available, it is helpful to attach a detailed project description, preliminary plans, location map, and conference report from a Public Informational Meeting, and a Project Report from ProMIS. FHWA should be copied on this memo. The intergovernmental review process can take up to 180 days.


Refer to Appendix K for more information on determining if a federal consistency review is needed.

September 2016
Other

16 Other – Do any of the above conclusions benefit from more detailed explanation or are there other issues of concern?

There may be other issues of concern that disqualify actions from Programmatic CE approval. Such issues may include: substantial public opposition or controversy, excessive hazardous or contaminated materials, impacts to Invasive species, impacts to NH Designated Rivers, impacts to resources under the protection of the Lakes Management Program and/or Comprehensive Shoreland Protection Act (CSPA), etc.

The project sponsor is responsible for performing the initial New Hampshire Department of Environmental Services (NHDES) OneStop search to identify potential contaminated sites and known remediation sites (active or closed) within 1,000 feet of a project as part of the initial environmental review. The project sponsor shall provide the list of identified sites as an exhibit with the programmatic CE.

The project sponsor should determine if the project is located within a ¼ mile of a Designated River, and identify the classification of the river segment where the project is located. A map of all Designated Rivers is located on the DES website.

The project sponsor should determine if these or other issues exist and whether or not the Programmatic CE is applicable. Supporting documentation should be attached to The Checklist, as appropriate.

The project sponsor should consult with appropriate agencies, as necessary, to identify other issues and the magnitude of concern. In addition, the Bureau of Environment’s monthly Natural Resource Agency Coordination Meetings can be utilized for help in determining permit thresholds and mitigation requirements. For information on this meeting venue see Step 3.

In addition, some project sponsors provide supplemental written information giving a narrative summary of the decisions driving the NO ☒ responses in The Checklist.

Part IV: Environmental Commitments

During the NEPA process, commitments are often made to avoid, minimize, or mitigate project impacts. Commitments result from public comment or through the requirements of, or agreements with, resource agencies and it is important that these commitments be carried forward through project design, construction, and maintenance and operation. Environmental commitments for actions processed as Programmatic CEs will be recorded on The Checklist, for future reference.
Part V: Classification Determination

Upon completion of Part III and the interdisciplinary review process, the project sponsor indicates on the checklist a recommendation of whether or not the action qualifies for a Programmatic CE, by marking the appropriate checkbox and signing the checklist. The checklist should then be forwarded to the appropriate Project Manager at the NHDOT for review. If, after review, it is determined the project does not qualify as a Programmatic CE, the project sponsor will be notified and the project will then need to be addressed as an individual CE or other appropriate level of environmental documentation. See Step 5 for projects not qualifying as a Programmatic CE, either by not fitting into a specific CE Action, or by necessitating a YES response to any question in Part III. If it is agreed that the project qualifies as a Programmatic CE, the project sponsor will be notified of concurrence and the documentation will be recorded and placed in the classification file.

Part VI: Classification Follow Up Action

If the project requires a Public Hearing, any decisions made as a result of the hearing should be reviewed to determine if the project will change in such a way as to disqualify it from Programmatic CE classification. Post-hearing reviews are documented on page 3 of the Programmatic CE form.

Likewise, changes made during Final Design may also disqualify a project from Programmatic CE classification. Under such conditions, the next appropriate level of environmental documentation must be completed.

Step 5: Categorical Exclusions Non-Programmatic Environmental Impact Summary

If a project does not qualify for classification as a Programmatic CE, either by not fitting into a specific CE Action, or by necessitating a YES response to any question in Part III, a project sponsor is required to complete a “Categorical Exclusion Non-Programmatic Impact Summary.” See Appendix J for sample non-programmatic evaluations. While the questions in this longer form are designed to address the same issues as the checkboxes under Step 4, Part III, more detailed information is required.
THE NHDOT ENVIRONMENTAL REVIEW PROCESS FOR MUNICIPALLY MANAGED PROJECTS AND TE AND CMAQ PROJECTS

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

Prepared by: NHDOT Bureau of Environment
Websites Hyperlinked to this Document

New Hampshire Department of Transportation: http://www.nh.gov/dot/
NHNHB “DataCheck” Tool: http://www.dred.state.nh.us/divisions/forestandlands/bureaus/naturalheritage/services.htm
NH Endangered Wildlife Program: http://www.wildlife.state.nh.us/Wildlife/nongame_and_endangered_wildlife.htm
ESA Section 7: http://www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm
DES OneStop Web GIS: http://www2.des.state.nh.us/gis/onestop/
NH GRANIT: http://www.granit.sr.unh.edu/
NHDOT NRA Meeting: http://www.nh.gov/dot/bureaus/environment/NaturalResourceAgencyCoordinationMeeting.htm
US Department of Transportation Act Section 4(f): http://www.section4f.com/4f.htm
Land and Water Conservation Act Section 6(f): http://www.nps.gov/ncrc/programs/lwcf/history.html
36 CFR 800: http://ecfr.gpoaccess.gov (must search specific federal regulation)
National Register of Historic Places: http://www.nps.gov/history/nr/
NH Division of Historical Resources: http://www.nh.gov/nhdhr/
23 CFR 772: http://ecfr.gpoaccess.gov (must search specific federal regulation)
US Department of Transportation Act: http://dotlibrary.dot.gov/Historian/history.htm
NH DRED Section 6(f): http://www.nhparks.state.nh.us/ParksPages/CommunityPrograms/ComProgLWCPhom.html
NHDES Water Division: http://www.des.state.nh.us/water_intro.htm
NHDES Wetlands Bureau: http://www.des.state.nh.us/wetlands/
Wild & Scenic Rivers: http://www.rivers.gov/wildriverslist.html#nh
NH Designated Rivers: http://www.des.state.nh.us/rivers/
Coastal Zone Management Program: http://www.des.state.nh.us/Coastal/
Lakes Management Program: http://www.des.state.nh.us/wmb/lakes/
Comprehensive Shoreland Protection Act: http://www.des.state.nh.us/cspa/
Land and Community Heritage Investment Program: http://www.lchip.org/
ENVIRONMENTAL CONTACTS FOR NEPA REVIEWS
(Applications Programmatic Categorical Exclusion Criteria are noted in parentheses)

AIR QUALITY(14)
Prior to contacting the Air and Noise Program Manager, please consider if your project requires analysis. Coordination should not be made via initial contact letter but for on an as needed basis.

Jonathan Evans
Air and Noise Program Manager
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Jonathan.Evans@dot.nh.gov

CULTURAL RESOURCES and SECTION 106(4)
Laura Black
Special Projects & Compliance Specialist
NH Department of Natural and Cultural Resources
Division of Historical Resources
19 Pillsbury Street
Concord, NH 03301-3570
(603) 271-2482
Laura.Black@dncr.nh.gov

Jillian Edelmann
Cultural Resources Program Manager
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Jillian.Edelmann@dot.nh.gov

ENDANGERED SPECIES(13)
Prior to contacting anyone listed below, the following websites should first be consulted to determine if what, if any, follow-up coordination is necessary:
Natural Heritage Bureau DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/
USFWS Online Consultation: https://www.fws.gov/newengland/EndangeredSpec-Consultation.htm

NHFG General Nongame Inquiries
Kim Tuttle
Wildlife Biologist
NH Fish and Game Department
Wildlife Division Nongame Program
11 Hazen Drive
Concord, NH 03301
(603) 271-2461
Kim_Tuttle@wildlife.nh.gov

Sandra Houghton
Wildlife Biologist
NH Fish and Game Department
Wildlife Division Nongame Program
11 Hazen Drive
Concord, NH 03301
(603) 271-2461
Sandra.Houghton@wildlife.nh.gov

USFWS General Inquires
Maria Tur
US Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
(603) 223-2541 ext 12
Maria_Tur@fws.gov

Susi von Oettingen
Endangered Species Biologist
US Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301
(603) 227-6418
Susi_vonoettingen@fws.gov
ESSENTIAL FISH HABITAT

Contact the National marine Fisheries Service only if the project will involve work within tidal waters or waters designated as Essential Fish Habitat (EFH). EFH for Atlantic Salmon is listed in Appendix C of the US Army Corps of NH Programmatic General Permit: https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/documents/2012_2017_NH_PGP.pdf. EFH for all other species can be found here: http://www.habitat.noaa.gov/protection/efh/efhmapper/index.html.

EFH

Mike Johnson
Marine Habitat Resource Specialist
National marine Fisheries Service
Habitat Conservation Division
Northeast Regional Office
Gloucester, MA 01930
(978) 281-9130
mike.r.johnson@noaa.gov

David Bean
Fisheries Biologist
NOAA’s National Marine Fisheries Service
Maine Field Station
17 Godfrey Drive
Orono, ME 04473
(207) 866-4172
David.Bean@noaa.gov

Tidal Waters for ESA

NHDOT RESOURCE AGENCY COORDINATION MEETINGS

Natural Resource Agency Meeting

Sarah Large
Wetlands Program Aide
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Sarah.Large@dot.nh.gov

Cultural Resource Agency Meeting

Jillian Edelmann
Cultural Resources Program Manager
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Jillian.Edelmann@dot.nh.gov

FLOODWAYS/FLOODPLAINS

Jennifer Gilbert
Floodplain Management Coordinator
NH Office of Strategic Initiatives
National Flood Insurance Program
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Jennifer.Gilbert@osi.nh.gov
Prior to contacting the Air & Noise Program Manager, please consider if your project requires analysis. Coordination should not be made via initial contact letter but for on an as needed basis.

