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
☑	☐	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 portion of the proposed action will individually or cumulatively have an adverse effect on ESA-listed species or critical habitat.
☐	☑	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).
☐	☑	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.
☐	☑	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.
☐	☑	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).
☑	☐	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
☑	☐	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).
☐	☑	9.	The project will not adversely impact any submerged aquatic vegetation (SAV) or oyster reefs.
☑	☐	10.	No blasting or use of explosives will occur.
☐	☑	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
☐	☑	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 "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. *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.* <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. <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.

Yes	N/A	PDC #	PDC Description
☐	☑	13.	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. *Effects from timber and steel sheet piles were analyzed in the NLAA programmatic consultation, so no additional information is necessary.
☑	☐	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)
	30		cofferdam, drill, placement, concrete fill

IMPINGEMENT/ENTRAINMENT AND ENTANGLEMENT PDCs			
Yes	N/A	PDC #	PDC Description
☐	☑	15.	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. **Note**: We consider excavating a smaller scale form of mechanical dredging.
☐	☑	16.	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. **Note**: We consider excavating a smaller scale form of mechanical dredging.

Yes	N/A	PDC #	PDC Description
☐	☑	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.
☑	☐	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.
☐	☑	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 PDCs			
Yes	N/A	PDC #	PDC Description
☐	☑	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 (e.g., 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, upgrades, relocations, and improvements of existing discharge pipes or replacement in-kind are allowed; no new construction of untreated discharges.
☑	☐	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
☑	☐	26.	Minimize all new waterward encroachment and permanent fill.
☐	☑	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).
☐	☑	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
☑	☐	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.
☑	☐	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.
☑	☐	31.	The number of project (construction) vessels must be limited to the greatest extent possible, as appropriate to size and scale of project.
☑	☐	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
	See attached justifications below

Expanded PDC form:

PDC 4:

This project is not located in spawning or overwintering grounds or critical habitat for sturgeon, so general PDCs 4-6 are not applicable and no TOY restriction will be proposed for ESA-listed species. Cofferdams installed during the project will not involve pile driving. No noise above 150 dB is expected from rock drilling due to small pile sizes and location within cofferdams. As the project will not involve offshore disposal or work on discharge pipes.

PDC 5:

This project is not located in spawning or overwintering grounds or critical habitat for sturgeon, so general PDCs 4-6 are not applicable and no TOY restriction will be proposed for ESA-listed species. Cofferdams installed during the project will not involve pile driving. No noise above 150 dB is expected from rock drilling due to small pile sizes and location within cofferdams. As the project will not involve offshore disposal or work on discharge pipes.

PDC 6:

This project is not located in spawning or overwintering grounds or critical habitat for sturgeon, so general PDCs 4-6 are not applicable and no TOY restriction will be proposed for ESA-listed species. Cofferdams installed during the project will not involve pile driving. No noise above 150 dB is expected from rock drilling due to small pile sizes and location within cofferdams. As the project will not involve offshore disposal or work on discharge pipes.

PDC 12:

No sheet piles or bridge piles will be driven during the project so PDCs 12-13 related to underwater noise are also not applicable. Rock sockets and drilled shafts may be used but will not exceed 30 inches and will be installed in the dry within the sealed cofferdams.

PDC 13:

No sheet piles or bridge piles will be driven during the project so PDCs 12-13 related to underwater noise are also not applicable. Rock sockets and drilled shafts may be used but will not exceed 30 inches and will be installed in the dry within the sealed cofferdams.

PDC 22:

PDCs 22 and 24 related to water quality, turbidity, and scaffolding are not applicable. There may be turbidity produced during the cofferdam installation; however, the effects are expected to be be too small to be meaningfully measured or detected, and therefore insignificant, as the small resulting sediment plume is expected to settle out of the water column within a few hours and will not prohibit movement of listed species around the area (i.e., an adequate zone of passage will be ensured)

PDC 24:

PDCs 22 and 24 related to water quality, turbidity, and scaffolding are not applicable. There may be turbidity produced during the cofferdam installation; however, the effects are expected to be be too small to be meaningfully measured or detected, and therefore insignificant, as the small resulting sediment plume is expected to settle out of the water column within a few hours and will not prohibit movement of listed species around the area (i.e., an adequate zone of passage will be ensured)

PDC 27:

As Atlantic salmon are not present in the action area, PDCs 27-28 related to habitat alteration are not applicable.

