



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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Date: **February 15, 2023**

To: **Local Public Agencies (LPA) & Consultant Community (ACEC)**

From: **Bureau of Planning and Community Assistance**
New Hampshire Department of Transportation (NHDOT)

Re: **Notice #2023-01: LPA Manual Update (Environment – Sections 17& 21 & Appendix 10)**

Dear Local Public Agency (LPAs) and ACEC Consultant Community. We are writing to update you on recent changes to the environmental sections of the LPA Manual. By-and-large, the updates reflect recent changes in the forms used during the environmental review process, as well as streamlining efforts the Department has undertaken since the last update to the environmental sections. In addition, many hyperlinks to relevant documents were also broken; those too have been updated.

Section 17 – The Environmental Review and Approval Process – Updates include formatting revisions, corrected hyperlinks, additional on-line resources available, and the inclusion of two additional steps:

- Step 2 – Environmental Field Review
- Step 6 – Environmental Commitments Memo

Section 21 – Environmental Permits and Approvals – Updates include formatting revisions, corrected hyperlinks, additional links to permitting resources and a more detailed discussion of requirements related to the National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer System (MS4) General Permit. Because NHDOT is responsible for self-certifying, and self-monitoring/enforcing the provisions of the EPA MS4 permit within the ROW, LPA sponsors will not need to obtain a separate permit or file a Notice of Intent (NOI) for their work located within the state ROW in the urbanized areas of the state, which are subject to the requirements of the MS4 Permit. Instead, the NHDOT requires that, prior to advertising or construction funding authorization, LPA sponsors will need to provide a technical memorandum to NHDOT that addresses the requirements of the EPA MS4 permit.

Appendix 10 – Resource Review Listing – Updates include formatting revisions, corrected hyperlinks, additional links to relevant environmental resources, as well as the following:

1. Latest version of the *Categorical Exclusion Programmatic Determination Checklist (March 2021)*

2. Corresponding revisions to the guidance on Completing the Categorical Programmatic Determination Checklist
3. Latest version of the *Request for Project Review by the New Hampshire Division of Historical Resources for Transportation Projects (October 2021)*
4. Latest version of the *Section 106 Cultural Resources Effect Memo (Project NOT directly managed by NHDOT) (December 2015)*.
5. Latest *NHDOT Monthly Natural Resource Agency Coordination Meeting Agenda Item Request Form*
6. Template Initial Contact Letter
7. Updated Environmental Contact List (October 2022)

Please refer any questions or concerns to either C.R. Willeke or Bill Watson.

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Environmental Resource Review and Approval Process

All Local Public Agency (LPA) projects involving construction must undergo an environmental analysis (including natural, cultural, and socio-economic resources – collectively referred to as “environmental resources” or “the environment”). These reviews are required by the National Environmental Policy Act of 1969 (NEPA), Endangered Species Act (ESA), Clean Water Act (CWA), and National Historic Preservation Act (NHPA), among others.

Construction is broadly defined, and most infrastructure work will require a detailed review. Infrastructure projects that do not involve construction, such as installing a sign on an existing pole or placing a portable bicycle rack on school grounds, do not require detailed review.

Overview

The NEPA process results in project classification, as determined by FHWA:

- Class I:** Actions that significantly affect the environment require the preparation of an Environmental Impact Statement (EIS)
- Class II:** Actions that do not individually or cumulatively have a significant environmental effect require the preparation of a Categorical Exclusion (CE) or Programmatic CE
- Class III:** Actions in which the significance of the environmental impact is not clearly established require the preparation of an Environmental Assessment (EA) to determine the appropriate environmental document required. This may result in a “Finding of No Significant Impact” (FONSI) or “Record of Decision” (ROD).

A NHDOT evaluation document that guides project sponsors through the environmental review process is known as the “*Categorical Exclusion Programmatic Determination Checklist*” (*the Checklist*). By following *the Checklist*, sponsors will gather required documentation and coordinate with relevant regulatory agencies at the state and federal levels (see Appendix 10).

This manual addresses the process for obtaining CE approval required for most LPA projects. If the information obtained in preparing *the Checklist* indicates a need for further inquiry and documentation, it is recommended that project sponsors contact the NHDOT Bureau of Environment staff for guidance.

After documentation has been gathered for *the Checklist* and submitted to NHDOT, the NHDOT Bureau of Environment conducts a comprehensive and thorough review of the provided documentation.

The Bureau of Environment makes sure that the probable effects of the project on environmental resources were considered during the design of the project. The Bureau of Environment also works with the sponsor to:

- Identify measures to avoid impacts to environmental resources
- Minimize impacts to environmental resources
- Mitigate unavoidable impacts to environmental resources

This review and the resulting documentation ensure compliance with all applicable state and federal environmental laws, rules, and regulations, under the federal NEPA umbrella.

To avoid unnecessary delay, NHDOT strongly recommends that sponsors initiate the review as early as possible during the preliminary engineering phase. Having a clear understanding of the environmental resources in the project area will allow for development of a final design that complies with NEPA. The NEPA requires the selection of the alternative that is the least environmentally-damaging, practicable alternative.

The Checklist-driven process ensures that:

- Impacts are avoided to the maximum extent practicable
- Unavoidable impacts are minimized
- Appropriate mitigation is included in the design

Determining “practicability” includes not only the environmental implications of the project, but also safety, cost, and constructability, among other things.

Environmental Review and Documentation

Typical LPA projects fall under Class II and qualify for what is known as a **Categorical Exclusion (CE), with most being able to be processed programmatically (Programmatic CE) via *the Checklist*. Detailed instructions for completing *the Checklist* are included in Appendix 10.**

Below is a summary of the steps that must be taken to complete the environmental review, ensure compliance with necessary permits/approvals and obtain Categorical Exclusion approval.

Step 1 - Initial Contact Letters/Emails: Send letters or emails to municipal officials as well as to state and federal agencies with jurisdiction over environmental resources listed on the first page of *the Checklist*. Letters should be sent to the following groups, as appropriate:

Chair of the Board of Selectmen or mayor	Fire chief
Chair of the Planning Board	Emergency management director
Town planner	City engineer
Conservation Commission	City manager
Historical society	Town road agent
Police chief	

The letter should include the project name and number, and describe the project limits, needs, and proposed action. The Bureau of Environment has developed a template of questions that will elicit the most appropriate information for design purposes.

Please See Appendix 10 for a list of state and federal contacts, as well as the template initial contact letter.

Step 2 – Environmental Field Review: Conduct a review of the project area with qualified environmental staff to identify any areas subject to environmental regulations (e.g. wetlands, surface waters, invasive plant species, threatened/endangered species, contaminated sites, etc.). Document the location of such resources and include them on project plans, as necessary.

Step 3 - On-line Environmental Resource Review: Web-based systems that are useful in evaluating the environmental effects of a project, and completing *the Checklist* include:

- NH Natural Heritage Bureau (NHB) DataCheck Tool (<https://www4.des.state.nh.us/NHB-DataCheck/>).
- US Fish & Wildlife Service 'Information for Planning and Conservation' (IPaC) tool (<http://ecos.fws.gov/ipac/>).
- NH Fish & Game Department, as necessary, should there be concerns identified through either the IPaC tool, or NHB review (<https://wildlife.state.nh.us/wildlife/environmental-review.html>).
- NH Office of Strategic Initiatives Floodplain Management Program, for a project that encroaches on a regulatory floodway; creates new obstructions in the 100 year floodplain; or alters any drainage patterns (<https://www.nh.gov/osi/planning/programs/fmp/index.htm>).
- NHDES Wetlands Permit Planning Tool (<https://nhdeswppt.unh.edu/Html5Viewer/index.html?viewer=WPPT.gvh>)
- NHDES OneStop Data Mapper (<https://www4.des.state.nh.us/onestopdatamapper/onestopmapper.aspx>)

Step 4 - Resource Agency Meetings: State and federal agencies can, and will at times, need to supplement written correspondence in determining the extent of environmental impacts and identify needed permits and approvals. Regularly scheduled meetings to gain this input include:

Cultural Resource Agency Coordination Meeting: These meetings aid project sponsors in determining historical and/or archeological involvement near the project location (Area of Potential Effect [APE]). Participants include the State Historic Preservation Office (SHPO), US Army Corps of Engineers (ACOE), and FHWA. Meetings are held at NHDOT on the second Thursday of each month. Remote participation is also available. Sponsors and/or consultants need to prepare a Request for Projects Review (RPR) form and submit it to the Bureau of Environment Cultural Resources Program two (2) weeks prior to the scheduled meeting to (see Appendix 10 for a sample "Cultural Resources Effect Memo" and the RPR form). Submit one (1) digital copy via E-mail, and one (1) hard copy.

Natural Resource Agency Coordination Meeting: These meetings provide environmental regulatory agencies an opportunity to review proposed designs, design alternatives, and potential impacts throughout design. Mitigation opportunities are reviewed as needed.

Attendance at these meetings is not mandatory for every project but encouraged as needed. Presenting the project in advance of applying for any necessary permits/approvals generally streamlines the permitting process by giving the sponsor a better understanding of potential issues before design is complete and permits are applied for, which can save time and money in redesign efforts. Agencies include FHWA, US Environmental Protection Agency (EPA), US Fish and Wildlife Service, ACOE, NH Fish and Game Department, NHHNB, and NHDES (see Appendix 10 for an *Agenda Item Request Form*). Meetings are held at NHDOT on the third Wednesday of each month. Remote participation is also available.

Step 5 – Completing the Checklist: Following the steps outlined above will give the sponsor the information and documents needed to complete *the Checklist*. If all the checkboxes under “NO” are marked, the project qualifies for processing as a Programmatic CE. A “YES” mark will require the preparation of an Individual Categorical Exclusion document.

The Checklist is reviewed by the Bureau of Environment and, when determined to be complete, is classified as a Class II action, Programmatic CE. An Environmental Commitments memo (*Commitments Memo*) is prepared and is provided to the NHDOT Project Manager. The *Commitments Memo* then becomes part of the Plans, Specifications and Estimate (PS&E) document.

When required, individual CEs are reviewed by the Bureau of Environment for thoroughness and then forwarded to FHWA for classification. Upon acceptance by FHWA, FHWA will provide the Bureau of Environment with a concurrence letter (concurring with the classification). The Bureau of Environment subsequently prepares the *Commitments Memo* as outlined above.

The sponsor is encouraged to contact the Bureau of Environment Project Management Section Chief at 603-271-3226 for guidance on the development of an Individual CE when a YES box is checked.

Step 6 – Environmental Commitments Memo: Upon approval of *the Checklist* by the Bureau of Environment, the Bureau of Environment Administrator will generate the *Commitments Memo*, which summarizes the results of the environmental review process, and outlines environmental requirements (commitments) still necessary to complete during subsequent phases of the project development process (final design and construction). The approval of *the Checklist* is contingent upon successful implementation of these commitments. It is incumbent upon the sponsor to ensure that final design, and construction incorporate the commitments outlined in the memo into the project design and plans.

Generation of the *Commitments Memo*, which is transmitted to the NHDOT project manager, signifies successful completion of the evaluation and documentation process.

For more information on the environmental resource review process, please contact the Bureau of Environment as outlined below:

Project Management Section Chief
Bureau of Environment
John O. Morton Building – Room 160
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Phone: (603) 271-3226

Fax: (603) 271-7199

<https://www.nh.gov/dot/org/projectdevelopment/environment/index.htm>

Environmental Permits and Approvals

The project sponsor is responsible for obtaining all necessary permits and approvals for the work as defined in the plans or contract proposal prior to advertising the project for construction. All required permits must be obtained or NHDOT will not give approvals to advertise or authorize funding for construction.

The permits and approvals must be coordinated with the appropriate agency. Typically, the preliminary and/or final design of a project is progressed to a point where impacts can be confidently quantified. The sponsor then submits the appropriate applications for the project.

The sponsor should allow adequate time in the schedule to obtain the permits and approvals (see Section 7). Typically, it can be a few months from the time a permit application is submitted to the sponsor's receipt of the permit.

NHDOT provides monthly review meetings with state and federal agencies responsible for environmental resources to give project sponsors an opportunity to review their proposed projects with the permitting agencies prior to formal submittal of the applications (see Section 17). NHDOT strongly urges sponsors to use the monthly meetings as they proceed with the design of their projects to avoid any unacceptable impacts and substantial re-design late in the project development process. NHDOT also suggests that the sponsor be prepared to present enough detail at the meeting to promote the discussion of potential impacts. The sponsor can contact the NHDOT Bureau of Environment as identified in Appendix 10 to schedule a review time at either monthly meeting.

Generally, permits and approvals that can be required include, but are not limited to:

- Wetlands Permit from the NH Department of Environmental Services, Wetlands Bureau (NHDES) (<https://www.des.nh.gov/water/wetlands/permit-assistance>).
- Alteration of Terrain Permit from NHDES, Alteration of Terrain Bureau (<https://www.des.nh.gov/land/land-development>).
- Individual Section 404 Permit from the ACOE if proposed impacts exceed those allowed under the NH General Permit (<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>).

It is also important to note that most LPA projects will qualify for a NH General Permit (<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit/>).

- Section 401 Water Quality Certificate when an Individual Section 404 Permit is needed from the US Army Corps of Engineers (ACOE) (<https://www.des.nh.gov/water/rivers-and-lakes/water-quality-certification>).
- NHDES Shoreland Water Quality Protection Act Permit (<https://www.des.nh.gov/land/waterfront-development>).
- Coastal Zone Consistency finding (see Appendix 10)

- National Oceanic and Atmospheric Administration (NOAA) Essential Fish Habitat Assessment (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-assessment-consultations>).

It will be the project contractor's responsibility to secure permits, variances, or modifications to the permits secured by the sponsor for additional work not shown on the plans or work necessary for the contractor's method of construction. The bid documents shall notify the potential bidders that they are required to observe and fully comply with all federal and state laws that affect the conduct of the work or individuals working on the project.

EPA National Pollutant Discharge Elimination System General Permits

Construction General Permit (CGP)

Operators of construction sites where one or more acres of land are disturbed must prepare and submit a Notice of Intent (NOI) to obtain coverage under the EPA's National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) (<https://www.epa.gov/npdes/2022-construction-general-permit-cgp>).

Small Municipal Separate Storm Sewer System (MS4) Permit

Because NHDOT is responsible for self-certifying, and self-monitoring/enforcing the provisions of the EPA MS4 permit within the ROW, and our related [Stormwater Management Plan \(EPA NPDES #NHR043000\)](#), LPA sponsors will **not** need to obtain a separate permit or file a Notice of Intent (NOI) for their work located within the state ROW in the urbanized areas of the state, which are subject to the requirements of the MS4 Permit (<https://www.epa.gov/npdes-permits/new-hampshire-small-ms4-general-permit>). Instead, the NHDOT requires that, prior advertising or construction funding authorization, LPA sponsors will need to provide a technical memorandum to NHDOT, for Bureau of Environment Water quality Program review, that addresses the requirements of the EPA MS4 permit. This technical memorandum shall, at a minimum, include the following pursuant to Part 2.3.6 of the MS4 permit:

- Project area,
- Existing pavement surface area,
- Proposed pavement area,
- Pavement analysis, and descriptions of proposed structural treatments,
- A plan of the proposed structural stormwater treatments, including necessary ROW or easements,
- A statement on responsible parties for operation and maintenance of the proposed structural treatments as described in Part 2.3. of the MS4 permit,
- A copy of the [US Fish and Wildlife Service](#) and/or [National Marine Fisheries Service](#) correspondence, including a current [IPaC](#) search and concurrence to listed species,
- A copy of any [National Historic Preservation Act](#) correspondence, including an effects memo and Memorandum of Agreement, as necessary, and

- A signed statement of compliance that the third-party project complies with the MS4 permit requirements in accordance with Appendix B of the MS4 permit.

NHDES provides additional permitting resources at <https://www.des.nh.gov/node/3446>.

For more information on environmental permits and approvals, please contact the Bureau of Environment as outlined below:

Project Management Section Chief
Bureau of Environment
John O. Morton Building – Room 160
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Phone: (603) 271-3226

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<https://www.nh.gov/dot/org/projectdevelopment/environment/index.htm>

Appendix 10

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2. Categorical Exclusion Programmatic Determination Checklist
3. Request for Project Review by the NH Division of Historical Resources for Transportation Projects
4. Section 106 Cultural Resources Effect Memo (Project NOT directly managed by NHDOT)
5. Natural Resource Agency Coordination Meeting Agenda Item Request Form (AIR Form)
6. Template Initial Contact Letter
7. Environmental Contact List

Guidance on Completing the Categorical Exclusion Programmatic Determination Checklist (*The Checklist*)

The FHWA has authorized NHDOT to make NEPA determinations on its behalf when a proposed action qualifies for a Categorical Exclusion as specifically listed in [23 CFR 771.117](#), provided there are no unusual circumstances that would require the preparation of either an Environmental Assessment (Class III) or an Environmental Impact Statement (Class I). To document the environmental impact of these projects, the Bureau of Environment developed a streamlined evaluation form: [Categorical Exclusion Programmatic Determination Checklist \(*the Checklist*\)](#). *The Checklist* is divided into eleven (11) general sections as follows:

- General Project Information
- Programmatic Categorical Exclusion (CE) Criteria
- Detailed Discussion of Programmatic CE Criteria
- Summary of Public Involvement
- List of Exhibits
- NEPA Re-Evaluation
- Environmental Commitments
- Classification Determination
- Activities that Qualify for Programmatic Categorical Exclusion
- Follow-Up Actions for Programmatic Categorical Exclusions for Projects Requiring a Public Hearing
- Post-Hearing Classification Determination

For more information on Programmatic CEs for NHDOT projects, please review 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](#).

General Project Information

Action/Project Name: The municipality where the project is located.

State Project Number: The unique 5-digit number assigned by NHDOT.

Federal Project Number: The unique number assigned by NHDOT used for FHWA tracking. It usually starts with "X-A00."

CE Action Number: This number (from page 6 of *the Checklist*) identifies which regulation allows the project to be classified as a Programmatic CE (<https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.117>).

Description of Project: This section describes the proposed action. The description should include the location, beginning and end points, and design aspects. It also summarizes the scope of the action at the time the determination is made. Attach a project location map to *the Checklist*. If available, attach the engineering study as well.

Programmatic Categorical Exclusion (CE) Criteria

The sponsor should gather supporting documentation, as appropriate, to address the questions in this section. Respond to each question by checking either the **YES** or **NO** boxes. Although checking a single **YES** box will disqualify the action for processing programmatically as a CE, the sponsor must respond to 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* and detailed in the List of Exhibits section.

Detailed Discussion of Programmatic CE Criteria

This section provides a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion and corresponds to the questions in the previous section.

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 use of *the Checklist*, projects involving right-of-way must meet a two-part test. First, the action must not require the acquisition of residences or businesses. 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) resource, or Section 6(f) resource impact determination required for Programmatic CE approval.

NOTE: As appropriate, an analysis of the effects of property acquisition should be completed and attached to *the Checklist*. In addition, a copy of the Right-of-Way Certificate should also be attached, if available at the time of completing *the checklist*.

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

If the proposed action includes capacity expansion, specifically through the construction of through lanes, the project is disqualified from using *the Checklist*.

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?

If the proposed action includes major traffic disrupting components, the project is disqualified from using *the Checklist*. The terms “major traffic disruptions,” and “wide-reaching ramifications,” are undefined, and are subject to the interpretation of NHDOT. Temporary lane closures, and detours do not typically meet the traffic “test” for disqualification. Questions should be directed to the NHDOT Project Manager.

- 4. Cultural Resources** – Does the proposed action use CE Action Number 26, 27, or 28 AND have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

Section 106 of the 1966 National Historic Preservation Act (NHPA) and the implementing regulations ([36 CFR 800](#)) of the Advisory Council on Historic Preservation (ACHP) require federal agencies to take into account the effects of federally funded or authorized undertakings on properties eligible for or listed in the National Register of Historic Places (NRHP). This process is initiated by filling out a Request for Project Review (RPR) form and submitting it to the NHDOT Cultural Resources Program Manager. The RPR form is available at: <https://www.nh.gov/nhdhr/review/rpr.htm>, and is included in Appendix 10. The FHWA, in coordination with the SHPO, must make a “Determination of Effect” on all transportation projects that use federal funds or require federal licenses, permits, or approvals. A determination of “No Historic Properties Affected,” or “No Adverse Effect,” qualifies the action for Programmatic CE approval. In addition, a determination of “Adverse Effect,” is allowable under *the Checklist*, provided the proposed action is documented without using CE Action Numbers 26, 27, or 28.

See Appendix 10 for a template “municipal effects memorandum.” Contact the SHPO to determine the proper response to the cultural resources question. In addition, the Bureau of Environment’s monthly Cultural Resource Agency Coordination Meetings can be utilized for help in assessing impacts to cultural resources (see Section 17 of the LPA Manual).

- 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? (<https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>)

This section of the law does not allow, “*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.*”

“Use” is defined as a permanent easement, fee acquisition, or “constructive use” of a property. “Constructive use” occurs when the proximity impacts of the action on the property, without acquisition of land, are so great that the purposes for which the Section 4(f) property exists are substantially diminished.

Any use of Section 4(f) property will disqualify the action from using *the Checklist*, unless a *de minimis* impact finding has been made by FHWA, or a programmatic Section 4(f) evaluation is applicable (except

the programmatic evaluation for use of an historic bridge). A finding of *de minimis* impact on a Section 4(f) property is applicable 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 Section 4(f) applies to an action. For more information on Section 4(f) and whether it applies to a proposed action, the project sponsor should contact the NHDOT Bureau of Environment Project Management Section Chief, or FHWA.

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

The Land and Water Conservation Fund Act (LWCFA) of 1965 provides for the preservation and development of quality outdoor recreation resources. Section 6(f) states that no property acquired under the act shall be converted to non-recreational uses without the approval of the Secretary of Interior. Such conversion precludes Programmatic CE approval, and use of *the Checklist*. New Hampshire administers the state's Section 6(f) lands through the NH Department of Natural and Cultural Resources (DNCR), Division of Parks and Recreation.

If the proposed action does not include permanent or temporary project-related property impacts outside the limits of the existing right-of-way and/or existing easements, no coordination nor communication with DNCR relative to LWCF shall be required for the project. In such instances, the environmental document shall include an environmental commitment stating that the project does not include any temporary or permanent impacts outside the limits of the existing right-of-way and/or easements, and that if the contractor's method of construction would require such impacts, **including construction staging**, he/she shall coordinate with DNCR to determine if there would be impacts to LWCF properties and if so, comply with any requirements stipulated thereby (see the Environmental Commitments section below).

If, at any time during design, it is determined that proposed work would involve permanent or temporary impacts outside of limits of the existing right-of-way and/or any existing easements, the sponsor shall coordinate with DNCR relative to LWCF to determine if there would be any permanent or temporary impacts to LWCF properties. If impacts are anticipated, the requirements outlined in [36 CFR Part 59](#) shall be followed, and *the Checklist* cannot be used. In addition, the commitments in the environmental document shall be developed or modified accordingly.

As applicable, contract documents shall stipulate that the method of construction, including construction staging, shall not occur on any public properties, or disrupt access to any public properties, without first coordinating with DNCR to ensure compliance with LWCF.

- 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 (NHDES) Wetlands Bureau (NHWB), and the Army Corps of Engineers (ACOE), in accordance with RSA 482-A and Section 404 of the Clean Water Act. To qualify for use of *the Checklist*, the action must not require an Individual permit from the ACOE. If the action meets the criteria for the ACOE's General Permits for New Hampshire (GPs), or is not in the ACOE's jurisdiction, it may qualify for Programmatic CE approval and use of *the Checklist*

(<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit/>).

Permitting under Section 10 of the Rivers and Harbors Act is also administered by the ACOE and is applicable when a proposed action includes the construction of any structure in or over any navigable water of the United States, the excavation/dredging or deposition of material in these waters, or any obstruction or alteration in a "navigable water." Structures or work outside the limits defined for navigable waters of the U.S. require a Section 10 permit if the structure or work affects the course, location, condition, or capacity of the water body. Authorization under Section 10 is typically included in the permit issued by ACOE for dredge and fill, when applicable.

Contact the NHDES Wetlands Bureau to determine the potential for impacts to jurisdictional areas. 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 (see Section 21 of the LPA Manual).

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

A US Coast Guard bridge permit is required for a project when constructing or modifying a bridge or causeway across a navigable waterway of the United States.

(https://www.dco.uscg.mil/Portals/9/COAST%20GUARD%20BRIDGE%20PERMITTING_Sep2019.pdf).

Bridge Owners are not required to consult the Coast Guard regarding the following:

1. Repairs to a bridge that do not alter the clearances, type of structure, or any integral part of the substructure or superstructures or navigation conditions, but which consist only in the replacement of worn or obsolete parts.

If there is doubt as to whether this provision applies, the bridge owner should consult with the Coast Guard ([33 CFR 115.40](https://www.ecfr.gov/current/title-33/chapter-I/subchapter-B/part-115/subpart-115.40)). Repairs which permanently alter the horizontal or vertical cle

arrance of the bridge do not qualify for this provision. Note: the Coast Guard should be notified 90 days in advance if the work will inhibit the navigation of vessels through the bridge.

2. Bridges to be constructed across reaches of waterways not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats in accordance with [33 CFR 115.70\(a\)](#).

Bridge owners with doubt as to whether this provision applies should contact the First Coast Guard District Bridge Program. The term “small motorboats” means rowboats, canoes and other similar craft with outboard motors. It does not include sailing or cabin cruiser craft ([33 CFR 115.70](#)). Note: the Coast Guard should be notified 90 days in advance if the work will inhibit the navigation of vessels through the bridge.

The need for a US Coast Guard bridge permit for a proposed action disqualifies the project from using *the Checklist*

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 project sponsor should determine if an action is located in a regulatory floodway or floodplain by reviewing the National Flood Insurance Program (NFIP) maps (Flood Insurance Rate Maps [FIRM], Flood Boundary & Floodway Map, or Flood Hazard Boundary Map, as available). If so, hydraulic analyses may be necessary to determine if flood levels will rise or fall as a result of the proposed action. The required level of analysis should be determined through consultation with the engineering staff and confirmed by the [NH Office of Strategic Initiatives Floodplain Management Program](#). If the analysis concludes that there will be no more than a nominal rise in the flood elevation (so as to be ignored) *the Checklist* may be used. Similarly, if the sponsor, in consultation with NHDOT and FHWA, as necessary, can assert that floodplain values will not be significantly diminished, and that there will be no significant risk to human life or property by the proposed action, *the Checklist* may be used.

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

Projects can affect both surface and groundwater quality. Impacts can be temporary (construction phase) and/or longer-term and can vary in magnitude. Typically, temporary effects of small projects of short duration can be minimized with proper erosion and sedimentation controls and stormwater management measures. These impacts should not result in substantial impairment to water quality. Such actions will normally qualify for use of *the Checklist*.

All projects must be designed to ensure that water quality will not be diminished as a result of the proposed action. There are several programs and permits that must be evaluated in making this determination (see Section 21 of the LPA Manual). If/when the proposed action is determined to be in compliance with all applicable water quality permit/permit actions, *the Checklist* may be used.

NHDES Shoreland Water Quality Protection Act (RSA 483-B) (<https://www.des.nh.gov/land/waterfront-development>)

NHDES Alteration of Terrain – Water Pollution and Waste Disposal (RSA 485-A:17)

(<https://www.des.nh.gov/land/land-development>). Consult the Department of Environmental Services (NHDES), and/or visit the link provided, to determine if your project will require an AOT permit (<https://www.des.nh.gov/land/land-development>).

EPA Construction General Permit (CGP) (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-permit.pdf>)

EPA Small Municipal Separate Storm Sewer System (MS4) Permit (*Applicable to certain projects with one (1) acre or more of land disturbance within designated [MS4 Communities](#).*)

The project sponsor should consult with NHDES, as necessary, to determine if sensitive water resources are present, and to determine the magnitude of potential impacts.

11. Wild and Scenic Rivers – Does the proposed action use CE Action Number 26, 27, or 28 AND require any work below the ordinary high water mark of a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers, or below the ordinary high water mark of a tributary to such river?

The National Wild and Scenic Rivers System was created by Congress in 1968 ([Public Law 90-542; 16 U.S.C. 1271 et seq.](#)) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. In NH, there are three (3) river segments designated as a component of the National System of Wild and Scenic Rivers: Lamprey River, Nashua, Squannacook, and Nissitissit Rivers, and Wildcat River.

If the sponsor determines that, through consultation with NHDOT, the proposed action **does not** use CE Action Number 26, 27, or 28, and there will be no work below the ordinary high water of the named rivers above, or an immediate tributary to them, *the Checklist* may be used.

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

Federal regulations ([23 CFR 772](#)) and the [NHDOT Noise Policy](#) require the consideration of abatement measures where a Type I project increases traffic noise. This includes construction in a new location or changes to an existing highway that substantially alter either the horizontal or vertical alignment or increases the number of lanes. The project sponsor should review the definition of a Type I project in the Federal regulations and the NHDOT Noise Policy. Questions should be directed to the Bureau of Environment Project Management Section Chief. Any project meeting the definition of a Type I project does not qualify for use of *the Checklist*.

13. Endangered Species – Does the proposed action result in a finding of “*may affect, likely to adversely affect*” threatened or endangered species or critical habitat under the Endangered Species Act, and

Is not included in an approved Biological Opinion for a FHWA Programmatic Agreement, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

Section 7 of the Endangered Species Act (ESA) requires consultation to ensure that actions funded or carried out by federal agencies will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats. The sponsor should determine if an action may affect a federally listed species or designated critical habitat.

The sponsor should first determine the action area of the proposed project, 'all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action' ([50 CFR 402.02](#)). Use the US Fish and Wildlife Service's (USFWS) digital project planning tool, Information for Planning and Consultation (IPaC) [IPaC: Home \(fws.gov\)](#), and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Section 7 : Species/Critical Habitat Information & Maps in the Greater Atlantic Region [Section 7: Species/Critical Habitat Information & Maps in the Greater Atlantic Region | NOAA Fisheries](#) to generate lists of federally listed species and critical habitats that may be present in the action area (see Section 17). If the IPaC Official Species List includes the Northern Long-eared Bat (NLEB) and the project is eligible for the FHWA/FRA/FTA Section 7 Range-wide Consultation for Indiana Bat and Northern Long-eared Bat (FHWA Consultation for NLEB), complete the FHWA NLEB Consultation and Determination Key through IPaC. If your species lists include threatened or endangered species other than the NLEB, or does not qualify for the FHWA Consultation for NLEB, determine if your project area includes suitable habitat for the species and, if there is suitable habitat, consider if the project may affect the suitable habitat. If the project may affect a listed species, Section 7 consultation is required. Coordinate with NHDOT to complete consultation.

The NH Natural Heritage Bureau (NHB) keeps records of known locations of rare species and natural communities. The sponsor should utilize the NHB DataCheck Tool (<https://www4.des.state.nh.us/NHB-DataCheck/>) to determine if there is a known record of rare wildlife, plants or natural communities near the project area (see Section 17). The NH Native Plant Protection Act ([RSA 217-A](#)) prohibits state agencies, to the extent possible, from taking actions that jeopardize the continued existence of any protected plant species or exemplary natural community. If the DataCheck Tool indicates the presence of rare plant species or natural communities, the sponsor should coordinate with NHB, at (603) 271-2834, or send an e-mail to nhbreview@dncr.nh.gov. The NH Endangered Species Conservation Act ([RSA 212-A](#)) prohibits the taking of NH listed threatened and endangered wildlife species. NH Fish and Game Department rules ([Fis 1002-1005](#)) apply to consultation requests for NH Fish and Game review of threatened and endangered wildlife species. All requests for formal consultation and submittals should be sent via email to NHFGreview@wildlife.nh.gov or can be sent by mail and must include the NHB Datacheck results letter number in the subject line. If the DataCheck Tool indicates the presence of protected wildlife species and a formal consultation is not required, email: Kim Tuttle kim.tuttle@wildlife.nh.gov and copy to NHFGreview@wildlife.nh.gov. Include the NHB Datacheck results letter number and "informal review request" in the email subject line.

The Bald and Golden Eagle Protection Act ([16 U.S.C. 668-668d](#)) prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. If the NHB Datacheck, field review, or other sources of information

ind [Northeast Bald Eagle Project Screening Form | FWS.gov](#), adopt indicated avoidance measures and coordinate with the NH Fish and Game Department (Kim Tuttle @ kim.tuttle@wildlife.nh.gov, and copy to NHFGreview@wildlife.nh.gov).

The Magnuson-Stevens Fishery Conservation and Management Act requires consultation with National Oceanic and Atmospheric Administration (NOAA) Fisheries when work will adversely affect Essential Fish Habitat (EFH). The sponsor should determine if an action may affect EFH. Review the NOAA EFH Mapper [Essential Fish Habitat Mapper | NOAA Fisheries](#). If the project may affect EFH, coordinate with NHDOT to complete consultation.

If these reviews result in a finding of “*may affect, likely to adversely affect*” threatened or endangered species or critical habitat under the Endangered Species Act and is not included in an approved Biological Opinion for a FHWA Programmatic Agreement or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act *the Checklist* may not be used.

14. Air Quality – Is the proposed action 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? Does the proposed action cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS)?

The [Clean Air Act of 1970](#) (CAA), the [Clean Air Act Amendments of 1990](#) (CAAA) and NEPA require that each federal action be evaluated for potential impacts to air quality. As such, the sponsor should review all projects for air quality impacts. The air quality review should follow the steps below:

1. CAAA Conformity: Review the most recent major Statewide Transportation Improvement Program (STIP) amendment which is available on the Department’s website <https://www.nh.gov/dot/org/projectdevelopment/planning/stip/>.
 - a. Review the project scope to ensure it is accurately represented in the STIP. If not, a STIP amendment may be required. Contact the Bureau of Planning and Community Assistance for additional guidance.
 - b. Is the project listed as “regionally significant”? If yes, an air quality analysis may be required. Coordination with the Department’s Bureau of Planning and Community Assistance, Bureau of Environment, and/or the Regional Planning Commission should be initiated to ensure CAAA conformity.
 - c. Is the CAA Code listed as “not exempt” (N/E)? If yes, an air quality analysis may be required. Coordination with the Department’s Bureau of Planning and Community Assistance, Bureau of Environment, and/or the Regional Planning Commission should be initiated to ensure CAAA conformity.
 - d. Is the project inconsistent with those types of projects listed in Table 2 of [40 CFR § 93.126](#) which are exempt from the requirement to determine conformity? If yes, an air quality analysis may be required. Coordination with the Department’s Bureau of Planning and Community Assistance, Bureau of Environment, and/or the Regional Planning Commission should be initiated to ensure CAAA conformity.
2. NEPA: Review the project for potential adverse air quality impacts.

- a. Will the project require the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS)? If yes, a quantitative air quality assessment of the 3 worst intersections will be necessary for both NEPA purposes as well as to demonstrate CAAA conformity.
- b. Will the project result in decreases in the level of service (LOS) below a LOS C on any public roadway within or adjacent to the project area? If yes, an air quality analysis may be required. Coordination with the Department's Air Quality and Noise Program Manager should be initiated to identify if additional qualitative or quantitative air quality impact assessment will be necessary to determine if the project will result in adverse air quality impacts.

If, after completion of the above steps, air quality impacts are identified, an assessment of potential mitigation measures must be evaluated. Any mitigation measure(s) that are found to be both feasible and reasonable must be incorporated into the design of the project and included as an environmental commitment. In addition, if the proposed action is found to cause or contribute to violations of the NAAQS *the Checklist* may not be used.

15. CZMA – Is the proposed action 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.

On February 25, 2019 the National Oceanic and Atmospheric Administration Office for Coastal Management (NOAA-OCM) approved a change to the federally-approved New Hampshire Coastal Program (NHCP) and concurred that the change constitutes a routine program change (RPC). As described in the NHCP's public notice dated November 30, 2018, the RPC involves modification of the NHCP's list of federal assistance programs subject to CZMA federal consistency review, pursuant to [15 C.F.R. Part 930, Subpart F](#) (Consistency for Federal Assistance to State and Local Governments). Specifically, the RPC pertains to the Federal Department of Transportation's Highway Planning and Construction (HPC) Program (Catalog of Federal Domestic Assistance #20.205).

The NHCP's list of federal assistance programs subject to CZMA federal consistency review now specifies that activities funded, wholly or in part, by the HPC Program are excluded from CZMA federal consistency review by the NHCP except for the following (applicable CE action Numbers in parentheses):

- Highway construction or reconstruction (#26 for reconstruction),
- Bridge construction, reconstruction, replacement, or rehabilitation (#28),
- Construction of truck weigh stations or rest areas (#33),
- Construction of bus storage or maintenance facilities (#35),
- Work that alters the hydrology of freshwater perennial streams, tidal waters or tidal wetlands,
- Work in tidal waters or tidal wetlands to mitigate the impacts of an existing transportation facility (#25).

For all but the six (6) project types identified above, consistency has been programmatically determined, meaning you can check **NO** on *the Checklist*. For the six (6) project types above, an individual consistency determination must be made through the NH Intergovernmental Review Process. The project sponsor should contact the NHDES Coastal Program for additional guidance. If the results of the Intergovernmental Review Process indicates that the proposed action is inconsistent with the CZMA, *the Checklist* may not be used.

16. Other – Are there any unusual circumstances that would require additional environmental studies to determine if the action would qualify for processing programmatically (e.g. substantial environmental controversy, inconsistency with other environmental requirements, or significant sources of contamination)?

Other issues can disqualify projects from Programmatic CE approval (and use of *the Checklist*). Such issues may include substantial public opposition or controversy, excessive hazardous or contaminated materials involvement, incompatibility with scenic roads, etc.

If the proposed action includes work outside the limits of existing right-of-way, or proposes to limit access to abutting properties, the sponsor will need to determine if additional special conservation lands exist in the project area and if they would be impacted by the proposed action. In these cases, the sponsor should contact the Stewardship Specialist at the NH Conservation Land Stewardship (CLS) Program (<https://www.clsp.nh.gov>) and the Land and Community Heritage Investment Program (LCHIP) (https://www.landscape.org/new-hampshire/programs/NH_Land_Community_Heritage/).

However, if the proposed action does not include permanent project-related property impacts outside the limits of the existing right-of-way and/or existing easements, no coordination nor communication with the CLS Program, nor LCHIP shall be required for the project. In such instances, the environmental document shall include an environmental commitment stating that the project does not include any permanent impacts outside the limits of the existing right-of-way and/or easements, and that if the contractor's method of construction would require such impacts, he/she shall coordinate with the CLS Program and LCHIP to determine if there would be impacts to CLS Program properties, or LCHIP properties, and if so, comply with any requirements stipulated thereby.

If impacts are anticipated to CLS Program properties, the requirements outlined in [RSA 162-C](#) shall be followed. In addition, the commitments in the environmental document shall be developed or modified accordingly.

If impacts are anticipated to LCHIP properties, the requirements outlined in [RSA 227-M:13](#) shall be followed. In addition, the commitments in the environmental document shall be developed or modified accordingly.

Impacts to CLS Program properties, or LCHIP properties *may* disqualify the project from using *the Checklist*. Coordinate with the NHDOT Bureau of Environment for a determination.

With the assistance of NHDOT, the sponsor should determine if these or other issues exist, and whether use of *the Checklist* is applicable. Supporting documentation should be attached to *the Checklist*, as appropriate.

Summary of Public Involvement

Public involvement is required as a component of the NEPA process, the level of which depends on the complexity of the project. For general information on public involvement, project sponsors may review and use the [NHDOT NEPA Public Involvement Manual](#).

In this section, indicate if initial contact letters were sent, and what, if any, meetings were held for the proposed action. Discuss the opportunities for public input in the project, as well as any relevant changes that were made to the project resulting from public input.

List of Exhibits

During the environmental resource review process, as well as when preparing *the Checklist*, sponsors will collect documentation supporting the Programmatic CE determination (maps, plans, letters, figures, tables, permits, etc.). These documents should be attached to *the Checklist* and listed in this section.

NEPA Re-Evaluation

Occasionally, after a sponsor has submitted and received NHDOT approval of *the Checklist*, changes to the design of the project occur as a result of final design, etc. In these instances, the sponsor should re-evaluate the original determination by updating *the Checklist* and resubmitting it for approval.

Oftentimes, these revisions are so minor as not to require a written re-evaluation as they do not affect the prior decisions regarding environmental impacts. However, if they do, the sponsor should update *the Checklist* and mark the box indicating that *the Checklist* is a re-evaluation, and that the original classification (Programmatic CE) remains valid.

If the post-NEPA revisions are of such a magnitude to call into question as to whether the original Programmatic CE classification remains valid, the sponsor should contact the NHDOT Bureau of Environment for guidance.

Environmental Commitments

During the NEPA process, commitments are often made to avoid, minimize, or mitigate project impacts. Commitments result from public input, or through the requirements of, or agreements with, resource agencies during the environmental review process. 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 must be recorded in this section of *the Checklist*, for future reference. The NEPA approval is contingent upon successful implementation of each environmental commitment.

Classification Determination

Upon completion of the environmental review and documentation process, the sponsor indicates on *the Checklist* a recommendation of whether the action qualifies for a Programmatic CE (and use of *the Checklist*), by marking the appropriate checkbox and signing on the provided signature line. *The Checklist* should then be forwarded to the NHDOT Project Manager for review. If it is determined that the project does **NOT** qualify as a Programmatic CE, the sponsor will be notified and the project will then need to be addressed as an Individual CE, or other appropriate environmental classification.

*Note that some NHDOT Project Managers allow direct coordination with the Bureau of Environment. Please discuss this with your NHDOT Project Manager. See Section 17 of the LPA Manual for more information about project that do not qualify for processing as Programmatic CEs (and use of *the Checklist*).*

Activities That Qualify for Programmatic Categorical Exclusion

This section lists the available CE Action Numbers for a sponsor to choose from when determining whether the project type qualifies for a Programmatic CE (and use of *the Checklist*).



If your project qualifies for a Programmatic CE (*the Checklist*) and DOES NOT require a Public Hearing, this concludes the environmental documentation process for the project. If a Public Hearing is required, the sponsor will need to complete the next two (2) sections of *the Checklist*.

Follow-Up Actions for Programmatic Categorical Exclusions for Projects

Requiring a Public Hearing

If the project requires a public hearing, any decisions made because of the hearing should be reviewed to determine if the project would change in such a way as to disqualify it from a Programmatic CE (and use of *the Checklist*). Post-hearing reviews are documented in this section.

Post-Hearing Classification Determination

Following the public hearing, the sponsor indicates on *the Checklist* a recommendation of whether the action continues to qualify for a Programmatic CE (and use of *the Checklist*), by marking the appropriate checkbox and signing on the provided signature line. *The Checklist* should then be forwarded to the NHDOT Project Manager for review. If it is determined that the project no longer qualifies as a Programmatic CE, the sponsor will be notified and the project will then need to be addressed as an Individual CE, or other appropriate environmental classification.

CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: Project Name
Federal Project Number: Federal Project Number

State Project Number: #####
CE Action Number: ##

Description of Project:
Project description

PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA

	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 use CE Action Number 26, 27, or 28 <u>AND</u> 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)</u> – Does the proposed action require the acquisition or conversion of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965?	<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 use CE Action Number 26, 27, or 28 <u>AND</u> require any work below the ordinary high water mark of a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers, or below the ordinary high water mark of a tributary to such river?	<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> – Does the proposed action result in a finding of “ <i>may affect, likely to adversely affect</i> ” threatened or endangered species or critical habitat under the Endangered Species Act, and is not included in an approved Biological Opinion for a FHWA Programmatic Agreement, 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 proposed action 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? Does the proposed action cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS)?	<input type="checkbox"/>	<input type="checkbox"/>
15 <u>CZMA</u> – Is the proposed action inconsistent with the State’s Coastal Zone Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
16 <u>Other</u> – Are there any unusual circumstances that would require additional environmental studies to determine if the action would qualify for processing programmatically (e.g. substantial environmental controversy, inconsistency with other environmental requirements, or significant sources of contamination)?	<input type="checkbox"/>	<input type="checkbox"/>

- ❖ If the answer to all of these questions is **NO**, the proposed action **qualifies for classification as a Programmatic Categorical Exclusion**.
- ❖ If the answer to any of these questions is **YES**, the proposed action **does not qualify for classification as a Programmatic Categorical Exclusion**.

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?

[Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

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?

[Click or tap here to enter text.](#)

4. **Cultural Resources** – Does the proposed action use CE Action Number 26, 27, or 28 **AND** have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

[Click or tap here to enter text.](#)

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?

[Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

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?

If the proposed action includes construction in wetlands, check this box:

[Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

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?

If the proposed action includes construction in Floodplains, check this box:

[Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

11. **Wild and Scenic Rivers** – Does the proposed action use CE Action Number 26, 27, or 28 **AND** require any work below the ordinary high water mark of a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers, or below the high water mark of a tributary to any such river?

[Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

13. **Endangered Species** – Does the proposed action result in a finding of “*may affect, likely to adversely affect*” threatened or endangered species or critical habitat under the Endangered Species Act, and is not in an approved Biological Opinion for a FHWA Programmatic Agreement, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

[Click or tap here to enter text.](#)

14. **Air Quality** – Is the proposed action 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? Does the proposed action cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS)?

[Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

16. **Other** - Are there any unusual circumstances that would require additional environmental studies to determine if the action would qualify for processing programmatically (e.g. substantial environmental controversy, inconsistency with other environmental requirements, or significant sources of contamination)?

[Click or tap here to enter text.](#)

SUMMARY OF PUBLIC INVOLVEMENT

Initial Contact Letters sent to local officials? Yes No Date Date

Public Informational Meeting held? Yes No Date _____ Date _____
 Public Hearing Required? Yes No Date _____ Date _____
 Natural Resource Agency Meeting(s) held? Yes No Date(s) _____ Date _____
 Cultural Resource Agency Meeting(s) held? Yes No Date(s) _____ Date _____

Discuss below any other opportunities for public input, as well as any relevant changes that were made as a result of public input.

[Click or tap here to enter text.](#)

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.

1. [Click or tap here to enter text.](#)

NEPA RE-EVALUATION

If this Categorical Exclusion Programmatic Determination Checklist is a re-evaluation of an approved environmental document, check the box below and describe the changes, if any, in design and environmental impact. Ensure that any additional or revised environmental commitments that resulted from the changes are detailed in the **ENVIRONMENTAL COMMITMENTS** section below.

In accordance with 23 CFR 771.129, this Programmatic Determination Checklist is a re-evaluation of an approved environmental document, and the original approval remains valid.

[Click or tap here to enter text.](#)

ENVIRONMENTAL COMMITMENTS

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

1. [Click or tap here to enter environmental commitment. \(Entity responsible for implementation\).](#)

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: [Click or tap here to enter text.](#)
Title: [Click or tap here to enter text.](#)

Date
Date

Approval
Recommended _____

By:

Section Chief
NHDOT Bureau of Environment

Date

Approved by:

Administrator
NHDOT Bureau of Environment

Date

For use by the Approver of this Programmatic Categorical Exclusion

- The proposed action includes construction in floodplains. Pursuant to Executive Order 11988, this project includes use of the *Programmatic Flood Plains Finding for Categorical Exclusions dated April 21, 2003*.
- The proposed action includes construction in wetlands. Pursuant to Executive Order 11990, and US Department of Transportation Order 5660.1A, this project includes use of the *Programmatic Wetlands Finding for Categorical Exclusions dated September 13, 2001*.
- The proposed action includes a *de minimis* Section 4(f) finding.
- The proposed action includes a programmatic Section 4(f) evaluation.

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.

* Dollar amounts are adjusted annually. When CE Action Number 23 is selected, attach documentation indicating the annual figures used and total Federal funds, or the total project cost and Federal percentage, as appropriate. Updates are posted at: https://www.environment.fhwa.dot.gov/legislation/authorizations/fastact/FAST_ACT_Section1314_Implementation_Guide.aspx



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: Project Name
Federal Project Number: 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: Click or tap here to enter text.

Prepared by: _____
Name: Click or tap here to enter text.
Title: Click or tap here to enter text.

Click or tap to enter a date.
Date

Approval
Recommended
By: _____
Section Chief
NHDOT Bureau of Environment

Date

Approved by: _____
Administrator
NHDOT Bureau of Environment

Date



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Natural and Cultural Resources 603-271-3483
 19 Pillsbury Street, Concord, NH 03301-3570 603-271-3558
 TDD Access Relay NH 1-800-735-2964 FAX 603-271-3433
www.nh.gov/nhdhr *preservation@nh.gov*

Request for Project Review by the New Hampshire Division of Historical Resources for **Transportation** Projects

INSTRUCTIONS

The Division of Historic Resources (DHR) is New Hampshire's State Historic Preservation Office (SHPO). Under state and federal laws, the DHR works with other governmental agencies to review publicly-assisted projects that may affect historical or archeological resources. Historic preservation "Review & Compliance" (R&C) is a consultation process to identify significant historic properties in the planning stage of a project, so that any harm to them can be avoided, minimized or mitigated. It is intended to be a conflict-resolution and problem-solving process that balances the public benefit in historic preservation with the public benefit from a variety of governmental initiatives.

The RPR is not simply a checklist. It is a framework to facilitate a clear and accurate exchange of information. Compiling data for the RPR can strengthen your recognition and understanding of cultural resources and their relationship to your project. Clear and accurate information will support federal and state agencies, including the DHR, in making informed recommendations and comments. **By following these instructions, you can help facilitate an efficient, productive consultation process.**

Laws and regulations protecting historical resources and guiding the DHR's review and consultation are listed below, with citations for additional information noted:

National Historic Preservation Act of 1966, as amended:
<https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

ACOE NH Programmatic General Permit:
<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit/>

NH RSA 227-C:9:
www.gencourt.state.nh.us/rsa/html/XIX/227-C/227-C-9.htm

Federal Highway Administration:
 Section 4(f):
<https://www.environment.fhwa.dot.gov/legislation/section4f.aspx>

Before You Submit the Request for Project Review Form

1. Check the DHR's Review & Compliance website at www.nh.gov/nhdhr/review to be sure you have downloaded the most current form.
2. Determine the entire geographical area in which changes may occur (Area of Potential Effects). *Guidance to determining an APE is provided below.* The boundaries of the Area of Potential Effects (APE) should be clearly described and indicated on mapping as noted below.
3. Conduct Records Search: As soon as a proposed APE has been determined, and before initiating the review process you should determine whether or not there are any previously surveyed properties, and if and when any properties have been determined eligible or not eligible for listing in the National Register of Historic Places within or adjacent to the APE. Understanding this baseline information regarding cultural resources can inform project development from the start.
4. Gather information on already-identified historic properties within or adjacent to the APE. Do not use a 0.5-mile buffer in your EMMIT search for the Transportation RPR. Information on recorded historic properties is now available through our online application – EMMIT (Enhanced Mapping and Management Information Tool) (emmit.dncr.nh.gov) or at the DHR offices at 19 Pillsbury Street, Concord. The DHR in-house records are open to the public by appointment by calling the DHR Records Coordinator at 603.271.6568 or email at tanya.e.krajcik@dncr.nh.gov. This information must be collected prior to submitting project review materials.

If conducting an online search through EMMIT, please print a map depicting your project's APE and data results within and adjacent to the APE, and the accompanying data records. If using an in-house search, indicate the project's APE on a 7.5 minute USGS topographic quadrangle map and include recorded historic property findings in Table 1. Whichever source you use, append both the map and data records to the RPR form.

So that you have this information at your fingertips at all stages in the development of your project, the DHR recommends that all survey/National Register nomination forms and their Determination of Eligibility (green) sheets are downloaded from EMMIT or copied during your initial visit to use the DHR files. Please be aware that survey in New Hampshire is far from complete, and the absence of historic resources in DHR records does not mean that no historic properties are present.

5. Field review the APE, taking photographs as directed in this form and instructions.
6. Following the records search and field review, project proponents should complete the Request for Project Review Form and any needed attachments in their entirety by referring to these instructions. Enclose the required additional information and submit 2 copies of your application packet in paper. Please include 1 self-addressed stamped envelope in order to expedite the review process. Incomplete materials received by the DHR or DOT will be returned without review.
7. Be aware that, in the event historical resources are affected by your project, you may need to speak with your lead federal agency about developing a plan for public involvement.
8. There is no need to submit the copy of these instructions that print out with the RPR form. It is there for your information and use.

Photograph Submittals

Photographs submitted for project review may be either 35mm black/white, color digital or prints. All photographs must be clear, crisp, and focused. Digital images should not be pixilated. Photographs must be sized 3" x 5" or larger and their subject locations keyed to an accompanied map. They may be embedded in printed Word® documents. All photos must be printed. No CDs, flashdrives, or other storage media with digital images will be accepted.

How to Complete the Request for Project Review (RPR) Form

GENERAL PROJECT INFORMATION

New Submittal or Additional Information – Indicate if the project, or any part thereof, has been previously reviewed by DHR and if so, insert the DHR review number (R&C #). If we know that a project has been previously reviewed, we can often avoid asking for duplicate information.

DOT Project Name and Number – Provide the DOT project name and number, following DOT protocol.

Brief Descriptive Project Title – Provide a title that clearly but concisely indicates what the project involves. Examples might be *Town Bridge over City Brook Rehabilitation Project* or *North Street and South Road Intersection Improvement Project*.

Project Location and City/Town(s) – Provide the geographical location of the project as well as the independent city or town(s) in which it is located. If the project is located in more than one municipality, then identify them all. *Note that NH State Plane Geographic Coordinates are not required on the RPR for Transportation Projects because it is recognized that transportation projects typically involve large areas not easily characterized by one point. However, this makes it very important that very clear project location information (APE) is provided on project mapping.*

Lead Federal Agency – Indicate the federal agency that is responsible for Section 106 Compliance and that agency's permit or job reference number (if known). If you do not know the federal agency involved in your project, please contact the party requiring you to apply for Section 106 review, *not* the DHR, for this information.

DOT Environmental Manager – Indicate the DOT environmental manager (if applicable) who is involved with the project.

APPLICANT INFORMATION

Applicant Name – Provide the name and contact information of the applicant (project sponsor).

Contact Person to Receive Response – Provide the name and contact information of the person to receive the DHR's response. The address provided should be a mailing address. Be sure to include a self-addressed stamped envelope with your application packet to expedite the review process.

PROJECT BOUNDARIES AND DESCRIPTION

Determining an appropriate Area of Potential Effects (APE)

Derived from 36 CFR § 800 and Advisory Council on Historic Preservation guidance.

Please note that the final determination of the Area of Potential Effects is made by the lead federal agency in consultation with the DHR (State Historic Preservation Officer). While the final APE is subject to approval by the lead federal agency and the DHR, project sponsors should propose their understanding of an appropriate APE for the purposes of initiating consultation.

The Area of Potential Effects is the geographic area(s) where an undertaking *may* directly or indirectly cause alterations in the character or use of historic properties.

- Defining the APE is project-based, not resource-based; it is based on reasonably foreseeable effects of the project/undertaking without regard to the existence of historic properties.
- Look at all phases of all alternatives under consideration when delineating the APE.
- Examples of possible effects that guide APE delineation:
 - physical destruction/damage, reflecting limits of disturbance including staging areas, access areas, and depth of disturbance
 - direct alterations
 - alterations to view, reflecting the height of construction
 - atmospheric alterations, including temporary and permanent noise and/or vibration impacts and potential water or air quality impacts
 - neglect or abandonment
 - transfer out of federal ownership

- secondary or cumulative effects
- APE delineation *not* influenced by:
 - property boundaries
 - what you know or think you know about the presence/absence of historic properties
 - concern regarding the effort needed to identify historic properties in a large area
- APE tips:
 - The APE is best documented through mapping. Once you've identified all the areas that may be impacted by all the alternatives in consideration for your project, draw a logical line around these areas. The line does not need to follow existing boundaries on the landscape, nor does it need to be a particular shape.
 - While it usually is, the APE does not need to be a contiguous area (i.e., two or more direct impact APEs).
 - During a Section 106 review, not every property in the APE may need to be inventoried. Determination of the appropriate level of identification efforts will take place after the APE is delineated.
 - The APE may change if new effects are identified later in the review or if project plans change.

Project Map – A clear map showing the exact boundaries of the proposed APE **must** be attached to this application. If using EMMIT, a map depicting both the project's APE and recorded historic properties can be printed within the application. *Detailed assistance in using EMMIT for this purpose is provided within EMMIT's Help function located in the top right corner.* If you are not using EMMIT, depict the APE on a computer generated or photocopy of the 7.5 minute USGS topographic quadrangle map, or a **clearly labeled** portion thereof. Do **not** reduce or enlarge the map. Color copies are helpful. Label the map with the name of the USGS quadrangle. Topographic maps may be printed or downloaded free of charge at: <http://granitview.unh.edu>. Please refer to the R&C FAQ's at http://www.nh.gov/nhdhr/review/rc_faq.htm for help on accessing this data.

Narrative Project Description – Attach a detailed written description of the APE and the proposed undertaking.

- **What is the character of the APE?:** The narrative should describe the project's area of potential effects including areas of potential physical and visual impacts, secondary areas or impacts, such as staging areas or borrow pits, and alterations to a structure, a building, or its landscape. Describe any known past disturbances or alterations to the project area such as grading, filling, paving, excavation and demolition, along with an approximate date.
- **What is the proposed action?:** The narrative should clearly describe the proposed action in as much detail as currently known.

Engineering Plans – Attach current large-scale maps or engineering plans, showing the APE's existing conditions and proposed changes. If this type of comprehensive plan is not yet available for the project, explain why and give a date as to when it will be submitted; provide an available map with existing conditions and the proposed APE. The drawing should indicate compass orientation, contours, general soil types, and presence of wetlands. If any existing buildings, structures, cemeteries, dams, canals, bridges, foundations, ruins, old wells, cellar holes, stone walls, trails, or specialized uses such as dump sites, etc., are present, their locations should be shown. Historic resource boundaries (National Register boundaries as sketched in EMMIT and/or inventory forms) depicted on project engineering plans are also extremely helpful for efficient project design and review.

Photos of APE – Provide photographs showing the APE and the area adjacent to the project location, as well as specific areas of proposed ground impacts and disturbances. These photographs should provide general visuals of the landscape(s), streetscape(s), and relationships between buildings and structures within and adjacent to the area of proposed impact. They should also include views of areas where there might be ground impacts and disturbances, such as drainage or staging areas. Blank photo logs are available on the DHR website for your convenience, however informative photo captions explaining each image can be used in place of a photo log. Photos should be keyed to project mapping for efficient project review.

DHR Records Search – During the identification stage of the review process you should determine the presence/absence of standing structures. **Indicate the date the records search occurred on the RPR form** and be sure to include the results of the DHR records search for historic properties with your submittal packet. If using EMMIT, provide results in both map and data formats following directions provided within the Help function of EMMIT. If using an in-house search, complete **Table 1** to easily compile information you've found during your records search visit, and enclose the results with the RPR form. Blank table forms are available on the DHR website. *The DHR recommends that all survey/National Register nomination forms and their Determination of Eligibility (green) sheets are downloaded from EMMIT or copied for your use in project development. The information compiled*

and analyzed in these forms may contribute to all stages of project design and consultation, including reasons for significance, character-defining features, and resource (National Register) boundaries.

ARCHITECTURE

Buildings, Structures, and Landscapes in APE – Based on the results of your DHR records search *and* your field review, are there any properties more than 50 years of age **within or adjacent** to the APE? Some or all of these may not be recorded in the DHR files. Be aware that resources that may not be directly impacted by your project should be addressed. For example, you should note a house located on a tax parcel that includes land within or adjacent to your APE even if your project may not involve demolition or alteration of that house. The types of properties to note include buildings, structures (such as bridges, stone walls, culverts, railroad corridors, dams, etc.), objects (such as monuments and mileposts), historic districts, and landscapes (could include designed gardens, scenic roadways, campuses, or a collection of farms across a rural agricultural landscape).

If *none* of these are located in your APE, please note that in your project narrative and then skip to the Archaeology section of the RPR.

If *any* of these are located in your APE you must submit the following information:

Complete Table 2 – As transportation projects often involve many properties and resources, the DHR created Table 2 to assist you in compiling basic information about properties that haven't yet been surveyed within the APE. The first column, Resource Identification, should include the most specific information available with the goal being the ability to link resource information to mapping and photos. Provide an approximate age for the resources in your APE and the source for that information. Sources to determine approximate age could include owner information, visual inspection, municipal records, etc. Blank table forms are available on the DHR website. *Between Table 1 and Table 2, in conjunction with photos, mapping, and project information, a clear idea of known resources and possible inventory needs will be established for efficient use by you, the project team, and federal and state agencies in moving project consultation forward.*

Photos of Cultural Resources – Current photographs of all buildings and structures within the APE must be included with the application materials. These photos should show at least the full front side of a building, however an angled shot showing the front and one side is typically very helpful. Neighborhood streetscape images should be included if applicable, such as when the project is located within an established or possible historic district. Streetscape images should not focus on the pavement, but clearly show the properties alongside the roadway. Blank photo logs are available on the DHR website for your convenience, however informative photo captions explaining each image can be used in place of a photo log. Photos should be keyed to project mapping for efficient project review.

National Register Resources and Mapping – If any resources within or adjacent to your APE are already known to be National Register-listed or eligible (discovered through your DHR records search, EMMIT, and/or online at [National Register Database and Research - National Register of Historic Places \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov) [listed only]) then depict these boundaries on the maps/engineering plans you submit as referenced above. *Remember that the RPR is intended to compile baseline information to determine what cultural resources information exists and what, if any, additional information or analysis needs to be gathered. A graphic clearly identifying where each known historic resource is located is extremely helpful to everyone involved in project development. This information also provides you with the opportunity to avoid or minimize impacts to these historic resources at the earliest stages of project design.*

ARCHAEOLOGY

Ground-Disturbing Activity in Project Area – While ground-disturbing activities are generally self-explanatory, be aware that they include activities such as construction or modification of drainage ditches and retention ponds, and temporary areas used for staging and access.

If there is *no* ground-disturbing activity in your project area, please note that in your project narrative.