Jonathan Evans  
Air & Noise Program Manager  
NH Department of Transportation  
Bureau of Environment  
7 Hazen Drive, P.O. Box 483  
Concord, NH 03302-0483  
(603) 271-3226  
Jonathan.Evans@dot.nh.gov

NHDOT Project Manager, or  
NHDOT Bureau of Planning and Community Assistance

NHGRANIT maintains a GIS layer of conservation lands in the state, which can be viewed here:  
https://granitview.unh.edu/html5viewer/index.html?viewer=granit_view. Coordination with the contacts below should also be carried out.

Amanda Hollenbeck  
Conservation Land Stewardship Program Specialist  
NH Office of Strategic Initiatives  
107 Pleasant Street, Johnson Hall  
Concord, NH 03301  
(603) 271-6834  
Amanda.Hollenbeck@osi.nh.gov

Paula Bellemore  
Natural Resource Specialist  
Land and Community Heritage Investment Program  
13 West Street, Suite 3  
Concord, NH 03301  
(603)224-4113  
pbellemore@lchip.org

Vasilios (Bill) Gegas  
Land and Water Conservation Fund Program Specialist  
NH Department of Natural and Cultural Resources  
Division of Parks and Recreation  
172 Pembroke Road  
Concord, NH 03301  
(603) 271-3556  
LWCF@dncr.nh.gov

Note: FHWA should be contacted only if publicly-owned parks, recreation areas and/or wildlife and waterfowl refuges have been identified in the project area. Section 4(f) concerns with historic resources should be addressed through the Cultural Resource Agency Coordination Meeting.

Jamison S. Sikora  
Environmental Program Manager  
Federal Highway Administration, NH Division  
James C. Cleveland Federal Building  
53 Pleasant Street, Suite 2200  
Concord, NH 03301  
(603) 410-4870  
Jamie.Sikora@dot.gov
WATER QUALITY

Prior to contacting the Water Quality Program Manager, please consider if your project requires analysis. Coordination should not be made via initial contact letter but on an as needed basis. NHDES OneStop Web GIS: http://www.2des.state.nh.us/gis/onestop/

Mark Hemmerlein
Water Quality Program Manager
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Mark.Hemmerlein@dot.nh.gov

WETLANDS

NHDES and/or the US Army Corps of Engineers should not receive an initial contact letter and should only be contacted during the preparation of wetland impact plans/permit application should questions regarding jurisdictional impacts or the permitting process arise.

Andre O’Sullivan
Wetlands Program Manager
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Matt.Urban@dot.nh.gov

Michael Hicks
Public Works Permitting Officer
NH Department of Environmental Services
Wetlands Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
(603) 271-2147

COASTAL ZONE MANAGEMENT

Intergovernmental Review Requests

Wendy Gilman
Grants and Compliance Officer
NH Office of Strategic Initiatives
Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, NH 03301
Inter.Governmental@osi.nh.gov

Michael Hicks
Project Manager
US Army Corps of Engineers
Regulatory Branch
696 Virginia Road
Concord, MA 01742-2751
Michael.C.Hicks@usace.army.mil

CONTAMINATION

Stephanie Monette
Contamination Program Manager
NH Department of Transportation
Bureau of Environment
7 Hazen Drive, P.O. Box 483
Concord, NH 03302-0483
(603) 271-3226
Stephanie.Monette@dot.nh.gov

\[10\]

\[7\]

\[15\]

\[16\]
June 26, 2007

Mr. James Dean
Mayor
51 North Park Street
Lebanon, NH 03766

Re: Lebanon-Hanover 14340

Dear Mayor Dean:

The NH Department of Transportation is planning a project along a three-mile section of NH Route 10 to resurface the roadway and update existing drainage and guardrail. The project will begin in Lebanon approximately 600 feet north of the intersection of NH Route 10 and Maple Street and will end in Hanover approximately 0.4 miles north of the Lebanon/Hanover town line. The pavement in this area has deteriorated and guardrail and drainage structures are in need of replacement or repair.

Engineering studies have been initiated to refine the scope and limits of work necessary for this project. The Bureau of Environment of this Department is in the process of preparing the environmental documentation for this project. Any comments you or your staff can provide relative to potential impacts on environmental, social, economic or cultural resources, including answers to the following questions, will assist us in the preparation of these documents.

1. Are there any existing or proposed community or regional plans that might have a bearing on this project?

2. Are there any natural or cultural resources of significance in the vicinity of the project? (e.g. prime wetlands, floodplains, stonewalls, cemeteries, historical or archeological resources, etc.)

3. Are there any public parks, recreation areas or wildlife/waterfowl refuges in the vicinity of the project? Have Land & Water Conservation Funds been used in the project area?

4. Are there any locally or regionally significant water resources or related protection areas in the project vicinity? (e.g. public water supplies, wellhead protection areas, aquifer protection districts, etc.)

5. Are there any water quality concerns that should be addressed during the development of this project? (e.g. stormwater management, NPDES Phase II, impaired waters, etc.)
6. Are you aware of any existing or potential hazardous materials or contaminants in the vicinity of the project? Are there asbestos landfills or asbestos containing utility pipes located within the project limits?

7. Do you have any environmental concerns not previously noted (e.g. noise impacts, farmland conversion, etc.) that you feel the Department should be aware of for this project?

8. Will the proposed project have a significant effect upon the surrounding area? If so, please explain.

An early response to this letter will greatly aid us in meeting our established advertising schedule. Please feel free to contact me if you have any questions or require further information regarding the above referenced project. Thank you for your assistance.

Similar letters have been sent to the town officials listed below:

- Kenneth Niemczyk, City Planner
- Michael Lavalla, Public Works Director
- James Alexander, Police Chief
- Stephen Allen, Emergency Management Director
- Nicole Cormen, Conservation Commission

Sincerely,

Christine Perron  
Senior Environmental Manager  
NH Department of Transportation  
Bureau of Environment  
Rm. 160, Tel. 271-3717  

cperron@dot.state.nh.us

CJP: cjp  
Encl.

s:\projects\design\14340\comm\town officials.doc
To: Douglas King  
NH Depart. of Transportation  
8 Eastman Hill Road  
Enfield, NH 03748

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 6/18/2007

NHB File ID: NHB07-0635  
Address: North Road, Danbury NH  
Danbury

Project Categories:  
Roads, Driveways, Bridges: Culvert(s)

Applicant: Douglas King

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This review is valid through 6/17/2008.
Memo

To: Christine Perron, NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302

From: Melissa Coppola, NH Natural Heritage Bureau

Date: 5/30/2007 2:59:42 PM (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB07-0525
Project type: Roads, Driveways, Bridges: Culvert(s)
Location: Route 3 between Stirrup Iron Road and Cat Hole Road

cc: Kim Tuttle, Anthony Tur

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: This site is within an area flagged for possible impacts on the state-listed *Alasmidonta varicosa* (brook floater) in the Merrimack River, as well as bald eagle winter roosts. The closest documented mussel population is ca. 4 miles downstream.

<table>
<thead>
<tr>
<th>Invertebrate Species</th>
<th>State</th>
<th>Federal</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brook Floater (<em>Alasmidonta varicosa</em>)</td>
<td>E</td>
<td>--</td>
<td>Contact the NH Fish &amp; Game Dept (see below).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Natural Community</th>
<th>State</th>
<th>Federal</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver maple - false nettle - sensitive fern floodplain forest</td>
<td>--</td>
<td>--</td>
<td>Threats are primarily changes to the hydrology of the river, land conversion and fragmentation, introduction of invasive species, and increased input of nutrients and pollutants.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Vertebrate species</th>
<th>State</th>
<th>Federal</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald Eagle (<em>Haliaeetus leucocephalus</em>)</td>
<td>E</td>
<td>T</td>
<td>Contact the NH Fish &amp; Game Dept and the US Fish &amp; Wildlife Service (see below).</td>
</tr>
</tbody>
</table>

1 Codes: “E” = Endangered, “T” = Threatened, “--” = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544. Contact for federally-listed animals: Anthony Tur, US FWS, at (603) 223-2541.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. For some purposes, including legal requirements for state wetland permits, the fact that no species of concern are known to be present is sufficient. However, an on-site survey would provide better information on what species and communities are indeed present.
Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.
New Hampshire Natural Heritage Bureau - Community Record

Silver maple - false nettle - sensitive fern floodplain forest

<table>
<thead>
<tr>
<th>Legal Status</th>
<th>Conservation Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal: Not listed</td>
<td>Global: Not ranked (need more information)</td>
</tr>
<tr>
<td>State: Not listed</td>
<td>State: Imperiled due to rarity or vulnerability</td>
</tr>
</tbody>
</table>

**Description at this Location**

**Conservation Rank:** Good quality, condition and landscape context ('B' on a scale of A-D).

**Comments on Rank:**

**Detailed Description:** 1997: This was a typical *Acer saccharinum* closed canopy floodplain forest terrace. *Ulmus americana* was the only understory species, otherwise the subcanopy was open. Boehmnia cylindrica, *Onoclea sensibilis*, *Cinna arundinacea* and *Lysimachia nummularia* were the dominant plants, with the moneywort forming a carpet near the soil surface under the other herbs. Topographic variation was slight, with lower slough channels showing more dominance by emergent marshy species, and slightly elevated areas with upland herbs, such as *Oxalis stricta*. The absence of *Matteuccia struthiopteris* is interesting, however it probably occurs here.

**General Area:** 1997: Soils were very fine sandy loam with bright orange to red mottling throughout the column. The forest north of the road has been observed previously as being more species rich, and perhaps more disturbed than the southern forest. Shrub and herb edge and invasive species were common along the road edge, including *Toxicodendron radicans*, *Berberis thunbergii*, *Polygonum cuspidatum*, *Rhamnus frangula*, *Oenothera biennis*, and *Parthenocissus quinquefolia*. A single *Juglans cinerea* grows in the parking area near the river. The southern back channel supports a shallow emergent marsh of varying depths and typical marsh species. The forest is surrounded by fields and bounded by the road to the west. The floodplain edges are shrubby and viney, indicating considerable edge effect. The previous observation in portions of the high floodplain describe shrubby, disturbed edges and interior portions as well. The access road, parking area, and picnic table will continue to invite human presence (anglers, paddlers).