PDC 28:

As Atlantic salmon are not present in the action area, PDCs 27-28 related to habitat alteration are not applicable.

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).

☐	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.
☑	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:
JARED ANDREW GROSS Digitally signed by JARED ANDREW GROSS Date: 2021.03.10 14:51:32 -05'00'	03/10/2021

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.

☐	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.
☑	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.
☐	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:
BARNHILL.WILLIAM.O.1385732348 Digitally signed by BARNHILL.WILLIAM.O.1385732348 Date: 2021.03.18 13:46:14 -04'00'	03/18/2021

EFH Verification Form Signed 4/1/21

Essential Fish Habitat Verification Form

Federal Highway Administration (FHWA) or the applicable state Department of Transportation (state DOT) will email 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, Habitat Conservation Division (GARFO HCD) at NMFS.GAR.EFH.Consultation@noaa.gov, upon obtaining sufficient information. FHWA/state DOT must receive a response from GARFO HCD or wait at least 30 calendar days to proceed under the programmatic EFH consultation. FHWA will compile the information from the completed Verification Forms 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.

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:	Route 1 over Mamaroneck River	Project Number:	NYSDOT PIN 8473.14
Project Sponsor:	NYSDOT	Contact Person:	Kathleen Wolfanger
Email:	Kathleen.Wolfanger@dot.ny.gov	Phone:	(845) 431-2317
Latitude (e.g., 42.625884):		40.948902	
Longitude (e.g., -70.646114):		-73.732589	
City/Town, State:	Mamaroneck, NY	Waterway:	Mamaroneck River
Project Description and Purpose:	The purpose of this project is to restore the Rte 1 bridge over the Mamaroneck River (BIN 1000040) to a fully functional condition for at least 75 years, meet the minimum 2-foot required freeboard for the 50-year storm and allow for the passage of the 100-year storm,		
Anticipated Project Start Date:	7/1/21	Anticipated Project End Date:	1/31/22
Total area of impact to EFH (in acres): Include locus map with area of impact.		0.03	
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):		0	
Salt marsh:		0	
Areas containing shellfish (excluding oyster reefs):		0	
Intertidal mudflats:		0	
Area of impact to diadromous fish habitat:		0	

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. If the project is not in compliance with a particular 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 is not included.

<u>Underwater Noise</u>

☐ 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 soft start each day of pile driving, after a break of 30 minutes or more, 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.

☒ Not met:
  - ☒ Not applicable, provide reasoning: No pile driving required
  - ☐ Project is unable to accommodate, provide justification:

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

2. Noise-generating work conducted in diadromous streams within the spring diadromous fish TOY restriction listed in Appendix D must be 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 conditions

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.

3. Turbidity control measures must be properly secured and monitored to ensure aquatic species are not entangled or trapped in the project area.

☐ 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. Temporary intakes related to construction must be equipped with mesh size screening and approach velocity appropriate for the species and life stage anticipated. 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 .25 feet per second (ft/sec).
    - In New York, New Jersey, Delaware, Maryland, and Pennsylvania, 2 millimeter (mm) wedge wire screens must be used with a maximum intake velocity of 0.5 feet per second (ft/sec).
    - In Virginia, a 1 mm wedge wire with a maximum intake velocity of 0.25 ft/sec).

☒ Not met:

☒ Not applicable, provide reasoning: No temporary intakes

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

5. No new permanent surface water withdrawal, water intakes, or water diversions.

☒ Not met:

☒ Not applicable, provide reasoning: No withdrawals, intakes or diversions

☐ 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.

