Appendix B. Verification Form

This form demonstrates compliance with the FHWA/NMFS GARFO EFH Programmatic Consultation dated 1/16/24. The applicable state Department of Transportation (state DOT) will complete this form and enter the project details into the ESA/EFH webtool (https://www.environment.fhwa.dot.gov/esawebtool/) to apply the programmatic consultation to a transportation project. FHWA will receive and review the completed forms before a final NEPA decision as part of the overall environmental review process. FHWA with the assistance of VOLPE will compile the information provided by all covered state DOTs on the completed Verification Forms and ESA/EFH webtool for the purposes of tracking and annual monitoring. FHWA/state DOT must include the completed Verification Form as part of a permit application with any other federal agency, such as U.S. Army Corps of Engineers or U.S. Coast Guard, to confirm that EFH consultation is complete.

Projects that are unable to meet the mandatory conservation recommendations in **bold** the state DOT will work with their FHWA Division Office to complete individual EFH consultation with NMFS.

Project Activity Type

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

Transportation Project Information

Project Name:		Project Number:	
Project Sponsor:		Contact Person:	
Email:		Phone:	
Latitude (e.g., 42.625884):			
Longitude (e.g., -70.646114):			
City/Town, State:		Waterway:	
Project Description and Purpose:			
Anticipated Project Start Date:		Anticipated Project End Date:	
Total area of impact to EFH (in acres): Include locus map with area of impact.			
Area of impacts to sensitive habitats (in square feet):		No impacts to submerged aquatic vegetation (SAV) or oyster reefs allowed.	
Natural rocky habitat (e.g., bedrock, boulders, cobble, and/or gravel):			
Salt marsh:			
Areas containing shellfish (excluding oyster reefs):			
Intertidal mudflats:			
Area of impact to diadromous fish habitat:			

Potential Stressors Caused by the Activity (Check all that apply based on activity type)

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

EFH Conservation Recommendation Checklist

FHWA/state DOT will indicate how the project addresses each of the programmatic EFH conservation recommendations, by selecting the appropriate check box and providing a brief explanation where necessary. **Bolded CRs are required.** If the project is not in compliance with any additional programmatic EFH conservation recommendation and FHWA/state DOT has still determined that the effects of a project on EFH are not substantial and the project is otherwise consistent with the FHWA programmatic EFH consultation, provide justification below under the conservation recommendations that are not included.

Underwater Noise

☐ Check here if the EFH conservation recommendations in this section are not applicable because the project will not create underwater noise as a stressor. Proceed to the next stressor.

1. Use a vibratory hammer to the maximum extent practicable.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans
☐ Included in description, other terms and conditions

2. For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1-minute wait period, then two subsequent 3-strike sets at 40 percent energy, with 1-minute waiting periods, before initiating continuous impact driving. In addition to a soft start at the beginning of the day for impact pile driving, a soft start must also be used at any time following cessation of impact pile driving for a period of thirty minutes or longer and if any increase in pile installation or removal intensity is required. Build up power slowly from a low energy start-up over a 20-minute period to warn fish to leave the vicinity. This buildup shall occur in uniform stages to provide a constant increase in output. This should be done in accordance with the methods outlined in the NMFS GARFO/FHWA Best Management Practices (BMP) Manual.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

3. Avoid the use of hollow steel pipe piles when possible.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

4. Do not undertake noise-generating work in diadromous streams within the spring diadromous fish TOY restriction listed in Appendix C unless it is isolated behind sealed, dewatered cofferdams, to avoid impeding fish migration.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and condition

Impingement/Entrainment and Entanglement

☐ Check here if the EFH conservation recommendations in this section are not applicable because the project will not lead to impingement/entrainment and entanglement as a stressor. Proceed to the next stressor.

