

Appendix A. Verification Form (updated December 10, 2020)

Federal Highway Administration (FHWA) or the applicable state Department of Transportation (DOT) shall 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 with "FHWA GARFO NLAA Program: [Project Title or Number]" in the subject line. **Note:** project design contractors and/or consultants may assist in preparing the form, but only FHWA/DOT staff shall sign off on it on the final page.

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

- 1. Bridge repair, demolition, or replacement project
- 2. Culvert repair or replacement project
- 3. Dock, pier, or waterway access project (includes construction, demolition, and repairs)
- 4. Slope stabilization project

Transportation Project Information

Name of Project:			
Reinitiation (Yes/No):			
State DOT/Program:			
DOT ID Code:			
Contact Person:			
Phone:		Email:	
Project Latitude (e.g., 42.625884):			
Project Longitude (e.g., -70.646114):			
Maximum Water Depth (m)			
Anticipated Project Start Date:		Anticipated Project End Date:	
City/Town:		Water body:	
Project/Action Description and Purpose:			

ESA-listed species and/or critical habitats in the action area (Check all that apply)

<input type="checkbox"/>	Atlantic sturgeon (all DPSs)	<input type="checkbox"/>	Kemp's ridley sea turtle
<input type="checkbox"/>	Atlantic sturgeon critical habitat Indicate which DPS (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

* Please consult GARFO PRD's ESA Section 7 Mapper for ESA-listed species and critical habitat information for your action area at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater>.

The following stressors are applicable to the action:

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

Impacts Table

Habitat Alteration		
	Permanent (acres)	Temporary (acres)
Sand (saline)		
Silt/Mud/Clay (saline)		
Hard bottom (saline)		
Submerged Aquatic Vegetation (SAV) (saline)		
Sand (freshwater)		
Silt/Mud/Clay (freshwater)		
Hard bottom (freshwater)		
Submerged Aquatic Vegetation (SAV) (freshwater)		
Total amount of habitat alteration		
In-water Construction Impacts		
	Amount in meters	
Width of water body in action area (m)	M-05-001=W-06-013: 29.9m. W-06-016: 40.7m	
Stressor category that extends furthest distance into water body (e.g.; underwater noise, turbidity plume)		
Maximum extent of stressor into the water body (m)		

Project Design Criteria (PDC) Checklist

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

GENERAL PDCs			
Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	2.	No portion of the proposed action will individually or cumulatively have an adverse effect on ESA-listed species or critical habitat.
<input type="checkbox"/>	<input type="checkbox"/>	3.	No portion of the proposed action that may affect the GOM DPS of Atlantic salmon will occur in the tidally influenced portion of rivers/streams where their presence is possible from <u>April 10 through November 7</u> . The range of the GOM DPS only occurs in Maine. Note: If the project will occur within the geographic range of the GOM DPS Atlantic salmon but their presence is not expected following the best available commercial scientific data, the work window does not need to be applied. Please attach best available information (i.e. local fisheries biologist correspondence).
<input type="checkbox"/>	<input type="checkbox"/>	4.	No portion of the proposed action that may affect shortnose or Atlantic sturgeon will occur in areas identified as spawning grounds as follows: i. Gulf of Maine: Apr 1-Aug 31 ii. Southern New England/New York Bight: Mar 15-Aug 31 iii. Chesapeake Bay: Mar 15-Jul 1 and Sep 15-Nov 1 Note: If river specific information exists that provides better or more refined time of year information, those dates may be substituted with NMFS approval.
<input type="checkbox"/>	<input type="checkbox"/>	5.	No portion of the proposed action that may affect shortnose or Atlantic sturgeon will occur in areas identified as overwintering grounds where dense aggregations are known to occur as follows: i. Gulf of Maine: Oct 15-Apr 30 ii. Southern New England/New York Bight: Nov 1-Mar 15 iii. Chesapeake Bay: Nov 1-Mar 15 Note: If river specific information exists that provides better or more refined time of year information, those dates may be substituted with NMFS approval.
<input type="checkbox"/>	<input type="checkbox"/>	6.	Within designated critical habitat for Atlantic sturgeon, 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) (PBF 1).
<input type="checkbox"/>	<input type="checkbox"/>	7.	Work will result in no or only temporary/short-term changes in water temperature, water flow, salinity, or dissolved oxygen levels.

Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	8.	If ESA-listed species are (a) likely to pass through the action area at the time of year when project activities occur; and/or (b) the project will create an obstruction to passage when in-water work is completed, then a zone of passage (~50% of water body) 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).
<input type="checkbox"/>	<input type="checkbox"/>	9.	The project will not adversely impact any submerged aquatic vegetation (SAV) or oyster reefs.
<input type="checkbox"/>	<input type="checkbox"/>	10.	No blasting or use of explosives will occur.
<input type="checkbox"/>	<input type="checkbox"/>	11.	No in-water work on large dams or tide gates (small dam and tide gate repairs may be permitted with prior review and approval from NMFS).

UNDERWATER NOISE PDCs			
Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	12.	<p>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 “soft start” is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. <i>In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer.</i></p> <p><u>For impact pile driving:</u> pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one minute wait period, then two subsequent three-strike sets at 40% energy, with one-minute waiting periods, before initiating continuous impact driving.</p> <p><u>For vibratory pile installation:</u> pile driving will be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period will be repeated two additional times, followed immediately by pile-driving at full rate and energy.</p>

Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	13.	<p>If the project includes non-timber piles*, please attach your calculation to this verification form showing that the noise is below the injury thresholds of ESA-listed species in the action area. The GARFO Acoustic Tool can be used as a source, should you not have other information: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultation-technical-guidance-greater-atlantic.</p> <p>*Effects from timber and steel sheet piles were analyzed in the NLAA programmatic consultation, so no additional information is necessary.</p>
<input type="checkbox"/>	<input type="checkbox"/>	14.	Any new pile-supported structure must involve the installation of no more than 50 piles (below MHW).

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

IMPINGEMENT/ENTRAINMENT AND ENTANGLEMENT PDCs			
Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	15.	<p>If excavating or dredging, only mechanical buckets, hydraulic cutterheads, or low volume hopper dredges (e.g., CURRITUCK, ≤300 cubic yard maximum bin capacity) may be used.</p> <p>Note: We consider excavating a smaller scale form of mechanical dredging.</p>
<input type="checkbox"/>	<input type="checkbox"/>	16.	<p>No new excavation or dredging in Atlantic sturgeon or salmon critical habitat (excavation in a prior construction footprint or maintenance dredging is permitted, but still must meet all other PDCs). New excavation or dredging outside Atlantic sturgeon or salmon critical habitat is limited to one-time events (e.g., burying a cable or utility line) and minor (≤2 acres) expansions of areas already subject to prior excavation or maintenance dredging. Locating a replacement bridge within 250 feet (centerline to centerline) of an existing bridge and excavation of sediment around bridge piers are considered work in a previous construction footprint.</p> <p>Note: We consider excavating a smaller scale form of mechanical dredging.</p>

Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	17.	Temporary intakes related to construction are prohibited in sturgeon and salmon spawning, rearing, or overwintering habitat during the time of year windows identified in General PDCs 3-5. If utilized outside those areas and times of year and in an area with anticipated sturgeon and salmon presence, temporary intakes must be equipped with 2-millimeter wedge wire mesh screening and must not have greater than 0.5 feet per second intake velocities, to prevent impingement or entrainment of juvenile and early life stages of these species.
<input type="checkbox"/>	<input type="checkbox"/>	18.	Work behind cofferdams, turbidity curtains, or other instruments that prevent access of animals to the project area is required when ESA-listed species are likely to be present (if presence is limited to rare, transient individuals, access control measures are not necessary). Once constructed, work inside a cofferdam at any time of year may be permitted with NMFS approval, provided the cofferdam is installed/removed outside the time-restricted period.
<input type="checkbox"/>	<input type="checkbox"/>	19.	No new permanent surface water withdrawal, water intakes, or water diversions.
<input type="checkbox"/>	<input type="checkbox"/>	20.	Turbidity control measures, including cofferdams, must be designed to not entangle or entrap ESA-listed species.
<input type="checkbox"/>	<input type="checkbox"/>	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 PDCs			
Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	23.	Any temporary discharges must meet state water quality standards (e.g., no discharges of substances in concentrations that may cause acute or chronic adverse reactions, as defined by EPA water quality standards criteria).
<input type="checkbox"/>	<input type="checkbox"/>	24.	Only repair, upgrades, relocations, and improvements of existing discharge pipes or replacement in-kind are allowed; no new construction of untreated discharges.
<input type="checkbox"/>	<input type="checkbox"/>	25.	Work behind cofferdams, turbidity curtains, or other instruments to control turbidity is required when operationally feasible and ESA-listed species are likely to be present (if presence is limited to rare, transient individuals, turbidity control methods are not necessary).