6. 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:
- ☐ Not applicable, provide reasoning:
- ☐ Project is unable to accommodate, provide justification:

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

7. Install and remove any in-water soil erosion, sediment, and turbidity controls outside the TOY restrictions in Appendix D.

☐ 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

8. Work that produces greater than minimal turbidity or sedimentation in diadromous streams or EFH must not be done during the TOY restriction(s) in Appendix D.

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

Refer to last page of verification for description.

☐ 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 upland area.

☐ 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

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:

   ☐ Not applicable, provide reasoning:

   ☐ Project is unable to accommodate, provide justification:

▣ 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.

☐ 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

12. Coat any chemically or pressure treated piles (CCA, ACQ, etc.) with an impact-resistant, biologically inert substance. Coat the piles at the point of manufacture, not on site.

▣ Not met:

   ▣ Not applicable, provide reasoning: No chemically or pressure treated piles being utilized

   ☐ Project is unable to accommodate, provide justification:

☐ Met:

   ☐ Shown on project plans

   ☐ Included in description, other terms and conditions

13. Derelict, degraded, or abandoned piles, except for those inside of existing work footprints for piers, must be completely removed or cut and driven three feet below the surface.

☐ 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. 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.

☐ 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.

15. 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:
☒ Not applicable, provide reasoning: No structures
☐ Project is unable to accommodate, provide justification:

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

16. Install a riprap bedding layer (such as a gravel filter blanket or geotextile) prior to riprap placement to prevent underlying soils from washing through the riprap during high water.

☐ 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

17. 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:
☐ Not applicable, provide reasoning:
☐ Project is unable to accommodate, provide justification:

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

18. Temporary monitoring devices shall be removed and the substrate restored to preconstruction elevations no later than 24 months from initial installation, or upon completion of data acquisition.

☒ Not met:

☒ Not applicable, provide reasoning: No devices

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

19. 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:

☒ Not applicable, provide reasoning: No pipelines or cables

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

20. 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:

☐ Not applicable, provide reasoning:

☐ Project is unable to accommodate, provide justification:

☒ Met:

☒ Shown on project plans

☐ Included in description, other terms and conditions

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

☒ Not met:

☒ Not applicable, provide reasoning: None of the above

☐ Project is unable to accommodate, provide justification:

☐ Met:

☐ Shown on project plans

☐ Included in description, other terms and conditions

22. Incorporate measures to increase the ambient light transmission under overwater structures.

☒ Not met:

☒ Not applicable, provide reasoning: Simple bridge repair

☐ Project is unable to accommodate, provide justification:

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

23. The lowermost part of floating docks must be ≥ 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: No docks
- ☐ Project is unable to accommodate, provide justification:

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

24. Conduct and submit pre-dredge benthic biological surveys to determine benthic communities present and conduct post-dredge surveys to ensure targeted depths have been reached and to determine benthic recovery.

☒ Not met:
- ☒ Not applicable, provide reasoning: No dredging
- ☐ Project is unable to accommodate, provide justification:

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

25. 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.

☒ Not met:
- ☒ Not applicable, provide reasoning: No restoration
- ☐ Project is unable to accommodate, provide justification:

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

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

☒ Not met:
- ☐ Not applicable, provide reasoning: No relocation
- ☐ Project is unable to accommodate, provide justification:

☐ Met:
- ☐ Shown on project plans

☐ Included in description, other terms and conditions

27. Incorporate natural habitats (e.g., living shorelines) and soft approaches (e.g., vegetative plantings and large woody debris) into the stabilization design in addition to or instead of hardened structures. See NOAA's Guidance for Considering the Use of Living Shorelines for more information.

☒ Not met:
- ☒ Not applicable, provide reasoning: No restoration
- ☐ Project is unable to accommodate, provide justification:

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

Sensitive Habitats (SAS, natural rocky habitats, intertidal areas, and areas containing shellfish)

28. Locate all temporary structures, construction, access, and dewatering actives outside of sensitive habitats.

☒ Not met:
- ☒ Not applicable, provide reasoning: No habitat in area
- ☐ Project is unable to accommodate, provide justification:

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

29. Prior to construction, identify and mark in the field any SAV 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 three years.

