

Programmatic Floodplain Finding for Categorical Exclusions

Federal Highway Administration – New Hampshire Division
New Hampshire Department of Transportation

Introduction

This floodplain finding is made on a program-wide basis and has been prepared for transportation improvement projects which are classified as a categorical exclusion (CE). It satisfies the requirements of Executive Order 11988 (EO) entitled Floodplain Management and the policies and procedures of the Federal Highway Administration (FHWA) regarding the impact of projects on floodplains and floodways found in Location and Hydraulic Design of Encroachments on Floodplains (23 CFR 650A). No individual floodplain finding needs to be prepared for such projects. An individual floodplain finding shall be made for all Environmental Assessments (EA) and Environmental Impact Statements (EIS).

Background

The EO states that each Federal agency “shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities”. The regulation that sets forth the policy and procedures of the EO is Floodplain Management and Protection of Wetlands (44CFR §9) which is under the authority of the Federal Emergency Management Agency (FEMA). FEMA is also the Federal agency responsible for administering the National Flood Insurance Program (NFIP).

The EO requires all Federal agencies to evaluate the potential effects of their activities on floodplains and to avoid actions located in or adversely affecting floodplains unless there is no practicable alternative. FHWA policy and procedures located at 23 CFR 650A apply to all encroachments and to all actions which affect base floodplains, except for repairs made with emergency funds (23 CFR part 668) during or immediately following a disaster. 23 CFR 650A defines an action as “any highway construction, reconstruction, rehabilitation, repair, or improvement undertaken with Federal or Federal-aid highway funds or FHWA approval.” This definition essentially requires an evaluation of floodplain impacts for all projects (including CEs).

New Hampshire evaluates potential floodplain impacts on a project-by-project basis through initial reviews of NFIP floodplain mapping. If appropriate, these reviews are supplemented by follow-up coordination with local officials and the State and Federal entities responsible for administration of the NFIP (FEMA, NH Office of Emergency Management (NHOEM) and NH Office of State Planning (NHOSP)) to ensure compatibility with local floodplain management programs, to determine the extent of hydraulic analysis required and to determine the significance of floodplain encroachment. Floodplain impacts are also addressed at monthly meetings with one or more of the agencies noted above, as well as other resource agencies (US Army Corps of Engineers, US Environmental Protection Agency, US Fish & Wildlife Service, NH Fish & Game Department and NH Department of Environmental Services). The New Hampshire Department

Programmatic Floodplain Finding for Categorical Exclusion
(continued)

of Transportation and the FHWA Environmental Program Manager meet monthly with these resource agencies to discuss wetland, floodplain and other natural resource impacts and practicable avoidance alternatives. If avoidance is not practicable, then measures to minimize harm are considered and incorporated into the project. 23 CFR 650A requires FHWA to make a formal floodplain finding for all projects. The New Hampshire Division will make a formal floodplain finding for all EAs and EISs. This formal floodplain finding will be made in the Final EA/Finding of No Significant Impact or Final EIS/Record of Decision.

Finding:

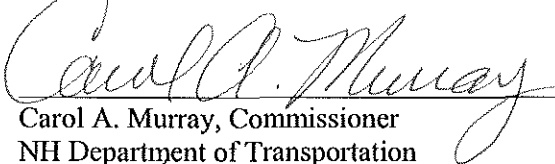
In accordance with Executive Order 11988 and 23 CFR 650A, the FHWA New Hampshire Division finds for all Federal-aid projects classified as a categorical exclusion that:

- (1) there will be no practicable alternative to the proposed construction in floodplains, and
- (2) the proposed project will include all practicable measures to minimize harm to the involved floodplains which may result from such use.

Any Federal-aid transportation project requiring the preparation of an EA or EIS shall require an individual floodplain finding within the text of the document.

APPROVAL OF PROGRAMMATIC FLOODPLAIN FINDING

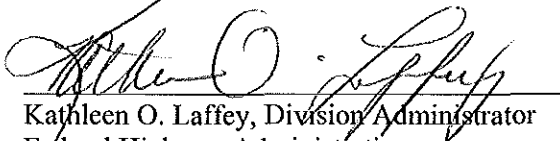
The undersigned have reviewed this Programmatic Floodplain Finding and determined that it complies with the laws, regulations and policies applicable to FHWA and NHDOT. Accordingly, it is hereby approved and becomes effective on the last date noted below.



Carol A. Murray, Commissioner
NH Department of Transportation



Date



Kathleen O. Laffey, Division Administrator
Federal Highway Administration



Date