5. **Turbidity control measures must be properly installed, secured and regularly monitored to ensure aquatic species are not entangled or trapped in the project area.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

6. **No new permanent surface water withdrawal, water intakes, or water diversions. (Permanent surface water intakes do not include dry hydrants.)**

☐ Not met: Project requires individual consultation with NMFS

☐ Met
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

7. Install and operate temporary intakes related to construction in accordance with the NMFS GARFO/FHWA Best Management Practices (BMP) Manual and equip intakes with mesh size screening and approach velocity appropriate for the species and life stage anticipated to be present during construction. Temporary pumping/intakes related to construction water handling will be based on the resource present and be in accordance with state fisheries consultation (with documentation provided) where such consultation is available. In addition,
    a) Per the NMFS Anadromous Salmonid Passage Facility Design manual, screen openings must not exceed 3/32 inch and screen approach velocity must be less than 0.25 feet per second (ft. /sec) in waters supporting anadromous salmonids.
    b) The use of 2 millimeter (mm) wedge wire screens must be used with a maximum intake velocity of 0.5 feet per second (ft. /sec).
    c) In Virginia, a 1 mm wedge wire screen with a maximum intake velocity of 0.25 ft. /sec) is required.

☐ Not met:
- ☐ Not applicable, provide reasoning:

- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

Water Quality/Turbidity

☐ Check here if the EFH conservation recommendations in this section are not applicable because the project will not negatively affect water quality or create turbidity. Proceed to the next stressor.

8. **Install soil erosion, sediment, and turbidity controls and maintain them in effective operating condition during construction. Remove controls upon completion of work, after all exposed soil and other fills, as well as any work waterward of ordinary high water or the high tide line, are permanently stabilized.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

9. **Prevent construction debris and sediment from entering aquatic areas and remove all construction debris and excess/deteriorated materials and dispose of in an appropriate upland area.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

10. **Dredged and/or excavated materials, including any fine-grained materials removed from inside culverts, shall either be moved to an upland location and stabilized to prevent reentry into the waterway or disposed of at a previously approved disposal site.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

11. **Completely remove and do not reuse existing creosote piles that are affected by project activities and do not install new creosote piles. Piles that break or cannot be removed due to site conditions must be cut off at the mudline.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

12. **Ensure that raw concrete does not contact the water; wet pours of concrete must be confined within sealed forms until the concrete is set or pre-cast members installed. Ensure grout bags are watertight.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

13. Install and remove any in-water soil erosion, sediment, and turbidity controls outside of the TOY restrictions listed in Appendix C.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

14. Conduct in-water work that produces turbidity or sedimentation in diadromous streams or EFH outside of the TOY restriction(s) in Appendix C.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

15. Do not use any creosote, coal tar epoxy, or other hydrocarbon-based coatings on any in-water structures or overwater structures. Dispose of any demolished structures treated with creosote, coal tar epoxy, or other hydrocarbon-based coatings in an approved upland disposal site.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

16. In NJ only, in areas mapped as shellfish beds pursuant to N.J.A.C 7:7-9.2
    - All structures should be constructed with alternative materials, such as plastic, natural cedar or other untreated wood, or pressure-treated wood, coated offsite with an impact resistant, biologically inert substance to minimize leachate into shellfish areas.

- Coat any chemically or pressure treated piles (CCA, ACQ, etc.) with an impact-resistant, biologically inert substance. Coating should be applied during the manufacturing process, not post-manufacturing by a third party or contractor.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

Habitat Alteration

☐ Check here if the EFH conservation recommendations in this section are not applicable because the project will not cause habitat alteration. Proceed to the next stressor.

17. **Remove temporary and/or obsolete structures and fills in their entirety. Use geotextile barriers prior to placement of temporary fill material to ensure complete removal.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

18. **Return areas impacted by temporary activities, fills, or structures to pre-construction or better condition, including elevations and substrate, and replant with native species.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

19. **Temporary monitoring devices, if used in-water as part of an activity, shall be removed and the substrate restored to pre-construction elevations no later than 24 months from initial installation, or upon completion of data acquisition.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

20. **Pipelines and cables that cross a waterway must not rest on the substrate. They may be**

attached to an overwater structure or be buried to allow an area to return to preexisting conditions.

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

21. **Any fill, including planting media and placement of any seed shellfish, spatted-shell, or cultch must be free of all non-native or invasive species and/or contaminants. An invasive species control plan must be part of the project if the transportation agency cannot guarantee this.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

22. **Prevent dislodging of coir logs, mats, or native oyster shell.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

23. **Lowermost section of floating docks and vessels must be ≥18 inches above the substrate at all times.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

24. **Avoid propeller scour and grounding of all project vessels and floating docks.**

☐ Not met: Project requires individual consultation with NMFS

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

25. Provide compensatory mitigation for all permanent impacts to aquatic habitats and for temporary impacts in place over 12 months to address the temporal loss of aquatic habitat functions. This could include a contribution to an existing in-lieu fee program. Because compensatory mitigation is intended to offset adverse effects of an action, it

cannot be viewed separately from an action causing the effect.

