

2024 FHWA GARFO EFH Programmatic Q&A

Where can I find the 2024 FHWA GARFO Essential Fish Habitat Programmatic?

It is available from your FHWA Division Office, and it is also posted on the NMFS GARFO website

[FHWA Programmatic EFH Consultation and General Concurrence for Select Transportation Actions in the NMFS Greater Atlantic Region \(noaa.gov\)](#)

What does the 2024 GARFO EFH Programmatic Cover?

The 2024 FHWA GARFO EFH Programmatic covers the following activities that may affect Essential Fish Habitat within Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia with certain limitations and restrictions:

- bridge repair, demolition, and replacement
- culvert repair and replacement
- slope stabilization, and
- docks, piers, and waterway access projects.

This consultation is applicable in tidally influenced waters and wetlands of the U.S. and nontidal waters that support diadromous fish within the NMFS Greater Atlantic Region.

Who can use the 2024 GARFO EFH Programmatic?

FHWA Divisions or State DOTs may use this consultation for applicable FHWA funded or authorized activities including the National Culvert Removal, Replacement, and Restoration Grant program (Culvert AOP Program). FHWA/State DOTs may also use this consultation for eligible projects or consult with NMFS Habitat and Ecosystem Services Division (HESD) on a case-by-case basis through project specific EFH consultation as outlined in the [FHWA/NMFS Consultation Process Guide For Transportation Actions in the NMFS Greater Atlantic Region](#) and the FHWA/State DOT Standard Operating Procedures outlined in Appendix C. This consultation may also be used in instances where the State DOT further delegates consultation activities to local governmental entities such as county road or public works departments. Regardless of the transportation project contracting approach, complete information on the project design in relation to effects to EFH must be available, in accordance with the NMFS/FHWA Consultation Process Guide for each of the projects using this consultation.

What are the disturbance thresholds under this Programmatic?

A list of activities that are not eligible for the 2024 FHWA GARFO EFH Programmatic consultation and will require project specific consultation with NMFS HESD are found in Appendix A of the Programmatic. This is because the activity and/or the effects of such work are

expected to be more than minimal and/or additional information will be required to determine the effects and provide recommendations to avoid and minimize effects to EFH and NOAA trust resources. Activities may be ineligible for the programmatic consultation due to the activity type, extent of impact or type of habitat impacted. **FHWA/State DOTs should contact local NMFS HESD staff if there are any questions about the applicability of this consultation to a proposed project.**

Individual EFH consultation is required for excluded activities, those activities that exceed impact thresholds as listed in Appendix A, and activities that do not include all the applicable FHWA Minimum Conservation Measures (Section 6.0). While a project specific EFH consultation may be required for excluded activities or activities exceeding the impact thresholds of this programmatic consultation, such consultations may still qualify for an abbreviated EFH consultation.

How do I apply the 2024 FHWA GARFO EFH Programmatic to a proposed project?

Begin by reviewing the 2024 FHWA GARFO EFH Programmatic consultation document linked above and the procedures in Section 2.0 of the Programmatic. DOT projects that may be covered under the Programmatic would then use the FHWA implementation form to apply the Programmatic to the project and document compliance with the EFH Conservation Recommendations found in Section 6.0 and Appendix B of the Programmatic. Eligible transportation activities that incorporate all the FHWA Minimum Conservation Measures listed in Section 6.0 and the relevant programmatic EFH conservation recommendations included in Appendix B do not require additional coordination with NMFS HESD.

What if a proposed project is unable to incorporate all the EFH conservation recommendations in Appendix B?

While it is expected that these EFH conservation recommendations will be incorporated into all transportation projects deemed eligible under the Programmatic consultation, a proposed project will not be deemed ineligible for the Programmatic consultation if all the applicable EFH conservation recommendations in Appendix B are not followed. FHWA/State DOTs must identify which projects did not include all the applicable EFH conservation recommendations in Appendix B and provide a brief justification on the implementation form explaining why the relevant EFH conservation recommendations were not incorporated into the project. FHWA/State DOTs will include these justifications in the annual report to NMFS.