If *any* ground-disturbing activity is anticipated, submit the following information:

Description of Previous Land Use – Attach a detailed descriptive narrative of current and previous land use and any known disturbances within the project area as described in project narrative.

Known or Suspected Archaeological Resources – Please note to the best of your knowledge whether the land owner/developer is aware of any archaeological resources within the project area (i.e. cemeteries/grave markers, stone walls, cellar holes, wells, foundations, dams, etc.).

TYPE AND MEANING OF DHR's RESPONSE

Insufficient information to initiate review – RPR packages will be returned to the project sponsor's contact person without review if, upon receipt, the DHR or DOT determines that the RPR package has not been completed sufficiently to review the project efficiently. *The purpose of this policy is to avoid excessive waste of time and money resulting from efforts to interpret or track down unclear or missing materials.*

Additional information is needed in order to complete review – Depending on the presence or types of resources in a project area, there may be multiple steps to the cultural resources consultation process. The necessity of progressing to the next step depends on the result of each preceding step. (See the DHR website for a flowchart explaining Section 106 of the National Historic Preservation Act of 1966 at www.nh.gov/nhdhr/reviewdocuments/106flowchart.pdf.) Consultation for some projects may quickly progress from the RPR to preparation of a Determination of Effect Memorandum, while others require continued consultation and fulfillment of additional steps in the process, such as surveys by qualified consultants and findings of effect by the lead federal agency and the DHR.

Comments – In the RPR's comment box, DHR may explain what type of information is necessary to continue review, if needed. If no additional information is needed, DHR will note its opinion as to the project's effects. For transportation projects the effect finding will be formalized on a Determination of Effect Memorandum, signed by FHWA, DOT, and others.

Your Request for Project Review is ready to be submitted to the DHR if you've:

- ✓ Determined the entire geographical area of the proposed project and of the project's potential impacts (Area of Potential Effects [APE])
- ✓ Conducted a DHR records search for already-identified historic properties within or adjacent to the APE
- ✓ Conducted a field review for other resources 50 years old or older within or adjacent to the APE
- ✓ Completed the Request for Project Review Form in its entirety including all requested information and attachments
- ✓ Included 1 self-addressed stamped envelope

As the New Hampshire Department of Transportation (DOT) is often directly involved in transportation projects, RPRs for these projects will be coordinated through DOT. Mail 2 copies of the completed RPR form and required materials, and 1 self-addressed stamped envelope to:

Cultural Resources Staff
Bureau of Environment
NH Department of Transportation
7 Hazen Drive
Concord, NH 03302

RPRs **cannot** be accepted via facsimile or e-mail. Please provide a completed form even in cases where project information is included in a separate document, such as DES permit applications and other environmental reports and applications. Environmental documents may be submitted as attachments to the form, only if they provide an important part of the project description. The DHR has a different focus from other agencies. In order to reduce costs and be as environmentally friendly as possible please do not submit entire permit applications. The DHR will retain all items and supporting documentation submitted with a review request, including photographs and publications. Items to be kept confidential should be clearly identified. For questions regarding project review please visit www.nh.gov/nhdhr/review or contact the R&C Specialist at marika.s.labash@dncr.nh.gov or 603.271.3558.

Please mail 2 copies of the completed form and required material to:

Cultural Resources Staff
Bureau of Environment
NH Department of Transportation
7 Hazen Drive
Concord, NH 03302

DHR Use Only	
R&C #	_____
Log In Date	___ / ___ / ___
Response Date	___ / ___ / ___
Sent Date	___ / ___ / ___

Request for Project Review by the New Hampshire Division of Historical Resources for **Transportation** Projects

- This is a new submittal.
 This is additional information relating to DHR Review and Compliance (R&C)#:

GENERAL PROJECT INFORMATION

DOT Project Name & Number
 Brief Descriptive Project Title
 Project Location
 City/Town
 Lead Federal Agency and Contact *(if applicable)*
(Agency providing funds, licenses, or permits) Permit Type and Permit or Job Reference #
 DOT Environmental Manager *(if applicable)*

PROJECT SPONSOR INFORMATION

Project Sponsor Name
 Mailing Address Phone Number
 City State Zip Email

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company
 Mailing Address Phone Number
 City State Zip Email

This form is updated periodically. Please download the current form at <http://www.nh.gov/nhdhr/review>. Please refer to the Request for Project Review for Transportation Projects Instructions for direction on completing this form. Submit 2 copies of this project review form for each project for which review is requested. Include 1 self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DOT and the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: <http://www.nh.gov/nhdhr/review> or contact the R&C Specialist at marika.s.labash@dncr.nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

- Attach the Project Mapping **indicating the proposed area of potential effects (APE)**. (See RPR for Transportation Projects Instructions and R&C FAQs for guidance. Note that the APE is subject to approval by lead federal agency and SHPO.)
- Attach a detailed narrative description of the proposed project.
- Attach current engineering plans with tax parcel, landscape, and building references, and areas of proposed excavation, if available.
- Attach photos of the project area/APE with mapped photo key (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) (Blank photo logs are available on the DHR website. Informative photo captions can be used in place of a photo log.)
- A DHR records search must be conducted to identify properties within or adjacent to the APE. Provide records search results via EMMIT or in **Table 1**. (Blank table forms are available on the DHR website.) EMMIT or in-house records search conducted on / / .*

**The DHR recommends that all survey/National Register nomination forms and their Determination of Eligibility (green) sheets are downloaded or copied for your use in project development.*

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the APE? Yes No

If no, skip to Archaeology section. If yes, submit all of the following information:

- Attach completed **Table 2**.
- Photographs of **each** resource or streetscape located within the APE. Add to the mapped photo key and photo log noted above. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- Copies of National Register boundary (listed or eligible) mapping, and add National Register boundaries for listed and eligible properties to project mapping/engineering plans (if applicable).

Archaeology

Does the proposed undertaking involve ground-disturbing activity? Yes No

If yes, submit all of the following information:

- Description of current and previous land use and disturbances.
- Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

AGENCY COMMENT

This Space for DOT and Division of Historical Resources Use Only

Sent to DHR; Authorized DOT Signature: _____ Date: _____

- Insufficient information to initiate review.**
- Additional information is needed in order to complete review.

Comments: _____

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized DHR Signature: _____ Date: _____

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



PROJECT NAME: _____ PROJECT MANAGER: _____
 FEDERAL NO.: _____ DOT ENV. MANAGER: _____
 STATE NO.: _____ DESIGNER(S): _____
 AD DATE: _____ MEETING PRESENTER: _____

REQUESTED MEETING DATE (click to view possible dates): _____

PROJECT DESCRIPTION

Click here to enter text.

TYPE OF REVIEW (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Initial Review | <input type="checkbox"/> Review of Alternatives | <input type="checkbox"/> Wetland Impacts |
| <input type="checkbox"/> Mitigation Issues | <input type="checkbox"/> Issues during Construction | <input type="checkbox"/> Post-construction Issues |
| <input type="checkbox"/> Water Quality Review | <input type="checkbox"/> Design Revisions | <input type="checkbox"/> Other Issues: |

RESOURCES OR CONCERNS (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Water Quality/Impaired Waters | <input type="checkbox"/> Rare Species/Natural Communities | <input type="checkbox"/> Floodplains/Floodways |
| <input type="checkbox"/> Wetlands (File# if applicable) | <input type="checkbox"/> Conservation Land | <input type="checkbox"/> Essential Fish Habitat |
| <input type="checkbox"/> Protected Shoreland (File# if applicable) | <input type="checkbox"/> Coastal Zone | <input type="checkbox"/> Alteration of Terrain |
| <input type="checkbox"/> Fisheries/Stream Crossings | <input type="checkbox"/> NH Designated River: <u>Name</u> | <input type="checkbox"/> New impervious surfaces |
| <input type="checkbox"/> Direct discharge to wetlands | <input type="checkbox"/> Direct discharge to surface waters | <input type="checkbox"/> Other: |

NH NATURAL HERITAGE BUREAU FILE NUMBER: _____

- Known records present (**List species**)
 No records present/no impacts expected

IF THERE WILL BE NEW IMPERVIOUS SURFACES, WHAT PERCENT OF THE NEW IMPERVIOUS AREA WILL HAVE STORMWATER TREATMENT? Click here to enter text.

WHAT IS YOUR GOAL/ DESIRED OUTCOME FOR THIS REVIEW?

Click here to enter text.

THIS PROJECT WAS PREVIOUSLY REVIEWED ON THE FOLLOWING DATES:

--	--	--	--	--

NAMES AND E-MAIL ADDRESSES FOR ALL NON-DOT ATTENDEES:

Click here to enter text.

HOW MUCH TIME DO YOU NEED (including Q&A)? (A normal review takes approx. 15 min.) _____ minutes

MINUTES WILL BE PREPARED BY: Name

WILL YOU HAVE A POWERPOINT PRESENTATION? YES NO

LOCATION MAP ATTACHED

AGENDA SUMMARY: Include the following below:

Project Name and NHDOT Number and (Federal Number in parentheses) The project proposes: Insert PROJECT DESCRIPTION. Insert PRESENTER names and organizations. Insert ENVIRONMENTAL CONCERNS to be discussed from above: Water Quality/ Impaired Waters, Wetlands, Protected Shoreland, etc. PREVIOUSLY REVIEWED DATES.

Example:

Dummer-Cambridge-Errrol, #16304B (X-A004(699)) The project proposes roadway restoration and alignment shifts along 1.3 miles of NH Route 16 to improve the performance and integrity of the roadway. The project begins at the Dummer/Cambridge town line and continues north for approximately 1.3 miles. The entire project length is bordered by the Androscoggin River to the east and 13 Mile Woods to the west. Sue Smith, from ABC Consulting, as well as Sam Smith and Steve Smith NHDOT Bureau of Highway Design will present preliminary wetland impacts and discuss mitigation issues. *Environmental concerns:* Water Quality/ Impaired Waters, Wetlands, Protected Shoreland, Fisheries/ Stream Crossings (2), Conservation Land, and Floodplains/Floodways. The project was previously reviewed on 6/19/2019, 6/17/2020 and 6/16/2021.