When impacts are unavoidable:

a) Conduct a pre-biological survey to map the coverage of the sensitive habitats;
b) Develop a compensatory mitigation plan for biological resource losses, including success criteria, monitoring and adaptive management plans, and long-term maintenance plan. Use the 2008 Final Rule, Compensatory Mitigation for Losses of Aquatic Resources under Clean Water Act Section 404 (33 CFR Parts 325 and 332, 40 CFR Part 230) and NOAA's Mitigation Policy as guides for the development of the compensatory mitigation plan.
c) Undertake compensatory mitigation prior to or concurrent with any impacts to sensitive habitat.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans
☐ Included in description, other terms and conditions

26. Prior to construction, identify and mark in the field any SAV and wetlands at the project site. An SAV survey is required for activities adjacent to mapped or known SAV if a survey has not been conducted in the previous three years.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans
☐ Included in description, other terms and conditions

27. Locate temporary structures, anchors, spud barges, and construction, access, and dewatering activities outside of special aquatic sites.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

28. All in-water work, including dredging or discharge of fill material will be undertaken at, or approximating, low tide and using low ground pressure equipment to prevent compaction. Low ground pressure is defined as < 3 psi. Where construction requires heavy equipment operation in or across wetlands or mudflats, the equipment shall be placed on construction timber mats that are adequate to support the equipment; be operated on dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath equipment and upheaval of adjacent wetlands. Construction mats must not be dragged into position.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

29. Remove temporary and/or obsolete structures and fills in their entirety, unless the structure or fill is to be left in place in order to comply with conditions imposed by other state or federal permits. Obsolete structures do not include any structures that are repurposed or preserved to prevent habitat degradation (e.g., abutments or sheet piling that remain in place for habitat or scour protection).

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

30. If rock relocation is necessary, move them to an area of equivalent depth and substrate.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

31. The height of docks and piers must be at least four feet above salt marsh substrate and must be greater than or equal to the width of the deck to minimize shading impacts. The height must be measured from the marsh substrate to the bottom of the longitudinal support beam.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

32. The lowermost part of floating docks must be greater than or equal to 18 inches above the substrate at all times to avoid grounding and propeller scour and to provide adequate circulation and flushing.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

33. Habitat restoration or mitigation projects must not result in a permanent conversion or loss of sensitive habitats such as SAV, natural rocky habitats, areas containing shellfish, mudflats, and riffle and pool complexes.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

34. Grain size of any sediment used as part of habitat restoration must be the same size or larger than the native material at the site. Material must be free from toxic chemicals (in excess of ERM values in NOAA SQuiRT tables), asphalt, and other trash or anthropogenic debris.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

35. The following buffers apply between the following habitats and the top of slope of the area to be dredged/excavated.:

a) In New England, setbacks of 100 ft. from tidal SAV or 25 ft. from natural rocky habitats, Special Aquatic Sites (wetlands, mudflats, riffle/pool complexes) and areas containing shellfish.
b) In NY, NJ, DE and PA, dredging shall not occur within 25 ft. from the edge of vegetated wetlands.
c) In NY and NJ, dredging shall not occur within 500 ft. of SAV in sediments greater than or equal to 90% sand and 250 ft. of SAV if sediments are less than 90% sand during the growing season (April 15-October 15) to minimize impacts to SAV due to turbidity.
d) In Virginia and Maryland, dredging shall not occur in areas within the distance from wetlands equal to four times the depth of the dredging.
e) In Maryland, dredging shall not occur within 500 yds. of a natural oyster beds between December 16 to March 14 and June 1 to September 30.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

36. Do not discharge new or proposed outlets directly into sensitive habitats and redirect upgrades to existing outlets away from sensitive habitats.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

Fish Passage/Migration Habitat

37. Design replacement crossings to provide anadromous and resident fish and aquatic organism passage to the maximum extent possible. Use the Federal Interagency Nature-like Fishway Passage Design Guidelines for Atlantic Coast Diadromous Fishes and Culvert Design For Aquatic Organism Passage FHWA-HIF-11-008) for design guidance. In addition, structures must:
    - provide sufficient water depth and maintain suitable water velocities during migration periods; and
    - maintain or replicate natural stream channel and flow conditions.

☐ Not met:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans
☐ Included in description, other terms and conditions

38. Replaced or upgraded crossings must be a similar or improved structure type and must be designed to provide diadromous and resident fish organism passage by providing sufficient water depth, maintaining suitable water velocities during migration periods, and maintaining or replicating natural stream channel and flow conditions. Upgraded crossings must be designed in accordance with the order of preference set out in NMFS' Anadromous Salmonid Passage Facility Design, unless such design is otherwise approved by the State Fisheries Agency.

☐ Not met:
☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:
☐ Shown on project plans
☐ Included in description, other terms and conditions

39. For activities that require soil erosion, sediment, and turbidity controls, prevent impeding the run by incorporating the following:
    a) in non-tidal streams containing diadromous fish
        i. the activities must not encroach >25% of the stream width measured from ordinary high water during the anadromous TOY restriction unless such encroachment is otherwise approved by State Fisheries; and
        ii. In waterways supporting diadromous fish, the activities must maintain safe, timely, and effective downstream fish passage throughout the project.
    b) in tidal waters:
        i. The activities must not encroach >50% of a tidal stream's width as measured from mean high water unless such encroachment is otherwise approved by the State Fisheries Agency.

☐ Not met:
☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans
☐ Included in description, other terms and conditions

40. Incorporate climate change and sea level rise projections into the project design as appropriate to address changing hydrologic conditions (increased precipitation and stream flow, altered tidal regimes, etc.). Guidance can be found in NOAA Fisheries' national Procedure for Addressing Climate Change in NMFS Essential Fish Habitat Consultations and GARFO's Guidance for Integrating Climate Change Information in Greater Atlantic Region Habitat Conservation Division Consultation Processes, including the recommendation to use relevant local or regional climate prediction models where available as well as emission and climate projection scenarios on a global scale from the Intergovernmental Panel on Climate Change (IPCC). The use of a "high" (e.g., RCP/SSP8.5) and an "intermediate" (e.g., RCP/SSP 4.5 or RCP 6.0) scenario (IPCC 2021) is suggested. For SLR projections, at a minimum the 1.0 m mean global scenario is recommended with the relevant downscaled projections for the closest tide gauge location identified in Sweet et al. (2022).

☐ Not met:
☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:
☐ Shown on project plans
☐ Included in description, other terms and conditions

Vessel Interactions

☐ Check here if the EFH conservation recommendations in this section are not applicable because the project will not use vessels.

41. Project vessels shall be operated in adequate water depths in the action area to avoid propeller scour and grounding at all tides. Shallow draft vessels will be used in shallow areas to maximize the navigational clearance between the vessel and the bottom substrate. Spuds may be used to elevate the vessel.

☐ Not met:
☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

42. Project vessels shall not be moored in or use spuds in SAV or be located in such a way that the vessel could shade SAV.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

43. Vessels transit through SAV shall be done at high tide.

☐ Not met:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans
- ☐ Included in description, other terms and conditions

