

Programmatic Wetland Finding for Categorical Exclusions

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

Introduction

This wetland 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 11990 (EO) entitled Protection of Wetlands and U.S. Department of Transportation Order 5660.1A (DOT Order) entitled Preservation of the Nations Wetlands. No individual wetland finding needs to be prepared for such projects. An individual wetland finding shall be made for all Environmental Assessments (EA) and Environmental Impact Statements (EIS).

Background

The EO states that each Federal agency “to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making the finding, the head of the agency may take into account economic, environmental and other pertinent factors.”

The EO defines “new construction” to include “draining, dredging, channelizing, filling, diking, impounding, and related activities.” This EO essentially required a wetland finding for all federal undertakings which had virtually any impact to a wetland. DOT Order 5660.1A, issued on August 24, 1978 clarified “new construction” by excluding only “routine repairs and maintenance of existing facilities”.

The DOT Order states, “In carrying out any activities (including small scale projects which do not require documentation) with a potential effect of wetlands, operating agencies should consider the following factors ...”. This requires USDOT agencies to consider the effects on wetlands for all projects (including CEs).

New Hampshire considers these effects through the wetland permitting process and monthly meetings with resource agencies (US Army Corps of Engineers (ACOE), US Environmental Protection Agency, US Fish & Wildlife Service, New Hampshire Fish and Game Department & New Hampshire Department of Environmental Services). The New Hampshire Department of Transportation and the FHWA Environmental Program Manager meet monthly with these resource agencies to discuss wetland impacts and practicable avoidance alternatives. If avoidance is not practicable, then practicable measures to minimize harm are considered and included in the project.

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(continued)

The DOT Order requires USDOT agencies to make a formal wetland finding for all projects. The New Hampshire Division will make a formal wetland finding for all EAs and EISs. This formal wetland finding will be made in the Final EA/Finding of No Significant Impact or Final EIS/Record of Decision.

Finding:

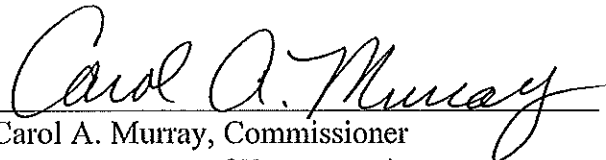
In accordance with Executive Order 11990, and based upon the above procedures for acquiring ACOE permits, the FHWA New Hampshire Division finds for all Federal-aid projects classified as a categorical exclusion with an ACOE permit that:

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

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

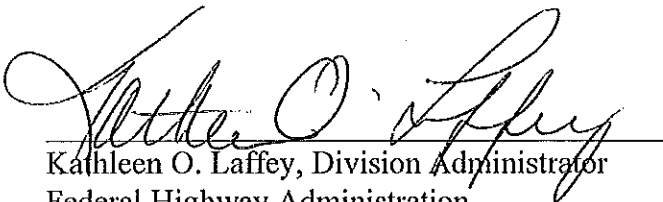
APPROVAL OF PROGRAMMATIC WETLAND FINDING

The undersigned have reviewed this Programmatic Wetland 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

9/26/01
Date



Kathleen O. Laffey, Division Administrator
Federal Highway Administration

9/13/01
Date