☒ Not met:
- ☒ Not applicable, provide reasoning: No SAV
- ☐ Project is unable to accommodate, provide justification:

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

30. Provide compensatory mitigation for all permanent and temporary impacts to sensitive habitats. This could include a contribution to an existing in-lieu fee program. When impacts are unavoidable:
    - conduct a biological survey to map the coverage of the sensitive habitats;
    - develop a compensatory mitigation plan for biological resource losses, including success criteria, monitoring plan, and long-term maintenance plan;

- submit the results of the biological survey and the mitigation plan to GARFO HCD for review; and
- undertake compensatory mitigation prior to or concurrent with any impacts to sensitive habitat.

☒ Not met:
  ☒ Not applicable, provide reasoning: No impacts
  ☐ Project is unable to accommodate, provide justification:

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

31. Where construction requires heavy equipment operation in or across wetlands or mudflats, the equipment shall have low ground pressure (typically ≤ 3 pounds per square inch); be placed on construction timber mats that are adequate to support the equipment; or 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: No mudflats
  ☐ Project is unable to accommodate, provide justification:

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

32. Habitat restoration or mitigation projects must not result in a permanent conversion or loss of sensitive habitats.

☒ Not met:
  ☒ Not applicable, provide reasoning: No sensitive habitats present
  ☐ Project is unable to accommodate, provide justification:

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

33. No dredging shall occur within:
  - intertidal areas;
  - 100 feet of SAV; or
  - 25 feet of SAS, natural rocky habitats, or areas containing shellfish.

☒ Not met:
  ☒ Not applicable, provide reasoning: No dredging
  ☐ Project is unable to accommodate, provide justification:

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

34. 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: No piers
  ☐ Project is unable to accommodate, provide justification:

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

35. Outlets must not discharge directly into sensitive habitats.

▣ Not met:
  ▣ Not applicable, provide reasoning: No outlets
  ☐ Project is unable to accommodate, provide justification:

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

Fish Passage/Migration Habitat

36. Design replacement crossings to provide diadromous and resident fish and aquatic organism passage. 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: Bridge repir is inkind.
  ☐ Project is unable to accommodate, provide justification:

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

37. Incorporate climate change projections into the project design. Use the Intergovernmental Panel on Climate Change (IPCC) Representative Concentration Pathways (RCP) 8.5/high greenhouse gas emission scenario and RCP 4.5/intermediate greenhouse gas emission scenario (IPCC 2014) and the global mean and regional sea level rise projections for

intermediate-high and extreme scenarios referenced in Sweet *et al*. (2017) in design calculations for replacement structures.

☒ Not met:
- ☐ Not applicable, provide reasoning: Bridge repair only
- ☐ 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 "in kind" or go up in order of preference set out in NMFS' Anadromous Salmonid Passage Facility Design:
    - Road abandonment and reclamation or road realignment to avoid crossing the stream.
    - Bridge or stream simulation spanning the stream flood plain, providing long-term dynamic channel stability, retention of existing spawning areas, maintenance of benthic invertebrate production, and minimized risk of failure. If a stream crossing is proposed in a segment of stream channel that includes a salmonid spawning area, only full-span stream simulation designs are acceptable.
    - Embedded pipe culvert, bottomless arch designs or non-floodplain spanning stream simulation.
    - Hydraulic design method, associated with more traditional culvert design approaches- limited to low stream gradients (0 to 1%) or for retrofits.
    - Culvert designed with an external fishway (including roughened channels) for steeper slopes.
    - Baffled culvert or internal weirs- to be used only for when other alternatives are infeasible.