**General Comments:** A typical medium size floodplain patch for the Merrimack River, with some history of disturbance, and presence of invasive species.

**Management Comments:** This is a good floodplain to monitor for the spread and invasion of edge and non-native species, as well as for impacts by humans.

**Location**

**Survey Site Name:** Gerrish Floodplain  
**Managed By:** Merrimack County Farm

**County:** Merrimack  
**Town(s):** Boscawen  
**USGS quad(s):** Webster (4307136)  
**Size:** 13.3 acres  
**Lat, Long:** 432152N, 0713851W  
**Elevation:** 255 feet

**Directions:** Rte. 3 North past Boscawen toward Gerrish and Merrimack County buildings. Right on the boat access road across from the Edifice Complex. Park at river.

**Dates documented**

**First reported:** 1997-09-02  
**Last reported:** 1997-09-02

Bechtel, Doug and Dan Sperduto. 1998. Floodplain Forest Natural Communities Along Major Rivers in New Hampshire. Prepared by The New Hampshire Natural Heritage Inventory Program (Concord NH) for the Environmental Protection Agency 58 pp. + Appendices.
To Whom it May Concern:

The U.S. Fish and Wildlife Service’s (Service) New England Field Office has determined that individual review for specific types of projects associated with highway maintenance and upgrade activities is not required. These comments are submitted in accordance with provisions of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Due to the high workload associated with responding to many individual requests for threatened and endangered species information, we are attempting to reduce the number of correspondences we conduct. We have evaluated our review process for highway maintenance actions and believe that individual correspondence with this office is not required for the following types of actions on existing roadways:

1. resurfacing projects;
2. intersection improvements, including the construction of traffic signals;
3. routine maintenance and installation of guard rails.

In regard to other proposed highway actions along existing rights-of-way, your review of the list of threatened and endangered species locations in Vermont, New Hampshire, Rhode Island, Connecticut and Massachusetts (available on our website, see below) may confirm that no federally-listed, endangered or threatened species are known to occur in the town or county where the project is proposed. If a listed species is present in the town or county where the project is proposed, further review of the information provided on our website may allow you to conclude that suitable habitat for the species will not be affected. For example, our experiences demonstrates that there will be few, if any, highway projects that are likely to affect endangered roseate terns, threatened piping plovers, endangered Jesup’s milk-vetch, or other such species found on islands, coastal beaches or in riverine habitats.

For projects that meet the criteria described above, there is no need to contact this office for further project review. A copy of this letter should be retained in your file as the Service’s determination that no listed species are present, or that listed species in the general area will not
be affected. This correspondence and the enclosed species lists remain valid until January 1, 2008. Updated consultation letters and species lists are available on our website:

(http://www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm)

Thank you for your cooperation, and please contact me at 603-223-2541 for further assistance.

Sincerely yours,

Anthony P. Tur
Endangered Species Specialist
New England Field Office
# CATEGORICAL EXCLUSION

PROGRAMMATIC DETERMINATION CHECKLIST

<table>
<thead>
<tr>
<th>Action/Project Name:</th>
<th>State Project Number:</th>
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<td>Federal Project Number:</td>
<td>CE Action Number:</td>
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</table>

**Description of Project:**

---

## PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA

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<thead>
<tr>
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<td>☐</td>
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<td>15 CZMA – Is the project inconsistent with the State’s Coastal Zone Management Plan?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>16 Other – Are there any other major issues of concern that would benefit from a more detailed discussion?</td>
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<td>☐</td>
</tr>
</tbody>
</table>

If the answer to all of the above questions is **NO**, the proposed action qualifies for classification as a Programmatic Categorical Exclusion.

If the answer to any of the above questions is **YES**, the proposed action does not qualify for classification as a Programmatic Categorical Exclusion.

---

1 See Detailed Instructions for further explanations of the questions and documentation requirements.
DETAILED DISCUSSION OF PROGRAMMATIC CE CRITERIA

Provide a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion.

1. **Right-of-Way** – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

2. **Traffic** – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

3. **Roadway Access** – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

4. **Cultural Resources** – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

5. **Section 4(f)** – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

6. **Section 6(f)/Conservation Properties** – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

7. **Wetlands/Surface Waters** – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

8. **US Coast Guard** – Does the proposed action require a US Coast Guard bridge permit?

9. **Floodways/Floodplains** – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

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11. **Wild and Scenic Rivers** – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

12. **Noise** – Is the proposed action a Type I highway project?

13. **Endangered Species** – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

14. **Air Quality** – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

15. **CZMA** – Is the project inconsistent with the State’s Coastal Zone Management Plan?

16. **Other** - Are there any other major issues of concern that would benefit from a more detailed discussion?
ENVIRONMENTAL COMMITMENTS

(List each environmental commitment made for the project, indicating the entity responsible for ensuring successful implementation.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

CLASSIFICATION DETERMINATION

☐ The proposed action qualifies for a Programmatic Categorical Exclusion.

☐ The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by:

Name, Title  Date

Approval Recommended By:

Project Management Section Chief  Date
NHDOT Bureau of Environment

Approved by:

Administrator  Date
NHDOT Bureau of Environment

Note: Post-hearing follow-up actions, if any, are indicated on the final page of this document.

LIST OF EXHIBITS

(Attach, and list below, documentation/correspondence, as appropriate, that demonstrates how you were able to check each 'NO' box identified on Page 1, in accordance with Section IV(A)(1)(b) of the Programmatic Agreement. Attach such exhibits as maps, plans, letters, figures, tables and permits.)
**ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION**

<table>
<thead>
<tr>
<th>CE Action Number</th>
<th>Activity Description (See Appendix A of the Programmatic Agreement for more information)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Activities which do not lead directly to construction.</td>
</tr>
<tr>
<td>2</td>
<td>Approval of utility installations along or across a transportation facility.</td>
</tr>
<tr>
<td>3</td>
<td>Construction of bicycle and pedestrian lanes, paths, and facilities.</td>
</tr>
<tr>
<td>4</td>
<td>Activities included in the State’s “highway safety plan” under 23 U.S.C. 402.</td>
</tr>
<tr>
<td>5</td>
<td>Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.</td>
</tr>
<tr>
<td>6</td>
<td>The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.</td>
</tr>
<tr>
<td>7</td>
<td>Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.</td>
</tr>
<tr>
<td>9</td>
<td>Acquisition of scenic easements.</td>
</tr>
<tr>
<td>11</td>
<td>Improvements to existing rest areas and truck weigh stations.</td>
</tr>
<tr>
<td>12</td>
<td>Bus and rail car rehabilitation.</td>
</tr>
<tr>
<td>13</td>
<td>Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.</td>
</tr>
<tr>
<td>14</td>
<td>Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).</td>
</tr>
<tr>
<td>15</td>
<td>Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.</td>
</tr>
<tr>
<td>16</td>
<td>The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.</td>
</tr>
<tr>
<td>17</td>
<td>Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than $5,000,000 in Federal funds or (B) has a total estimated cost of less than $30,000,000, with Federal funds comprising less than 15 percent of the total estimated cost of the project.</td>
</tr>
<tr>
<td>18</td>
<td>Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.</td>
</tr>
<tr>
<td>19</td>
<td>Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.</td>
</tr>
<tr>
<td>20</td>
<td>Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.</td>
</tr>
<tr>
<td>21</td>
<td>Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, and do not result in a substantial increase in the existing facility's capacity.</td>
</tr>
<tr>
<td>22</td>
<td>Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.</td>
</tr>
<tr>
<td>23</td>
<td>Construction of new truck weigh stations or rest areas.</td>
</tr>
<tr>
<td>24</td>
<td>Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.</td>
</tr>
<tr>
<td>25</td>
<td>Approvals for changes in access control.</td>
</tr>
<tr>
<td>26</td>
<td>Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.</td>
</tr>
<tr>
<td>27</td>
<td>Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.</td>
</tr>
<tr>
<td>28</td>
<td>Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.</td>
</tr>
<tr>
<td>29</td>
<td>Construction or rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.</td>
</tr>
</tbody>
</table>

**STOP HERE IF YOUR PROJECT QUALIFIES FOR A PROGRAMMATIC CATEGORICAL EXCLUSION AND DOES NOT REQUIRE A PUBLIC HEARING.**
FOLLOW-UP ACTION FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS FOR PROJECTS REQUIRING A PUBLIC HEARING

Action/Project Name: ___________________________  State Project Number: ______________
Federal Project Number: ___________________________

Was a Public Hearing held?  Yes ☐  No ☐ (if no, you do not need to complete this page)

As a result of the Public Hearing, have changes to the proposed action, if any, resulted in impacts/effects that do not meet the Programmatic Categorical Exclusion criteria?  Yes ☐  No ☐

If the answer to the above question is YES, the proposed action no longer qualifies for classification as a Programmatic Categorical Exclusion. In such cases, if the impact(s)/effect(s) leading to the disqualification are not significant, the proposed action may be reprocessed as an Individual CE, requiring FHWA’s concurrence.

If the answer to the above question is NO, the proposed action continues to qualify for classification as a Programmatic Categorical Exclusion.

POST - HEARING CLASSIFICATION DETERMINATION

☐ The proposed action continues to qualify as a Programmatic Categorical Exclusion.

☐ The proposed action no longer qualifies as a Programmatic Categorical Exclusion.

If it no longer qualifies, list reasons: _____________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

Prepared by: _________________________________________  Date

Name, Title

Approval

Recommended

By:

Project Management Section Chief
NHDOT Bureau of Environment

Date

Approved by: _________________________________________  Date

Administrator
NHDOT Bureau of Environment
**CATEGORICAL EXCLUSION**
**PROGRAMMATIC DETERMINATION CHECKLIST**

<table>
<thead>
<tr>
<th>Action/Project Name:</th>
<th>Thornton-Woodstock</th>
<th>State Project Number:</th>
<th>40404</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Project Number:</td>
<td>X-A004(389)</td>
<td>CE Action Number:</td>
<td>26</td>
</tr>
</tbody>
</table>

**Description of Project:**
The proposed project will rehabilitate approximately 7.0 miles of Interstate 93 northbound and southbound lanes, beginning at the bridge over the Pemigewasset River (#247/079 & #247/080) near Exit 29 in Thornton and ending at the bridge over the Pemigewasset River (#201/068 & 202/068) just north of Exit 30 in Woodstock (Exhibit 1). The project will include the following activities: pavement resurfacing; repair and replacement of guardrail; drainage repair; rock scaling and associated tree clearing; deck and joint repairs on the bridges over US Route 3 in Thornton, Merrill Access Road, Mirror Lake Road and US Route 3 in Woodstock; and replacement of a culvert headwall on Leeman’s Brook at the Exit 30 interchange. There is no proposed roadway widening as all pavement overlay will match the existing pavement width. All work will remain within previously disturbed and built-up areas adjacent to Interstate 93 and no work, including access or staging, will extend beyond the existing State right-of-way.

**PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA**

<table>
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<tr>
<th></th>
<th>NO</th>
<th>YES</th>
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<tr>
<td>16. <strong>Other</strong> – Are there any other major issues of concern that would benefit from a more detailed discussion?</td>
<td>☚</td>
<td>☐</td>
</tr>
</tbody>
</table>

1 See Detailed Instructions for further explanations of the questions and documentation requirements.
Provide a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion.

1. **Right-of-Way** – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

   The proposed action, including access, staging and construction, will not extend beyond the existing State right-of-way or easements and will therefore not require impacts to any adjacent properties. There will be no residential or non-residential displacements and the acquisition of properties that will impair the function, for hardship or protective purposes or otherwise.

2. **Traffic** – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

   There will be no increase in roadway capacity as no lanes, through or auxiliary will be added. The existing width of pavement will be maintained throughout the project area.

3. **Roadway Access** – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

   The proposed project will require temporary, short term day time lane, shoulder and ramp closures within the project area to accommodate paving and guardrail work. Portable changeable message signs will be used to notify drivers of these closures and uniformed officers and flaggers will be used to control traffic during closures.

   The proposed bridge work will require additional ramp closures at the Exit 29 and Exit 30 interchanges. These include Exit 29 south bound on-ramp for six continuous weeks, Exit 30 southbound off-ramp for twelve continuous weeks and Exit 30 northbound on-ramp for six continuous weeks. Despite the length of these closures, there will be no major traffic disruptions or wide-reaching ramifications due to the easy accessibility of detours on US Route 3 for all proposed closures. US Route 3 closely follows Interstate 93 in this area and is accessible from every exit located north, south and within the project area. These detours will be signed and will not significantly increase miles traveled by the general public, though speed limits on the detours will be slower than those on Interstate 93. Additionally, vehicle volumes are low are these ramps, varying from 200-500 cars per day during the summer.

   This work will span two construction seasons, with closures alternating appropriately. Because of the proximity of detours which will not impede accessibility to any other state or local roads, these closures will not be timed around special events or tourist seasons in the area.

4. **Cultural Resources** – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

   The proposed project has been certified as having "No Potential to Cause Effects" by the Department’s Cultural Resources Program under the Section 106 Programmatic Agreement Appendix B (Exhibit 2). This project involves modernization and general maintenance of the highway, as well as non-historic culvert maintenance. Construction of this project will meet all requirements of the Section 106 Programmatic Agreement and no further consultation with NH Division of Historical Resources is necessary.

5. **Section 4(f)** – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a de minimis impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

   As this project does not involve any impacts outside of the limits of the existing right-of-way and does not involve any substantial alterations to the layout of the existing roadway, it is not anticipated that there will
be any use (direct, constructive or otherwise) of any publicly owned parks or wildlife refuges protected by Section 4(f). The Department has reviewed the proposed project with NH Division of the Federal Highway Administration and the NH Division of Historical Resources and all are in agreement that the proposed project is not anticipated to result in a use of any historic resources within or adjacent to the project area. As a result, the proposed action is not anticipated to result in a use of any properties protected by Section 4(f) of the USDOT Act.

6. **Section 6(f)/Conservation Properties** – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

The NHDES OneStop database shows two areas conservation lands are located adjacent to the project area (Exhibit 3). These areas are part of the White Mountain National Forest (WMNF) and are managed by the US Department of Interior Forest Service (Forest Service). The Forest Service has been contacted and does not have concern for any impacts to the WMNF as a result of the project as proposed (Exhibit 4).

The NH Division of Parks and Recreation’s Land and Water Conservation Fund Program (LWCF) has been contacted and confirmed that there are no impacts to any properties protected by Section 6(f) of the LWCF (Exhibit 5). The Conservation Land Stewardship Program (CLS) has also confirmed that there are no conservation lands managed or funded by the CLS Program in the project vicinity (Exhibit 6). The Land and Community Heritage Investment Program (LCHIP) has not responded to inquiries regarding resources protected under LCHIP, however, there will be no impacts outside of the existing State right-of-way. As such, there will be no acquisition or other use of any properties under protection of the Section 6(f) of the LWCF or any other publicly funded conservation program.

7. **Wetlands/Surface Waters** – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

The proposed project will impact the banks, channel and associated wetlands of Leaman’s Brook located at the Interstate 93 Exit 30 interchange with US Route 3, wetlands adjacent to Hubbard Brook just north of Merrill Access Road and the protected shoreland of the Pemigewasset River just south of Exit 29. The intent of the work which will impact wetlands is to maintain aging infrastructure by replacing and relocating drainage structures as necessary. As proposed, the project does not require an Individual Permit from the US Army Corps of Engineers (USACOE). All impacts to jurisdictional wetland areas will require a Standard Dredge and Fill Permit from the NH Department of Environmental Services Wetlands Bureau (NHDES) and confirmation from the USACOE that the project qualifies under the NH State Programmatic General Permit. All impacts to protected shore lands will require a Shoreland Permit by Notification from the NHDES Shoreland Program. The Contractor will be required to follow all conditions of the approved permits from NHDES. Any work outside of permitted areas, whether necessitated by design changes or the Contractor’s method of construction, shall be permitted through NHDES and USACOE prior to the start of construction.

8. **US Coast Guard** – Does the proposed action require a US Coast Guard bridge permit?

The proposed work is not located on a navigable water course and will not require the acquisition of a US Coast Guard bridge permit.

9. **Floodways/Floodplains** – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

The NH Office of Energy and Planning has been contacted and supplied the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps indicating that the project passes through three special hazard areas designated as Zone A (Exhibit 7). The Towns of Thornton and Woodstock are participating.
10. **Water Quality** – Does the proposed action have more than a negligible impact on water quality?

The existing facility within the project area discharges stormwater to number of brooks, rivers and lakes including, Bagley Brook, Burleigh Brook, Hubbard Brook, Leemans Brook, the Pemigewasset River, Mirror Lake and a number of unnamed brooks. Many of these waterbodies are considered Outstanding Resource Waters (Tier 3 waters) and are afforded additional protections under State and Federal law.

This project is considered roadway maintenance and routine installation of roadway appurtenances and therefore meets the criteria for NHDES Alteration of Terrain Program General Permit by Rule (Env-Wq 1503). The project will not result in an increase in impervious surface as all resurfacing will remain within the existing edge of pavement. No addition permanent structural stormwater treatment was proposed. The proposed project will involve more than one acre of earth disturbance and therefore will require coverage under the Environmental Protection Agency's (EPA) National Pollutant Discharge and Elimination System's (NPDES) Construction General Permit (CGP). As such, a Stormwater Pollution Prevention Plan (SWPPP), a Notice of Intent (NOI) and a Notice of Termination (NOT) will be necessary for this project. The Contractor will prepare the SWPPP that will include necessary erosion and sediment controls minimize adverse impacts to surface waters as a result of construction. The Tier 3 waters will require increased inspections and quicker soil stabilization.

Conditions set forth in the Standard Dredge and Fill and Shoreland Permit by Notification permits issued by NHDES, as well as the USACOE State Programmatic General Permit will be followed and as appropriate, be included in the SWPPP.

The Department's Water Quality Program has reviewed the project scope, wetland plans and erosion control plans and has confirmed that there will be no adverse impacts on water quality in the area surface waters within the project area.

11. **Wild and Scenic Rivers** – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

The proposed project will not have any impact on, nor is it located in the vicinity of, any river listed or proposed for inclusion in the National System of Wild and Scenic Rivers.

12. **Noise** – Is the proposed action a Type I highway project?

As this project does not involve the construction of a new highway, the addition of through traffic lanes or alterations to the vertical or horizontal alignment of the existing roadway, the subject project is not a Type I highway project. Since this project is not a Type I highway project, a noise impact assessment is not necessary.

13. **Endangered Species** – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

The NH Natural Heritage Bureau (NHNHB) has reviewed the proposed project area for the presence of any known records of state or federally rare, threatened or endangered species, their habitats or other exemplary natural communities and found that although there are records in the vicinity of the project area, there will be no impacts based on the scope of work (Exhibit 8).

