

## Appendix A. Verification Form

Federal Highway Administration (FHWA) or the applicable state Department of Transportation (state DOT) will submit a signed version of this completed form, together with any project plans, maps, supporting analyses, etc., to NOAA's National Marine Fisheries Service (NMFS), Greater Atlantic Regional Fisheries Office, Protected Resources Division (GARFO PRD) at [nmfs.gar.esa.section7@noaa.gov](mailto:nmfs.gar.esa.section7@noaa.gov) with "FHWA GARFO 2018 NLAA Program" in the subject line, upon obtaining sufficient information.

### Project Activity Type (check all that apply to entire action):

1. Bridge repair, demolition, and replacement  
 2. Culvert repair and replacement  
 3. Docks, piers, and waterway access projects  
 4. Slope stabilization

### Transportation Project Information

Name of Project:			
Project Sponsor:			
Contact Person:		Email/Phone:	
Latitude (e.g., 42.625884):			
Longitude (e.g., -70.646114):			
Anticipated Project Start Date:		Anticipated Project End Date:	
Total Area of Habitat Alteration (acres):			
Project/Action Description and Purpose ( <i>include town/city/state and water body where project is occurring:</i>			

### ESA-Listed Species and/or Critical Habitat Present (Check all that apply)

<input type="checkbox"/>	Atlantic sturgeon (all DPSs) If not all DPSs, list which here:	<input type="checkbox"/>	Kemp's ridley sea turtle
<input type="checkbox"/>	Atlantic sturgeon critical habitat (GOM, NYB, Chesapeake Bay DPSs)	<input type="checkbox"/>	Loggerhead sea turtle (Northwest Atlantic DPS)
<input type="checkbox"/>	Shortnose sturgeon	<input type="checkbox"/>	Leatherback sea turtle
<input type="checkbox"/>	Atlantic salmon (GOM DPS)	<input type="checkbox"/>	North Atlantic right whale
<input type="checkbox"/>	Atlantic salmon critical habitat (GOM DPS)	<input type="checkbox"/>	North Atlantic right whale critical habitat
<input type="checkbox"/>	Green sea turtle (North Atlantic DPS)	<input type="checkbox"/>	Fin whale

**The following stressors are applicable to the action (check all that apply- use Table 1 for guidance)**

- Underwater Noise
- Impingement/Entrainment and Entanglement
- Water Quality/Turbidity
- Habitat Alteration
- Vessel Traffic

**FHWA's Determination of Effects to ESA-Listed Species and/or Critical Habitat**

By submitting this Verification Form, FHWA, or state DOT as FHWA's designated non-federal representative, indicates that they determined that the proposed activity described above is not likely to adversely affect (NLAA) ESA-listed species or designated critical habitat under NMFS' jurisdiction in accordance with the Program, and all effects (direct, indirect, interrelated, and interdependent) are either insignificant (so small they cannot meaningfully be measured, detected, or evaluated) and/or discountable (extremely unlikely to occur).

- The activity complies with all of the Project Design Criteria (PDC) in the Program, as confirmed in the PDC checklist.
- The activity does not comply with all of the PDC in the Program, but the additional justification demonstrates how the project conforms to the Program. This does not apply to PDC that are not applicable to the project.

FHWA/state DOT preparer:

\_\_\_\_\_

Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

By providing your determination and signature, you are certifying that to the best of your knowledge the information provided in this form is accurate and based upon the best available scientific information. This form must be filled out and signed by FHWA or state DOT staff, as an officially designated non-federal representative.

**Project Design Criteria (PDC) Checklist**

FHWA/state DOT shall incorporate all general PDC and all applicable PDC in the appropriate stressor category. For any PDC that are not incorporated, additional justification is required for a project to be eligible for the Program. FHWA/state DOT shall check the corresponding box for each PDC that is, or will be, incorporated into the project.

General

- 1. Ensure all operators, employees, and contractors are aware of all FHWA environmental commitments, including these PDC, when working in areas where ESA-listed species may be present or in critical habitat.

- 2. No work will individually or cumulatively have an adverse effect on ESA-listed species or critical habitat.
- 3. No work will occur in the tidally influenced portion of rivers/streams where Atlantic salmon presence is possible from April 10 through November 7.
- 4. No work will occur in areas identified as Atlantic or shortnose sturgeon spawning grounds as follows:
  - i. Gulf of Maine: April 1 through August 31
  - ii. Southern New England/New York Bight: March 15 through August 31
  - iii. Chesapeake Bay: March 15 through July 1 & September 15 through November 1
- 5. No work will occur in areas identified as sturgeon overwintering grounds where dense aggregations are known to occur, as follows:
  - i. Gulf of Maine: October 15 through April 30
  - ii. Southern New England/New York Bight: November 1 through March 15
  - iii. Chesapeake Bay: November 1 through March 15
- 6. Within designated Atlantic sturgeon critical habitat, no work will affect hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand (ppt) range) for settlement of fertilized eggs, refuge, growth, and development of early life stages) (PBF 1).
- 7. Work will result in no or only temporary/short-term changes in water temperature, water flow, salinity, or dissolved oxygen levels.
- 8. If it is possible for ESA-listed species to pass through the action area, a zone of passage with appropriate habitat for ESA-listed species (e.g., depth, water velocity, etc.) must be maintained (i.e., physical or biological stressors such as turbidity and sound pressure must not create barrier to passage).  
**If the “maximum extent of stressor” exceeds the “width of water body,” PDC 9 is NOT met, and justification is required to proceed with the Verification Form.**  
**Width (m) of waterbody in action area:**  
**Stressor category (stressor that extends furthest distance into waterbody- e.g., turbidity plume, sound pressure wave):**  
**Maximum extent (m) of stressor into the waterbody:**
- 9. The project will not directly affect any submerged aquatic vegetation (SAV) or oyster reefs.
- 10. No blasting or use of explosives will occur.
- 11. No in-water work on dams or tide gates.