☒ Not met:
- ☒ Not applicable, provide reasoning: Bridge repair is inkind
- ☐ 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
    - in non-tidal streams containing diadromous fish:
        i. They must not encroach >25% of the stream width measured from ordinary high water during the diadromous TOY restriction; and
        ii. They must maintain safe, timely, and effective downstream fish passage throughout the project.
    - in tidal waters:
        i. They must not encroach >50% of a tidal stream's width as measured from mean high water.

☐ 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 Traffic

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

40. Project vessels shall be operated in adequate water depths 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

41. 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

NEW CLAUSE

Other Justification for Use of the Programmatic EFH Consultation

If the project is outside of the covered activities in the programmatic EFH consultation (i.e., is one of the actions described in the Excluded Activities list noted below) and FHWA/state DOT believes the effects are not any more significant and that the project should be eligible for programmatic EFH consultation, provide additional justification in the space below. FHWA/state DOT must provide appropriate rationale and GARFO HCD must review and approve it. The automatic concurrence period does not apply for transportation activities in this section that fall outside of the programmatic EFH consultation as described.

◉ The project is not listed as an excluded activity.

◯ The project is listed as an excluded activity.

Indicate the activity number from the list below (1 through 21):

Provide additional justification on why the activity should be eligible:

Activities that Require Individual Consultation

1. Any work (including anchoring) that results in impacts to:
   - existing or historically mapped submerged aquatic vegetation (SAV) beds or areas within 100 feet of existing or historically mapped SAV beds;
   - ≥ 1,000 square feet of salt marsh, areas containing shellfish, and intertidal areas;
   - ≥ 100 square feet of natural rocky habitat (e.g., bedrock, boulders, cobble, and/or gravel);
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.
5. Any permanent structures longer than 150 linear feet over salt marsh.
6. Construction of new or expansion of existing boating facilities17 or ferry terminals.
7. Independent pedestrian trails or bridges located directly adjacent to an existing crossing.
8. New or improvement dredging.
9. Any nearshore disposal or beach nourishment activities.
10. New fill/stabilization placed below mean low water in excess of 200 linear feet (lf).
11. Replacement or maintenance of:
    - sloped stabilization structures > 200 lf and waterward of the existing toe, or
    - vertical structures > 18 inches waterward of the existing face and > 200 lf.
12. In-water utility lines ≥ 100 lf installed by trench excavation, or ≥ 200 lf installed by jetplow, fluidization or other direct burial methods.
13. Thin layer deposition as a part of wetland restoration.
14. Placement of any seed shellfish, spatted-shell, or cultch in SAS.
15. Any exploratory trenching or other similar survey activities.
16. Airgun seismic activities.
17. Any new permanent surface water withdrawal, water intakes, or water diversions.
18. Any blasting or use of explosives that affects EFH or diadromous species habitats.
19. Construction of new bridges or culverts, where no crossing existed previously.
20. Any new or replacement causeways (raised roadways across waters or wetlands).
21. Any in-water work on dams, tide gates, or breakwaters.

FHWA's Determination of Effects to Essential Fish Habitat and Signature
After reviewing the programmatic EFH conservation recommendations in Appendix A, FHWA/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, however, the justification below demonstrates that the adverse effects to EFH are not substantial. This does not apply to EFH conservation recommendations that are not applicable to the project.

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

Jared Gross, FHWA — FHWA/state DOT Name

JARED ANDREW GROSS Digitally signed by JARED ANDREW GROSS Date: 2021.03.10 14:50:57 -05'00' — Signature

3/10/21
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. Do not lock the form when saving, as HCD will be unable to sign and finalize. Email this Verification Form as a fillable PDF to NMFS.GAR.EFH.Consultation@noaa.gov.

GARFO HCD Determination and Signature (To be filled out by NMFS)
After receiving the Verification Form, GARFO HCD will contact FHWA/state DOT with any concerns. HCD will email the completed form back to the FHWA/state DOT for record keeping.

○ GARFO HCD concurs with FHWA's determination that the proposed project is consistent with the programmatic EFH consultation (without the need for justification).