The US Fish and Wildlife Service (USFWS) Information for Planning and Conservation Tool indicated that the project area is located within the range of the northern long-eared bat (NLEB) (Exhibit 9). The
proposed activities are included in the USFWS/Federal Highway Administration (FHWA) Range-wide Programmatic Informal Biological Assessment (Programmatic BA) for Indiana Bat and NLEB. This project was reviewed using the USFWS/FHWA Range-wide Programmatic Informal Consultation Project Submittal Form due to the commitment to complete all clearing during the winter hibernation season, which spans from November 1 to April 14 in this area (Exhibit 10). Woodstock is home to a known NLEB winter hibernacula site, however, NH Fish and Game has confirmed that this site is not within one quarter of a mile from the project area (Exhibit 11). This allows the use of the Programmatic BA and dictates the timeframe for the restriction on clearing for this project. Additionally, the bridges over US Route 3 at Exit 29 in Thornton, Merrill Access Road, Mirror Lake Road and US Route 3 at Exit 30 in Woodstock, which will receive deck and joint repairs, have been inspected for the presence of, or indication of usage by bats, which yielded a negative result (Exhibit 12). All necessary avoidance and minimization measures to prevent incidental take of NLEB during construction and clearing will be included in the proposal. As such, this project has a May Affect, Not Likely to Adversely Affect finding for impacts to NLEB and no further coordination is necessary.

14. **Air Quality** – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

A conformity determination is not required, as the project is consistent with exempt projects listed in Table 2 of 40 CFR 93.126. Additionally, when completed, the project is not expected to result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative or contribute to violations of the NAAQS. As a result, it can be concluded that this project will not have an adverse impact on air quality. No further air quality review is warranted.

15. **CZMA** – Is the project inconsistent with the State’s Coastal Zone Management Plan?

The proposed project is not located within a town included in the State’s Coastal Zone Management Plan.

16. **Other** - Are there any other major issues of concern that would benefit from a more detailed discussion?

The project area was not reviewed for invasive species. The Contractor will be obligated to abide by recommendations in the Department publication *Best Management Practices for Roadside Invasive Plants* in order to decrease the risk of spreading invasive plants.

The proposed project has been reviewed by the Department’s Contamination Program and there are no concerns for encountering contaminated materials or monitoring wells during the construction. The Contractor will be required to stop work and contact the Bureau of Environment should any indications of contamination become evident during excavation.
ENVIRONMENTAL COMMITMENTS

(List each environmental commitment made for the project, indicating the entity responsible for ensuring successful implementation.)

1. All work shall be located within existing State right-of-way or easements. If the scope of work changes and necessitates work outside of the right-of-way or easements, work shall not be completed without additional coordination with the Bureau of Environment. (Design, Construction, Environment)

2. All appropriate permits from the NH Department of Environmental Services and the US Army Corps of Engineers shall be obtained prior to the commencement of work within jurisdictional wetlands and protected shoreland of the Pemigewasset River. (Design, Construction, Environment)

3. The existing edge of pavement shall not be extended. (Design, Construction)

4. This project requires coverage under the Environmental Protection Agency’s (EPA) National Pollutant Discharge Elimination System’s (NPDES) Construction General Permit (CGP). Therefore, a Notice of Intent (NOI) shall be filed and the Contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP), to be submitted to the Department at least 14 days prior to the start of construction. (Construction, Environment)

5. The project area has not been reviewed for invasive plant species. All work, including daily removal of plant material from construction equipment, shall be conducted in accordance with the Department publication Best Management Practices for Roadside Invasive Plants. (Construction)

6. The project is located within a Drinking Water Source Protection Area, a Wellhead Protection Area and over an aquifer. Stringent best management practices shall be utilized to prevent adverse impacts to water quality. (Construction)

7. Tree clearing shall be limited to that which is required to implement the project effectively and safely. Clearing areas shall be clearly indicated on the plans and shall be delineated in the field. All tree clearing shall occur from November 1 to April 14 and at no time shall documented northern long-eared bat roost trees or documented foraging habitat be cleared. If tree clearing must occur after April 15, 2017, notify the Bureau of Environment prior to start of clearing. (Design, Construction, Environment)

8. If bridge work will be initiated after May 3, 2017 (one year after initial bridge inspections), inspection of the bridges for the presence of, or evidence of use by, bats shall be completed prior to any work on the bridges. If bridge inspections are necessary, the Contractor shall notify the Bureau of Environment no later than fourteen (14) days prior to the start of work on the bridges to provide adequate time for inspection. If bats are found to be present, or, if there is evidence of bat usage, work at the bridges shall not commence until after the Bureau of Environment has completed coordination with the US Fish and Wildlife Service to determine the appropriate follow up or mitigative actions. (Construction, Environment)

9. Hazardous waste remediation sites are located within the project area. While concerns associated with these sites are not anticipated during construction, if any visual or olfactory observations indicate the presence of contamination during excavation, the Bureau of Environment shall be notified immediately and construction shall be discontinued until the situation is assessed. (Construction, Environment)

10. This project is located within ¼ mile of the Pemigewasset River, a Designated River. For any work within a ¼ mile of the Pemigewasset River not shown on the plans including; the Contractor’s method of construction, access and staging areas, the Contractor shall coordinate with the Pemigewasset River Local Advisory Committee (Max Stamp, hmstamp@metrocast.net)
CLASSIFICATION DETERMINATION

☒ The proposed action qualifies for a Programmatic Categorical Exclusion.

☐ The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by: Melliotus M. Dube
Environmental Manager
NHDOT Bureau of Environment

6/15/16
Date

Approval Recommended By:

Ronald C. Crickard
Project Management Section Chief
NHDOT Bureau of Environment

6/16/16
Date

Approved by:

Kevin J. Nyhan
Administrator
NHDOT Bureau of Environment

6/27/16
Date

Note: Post-hearing follow-up actions, if any, are indicated on the final page of this document.

LIST OF EXHIBITS

(Attach, and list below, documentation/correspondence, as appropriate, that demonstrates how you were able to check each 'NO' box indicated on Page 1, in accordance with Section IV(A)(1)(b) of the Programmatic Agreement. Attach such exhibits as maps, plans, letters, figures, tables and permits.)

Exhibit 1. Topographic Map
Exhibit 2. Section 106 Programmatic Agreement
Exhibit 3. GRANITView Conservation Land Map
Exhibit 4. US Forest Service Correspondence
Exhibit 5. Land and Water Conservation Fund Program Correspondence
Exhibit 6. Conservation Land Stewardship Program Correspondence
Exhibit 7. Office of Energy and Planning Correspondence
Exhibit 8. NH Natural Heritage Bureau DataCheck Results Memo
Exhibit 9. US Fish and Wildlife Service Information for Planning and Conservation Tool Species List
Exhibit 10. USFWS/FHWA Range-wide Programmatic Informal Consultation for Northern Long-Eared Bat Project Submittal Form
Exhibit 11. NH Fish and Game Correspondence
Exhibit 12. Northern Long-Eared Bat Bridge Inspection Forms
## ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION

<table>
<thead>
<tr>
<th>CE Action Number</th>
<th>Activity Description (See Appendix A of the Programmatic Agreement for more information)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Activities which do not lead directly to construction.</td>
</tr>
<tr>
<td>2</td>
<td>Approval of utility installations along or across a transportation facility.</td>
</tr>
<tr>
<td>3</td>
<td>Construction of bicycle and pedestrian lanes, paths, and facilities.</td>
</tr>
<tr>
<td>4</td>
<td>Activities included in the State’s “highway safety plan” under 23 U.S.C. 402.</td>
</tr>
<tr>
<td>5</td>
<td>Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.</td>
</tr>
<tr>
<td>6</td>
<td>The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.</td>
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<tr>
<td>7</td>
<td>Landscaping.</td>
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<tr>
<td>8</td>
<td>Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.</td>
</tr>
<tr>
<td>10</td>
<td>Acquisition of scenic easements.</td>
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<tr>
<td>12</td>
<td>Improvements to existing rest areas and truck weigh stations.</td>
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<tr>
<td>13</td>
<td>Ridesharing activities.</td>
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<tr>
<td>14</td>
<td>Bus and rail car rehabilitation.</td>
</tr>
<tr>
<td>15</td>
<td>Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.</td>
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<tr>
<td>16</td>
<td>Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.</td>
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<tr>
<td>17</td>
<td>The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.</td>
</tr>
<tr>
<td>18</td>
<td>Track and railbed maintenance and improvements when carried out within the existing right-of-way.</td>
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<tr>
<td>19</td>
<td>Purchase and installation of operating or maintenance equipment located within the transit facility, with no significant impacts off site.</td>
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<tr>
<td>20</td>
<td>Promulgation of rules, regulations, and directives.</td>
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<tr>
<td>21</td>
<td>Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system.</td>
</tr>
<tr>
<td>22</td>
<td>Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.</td>
</tr>
<tr>
<td>23</td>
<td>Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than $5,000,000 in Federal funds or (B) has a total estimated cost of less than $30,000,000, with Federal funds comprising less than 15 percent of the total estimated cost of the project.</td>
</tr>
<tr>
<td>24</td>
<td>Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.</td>
</tr>
<tr>
<td>25</td>
<td>Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.</td>
</tr>
<tr>
<td>26</td>
<td>Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).</td>
</tr>
<tr>
<td>27</td>
<td>Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.</td>
</tr>
<tr>
<td>28</td>
<td>Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.</td>
</tr>
<tr>
<td>29</td>
<td>Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.</td>
</tr>
<tr>
<td>30</td>
<td>Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility’s capacity.</td>
</tr>
<tr>
<td>31</td>
<td>Transportation corridor fringe parking facilities.</td>
</tr>
<tr>
<td>32</td>
<td>Construction of new truck weigh stations or rest areas.</td>
</tr>
<tr>
<td>33</td>
<td>Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.</td>
</tr>
<tr>
<td>34</td>
<td>Approvals for changes in access control.</td>
</tr>
<tr>
<td>35</td>
<td>Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.</td>
</tr>
<tr>
<td>36</td>
<td>Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.</td>
</tr>
<tr>
<td>37</td>
<td>Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.</td>
</tr>
<tr>
<td>38</td>
<td>Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.</td>
</tr>
</tbody>
</table>
Pursuant to meetings on and/or the Request for Project Review signed on [Click here to enter a date.], and for the purpose of compliance with the regulations of National Historic Preservation Act and the Advisory Council on Historic Preservation’s procedures for the Protection of Historic Properties (36 CFR 800), and NH RSA 227-C the NH Division of Historical Resources and, when applicable, the NH Division of the Federal Highway Administration or the US Army Corps of Engineers have coordinated the identification and evaluation of cultural resources relative to:

[Click here to add project description.]

