

**SECOND AMENDMENT TO THE  
PROGRAMMATIC AGREEMENT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, NEW HAMPSHIRE DIVISION  
AND  
THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION  
REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS CATEGORICAL  
EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS**

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**THIS PROGRAMMATIC AGREEMENT AMENDMENT (“Amendment”), made and entered into this 6th day of June, 2024, by and between the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION (“FHWA”) and the STATE of NEW HAMPSHIRE, acting by and through its DEPARTMENT OF TRANSPORTATION (“NHDOT”) hereby provides as follows:**

**WITNESSETH:**

**WHEREAS**, the Programmatic Agreement Between the Federal Highway Administration, New Hampshire Division and the New Hampshire Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects (“Agreement”) was executed on May 3, 2021; and

**WHEREAS**, the Agreement was amended on November 13, 2023; and

**WHEREAS**, the Agreement expires on May 3, 2026; and

**WHEREAS**, NHDOT, in coordination with internal and consultant stakeholders finds that organizational improvements can be made which make the Appendix B: *National Environmental Policy Act Categorical Exclusion Checklist* (“Appendix B”) more user-friendly, to include reordering sections, and including opportunities to expand on impact discussions, and

**WHEREAS**, two (2) additional sections are included in Appendix B (Section XI: Project Purpose and Need, and Section XII: Alternatives Analysis) for use in documentation of Individual Categorical Exclusions (non-Programmatic) for FHWA approval; and

**WHEREAS**, Appendix B may be used for documentation of Individual Categorical Exclusions; and

**WHEREAS**, no additional substantive changes have been made to Appendix B; and

**WHEREAS**, either the updated Appendix B or the previously updated Appendix B: *Categorical Exclusion Programmatic Determination Checklist* may be used for documentation of Programmatic Categorical Exclusions until September 30, 2024; and

**WHEREAS**, after September 30, 2024 only the updated Appendix B may be used to document Programmatic Categorical Exclusion determinations;

**NOW, THEREFORE**, FHWA and NHDOT agree to amend the Agreement to update Appendix B, which may be used for Individual Categorical Exclusions for FHWA approval, as well as for Programmatic Categorical Exclusion approvals by NHDOT.

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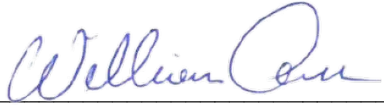
**SIGNATURES**

Execution of this Amendment and implementation of its terms by both parties provides evidence that both parties have reviewed this Amendment and agree to the terms and conditions for its implementation. This Amendment is effective upon the date of the last signature below.

Federal Highway Administration, New Hampshire Division

By: \_\_\_\_\_ June 7, 2024  
Patrick A. Bauer (date)  
Division Administrator

New Hampshire Department of Transportation

By:  \_\_\_\_\_ May 28, 2024  
William J. Cass (date)  
Commissioner

**Appendix B: Updated Template National Environmental Policy Act Categorical Exclusion Checklist**

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