[Date]

[Name]

[Title or Organization/Sponsor]

[Address]

[Town, NH Zip]

Re: [Project Name, #s]

[Project Identifier]

Dear [Name]:

The [Project Sponsor] is planning the subject project, which will entail [Project Description]

Some transportation projects require mitigation for possible wetland/stream impacts. The natural resources in this project area have not yet been identified and investigations are forthcoming. Preliminary engineering studies have begun and the [Sponsor] will attempt to avoid and minimize impacts through design before determining if there will be any stream or wetland impacts that may require mitigation. **As a proactive measure the [Sponsor] would like to request a list of the Town's preferred/priority mitigation efforts that the [Sponsor] may evaluate and consider undertaking if it is determined that the project does in fact require mitigation. Please let us know if your Town has identified such priorities.** In the absence of any Town priorities to evaluate the [Sponsor] will pursue permittee responsible mitigation. If it is determined that no viable options exist, the [Sponsor] will pursue a payment into the Aquatic Resource Mitigation Fund (ARM Fund), at which time those funds will become competitively available through the ARM fund grant process.

Engineering studies have been initiated to refine the scope and limits of work necessary for this project. The [Sponsor] is in the process of evaluating the potential environmental impacts associated with the project. To assist in this evaluation, I am asking that you provide comments relative to the project's potential impacts on environmental, social, economic or cultural resources, by responding to the following questions.

1. Does the Town have a list of priority mitigation efforts (Top 10 Priority List) that the [Sponsor] may evaluate and consider undertaking if it is determined that the project does in fact require mitigation? If so, please provide the list. (e.g. problematic culvert/bridge crossings, land protection, habitat restoration, etc.)
2. Are there any existing or proposed community or regional plans that might have a bearing on this project?
3. Are there any natural resources of significance in the vicinity of the project? (e.g. prime wetlands, floodplains, rare species, etc.) Are there any known wildlife corridors or habitat strongholds in the vicinity of the project?
4. Are there any cultural resources of significance in the vicinity of the project? (e.g. stonewalls, cemeteries, historical or archeological resources, etc.) *Please note that Section*

106 of the National Historic Preservation Act offers those that possess a direct interest in historical resources, including town officials, Historical Societies, and Historical Commissions, an opportunity to become more involved in an advisory role during project development as "Consulting Parties." Those interested should contact the Department.

5. Are there any public parks, recreation areas, conservation lands, or wildlife/waterfowl refuges in the vicinity of the project? Have Land & Water Conservation Funds been used in the project area?
6. 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.)
7. 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.)
8. 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?
9. 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?
10. Will the proposed project have a significant effect upon the surrounding area? If so, please explain.
11. Are you aware of any existing roadside populations of non-native invasive plant species (such as Japanese knotweed, phragmites, or purple loosestrife) in the project area?

This letter has been sent to the following departments, boards, and/or commissions:

- Board of Selectmen
- Planning Board
- Town Manager
- Fire Department
- Police Department
- Road Agent
- Conservation Commission
- Historical Society

The tentative advertising date for this project is [Date]. 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.

Sincerely,

[Name]
[Title]
[Sponsor]
[Tel]
[E-mail]

Environmental Contact List

(Applicable Programmatic Categorical Exclusion Criteria are noted in parentheses)

Right-of-Way/Traffic/Roadway Access^(1, 2, 3)

NHDOT Project Manager
Bureau of Planning & Community Assistance

Cultural Resources⁽⁴⁾

Bureau of Environment Cultural Resources Program

(<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm>)

Protection of Historic Properties – 36 CFR 800

Project Review & Compliance – RPR Forms (<https://www.nh.gov/nhdhr/review/rpr.htm>)

Jill Edelmann
Cultural Resources Program Manager
Specialist
NHDOT Bureau of Environment
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483
(603) 271-3226
Jillian.L.Edelmann@dot.nh.gov

Sheila Charles
Cultural Resources Program Specialist
NHDOT Bureau of Environment
(603) 271-4049
Sheila.J.Charles@dot.nh.gov

Laura Black
Special Projects & Compliance
NH Division of Historical Resources
19 Pillsbury Street
Concord, NH 03301-3570
(603) 271-6438
Laura.S.Black@dncr.nh.gov

Section 4(f)⁽⁵⁾

FHWA should only be contacted if publicly-owned parks, recreation areas, and 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 Meetings.

FHWA Section 4(f) Policy Paper (<https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>)

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

Section 6(f)/NH Conservation Lands^(6, 16)

NH GRANIT maintains a GIS layer of conservation lands in the state. Coordination, as necessary based on project scope, should be carried out with the contacts below.

GRANITView data mapper (https://granitview.unh.edu/html5viewer/index.html?viewer=granit_view)

Conservation Land Stewardship Program (<https://www.clsp.nh.gov>)

Land & Community Heritage Investment Program (LCHIP) (<https://lchip.org>)

Land & Water Conservation Fund Program (<https://www.nhstateparks.org/about-us/community-recreation/land-water-conservation-fund-grant>)

Steve Walker
Director
Conservation Land Stewardship Program
NH Office of Strategic Initiatives
(603) 271-6834
Stephen.G.Walker@clsp.nh.gov

Paula Bellemore
Executive Director
LCHIP
(603) 224-4113, Ext. 14
pbellemore@lchip.org

Bill Gegas
LWCF Program Specialist
NH Division of Parks & Recreation
(603) 271-3035
vasillios.n.gegas@dncr.nh.gov

Wetlands/Surface Waters⁽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 arise regarding jurisdictional impacts or the permitting process.

Bureau of Environment Wetlands Program

(<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/wetlands.htm>)

NHDES Wetlands Permit Planning Tool (<https://nhdeswppt.unh.edu/Html5Viewer/index.html?viewer=WPPT.gvh>)

NHDES Wetlands Bureau Permitting (<https://www.des.nh.gov/water/wetlands/permit-assistance>)

NHDES OneStop Data Mapper (<https://www4.des.state.nh.us/onestopdatamapper/onestopmapper.aspx>)

NHDES Shoreland Water Quality Protection Act (<https://www.des.nh.gov/land/waterfront-development>)

US Army Corps of Engineers NH General Permits (<https://www.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit/>)

Andrew O'Sullivan
Wetlands Program Manager
NHDOT Bureau of Environment
(603) 271-0556
Andrew.M.OSullivan@dot.nh.gov

Karl Benedict
Public Works Subsection Supervisor
NHDES Wetlands Bureau
29 Hazen Drive, Po Box 95
Concord, NH 03302-0095
Karl.D.Benedict@des.nh.gov

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

US Coast Guard⁽⁸⁾

US Coast Guard Bridge Program (<https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Office-of-Bridge-Program/Bridge-Permit-Application-Process>)

Gary Croot
Bridge Management Specialist
First Coast Guard District – Boston
(603) 397-9361
gary.t.croot@uscg.mil

Floodways/Floodplains⁽⁹⁾

Office of Strategic Initiatives Floodplain Management Program

(<https://www.nh.gov/osi/planning/programs/fmp/index.htm>)

Jennifer Gilbert, CFM
Floodplain Management Coordinator
National Flood Insurance Program
NH Office of Strategic Initiatives
(603) 271-1762
Jennifer.R.Gilbert@livefree.nh.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.

Bureau of Environment Water Quality Program

(<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/water-quality.htm>)

NHDES Alteration of Terrain Program (<https://www.des.nh.gov/land/land-development>)

NHDES Section 401 Water Quality Certification (<https://www.des.nh.gov/water/rivers-and-lakes/water-quality-certification>)

NPDES Construction General Permit (<https://www.epa.gov/npdes/2022-construction-general-permit-cgp>)

NH MS4 Permit (<https://www.epa.gov/npdes-permits/new-hampshire-small-ms4-general-permit>)

Mark Hemmerlein

Water Quality Program Manager
NHDOT Bureau of Environment
(603) 271-1550
Mark.T.Hemmerlein@dot.nh.gov

General Environmental/Air Quality & Noise^(11, 12, 14, 15, 16)

Prior to contacting the Bureau of Environment Project Management Section Chief, please consider if your project requires analysis. Coordination should not be made via initial contact letter, but on an as-needed basis.

Bureau of Environment Air Quality and Noise

(<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/air-noise.htm>)

Wild and Scenic Rivers (<https://www.rivers.gov/new-hampshire.php>)

Coastal Zone Management Act (https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/r-wd-19-28_0.pdf)

Jon Evans
Project Management Section Chief
NHDOT Bureau of Environment
(603) 271-4048
Jonathan.A.Evans@dot.nh.gov

Coastal Zone Management
Christian Williams
Program Coordinator
NHDES Watershed Management
(603) 559-0025
Christian.Williams@des.nh.gov

Endangered Species/Wildlife/Invasive Species⁽¹³⁾

Prior to contacting the individuals listed below, the following websites should first be consulted to determine what, if any, follow up coordination is necessary.

NH Natural Heritage Bureau (NHB) DataCheck Tool (<https://www4.des.state.nh.us/NHB-DataCheck/>).

US Fish & Wildlife Service, Use the 'Information for Planning and Conservation' (IPaC) tool (<http://ecos.fws.gov/ipac/>).

NH Fish & Game Department (<https://wildlife.state.nh.us/wildlife/environmental-review.html>).

Bureau of Environment Northern Long-Eared Bat

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

Rebecca Martin
Plants & Wildlife Program Manager
NHDOT Bureau of Environment
(603) 271-6781
Rebecca.A.Martin@dot.nh.gov

Kim Tuttle
Wildlife Biologist
NH Fish & Game Department
(603) 271-6544
Kim.A.Tuttle@wildlife.nh.gov
NHFGreview@wildlife.nh.gov

Jessica Bouchard
Environmental Reviewer
NH Natural Heritage Bureau
(603) 271-2834
Jessica.R.Bouchard@dncr.nh.gov

Essential Fish Habitat⁽¹³⁾

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 Engineers General Permits for NH. EFH for all other species can be found via the EFH mapper tool.

Army Corps GPs for New Hampshire (<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit/>)

EFH Habitat Mapper (<https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>)

Kaitlyn Shaw
Marine Resources Management Specialist
NOAA/National Marine Fisheries Service
Habitat and Ecosystem Services Division
Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930
(978) 282-8457
kaitlyn.shaw@noaa.gov

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

NHDOT Resource Agency Coordination Meetings

Bureau of Environment Natural Resource Agency Meeting

(<https://www.nh.gov/dot/org/projectdevelopment/environment/units/project-management/nracrmeetings.htm>)

Bureau of Environment Cultural Resource Agency Meeting

(<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/crmeetings.htm>)

Natural Resource Agency Coordination Meeting

Andrew O'Sullivan

Wetlands Program Manager

NHDOT Bureau of Environment

(603) 271-0556

Andrew.M.OSullivan@dot.nh.gov

Cultural Resource Agency Coordination Meeting

Jill Edelmann

Cultural Resources Program Manager

NHDOT Bureau of Environment

(603) 271-7968

Jillian.L.Edelmann@dot.nh.gov