Please describe all public outreach efforts (see 36 CFR 800.2-3) that have been done to-date. Identify Consulting Parties and include any public feedback (if applicable, attached pages if necessary):

[Click here to enter text.]

Based on a review of the project, as presented to date, it has been determined that:

- [ ] No Historic or Archaeological Properties will be Affected
- [ ] There will be No Adverse Effect on Historic or Archaeological Properties
- [ ] There will be an Adverse Effect on Historic or Archaeological Properties or Resources

Additional comments, please explain why the undertaking has resulted in the above effect:
[Click here to enter text.]

In accordance with the Advisory Council’s regulations, we will continue to consult, as appropriate, as this project proceeds.

- [ ] No 4(f);
- [ ] Programmatic 4(f);
- [ ] Full 4(f); or

[A finding of de minimis 4(f) impact as stated: ] In addition, with NHDHR concurrence of no adverse effect for the above undertaking, and in accordance with 23 CFR 774.3, FHWA intends to, and by signature below, does make a finding of de minimis impact. NHDHR’s signature represents concurrence with both the no adverse effect determination and the de minimis findings. Parties to the Section 106 process have been consulted and their concerns have been taken into account. Therefore, the requirements of Section 4(f) have been satisfied.

[Lead Federal Agency (if applicable) (date)]

NHDOT Cultural Resources Program

The NH State Historic Preservation Officer concurs with these findings:

[NH Division of Historical Resources]

cc: FHWA NHDHR ACOE (⇐ as applicable ⇒)
Cultural resource Memorandum of Effect  
(Municipally Managed Projects)

Project Name: Date: 
State No.: Federal No. (as applicable)

Pursuant to meetings on _____________________________, and for the purpose of compliance with the regulations of National Historic Preservation Act and the Advisory Council on Historic Preservation’s procedures for the Protection of Historic Properties (36 CFR 800), the NH Division of Historical Resources and, when applicable, the NH Division of the Federal Highway Administration or the US Army Corps of Engineers have coordinated the identification and evaluation of cultural resources relative to (project description):

Based on a review of the project, as presented on this date, it has been determined that:

☐ No Historic or Archaeological Properties will be Affected

☐ There will be No Adverse Effect on Historic or Archaeological Properties

Describe any outstanding commitments:

☐ There will be an Adverse Effect on Historic or Archaeological Properties or Resources

describe the effect, measures to minimize harm and proposed mitigation

(attach pages as Necessary).

There Will Be: ☐ No 4(f); ☐ Programmatic 4(f); ☐ Full 4 (f); ☐ A finding of de minimis impact as stated below:

In addition, with NHDHR concurrence of no adverse effect for the above undertaking, and in accordance with Section 6009(a) of the 2005 SAFETEA-LU transportation program reauthorization, FHWA intends to, and by signature below, does make a finding of de minimis impact. NHDHR’s signature below represents concurrence with both the no adverse effect determination and the de minimis findings. Parties to the Section 106 process have been consulted and their concerns have been taken into account. Therefore, the requirements of Section 4(f) have been satisfied.

In accordance with the Advisory Council’s regulations, we will continue to consult, as appropriate, as this project proceeds.

NH Division of Historical ResourcesFederal Highway Administration

Project Manager US Army Corps of Engineers

Cc: FHWA, NHDHR, FHWA, ACOE (⇐ as applicable ⇒ )

S:\CULTURAL\MEMOS\MMChecklistMemo.doc
Acronyms Used in this Document

ACHP   Advisory Council on Historic Preservation
ACOE   US Army Corps of Engineers
BOE    Bureau of Environment
CE     Categorical Exclusion
CFR    US Code of Federal Regulations
CLS    Conservation Land Stewardship
CMAQ   Congestion Mitigation Air Quality
CO     Carbon Monoxide
CSPA   Comprehensive Shoreland Protection Act
CWA    Clean Water Act
CZM    Coastal Zone Management
DRED   Division of Resources and Economic Development
EA     Environmental Assessment
EIS    Environmental Impact Statement
EPA    US Environmental Protection Agency
ESA    Endangered Species Act
FEMA   Federal Emergency Management Agency
FHWA   Federal Highway Administration
FIRM   Flood Insurance Rate Map
GIS    Global Information System
ISA    Initial Site Assessment
LCHIP  Land and Community Heritage Investment Program
LWCF   Land and Water Conservation Fund
NAAQS  National Ambient Air Quality Standards
NEPA   National Environmental Policy Act of 1969
NHBEM  NH Bureau of Emergency Management
NHF&G  NH Fish and Game Department
NH GRANIT NH Geographically Referenced Analysis and Information Transfer System
NHDES  NH Department of Environmental Services
NHDHR  NH Division of Historical Resources
NHDOT  New Hampshire Department of Transportation
NHNHB  NH Natural Heritage Bureau
NHOEP  NH Office of Energy and Planning
NHPA   National Historic Preservation Act
NHWB   NH Wetlands Bureau
NFIP   National Flood Insurance Program
NRHP   National Register of Historic Places
RSA    NH Revised Statutes Annotated
SAFETEA-LU Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SHPO   State Historic Preservation Office
SPGP   State Programmatic General Permit
TE     Transportation Enhancement
USDOT  US Department of Transportation
USF&WS US Fish and Wildlife Service
CATEGORICAL EXCLUSION
NON-PROGRAMMATIC ENVIRONMENTAL IMPACT SUMMARY

Action/Project Name: ________________________________  State Project Number: ________
Federal Project Number: ___________________________

Description of Project:
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Project Purpose and Need:
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Alternatives Considered:
Alt. No. 1
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Alt. No. 2
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Alt. No. 3
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

CONTACT LETTERS SENT & REPLIES RECEIVED

<table>
<thead>
<tr>
<th>AGENCY/ORGANIZATION</th>
<th>CONTACT</th>
<th>LETTER SENT</th>
<th>REPLY RECV'D</th>
</tr>
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</tr>
</tbody>
</table>
## IMPACT ASSESSMENT SUMMARY

### 1. Right-of-Way

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is additional ROW required?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are improved properties acquired?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displacement: Rental Units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Properties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-residential Properties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocation services to be provided?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Properties available for relocation?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Public Land (Federal State, or Municipal) Involvement?</td>
<td></td>
<td></td>
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<tr>
<td>Acquisitions of land for hardship or protective purposes?</td>
<td></td>
<td></td>
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<tr>
<td>If, yes explain?</td>
<td></td>
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</tr>
</tbody>
</table>

### 2. Traffic Patterns/Roadway Access

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expansion of a roadway by addition of through lanes?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary detour required?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Temporary bridge required?</td>
<td></td>
<td></td>
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<tr>
<td>Impacts?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent changes to traffic patterns?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changes in access that pertain to interstate highways?</td>
<td></td>
<td></td>
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<tr>
<td>Changes in access that have wide-reaching ramifications?</td>
<td></td>
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</tr>
<tr>
<td>Describe:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3. Cultural Resources (Section 106 or RSA 227-C.9)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you identified, and invited, parties to consult in the review pursuant to 36 CFR 800.3(f)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explain</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
List of Consulting Parties confirmed by FHWA

Historic Resources Investigated? Yes ☐ No ☐ National Register Eligible? Yes ☐ No ☐
Comments

Archaeological Resources Investigated? Yes ☐ No ☐ National Register Eligible? Yes ☐ No ☐
Comments

Findings: No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect ☐

Agency Comments:

Review Completed: __________

Advisory Council Consultation Comments (when Adverse Effects are found):

Review Completed: __________

Mitigation (Describe):

4. **Section 4(f) Resources**

<table>
<thead>
<tr>
<th>Public Parkland Impacts?</th>
<th>Yes ☐ No ☐</th>
<th>Temporary ☐ Permanent ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Recreational Area Impacts?</td>
<td>Yes ☐ No ☐</td>
<td>Temporary ☐ Permanent ☐</td>
</tr>
<tr>
<td>Public Wildlife/Waterfowl Refuge Impacts?</td>
<td>Yes ☐ No ☐</td>
<td>Temporary ☐ Permanent ☐</td>
</tr>
<tr>
<td>Historic Properties Impacted?</td>
<td>Yes ☐ No ☐</td>
<td>Temporary ☐ Permanent ☐</td>
</tr>
<tr>
<td>LCIP Recreational Land?</td>
<td>Yes ☐ No ☐</td>
<td>Temporary ☐ Permanent ☐</td>
</tr>
</tbody>
</table>

Acquisition required? Yes ☐ No ☐ Area

Comments:

Non-acquisition use of 4(f) property (23 CFR 771.135(p)):

<table>
<thead>
<tr>
<th>Noise Level Increase</th>
<th>Yes ☐ No ☐</th>
<th>Visual Intrusion</th>
<th>Yes ☐ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Restriction</td>
<td>Yes ☐ No ☐</td>
<td>Vibration Impacts</td>
<td>Yes ☐ No ☐</td>
</tr>
<tr>
<td>Ecological Intrusion</td>
<td>Yes ☐ No ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


For impacts to recreational 4(f) resources, obtain a statement of significance from official with jurisdiction:

Date Requested: __________ Date Received: __________

Construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers? Yes ☐ No ☐
5. **Section 6(f) Resources**