Underwater Noise

- 12. If pile driving is occurring during a time of year when ESA-listed species may be present, and the anticipated noise is above the behavioral noise threshold, a 20-minute “soft start” is required to allow animals an opportunity to leave the project vicinity before sound pressure increases.
- 13. If the project involves driving steel piles, non-steel piles greater than 24-inches in diameter, or any other noise-producing mechanism, the expected underwater noise (pressure) must be below the physiological/injury noise threshold for ESA-listed species in the action area.

**Submit your calculation showing that the noise is below the injury thresholds.**

Pile material (e.g., steel pipe, timber, concrete)	Pile diameter/width (inches)	Number of piles	Installation method (e.g., impact hammer, vibratory start and then impact hammer to depth)

14. Any new pile-supported structure must involve the installation of no more than 50 piles (below MHW).

Impingement/Entrainment/Entanglement

15. Only mechanical, cutterhead, and low volume hopper dredges may be used.
16. No new dredging in Atlantic sturgeon or Atlantic salmon critical habitat (maintenance dredging still must meet all other PDC). New dredging outside Atlantic sturgeon or salmon critical habitat is limited to one-time dredge events (e.g., burying a utility line) and minor ( $\leq 2$  acres) expansions of areas already subject to maintenance dredging.
17. Temporary intakes related to construction must be equipped with 2 mm wedge wire mesh screening and must not have greater than 0.5 feet per second intake velocities, to prevent impingement or entrainment of any ESA-listed species.
18. Work behind cofferdams, turbidity curtains, and other methods to block access of animals to dredge footprint is required when ESA-listed species may be present.
19. No new permanent surface water withdrawal, water intakes, or water diversions.
20. Turbidity control measures, including cofferdams, must be designed to not entangle or entrap ESA-listed species.
21. Any in-water lines, ropes, or chains must be made of materials and installed in a manner to minimize or avoid the risk of entanglement by using thick, heavy, and taut lines that do not loop or entangle. Lines can be enclosed in a rigid sleeve.

Water Quality/Turbidity

22. In-water offshore disposal may only occur at designated disposal sites that have already been the subject of ESA section 7 consultation with NMFS and where a valid consultation is in place.
23. Any temporary discharges must meet state water quality standards (i.e., no discharges of substances in concentrations that may cause acute or chronic adverse reactions, as defined by EPA water quality standards criteria).
24. Only repair of existing discharge pipes or replacement in-kind allowed; no new construction.
25. Work behind cofferdams, turbidity curtains, or other methods to control turbidity are required when ESA-listed species may be present.

Habitat Alteration

26. Minimize all new waterward encroachment and permanent fill.
27. In Atlantic salmon critical habitat, replaced culverts must be constructed at a minimum of 1.2 bankfull width (BFW).

28. In Atlantic salmon critical habitat, no culvert end extensions, invert line culvert rehabilitation, or slipline culvert rehabilitation may occur.

Vessel Traffic

29. Maintain project vessel speed limits below 10 knots and dredge vessel speeds of 4 knots maximum, while dredging.
30. Maintain a 150-foot buffer between project vessels and ESA-listed whales and sea turtles (1,500 feet for right whales) and while dredging, at least a 300-foot buffer between dredge vessels and ESA-listed whales and sea turtles (1,500 feet for right whales).
31. The number of project vessels must be limited to the greatest extent possible, as appropriate to size and scale of project.
32. A project must not result in the permanent net increase of commercial vessels.

**Justification for NLAA Determination if not Incorporating All PDC**

If the project is not in compliance with all of the applicable PDC, but FHWA/state DOT determined that the project is consistent with the Program and all effects are insignificant and/or discountable, provide justification below and identify which PDC are not incorporated. Project modifications must not result in different effects not already considered.

**GARFO PRD Determination (To be filled out by GARFO PRD)**

After receiving the Verification Form, GARFO PRD will contact FHWA/state DOT with any concerns and indicate whether GARFO PRD concurs with FHWA/state DOT's determination.

- GARFO PRD concurs with FHWA's determination that the proposed project complies with the Program.
- GARFO PRD concurs with FHWA's determination that the proposed project complies with the Program, with the justification described.
- GARFO PRD does not concur with FHWA's determination that the project complies with the Program and FHWA/state DOT should initiate a separate individual consultation.

GARFO PRD reviewer:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date