



THE NHDOT ENVIRONMENTAL REVIEW PROCESS



PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

September 2016

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

PROGRAMMATIC CATEGORICAL EXCLUSION
DETERMINATIONS

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Prepared by: NHDOT Bureau of Environment

September 2016

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](#)¹ (NEPA²) 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 known 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).

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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:

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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, NHHNB, 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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Contact Paula Bellemore, Natural Resource Specialist
Land and Community Heritage Investment Program
13 West Street, Suite 3
Concord, NH 03301
(603) 224-4113

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.

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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) 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) 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.

<i>Contact</i>	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>

There are four administering agencies of the Wild & Scenic River System: Bureau of Land Management, National Park Service, US Fish and Wildlife Service, and US Forest Service.

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>

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.

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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: <http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/long-eared-bat.htm>

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

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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 NHHNB 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 NHHNB 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

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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.

Please refer to CZMA 307(c) Federal Consistency and the New Hampshire Coastal Program manual dated 1998 located at the NH Coastal Program website:

<http://des.nh.gov/organization/divisions/water/wmb/coastal/cfcp/index.htm>

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

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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.

APPENDICES

- Appendix A: Hyperlinked Websites
- Appendix B: Environmental Contacts List
- Appendix C: Initial Contact Letter (sample)
- Appendix D: NH Natural Heritage Bureau Response Letters (samples)
- Appendix E: US Fish and Wildlife Service Consultation Letter
- Appendix F: Programmatic Categorical Exclusions (samples)
- Appendix G: Activities that Qualify for Programmatic Categorical Exclusion
- Appendix H: Municipal Effects Memorandum (samples)
- Appendix I: List of Acronyms used in this Document
- Appendix J: Non-Programmatic CE form
- Appendix K: Coastal Zone Management review process

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

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

Prepared by: NHDOT Bureau of Environment

September 2016

Websites Hyperlinked to this Document

National Environmental Policy Act: <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>

New Hampshire Department of Transportation: <http://www.nh.gov/dot/>

23 CFR 771: <http://www.fhwa.dot.gov/hep/23cfr771.htm>

Technical Advisory T6640.8A: <http://www.dot.state.mn.us/tecsup/xyz/plu/hpdp/book4/t66408a.html>

Endangered Species Act: <http://www.fws.gov/endangered/esa.html>

Clean Water Act: <http://www.epa.gov/region5/water/cwa.htm>

National Historic Preservation Act: <http://www.nps.gov/history/local-law/nhpa1966.htm>

NHDOT Bureau of Environment: <http://www.nh.gov/dot/bureaus/environment/index.htm>

Public Officials Directory: <http://www.nh.gov/dot/bureaus/planning/documents/NHOfficialsDirectory.pdf>

NHNHB "DataCheck" Tool: <http://www.dred.state.nh.us/divisions/forestandlands/bureaus/naturalheritage/services.htm>

RSA 217-A: <http://www.gencourt.state.nh.us/rsa/html/XIX/217-A/>

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>

US Fish and Wildlife Service: <http://www.fws.gov/northeast/newenglandfieldoffice/>

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>

RSA 482-A: <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-L-482-A.htm>

CWA Section 404: <http://www.usace.army.mil/cw/cecwo/reg/sec404.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>

40 CFR (93.126) & (93.101) & (93.105) & (93.127): <http://ecfr.gpoaccess.gov> (must search specific federal regulation)

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/>

NH Endangered Species Conservation Act: <http://www.gencourt.state.nh.us/rsa/html/XVIII/212-A/212-A-mrg.htm>

National Flood Insurance Program: <http://www.fema.gov/business/nfip/>

NH Office of Energy and Planning: <http://www.nh.gov/oep/index.htm>

23 CFR 772: <http://ecfr.gpoaccess.gov> (must search specific federal regulation)

NHDOT Noise Policy: <http://www.nh.gov/dot/bureaus/environment/documents/NHDOTNoisePolicy.pdf>

US Department of Transportation Act: <http://dotlibrary.dot.gov/Historian/history.htm>

SAFETEA-LU: <http://www.fhwa.dot.gov/safetealu/index.htm>

NH DRED Section 6(f): <http://www.nhparks.state.nh.us/ParksPages/CommunityPrograms/ComProgLWCFhom.html>

NHDES Water Division: http://www.des.state.nh.us/water_intro.htm

NHDES Wetlands Bureau: <http://www.des.state.nh.us/wetlands/>

NHSPGP: <http://www.nae.usace.army.mil/reg/NH%20PGP%20-%20Final%20PN%20%20PGP%20for%20Website.pdf>

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/>

Conservation Land Stewardship Program: <http://www.nh.gov/oep/programs/CLSP/index.htm>

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

NHFG Northern Long-Eared Bat Inquiries

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

USFWS Northern Long-Eared Bat Inquires

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

Amy Lamb
Environmental Information Specialist
NH Department of Natural and Cultural Resources
Division of Forests and Lands
Natural Heritage Bureau
172 Pembroke Road, P.O. Box 1856
Concord, NH 03302-1856
(603) 271-2215 ext 323
Amy.Lamb@dncr.nh.gov

ESSENTIAL FISH HABITAT⁽¹⁶⁾

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
(9978) 281-9130
mike.r.johnson@noaa.gov

Tidal Waters for ESA

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

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⁽⁹⁾

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

NOISE⁽¹²⁾

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

RIGHT-OF-WAY⁽¹⁾

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

SECTION 6(f)/NH CONSERVATION LANDS⁽⁶⁾

*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

SECTION 4(f)⁽⁵⁾

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⁽¹⁰⁾

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⁽⁷⁾

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

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

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

COASTAL ZONE MANAGEMENT⁽¹⁵⁾

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

NH Coastal Program

Christian Williams
Program Coordinator
NH Department of Environmental Services
Coast Program
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
Christian.Williams@des.nh.gov

CONTAMINATION⁽¹⁶⁾

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



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHARLES P. O'LEARY, JR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

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



New Hampshire Natural Heritage Bureau

To: Douglas King
 NH Depart. of Transportation
 8 Eastman Hill Road
 Enfield, NH 03748

Date: 6/18/2007

From: NH Natural Heritage Bureau

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

NHB File ID: NHB07-0635

Applicant: Douglas King

Address: North Road, Danbury NH
 Danbury

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

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



NH NATURAL HERITAGE BUREAU

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

Town: Boscawen

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.

Invertebrate Species

	State ¹	Federal	Notes
Brook Floater (<i>Alasmidonta varicosa</i>)	E	--	Contact the NH Fish & Game Dept (see below).

Natural Community

	State ¹	Federal	Notes
Silver maple - false nettle - sensitive fern floodplain forest	--	--	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.

Vertebrate species

	State ¹	Federal	Notes
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	E	T	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

¹Codes: "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.

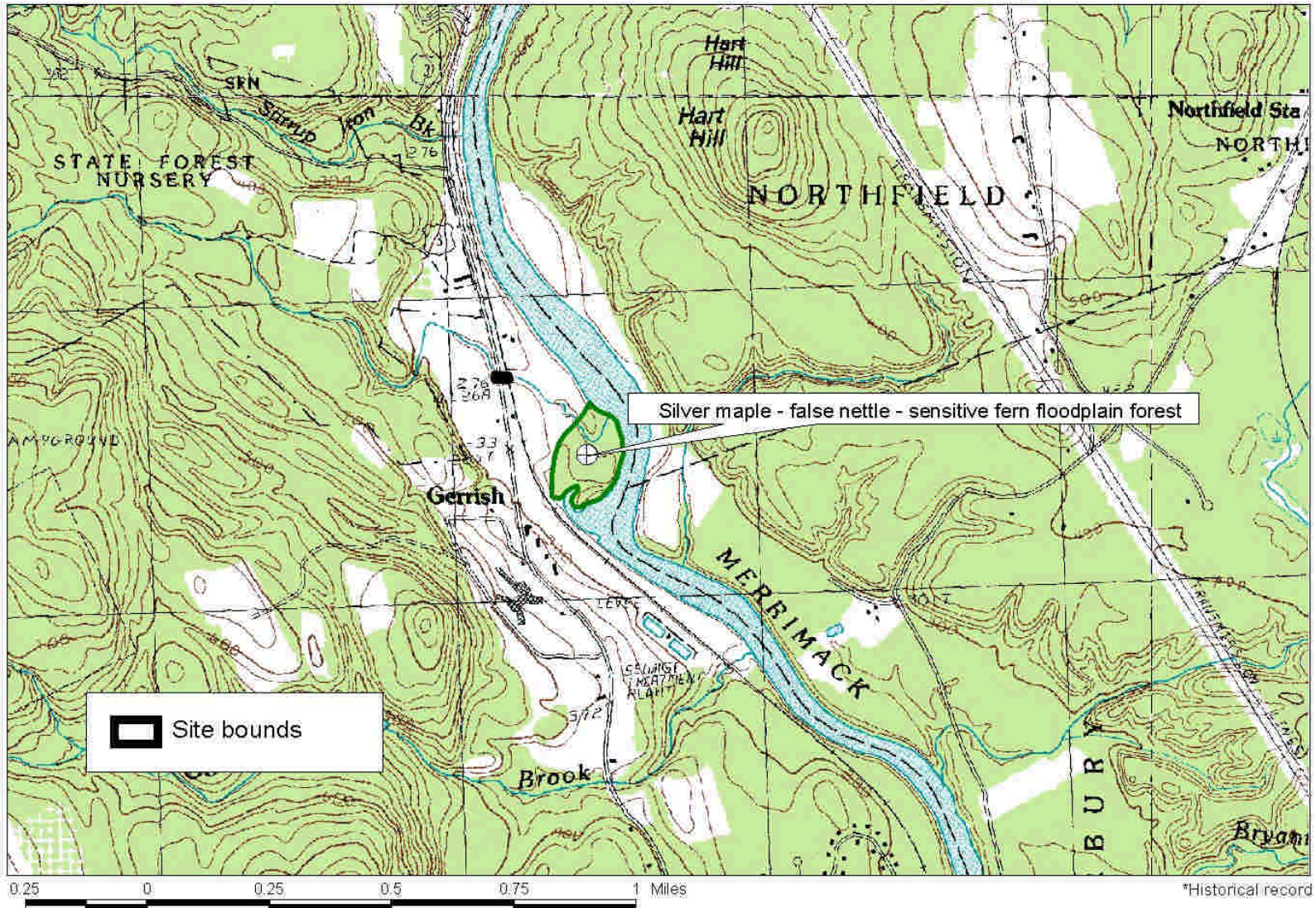
Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544. Contact for federally-listed animals: Anthony Tur, US FWS, at (603) 223-2541.

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

Legal Status

Federal: Not listed
State: Not listed

Conservation Status

Global: Not ranked (need more information)
State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Good quality, condition and lanscape 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. *Boehmeria 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 loams 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 quinquefolius*. 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	USGS quad(s): Webster (4307136)
Town(s): Boscawen	Lat, Long: 432152N, 0713851W
Size: 13.3 acres	Elevation: 255 feet

Precision: Within (but not necessarily restricted to) the area indicated on the map.

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. 1997. Field survey to Gerrish on September 2.

Bechtel, Doug and Dan Spurduto. 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.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087

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,

A handwritten signature in black ink that reads "Anthony P. Tur". The signature is written in a cursive style with a large initial "A" and a stylized "T".

Anthony P. Tur
Endangered Species Specialist
New England Field Office



CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: _____
Federal Project Number: _____

State Project Number: _____
CE Action Number: _____

Description of Project:

PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA¹

	NO	YES
1 <u>Right-of-Way</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
2 <u>Traffic</u> – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	<input type="checkbox"/>	<input type="checkbox"/>
3 <u>Roadway Access</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
4 <u>Cultural Resources</u> – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	<input type="checkbox"/>	<input type="checkbox"/>
5 <u>Section 4(f)</u> – 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 <i>de minimis</i> impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	<input type="checkbox"/>	<input type="checkbox"/>
6 <u>Section 6(f)/Conservation Properties</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
7 <u>Wetlands/Surface Waters</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
8 <u>US Coast Guard</u> – Does the proposed action require a US Coast Guard bridge permit?	<input type="checkbox"/>	<input type="checkbox"/>
9 <u>Floodways/Floodplains</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
10 <u>Water Quality</u> – Does the proposed action have more than a negligible impact on water quality?	<input type="checkbox"/>	<input type="checkbox"/>
11 <u>Wild and Scenic Rivers</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
12 <u>Noise</u> – Is the proposed action a Type I highway project?	<input type="checkbox"/>	<input type="checkbox"/>
13 <u>Endangered Species</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
14 <u>Air Quality</u> – 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?	<input type="checkbox"/>	<input type="checkbox"/>
15 <u>CZMA</u> – Is the project inconsistent with the State's Coastal Zone Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
16 <u>Other</u> – Are there any other major issues of concern that would benefit from a more detailed discussion?	<input type="checkbox"/>	<input type="checkbox"/>

- ❖ 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?
10. Water Quality – Does the proposed action have more than a negligible impact on water quality?
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

CE Action Number	Activity Description (See Appendix A of the Programmatic Agreement for more information)
1	Activities which do not lead directly to construction.
2	Approval of utility installations along or across a transportation facility.
3	Construction of bicycle and pedestrian lanes, paths, and facilities.
4	Activities included in the State's "highway safety plan" under 23 U.S.C. 402.
5	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.
6	The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7	Landscaping.
8	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.
9	Emergency repairs under 23 U.S.C. 125.
10	Acquisition of scenic easements.
11	Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
12	Improvements to existing rest areas and truck weigh stations.
13	Ridesharing activities.
14	Bus and rail car rehabilitation.
15	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16	Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17	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.
18	Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19	Purchase and installation of operating or maintenance equipment located within the transit facility, with no significant impacts off site.
20	Promulgation of rules, regulations, and directives.
21	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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23	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.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
25	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
26	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
29	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.
30	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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	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
34	Approvals for changes in access control.
35	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.
36	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.
37	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
38	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.



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: _____
Federal Project Number: _____

State 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: _____
Name, Title

_____ Date

Approval
Recommended
By: _____
Project Management Section Chief
NHDOT Bureau of Environment

_____ Date

Approved by: _____
Administrator
NHDOT Bureau of Environment

_____ Date



**CATEGORICAL EXCLUSION
PROGRAMMATIC DETERMINATION CHECKLIST**

Action/Project Name: Thornton-Woodstock
Federal Project Number: X-A004(389)

State Project Number: 40404
CE Action Number: 26

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) CRITERIA¹

	NO	YES
1 <u>Right-of-Way</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 <u>Traffic</u> – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 <u>Roadway Access</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 <u>Cultural Resources</u> – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 <u>Section 4(f)</u> – 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 <i>de minimis</i> impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6 <u>Section 6(f)/Conservation Properties</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 <u>Wetlands/Surface Waters</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8 <u>US Coast Guard</u> – Does the proposed action require a US Coast Guard bridge permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9 <u>Floodways/Floodplains</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10 <u>Water Quality</u> – Does the proposed action have more than a negligible impact on water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11 <u>Wild and Scenic Rivers</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12 <u>Noise</u> – Is the proposed action a Type I highway project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13 <u>Endangered Species</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14 <u>Air Quality</u> – 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15 <u>CZMA</u> – Is the project inconsistent with the State's Coastal Zone Management Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16 <u>Other</u> – Are there any other major issues of concern that would benefit from a more detailed discussion?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?

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 on 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 Leeman'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

communities in the NFIP, however, the work within the Zone A areas will not introduce new fill or obstructions within the floodplain and therefore will not increase the base flood elevation in the community and will not pose a risk to human life or property.

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.

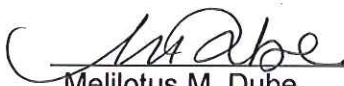
ENVIRONMENTAL COMMITMENTS

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

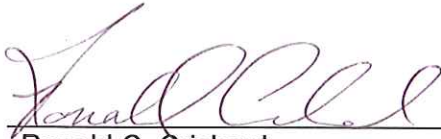
-
1. All work shall be located within existing State right-of-way or easements. If the scope of work changes and necessitates work outside of the right-of-way or easements, work shall not be completed without additional coordination with the Bureau of Environment. (Design, Construction, Environment)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

- 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

State of New Hampshire – Department of Transportation

ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION

CE Action Number	Activity Description (See Appendix A of the Programmatic Agreement for more information)
1	Activities which do not lead directly to construction.
2	Approval of utility installations along or across a transportation facility.
3	Construction of bicycle and pedestrian lanes, paths, and facilities.
4	Activities included in the State's "highway safety plan" under 23 U.S.C. 402.
5	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.
6	The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7	Landscaping.
8	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.
9	Emergency repairs under 23 U.S.C. 125.
10	Acquisition of scenic easements.
11	Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
12	Improvements to existing rest areas and truck weigh stations.
13	Ridesharing activities.
14	Bus and rail car rehabilitation.
15	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16	Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17	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.
18	Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19	Purchase and installation of operating or maintenance equipment located within the transit facility, with no significant impacts off site.
20	Promulgation of rules, regulations, and directives.
21	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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23	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.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
25	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
26	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
29	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.
30	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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	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
34	Approvals for changes in access control.
35	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.
36	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.
37	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
38	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.

Section 106 Cultural Resources Effect Memo
(Project NOT directly managed by NHDOT)

Project Town: [Click here to enter text.](#)

Date: [Enter date submitted to NHDOT.](#)

State No.: [Click here to enter text.](#)

Federal No. (as applicable): [Click here to enter text.](#)

Lead Federal Agency: [Choose an item.](#)

Submitted by: [Click here to enter text.](#)
(Project Manager/Sponsor)

Email address: [Click here to enter text.](#)

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 CFR800.2-3) 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:

Section 106 Effect Determination	<input type="checkbox"/> No Historic or Archaeological Properties will be Affected
	<input type="checkbox"/> There will be No Adverse Effect on Historic or Archaeological Properties
	<input type="checkbox"/> There will be an Adverse Effect on Historic or Archaeological Properties or Resources
	Additional comments, please explain <i>why</i> 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.

Section 4(f) (to be completed by FHWA)	<i>There Will Be:</i>	<input type="checkbox"/> No 4(f);	<input type="checkbox"/> Programmatic 4(f);	<input type="checkbox"/> Full 4 (f); <u>or</u>
	<input type="checkbox"/> A finding of <i>de minimis</i> 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 <i>de minimis</i> impact. NHDHR's signature represents concurrence with both the no adverse effect determination and the <i>de minimis</i> 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 (date)
(if applicable)

NHDOT Cultural Resources Program

The NH State Historic Preservation Officer concurs with these findings: _____
NH Division of Historical Resources

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 Resources

Federal Highway Administration

Project Manager

US Army Corps of Engineers

Cc: FHWA, NHDHR, FHWA, ACOE (← as applicable ↑)

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: _____
Federal Project Number: _____

State 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

AGENCY/ORGANIZATION	CONTACT	LETTER SENT	REPLY REC'D

IMPACT ASSESSMENT SUMMARY

1. Right-of-Way

Is additional ROW required? Yes No Acreage
Are improved properties acquired? Yes No Acreage
Displacement: Rental Units ___ Residential Properties Non-residential Properties

Relocation services to be provided? _____

Properties available for relocation? _____

Public Land (Federal State, or Municipal) Involvement? Yes No . (See Section 4 below.)

Acquisitions of land for hardship or protective purposes? Yes No

If, yes explain? _____

2. Traffic Patterns/Roadway Access

Expansion of a roadway by addition of through lanes? Yes No

Describe: _____

Temporary detour required? Yes No Length
Temporary bridge required? Yes No Impacts? Yes No

Describe: _____

Permanent changes to traffic patterns? Yes No

Describe: _____

Changes in access that pertain to interstate highways? Yes No
Changes in access that have wide-reaching ramifications? Yes No

Describe: _____

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

Have you identified, and invited, parties to consult in the review pursuant to 36 CFR 800.3(f)? Yes No
Explain _____