Are there impacts to any properties acquired or improved with funds made available through Section 6(f) of the Federal Land and Water Conservation Fund Act?  
- Yes ☐  No ☐  Temporary ☐  Permanent ☐

Recommendation received from State Liaison Officer (NH Div of Parks & Recreation)?  
- Yes ☐  No ☐

Coordination with the US Department of the Interior necessary?  
- Yes ☐  No ☐

Comments:

---

6. **Conservation Lands**

Will property obtained through the Conservation Land Stewardship Program be impacted?  
- Yes ☐  No ☐

(Contact the CLS Program Coordinator at the NH Office of Energy Planning)

Has an application been made to CORD demonstrating compliance with RSA 162-C:6?  
- Yes ☐  No ☐

Has the Land & Community Heritage Investment Program (LCHIP) been contacted about the project?  
- Yes ☐  No ☐

Will any LCHIP property be impacted by the project?  
- Yes ☐  No ☐

Does any other conservation land exist in the project area?  
- Yes ☐  No ☐

If so, describe impacts and coordination:  

---

Comments:

---

7. **Wetlands/Surface Waters**

Will this project impact lands under the jurisdiction of the NH Wetlands Bureau?  
- Yes ☐  No ☐

Type of permit required:  
- Expedited ☐  Minimum ☐  Minor ☐  Major ☐

Will the project impact Prime Wetlands?  
- Yes ☐  No ☐

Does this project qualify under the ACOE Programmatic General Permit?  
- Yes ☐  No ☐

ACOE Individual Permit, or Section 10 Permit required?  
- Yes ☐  No ☐

<table>
<thead>
<tr>
<th>Landform Type</th>
<th>USFWS Classification</th>
<th>Permanent Impacts (sf)</th>
<th>Temporary Impacts (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**Total**
Non-Wetland Bank
(Jurisdictional land adjacent to lakes, ponds, streams and rivers)  N/A

Upland Portion of the Tidal Buffer Zone
(Land within 100' of the highest observable tide line)  N/A

Prime Wetland Buffer
(Land within 100' of a Prime Wetland)

Total

Estimated length of permanent impacts to banks  __ ft.
Estimated length of permanent impacts to channel  __ ft.
Estimated volume of impacts in Public Waters  __ cu. yd.
If waterfront project, indicate total length of shoreline frontage  __ ft.
If wall, riprap, beach, or similar project, indicate length of proposed shoreline impact  __ ft.

Does the project require consideration of stream crossings? Yes ☐ No ☐

Describe: _____________________________________________________________

Describe Mitigation: ___________________________________________________

Comments: ___________________________________________________________

Coordination Required on:
- Public Waters Access? Yes ☐ No ☐
- Shoreland Protection? Yes ☐ No ☐
- Lakes Management? Yes ☐ No ☐
- Wild and Scenic River? Yes ☐ No ☐
- NH Designated River? Yes ☐ No ☐

Comments: ___________________________________________________________

8. Coast Guard

Does the project involve work in navigable waters? Yes ☐ No ☐
Does the project impact a historic bridge? Yes ☐ No ☐
Does the project require a Coast Guard Permit? Yes ☐ No ☐
Does the project qualify under the Section 144(h) exemption? Yes ☐ No ☐ (if yes, include FHWA confirmation)

FHWA and/or Coast Guard Comments: _____________________________________

Comments: ___________________________________________________________

9. Floodplains or Floodways

Does the proposed project encroach in the floodplain? Yes ☐ No ☐ Acreage _____

Describe: _____________________________________________________________
Does the proposed project encroach in the floodway?  Yes ☐ No ☐ Acreage _____

Does the proposed project cause an increase in base flood elevation? Yes ☐ No ☐

Describe: ____________________________________________________________

Coordination With FEMA Required?  Yes ☐ No ☐
CLOMR Required?  Yes ☐ No ☐

Comments from NH Floodplain Management Program: ____________________________

Does the project require compensation for loss of flood storage?  Yes ☐ No ☐

Comments from US Army Corps of Engineers: _________________________________

Comments (describe): ______________________________________________________

10. Water Quality

Aquifer present?  Yes ☐ No ☐
Drinking Water Source Protection Area present? Yes ☐ No ☐
Wellhead Protection Area present? Yes ☐ No ☐
Public Water Supply present? Yes ☐ No ☐
Groundwater Impacts? Yes ☐ No ☐
Surface Water Impacts? Yes ☐ No ☐
Surface Water Impairments? Yes ☐ No ☐ If yes, list: _____________________________
Outstanding Resource Waters present? Yes ☐ No ☐
Water Quality Certificate Required? Yes ☐ No ☐

Will the project disturb >100,000 sq. ft. of land (50,000 sq. ft. if within protected shoreland), or any land with a grade of 25% or greater within 50' of a surface water? Yes ☐ No ☐
If yes, project must comply with the NHDES Alteration of Terrain regulations. Describe compliance: ________________________________

Will the project disturb greater than 1 acre of land? Yes ☐ No ☐
If yes, project must comply with the EPA NPDES Construction General Permit, which requires preparation of a SWPPP.

Existing Impervious Surface in project area: ________________________________
Proposed Impervious Surface in project area: ________________________________

Will permanent Best Management Practices be installed for treatment of stormwater runoff? Yes ☐ No ☐

Comments: ____________________________________________________________________
11. Noise

Is project a Type I Highway Project?  Yes ☐ No ☐
Are There Receptors Present?  Yes ☐ No ☐ # of Residential __.  # Of Commercial __.

<table>
<thead>
<tr>
<th>Year</th>
<th>Residential (R)</th>
<th>Commercial (C)</th>
<th># Approaching</th>
<th># At or Exceeding</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>No-Build</td>
<td>to __</td>
<td>to __</td>
<td>Res, Comm</td>
</tr>
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<td>Build</td>
<td>to __</td>
<td>to __</td>
<td>Res, Comm</td>
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<tr>
<td></td>
<td>No-Build</td>
<td>to __</td>
<td>to __</td>
<td>Res, Comm</td>
</tr>
<tr>
<td></td>
<td>Build</td>
<td>to __</td>
<td>to __</td>
<td>Res, Comm</td>
</tr>
</tbody>
</table>

Will completed project increase noise levels 3 dBA or more? Yes ☐ No ☐
Will completed project increase noise levels 15 dBA or More? Yes ☐ No ☐

Are mitigation measures included in project? Yes ☐ No ☐
Explain:  ____________________________________________________________

Has the municipality received a copy of the traffic noise assessment? Yes ☐ No ☐

12. Threatened or Endangered Species/Natural Communities

State-Listed Threatened or Endangered species in project area? Yes ☐ No ☐
Exemplary Natural Community in project area? Yes ☐ No ☐
Federally-Listed Threatened or Endangered species in project area? Yes ☐ No ☐
Section 7 consultation necessary? Yes ☐ No ☐
Impacts subject to the conditions of the Bald and Golden Eagle Protection Act? Yes ☐ No ☐

Comments from NH Natural Heritage Bureau:  ____________________________________________________________

Comments from USFWS and/or NOAA:  ____________________________________________________________

Mitigation (Describe):  ____________________________________________________________

13. Wildlife and Fisheries

Does the project impact Highest Ranked Habitat as identified by the Wildlife Action Plan? Yes ☐ No ☐
Does the project impact Essential Fish Habitat? Yes ☐ No ☐
If yes, was an EFH Assessment completed? Yes ☐ No ☐
Does the project involve stream crossings? (Env-Wt PART 900) Yes ☐ No ☐
If yes, describe how the NHDES Stream Crossing Rules will be addressed:  ____________________________________________________________

Comments from State, Federal, or private agency:  ____________________________________________________________
14. **Air Quality**

Is project located in ozone nonattainment area?  
Yes ☐  No ☐

Is project located in carbon monoxide nonattainment area?  
Yes ☐  No ☐

Is project included in conformity determinations?  
Yes ☐  No ☐

Is project exempt from conformity determination?  
Yes ☐  No ☐

Exemption Code (from most recent conformity document):  

Has project changed since the conformity analysis?  
Yes ☐  No ☐

Is project exempt from NEPA requirement to consider air quality?  
Yes ☐  No ☐

For Projects Requiring a Carbon Monoxide Microscale Analysis:

Maximum Predicted 1-Hour Concentrations (ppm):

<table>
<thead>
<tr>
<th>YEAR</th>
<th>CONCENTRATIONS</th>
<th>NAAQS Violations?</th>
<th>Yes ☐  No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Year</td>
<td></td>
<td>to</td>
<td>Yes ☐  No ☐</td>
</tr>
<tr>
<td>Opening Year</td>
<td>build</td>
<td>to</td>
<td>Yes ☐  No ☐</td>
</tr>
<tr>
<td>Opening Year</td>
<td>no-build</td>
<td>to</td>
<td>Yes ☐  No ☐</td>
</tr>
<tr>
<td>Design Year</td>
<td>build</td>
<td>to</td>
<td>Yes ☐  No ☐</td>
</tr>
<tr>
<td>Design Year</td>
<td>no-build</td>
<td>to</td>
<td>Yes ☐  No ☐</td>
</tr>
</tbody>
</table>

Comments:

15. **Coastal Zone**

Is the project located in the Coastal Zone?  
Yes ☐  No ☐

Has an Intergovernmental Consistency Review been completed to determine consistency with the Coastal Zone Management Act? (16 U.S.C. 1451-1464)  
Yes ☐  No ☐

Comments:

16. **Agricultural Land**

Does the project impact agricultural land?  
Yes ☐  No ☐

Does project area contain prime, unique, statewide or locally important farmland soils?  
Yes ☐  No ☐

Completion of Form AD-1006 or Form CPA-106 Required?  
Yes ☐  No ☐

Comments:
### 17. Hazardous/Contaminated Materials

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the project area include sites from NHDES OneStop GIS Database?</td>
<td></td>
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<tr>
<td>Are there sites from NHDES OneStop GIS Database within a 1,000 foot radius of the project area?</td>
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<tr>
<td>Does the project involve a bridge with Asbestos Containing Material?</td>
<td></td>
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<tr>
<td>ISA completed and attached?</td>
<td></td>
<td></td>
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<tr>
<td>Additional investigation required?</td>
<td></td>
<td></td>
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<tr>
<td>Remediation required?</td>
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</table>

Comments: __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

### 18. Public Participation

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Contact Letters sent to local officials?</td>
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<tr>
<td>Public Informational Meeting?</td>
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<tr>
<td>Public Hearing Required?</td>
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</tbody>
</table>

Comments: __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

### 19. Social and Economic Impacts

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the project consistent with local and regional land use plans?</td>
<td></td>
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</tr>
</tbody>
</table>

Describe: __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

<table>
<thead>
<tr>
<th>Neighborhood and community impacts?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches</td>
<td></td>
<td></td>
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<tr>
<td>Schools</td>
<td></td>
<td></td>
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<tr>
<td>Elderly</td>
<td></td>
<td></td>
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<tr>
<td>Minorities</td>
<td></td>
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</tbody>
</table>

Describe __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

<table>
<thead>
<tr>
<th>Impacts to local businesses?</th>
<th>Yes</th>
<th>No</th>
<th>Temporary</th>
<th>Permanent</th>
</tr>
</thead>
</table>

Describe: __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
### Environmental Justice

Does the area affected by the proposed action contain EJ (minority, elderly, limited English proficiency, and/or low-income) populations?  
Yes [ ] No [ ]

Are the anticipated project impacts resulting from the proposed action likely to fall disproportionately on EJ populations?  
Yes [ ] No [ ]

Comments:

---

### Construction Impacts

Describe:

---

### Invasive Species

Does the project area contain invasive species prohibited under RSA 430:55 or RSA 487:16-a?  
Yes [ ] No [ ]

If yes, will an Invasive Species Control and Management Plan be required during construction?  
Yes [ ] No [ ]

Comments:

---

### Field Inspection Comments:

---
24. **Coordination**

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Date</th>
<th>Comments</th>
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25. **Environmental Mitigation and/or Commitments:**

Note: When appropriate, more detailed descriptions of resources and an explanation of the impact analysis should be attached to this form.

**LIST OF EXHIBITS**

Prepared by:  
Name, Title  
Date

Reviewed by:  
Project Management Section Chief  
NHDOT Bureau of Environment  
Date

Approval Recommended by:  
Administrator  
NHDOT Bureau of Environment  
Date
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACOE</td>
<td>Army Corps of Engineers</td>
</tr>
<tr>
<td>ACM</td>
<td>Asbestos Containing Materials</td>
</tr>
<tr>
<td>CE</td>
<td>Categorical Exclusion</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CLOMR</td>
<td>Conditional Letter of Map Revision</td>
</tr>
<tr>
<td>CMAQ</td>
<td>Congestion Mitigation &amp; Air Quality</td>
</tr>
<tr>
<td>CO</td>
<td>Carbon Monoxide</td>
</tr>
<tr>
<td>CORD</td>
<td>Council on Resources and Economic Development</td>
</tr>
<tr>
<td>CZMA</td>
<td>Coastal Zone Management Act</td>
</tr>
<tr>
<td>dBA</td>
<td>Decibels Adjusted</td>
</tr>
<tr>
<td>EJ</td>
<td>Environmental Justice</td>
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<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
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<tr>
<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
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<tr>
<td>FHWA</td>
<td>Federal Highway Administration</td>
</tr>
<tr>
<td>ISA</td>
<td>Initial Site Assessment</td>
</tr>
<tr>
<td>LCHIP</td>
<td>Land &amp; Community Heritage Investment Program</td>
</tr>
<tr>
<td>LCIP</td>
<td>Land Conservation Investment Program</td>
</tr>
<tr>
<td>LWCF</td>
<td>Land &amp; Water Conservation Fund</td>
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<tr>
<td>NAAQS</td>
<td>National Ambient Air Quality Standards</td>
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<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<tr>
<td>NHDES</td>
<td>New Hampshire Department of Environmental Services</td>
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<tr>
<td>NHF&amp;G</td>
<td>New Hampshire Fish and Game Department</td>
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<tr>
<td>NHNHB</td>
<td>New Hampshire Natural Heritage Bureau</td>
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<tr>
<td>NOAA</td>
<td>National Oceanic and Atmospheric Administration</td>
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<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>PPM</td>
<td>Parts Per Million</td>
</tr>
<tr>
<td>ROW</td>
<td>Right-of-Way</td>
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<tr>
<td>SWPPP</td>
<td>Storm Water Pollution Prevention Plan</td>
</tr>
<tr>
<td>USDOT</td>
<td>United States Department of Transportation</td>
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<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
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NHDOT Cultural Resources Project Review Procedures

1. Initiate the Review Process with either the Request for Project Review or Section 106 Programmatic Agreement Appendix A or B forms (to only be used with FHWA undertakings). Forms are to be submitted to the NH DOT Cultural Resources Staff.
   a. If submitting the RPR please follow NHDHR instructions and be sure to include the following:
      i. Map identifying the area of potential effect (APE)
      ii. Project narrative that describes the project and potential impacts. Narrative should include concerns relating to potential archaeologically sensitive areas and any architectural/structural concerns
      iii. Photos, including a photo key
      iv. Self-addressed stamped envelope (in-house NHDOT projects do not need to supply a SASE)
   b. Transportation RPRs are to be reviewed by NHDOT staff first, and will then be submitted to NHDHR
   c. If submitting Appendix A or B certification forms, they will be reviewed by NHDOT CR staff and comments/approved forms will be returned via email.

2. If it is determined by NHDOT CR staff, NHDHR and/or the federal agent there are no cultural resources concerns, an effect memo can be written, ending the Section 106/cultural resources review process.
   a. If using the Programmatic Agreement, approved Appendix A and B certification forms act as the Section 106 project effect determination.
   b. Otherwise, please see #7 below

3. If there are potential concerns, either additional information can be submitted (as requested in the RPR response) or the project is presented at the Cultural Resource Agency Coordination meeting.
   a. Cultural Resources Agency Meetings:
      i. Please adhere to the monthly meeting schedule posted on the NHDOT Environment website for meeting agenda requests and submission deadlines.
      ii. Meeting minutes are prepared by the project presenter and submitted to DOT Cultural Resources staff, no later than one week after the meeting.
      iii. Purpose of the meetings is to review project impacts, discuss alternatives (if appropriate), review Section 106 effects, discuss project mitigation (if appropriate). Multiple meetings may be necessary.

4. Should survey need to occur, all forms are located on NHDHR’s website.
   a. Forms for above ground resources that may be requested
      i. Individual Inventory form
      ii. Area Forms
         1. Town/City-wide Area Form
         2. Project Area Form
         3. Historic District Area Form
      iii. Culvert Survey Form
   b. Studies that may be requested for identification and evaluation of archaeological resources
      i. Phase IA, Archaeological Sensitivity Assessment
      ii. Phase IB (or combination Phase IA/IB), Intensive Archaeological Investigation
      iii. Phase II, Determination of Eligibility
      iv. Phase III, Data Recovery (typically done as mitigation)
      v. Archaeological monitoring
      vi. Bibliography Form & Short Report
c. Once survey is complete, requested information is reviewed by NHDOT Cultural Resources. Revisions are requested if necessary.

5. NHDOT Cultural Resources staff sends completed forms/reports to either FHWA and/or NHDHR. If FHWA is the lead federal agent, all documentation and eligibility recommendations are sent to FHWA first, who will then forward along their findings to NHDHR.
   a. When sending information to FHWA/NHDHR, please ensure all project numbers are included on the transmittal.

6. NHDHR reviews inventory forms at their twice monthly Determination of Eligibility meetings. The archaeological studies are not reviewed at a formal meeting.
   a. If any additional information is needed, NHDHR will contact NHDOT (either by the RPR response or a detailed letter).
   b. After NHDHR review, NHDOT will receive the Determination of Eligibility (DOE) sheet and/or archaeological review sheet.

7. When project effects have been determined, they are memorialized in a Cultural Resources Effect Memo.
   a. For No Historic Properties Affected, No Adverse Effect, or Adverse Effect findings:
      i. Local Public Agency (LPA) project sponsors fill out the Cultural Resources Effect Memo (found on the NHDOT website). Memo should be emailed to NHDOT CR staff for review.
      ii. LPA memo’s should describe the project and any impacts (or lack of impacts) to cultural resources.
      iii. NHDOT CR staff will complete the memo for in-house NHDOT projects at the request of the Environmental Manager. Please allow enough time for the CR staff to prepare the memo.
   b. NHDOT CR staff will be responsible for distributing the memo for signatures to achieve a fully executed memo.

8. When the project results in an Adverse Effect and requires a Memorandum of Agreement (MOA)
   a. If an LPA project, the LPA sponsor drafts the MOA. Please ask DOT CR staff for examples if necessary.
   b. NHDOT CR staff draft the MOA for in-house projects. Please allow enough time for the CR staff to draft the MOA.
   c. NHDOT CR staff will be responsible to transmitting the memo for signature.
   d. Mitigation to be included in the MOA is typically discussed at the monthly CR Agency meeting. Mitigation examples include:
      i. NH Historic Property Documentation (either full report or outline format), including large format photography.
      ii. Context documents, monographs, reports, etc.
      iii. Public outreach:
         1. Interpretive signs
         2. State Historic Markers
         3. Books, pamphlets, brochures, videos, websites

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