Activities that Require Individual Consultation

1. Any work (including anchoring) that results in temporary or permanent impacts to:
    a) Existing or historically mapped submerged aquatic vegetation (SAV) beds or areas within 100 feet of existing or historically mapped SAV beds unless otherwise confirmed to be absent by survey.
    b) ≥ 1,000 SF of tidal SAS (except tidal SAV, see 1 above), natural rocky habitats, or freshwater SAV.
2. Stream channelization.
3. Any temporary structures, construction access, and dewatering activities proposed to be in place for ≥ two years
4. Slip-lining or invert lining existing culverts in tidal waters or non-tidal waters that support diadromous fishes. Resources to assist in the identification of these waters can be found in Appendix H and from State fishery agencies.
5. Structures (docks, piers, walkways) or temporary structures: Less than 1:1 height/width ratio or wider than 4 ft. over salt marsh waterward of MHW. The height should be measured from the substrate to the bottom of the longitudinal support beam lowermost portion of the deck structure.
6. Construction of new or expansion of existing boating facilities. For the purposes of this programmatic EFH consultation, a boating facility is boat docking or mooring space for more than two non-commercial vessels.
7. Excavation for the purpose of establishing new or improved navigation channels (e.g. dredging), exceeding the thresholds listed under number 1 above.
8. Any nearshore disposal or beach nourishment activities.
9. New fill or stabilization structures placed below mean low water in excess of 200 linear feet (lf).
10. Replacement of:
    a) slope stabilization structures > 200 lf. *and* waterward of the existing toe, or
    b) vertical structures > 18 inches waterward of the existing face *and* > 200 lf.
11. in layer deposition as a part of wetland restoration.
12. Placement of any seed shellfish, spatted-shell, or cultch in the following sensitive habitats: fish and wildlife sanctuaries and refuges, mudflats, SAV beds, riffle/pool complexes, natural rocky habitats, intertidal areas, and areas containing shellfish.
13. In-water utility lines ≥100 linear feet (LF) installed by trench excavation; or where installed by jet-plow, fluidization or other direct burial methods:
    a) installed in mud, clay, or silt substrates; or
    b) ≥200 LF when installed in sandy substrates (e.g. >/= 90% coarse grained sand habitats (Wentworth <35 ASTM No. US Standard)). Direct burial methods do not include jacking or directional drilling/boring.
14. Airgun seismic activities.
15. Any new permanent surface water withdrawal, water intakes, or water diversions.
16. All work to tide gates without a USACE-approved operation and maintenance plan or alterations to tide gates that will affect the hydraulic regime. This does not include work on tide gates (e.g., duckbills, flap gates, etc.) that solely convey stormwater and/or NPDES-permitted discharges. See The Effects of Tide Gates on New England Wetlands and Other Tidal Resources. Greater Atlantic Region Policy Series [23-01] for additional information on tide gates and associated BMPs.
17. In-water blasting that affects EFH or diadromous species habitat, or out-of-water blasting with the discharge of blasted material in water.

18. Construction of new bridges or culverts, where no crossing existed previously.
19. Any new or replacement causeways (raised roadways across waters or wetlands). Temporary causeways do not require project specific consultation (i.e., they are covered under the programmatic consultation), provided they do not exceed the above listed threshold or include other excluded activities.
20. Dam and flood control or levee repairs that will alter water levels or flood elevations during the diadromous time of year (TOY) restriction provided in App C.
21. Living shoreline >500 linear feet in length located below OHW or the HTL and/or includes beach nourishment/ land reclamation activities.
22. Living shorelines with structure and/or fill area that extends into the waterbody more than 30 FT from the MLW line, including sand fills, sills, breakwaters, or reefs, or any living shoreline that proposes to impact SAV.
23. Excavated materials, stored, deposited, and retained anywhere but an upland area that prevents sediments from reentering aquatic habitats, except as authorized/required by the terms of a USACE or USCG approval.

DOT Determination of Effects to Essential Fish Habitat and Signature
After reviewing the programmatic EFH conservation recommendations in Section 6.0 and Appendix B, state DOT will select the appropriate determination:

☐ The activity is in compliance with all programmatic EFH conservation recommendations in the FHWA programmatic EFH consultation and adverse effects to EFH will not be substantial.

☐ The activity is not in compliance with all of the programmatic EFH conservation recommendations in the FHWA programmatic EFH consultation and individual consultation with NMFS is needed.

Use the electronic fillable fields to include the name and signature of the state DOT preparing this Verification Form, along with the date.

State DOT 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 state DOT staff, as an officially designated non-federal representative. Email this Verification Form to your FHWA Division Office.

FHWA Review
After receiving the Verification Form, the FHWA Division Office will contact the state DOT with any concerns. FHWA will review this form before a final NEPA decision. FHWA will email the signed form back to the state DOT for record keeping.

☐ FHWA concurs with state DOT's determination that the proposed project is consistent with the programmatic EFH consultation (without the need for justification).

☐ FHWA concurs with state DOT's determination that the proposed project is consistent with the programmatic EFH consultation, with justification described above.

☐ FHWA does not concur with state DOT's determination that the project is consistent with the programmatic EFH consultation. FHWA/state DOT must conduct additional coordination with GARFO HCD and a separate individual EFH consultation may be required.

FHWA Reviewer

Name Signature

Date of Review