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

Public Parkland Impacts?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Temporary <input type="checkbox"/>	Permanent <input type="checkbox"/>
Public Recreational Area Impacts?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Temporary <input type="checkbox"/>	Permanent <input type="checkbox"/>
Public Wildlife/Waterfowl Refuge Impacts?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Temporary <input type="checkbox"/>	Permanent <input type="checkbox"/>
Historic Properties Impacted?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Temporary <input type="checkbox"/>	Permanent <input type="checkbox"/>
LCIP Recreational Land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Temporary <input type="checkbox"/>	Permanent <input type="checkbox"/>

Acquisition required? Yes No Area

Comments: _____

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

Noise Level Increase	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Visual Intrusion	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Access Restriction	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vibration Impacts	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Ecological Intrusion	Yes <input type="checkbox"/>	No <input type="checkbox"/>			

Programmatic 4(f) Evaluation Full 4(f) Evaluation *De minimis* 4(f) Finding

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

Non-Wetland Bank <small>(Jurisdictional land adjacent to lakes, ponds, streams and rivers)</small>	N/A		
Upland Portion of the Tidal Buffer Zone <small>(Land within 100' of the highest observable tide line)</small>	N/A		
Prime Wetland Buffer <small>(Land within 100' of a Prime Wetland)</small>			
	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	<input type="checkbox"/>	No	<input type="checkbox"/>
Shoreland Protection?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Lakes Management?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Wild and Scenic River?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
NH Designated River?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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 _____
 Volume _____

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 Volume _____

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 __.

Year	Range of Noise Levels (dBA Leq)				Noise Abatement Criterion Impacts			
	Residential (R)		Commercial (C)		# Approaching		# At or Exceeding	
_____ No-Build	_____	to _____	_____	to _____	Res,	Comm	Res,	Comm
_____ Build	_____	to _____	_____	to _____	Res,	Comm	Res,	Comm
_____ No-Build	_____	to _____	_____	to _____	Res,	Comm	Res,	Comm
_____ Build	_____	to _____	_____	to _____	Res,	Comm	Res,	Comm

Will completed project increase noise levels 3 dBA or more? Yes No
 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: _____

Mitigation (Describe): _____

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 Year
 Is project exempt from conformity determination? Yes No
 Is project exempt from CO analysis? 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):

	YEAR	CONCENTRATIONS			Yes	No
Current Year	()	___	to ___	NAAQS Violations?	<input type="checkbox"/>	<input type="checkbox"/>
Opening Year	() build	___	to ___	NAAQS Violations?	<input type="checkbox"/>	<input type="checkbox"/>
Opening Year	() no-build	___	to ___	NAAQS Violations?	<input type="checkbox"/>	<input type="checkbox"/>
Design Year	() build	___	to ___	NAAQS Violations?	<input type="checkbox"/>	<input type="checkbox"/>
Design Year	() no-build	___	to ___	NAAQS Violations?	<input type="checkbox"/>	<input type="checkbox"/>

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 Active farmland? 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

Does the project area include sites from NHDES OneStop GIS Database? Yes No
 Are there sites from NHDES OneStop GIS Database within a 1,000 foot radius of the project area? Yes No
 Does the project involve a bridge with Asbestos Containing Material? Yes No
 ISA completed and attached? Yes No Additional investigation required? Yes No
 Remediation required? Yes No

Comments: _____

18. Public Participation

Initial Contact Letters sent to local officials? Yes No Date _____
 Public Informational Meeting? Yes No Date _____
 Public Hearing Required? Yes No Date _____

Comments: _____

19. Social and Economic Impacts

Is the project consistent with local and regional land use plans? Yes No

Describe: _____

Neighborhood and community impacts? Yes No
 Churches Handicapped
 Schools Low Income Housing
 Elderly Emergency Service Facilities/Vehicles
 Minorities Environmental Justice (Executive Order 12898)

Describe _____

Impacts to local businesses? Yes No Temporary Permanent

Describe: _____

20. 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: _____

21. Construction Impacts

Describe: _____

22. 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: _____

23. Field Inspection Comments:

24. Coordination

Meeting	Date	Comments

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: _____ Date _____
 Name, Title

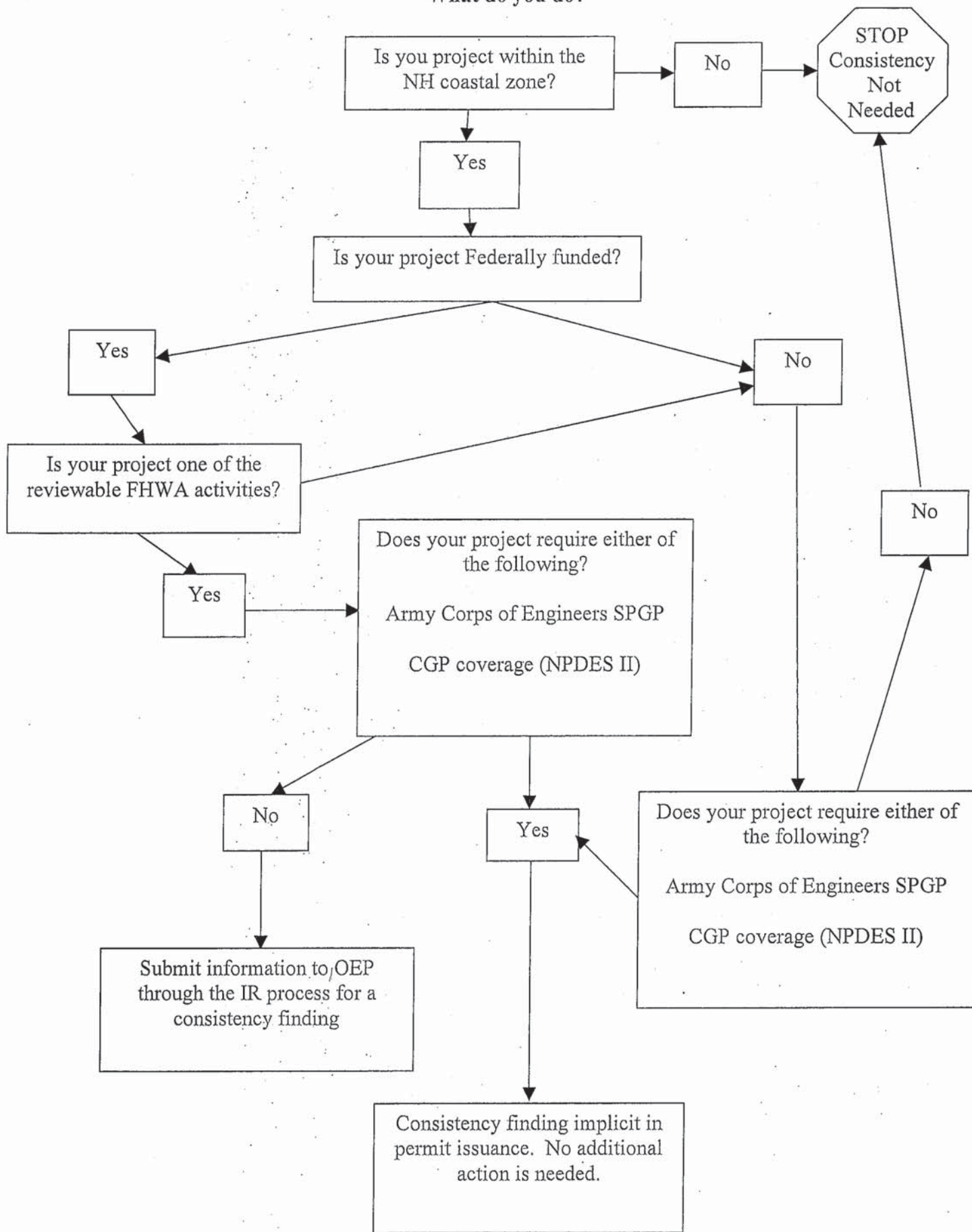
Reviewed by: _____ Date _____
 Project Management Section Chief
 NHDOT Bureau of Environment

Approval
 Recommended by: _____ Date _____
 Administrator
 NHDOT Bureau of Environment

ABBREVIATIONS/ACRONYMS USED IN THIS DOCUMENT

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

What do you do?



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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