◉ GARFO HCD concurs with FHWA's determination that the proposed project is consistent with the programmatic EFH consultation, with justification described above.

○ GARFO HCD does not concur with FHWA'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.

Jessie Murray — GARFO HCD Name

Jessie Murray — Signature

4/1/21
Date

Justification for non-compliance with all programmatic EFH conservation recommendations in the FHWA programmatic EFH consultation

Project cannot accommodate TOY restrictions of 9/1 - 11/30 for diadromous fish due to the numerous other TOY restrictions placed on the project by other ESA/EFH requirements. However, the proposed action will not substantially block the waterway, which is the trigger for the fall TOY restrictions. Please refer to attached documentation for further detail.

SCE Programmatic Concurrence Update Request Dated 2/1/21

February 19, 2021

National Oceanic and Atmospheric Administration
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA, 01930

Re: **EFH Programmatic Concurrence: U.S. Route 1 over Mamaroneck River Update**
Route 1 over the Mamaroneck River NYSDOT PIN 8473.14
U.S. Route 1
Village of Mamaroneck, Westchester County, NY

To Whom It May Concern,

Shumaker Consulting Engineering & Land Surveying, D.P.C. (SCE), is providing environmental services on behalf of Halmar International and the NYSDOT for the above referenced project. The initial consultation for this project was initiated on March 27th 2019 and completed with FHWA concurrence on April 29, 2019 (refer to attached documentation).

The New York State Department of Transportation (NYSDOT) is currently seeking re-concurrence with the FHWA and NOAA regarding this project. Original correspondence and concurrence letters regarding this project have been provided within the attached documentation. Please note that although the nature of the project has changed from original concurrence (bridge replacement), the bridge rehabilitation is expected to incur similar impact to the previous replacement plans. Due to the anticipated changes regarding the nature of the project, The NYSDOT found it pertinent to seek re-concurrence from NOAA and FHWA regarding the onsite environmental resources.

Original Project Description
This alternative consists of replacing the existing bridge with a new single span structure. It will involve closing Route 1 and detouring traffic around the site for the duration of the work. The new structure will be approximately 6' wider to accommodate a new sidewalk on the south side which would connect to the existing sidewalks to the east and west of the existing bridge. The new bridge opening will be shifted to align better to the stream channel and eliminate scour caused by the alignment of the existing bridge. Please refer to attached documentation for the original project description providing the bridge replacement details.

New Project Description
The newly revised bridge rehabilitation (formerly bridge replacement) will include the widening of the bridge to the south over the Mamaroneck River to accommodate a new sidewalk on the southern side of Route 1. The existing stone arch bridge will be lined to provide a new structural support. A new fascia wall will be constructed to the south and the existing ringstone on the northern side of the bridge will be removed and replaced. The traffic signal at the intersection of Route 1 and Mamaroneck Avenue will be updated to current standards. The park spaces adjacent to the bridge will also be reconstructed. Please refer to attached documentation for the updated bridge rehabilitation details.

List of associated contacts:

Kathleen Wolfanger; Environmental Specialist 1
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845-431-2317

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Shumaker Engineering
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718-309-2846

James Cummings, P.E.; Managing Engineer I
Shumaker Engineering
jcummings@shumakerengineering.com
607-798-8081

Please review the attached documentation provided for your review regarding the Programmatic Concurrence update. If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Very truly yours,

SHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, D.P.C.

Michelle Vedder
Environmental Scientist II
M.Res (Pending Commencement)

Enclosures:

Revised Documentation
Project Narrative
EFH Verification Form
ESA S7 Verification Form
S7 ESA USFWS Transmittal Sheet
S7 ESA/EFH NMFS Transmittal Sheet
Design Plans
Impact Plans
S7 Mapper
EFH Mapper
IPaC Official Species List

Original documentation:
FHWA Concurrence Letter
EFH Verification Form
ESA S7 Verification Form
Design Plans
Project Description
NOAA Programmatic Concurrence Email
Wetlands and Waters Documentation
Photographs