HABITAT ALTERATION PDCs			
Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	26.	Minimize all new waterward encroachment and permanent fill.
<input type="checkbox"/>	<input type="checkbox"/>	27.	In Atlantic salmon critical habitat, stream simulation design with a minimum span of 1.2 bankfull width will be used in areas with minimal tidal influence. In tidal areas, a design that allows for unimpeded flow will be used (no delay in water entering or exiting the area upstream of the crossing).
<input type="checkbox"/>	<input type="checkbox"/>	28.	In Atlantic salmon critical habitat, no culvert end extensions, invert line culvert rehabilitation, or slipline culvert rehabilitation may occur.

VESSEL TRAFFIC PDCs			
Yes	N/A	PDC #	PDC Description
<input type="checkbox"/>	<input type="checkbox"/>	29.	Maintain project (i.e., construction) vessels operating within the action area to speed limits below 10 knots and dredge vessels to speeds of 4 knots maximum, while dredging.
<input type="checkbox"/>	<input type="checkbox"/>	30.	Maintain a 1,500-foot buffer between project (i.e., construction) vessels and ESA-listed whales and a 300-foot buffer between project vessels and sea turtles. This also applies to dredge vessels.
<input type="checkbox"/>	<input type="checkbox"/>	31.	The number of project (construction) vessels must be limited to the greatest extent possible, as appropriate to size and scale of project.
<input type="checkbox"/>	<input type="checkbox"/>	32.	The 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 general and stressor-based PDCs, but you can provide justification and/or special conditions to demonstrate why the project still meets the NLAA determination and is consistent with the aggregate effects considered in the programmatic consultation, you may still certify your project through the NLAA program using this verification form. Please identify which PDCs your project does not meet (e.g., PDC 9, PDC 15, PDC 22, etc.) and provide your rationale and justification for why the project is still eligible for the verification form. Project modifications must not result in different effects not already considered.

To demonstrate that the project is still NLAA, you must explain why the effects on ESA-listed species or critical habitat are **insignificant** (i.e., too small to be meaningfully measured or detected) or **discountable** (i.e., extremely unlikely to occur). **Please use this language in your justification.**

PDC#	Justification

FHWA/DOT Verification of Determination (To be filled out by FHWA/DOT staff only)

By submitting this Verification Form, FHWA, or the 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) or discountable (extremely unlikely to occur).

<input type="checkbox"/>	In accordance with the FHWA GARFO NLAA Program, we have determined that the action complies with all applicable PDCs and is not likely to adversely affect listed species.	
<input type="checkbox"/>	In accordance with the FHWA GARFO NLAA Program, we have determined that the action is not likely to adversely affect listed species per the justifications and/or special conditions provided above.	
FHWA/DOT 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.

GARFO PRD Concurrence (To be filled out by GARFO PRD)

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

<input type="checkbox"/>	In accordance with the FHWA GARFO NLAA Program, GARFO PRD concurs with FHWA/DOT’s determination that the action complies with all applicable PDCs and is not likely to adversely affect listed species or critical habitat.	
<input type="checkbox"/>	In accordance with the FHWA GARFO NLAA Program, GARFO PRD concurs with FHWA/DOT’s determination that the action is not likely to adversely affect listed species or critical habitat per the justifications and/or special conditions provided above.	
<input type="checkbox"/>	GARFO PRD does not concur with FHWA/DOT’s determination that the action complies with the applicable PDCs (with or without justifications), and recommends an individual Section 7 consultation to be completed independent from the FHWA GARFO NLAA Program.	
GARFO PRD Signature:		Date: