

GARFO ESA Section 7: 2017 NLAA Program Verification Form

(Please submit a signed version of this form, together with any project plans, maps, supporting analyses, etc., to nmfs.gar.esa.section7@noaa.gov with "2017 NLAA Program" in the subject line)

Section 1: General Project Details

Application Number:			
Applicant(s):			
Permit Type (e.g. NWP, LOP, RGP, IP, Permit Modification):			
Anticipated project start date (e.g., 9/1/2017)			
Anticipated project end date (e.g., 3/14/2018 – if there is no permit expiration date, write “N/A”)			
Project Type/Category (check all that apply to entire action):			
<input type="checkbox"/>	Aquaculture (shellfish) and artificial reef creation	<input type="checkbox"/>	Transportation and development (e.g., culvert construction, bridge repair)
<input type="checkbox"/>	Routine maintenance dredging and disposal/beach nourishment	<input type="checkbox"/>	Mitigation (fish/wildlife enhancement or restoration)
<input type="checkbox"/>	Piers, ramps, floats, and other structures	<input type="checkbox"/>	Bank stabilization and dam maintenance
<input type="checkbox"/>	If other, describe project type/category:		
Project/Action Description and Purpose (<i>include town/city/state and water body where project is occurring; relevant permit conditions that aren't captured elsewhere on form</i>):			

Type of Habitat Modified (e.g., sand, cobble, silt/mud/clay):	Area (acres):
Project Latitude (e.g., 42.625884)	
Project Longitude (e.g., -70.646114)	

Section 2: ESA-listed species and/or critical habitat in the action area:

<input type="checkbox"/>	Atlantic sturgeon (all DPSs) If not all DPSs, list which here: 	<input type="checkbox"/>	Kemp’s ridley sea turtle
<input type="checkbox"/>	Atlantic sturgeon critical habitat (proposed or designated) Indicate which DPS (GOM, NYB, Chesapeake Bay DPSs): 	<input type="checkbox"/>	Loggerhead sea turtle (NW 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 (N. Atlantic DPS)	<input type="checkbox"/>	Fin whale

Section 3: NLAA Determination (check all applicable fields):

a) GENERAL PDC	
<input type="checkbox"/>	Yes, my project meets all of the General PDC.
<input type="checkbox"/>	No, my project does not meet all the General PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):
	Information for PDC 8 (if “max extent of stressor” exceeds “width of water body”, PDC 8 is NOT met, and a justification in Section 4 is required to proceed with the verification form)

	Width (m) of water body in action area:	Stressor Category (stressor that extends furthest distance into water body – e.g., turbidity plume; sound pressure wave):	Max extent (m) of stressor into the water body:
<input type="checkbox"/>	1.	No work will individually or cumulatively have an adverse effect on ESA-listed species or designated critical habitat; no work will cause adverse modification or destruction to proposed critical habitat.	
<input type="checkbox"/>	2.	No work will occur in the tidally influenced portion of rivers/streams where Atlantic salmon presence is possible from April 10–November 7.	
<input type="checkbox"/>	3.	No work will occur in Atlantic or shortnose sturgeon spawning grounds as follows: i. New England: April 1–Aug. 31 ii. New York/Philadelphia: March 15–August 31 iii. Baltimore/Norfolk: March 15–July 1 and Sept. 15–Nov. 1	
<input type="checkbox"/>	4.	No work will occur in shortnose sturgeon overwintering grounds as follows: i. New England District: October 15–April 30 ii. New York/Philadelphia: Nov. 1–March 15 iii. Baltimore: Nov. 1–March 15	
<input type="checkbox"/>	5.	Within designated Atlantic salmon critical habitat, no work will affect spawning and rearing areas (PBFs 1-7).	
<input type="checkbox"/>	6.	Within proposed/designated Atlantic sturgeon critical habitat, no work will affect hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand) (PBF 1).	
<input type="checkbox"/>	7.	Work will not change temperature, water flow, salinity, or dissolved oxygen levels.	
<input type="checkbox"/>	8.	If it is possible for ESA-listed species to pass through the action area, a zone of passage with appropriate habitat for ESA-listed species (e.g., depth, water velocity, etc.) must be maintained (i.e., physical or biological stressors such as turbidity and sound pressure must not create barrier to passage).	
<input type="checkbox"/>	9.	Any work in designated North Atlantic right whale critical habitat must have no effect on the physical and biological features (PBFs).	
<input type="checkbox"/>	10.	The project will not adversely impact any submerged aquatic vegetation (SAV).	
<input type="checkbox"/>	11.	No blasting will occur.	

b) The following stressors are applicable to the action (check all that apply – use Stressor Category Table for guidance):	
<input type="checkbox"/>	Sound Pressure
<input type="checkbox"/>	Impingement/Entrapment/Capture
<input type="checkbox"/>	Turbidity/Water Quality
<input type="checkbox"/>	Entanglement

<input type="checkbox"/>	Habitat Modification
<input type="checkbox"/>	Vessel Traffic

Activity Category	Stressor Category					
	Sound Pressure	Impingement/ Entrapment/ Capture	Turbidity/ Water Quality	Entanglement	Habitat Mod.	Vessel Traffic
Aquaculture (shellfish) and artificial reef creation	N	N	Y	Y	Y	Y
Routine maintenance dredging and disposal/beach nourishment	N	Y	Y	N	Y	Y
Piers, ramps, floats, and other structures	Y	N	Y	Y	Y	Y
Transportation and development (e.g., culvert construction, bridge repair)	Y	N	Y	N	Y	Y
Mitigation (fish/wildlife enhancement or restoration)	N	N	Y	N	Y	Y
Bank stabilization and dam maintenance	Y	N	Y	N	Y	Y

c) SOUND PRESSURE PDC					
<input type="checkbox"/>	Yes, my project meets all of the Sound Pressure PDC below.				
<input type="checkbox"/>	No, my project does not meet all the Sound Pressure PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):				
	Information for PDC 14 (refer to SOPs for guidance):				
	Pile material (e.g., steel pipe, timber, concrete)	Pile diameter/width (inches)	Number of piles	Installation method (e.g., impact hammer, vibratory start and then impact hammer to depth)	
a)					
b)					

	c)				
	d)				
<input type="checkbox"/>	12.	If the 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 of those species (please see SOPs), a 20 minute “soft start” is required to allow for animals to leave the project vicinity before sound pressure increases.			
<input type="checkbox"/>	13.	Any new pile supported structure must involve the installation of ≤ 50 piles (below MHW).			
<input type="checkbox"/>	14.	All underwater noise (pressure) is below ($<$) the physiological/injury noise threshold for ESA-listed species in the action area (if project involves steel piles, or non-steel piles > 24 -inches in diameter/width, include noise estimate with this form).			
d) IMPINGEMENT/ENTRAINMENT/CAPTURE PDC					
<input type="checkbox"/>	Yes, my project meets all of the Impingement/Entrainment/Capture PDC below.				
<input type="checkbox"/>	No, my project does not meet all the Impingement/Entrainment/Capture PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):				
	Information for Dredging:				
	If dredging permit/authorization includes multiple years of maintenance, include estimated number of dredging/disposal events:				
	Information for PDC 18 (refer to SOPs for guidance):				
	Mesh screen size (mm) for temporary intake:				
<input type="checkbox"/>	15.	Only mechanical, cutterhead, and low volume hopper (e.g., CURRITUCK) dredges may be used.			
<input type="checkbox"/>	16.	No new dredging in proposed or designated Atlantic sturgeon or Atlantic salmon critical habitat (maintenance dredging still must meet all other PDCs). New dredging outside Atlantic sturgeon or salmon critical habitat is limited to one time dredge events (e.g., burying a utility line) and minor (≤ 2 acres) expansions of areas already subject to maintenance dredging (e.g., marina/harbor expansion).			
<input type="checkbox"/>	17.	Work behind cofferdams, turbidity curtains, and other methods to block access of animals to dredge footprint is required when operationally feasible and ESA-listed species may be present.			
<input type="checkbox"/>	18.	Temporary intakes related to construction must be equipped with appropriate sized mesh screening (as determined by GARFO section 7 biologist and/or according to Chapter 11 of the NOAA Fisheries Anadromous Salmonid Passage Facility Design) and must not have greater than 0.5 fps intake velocities, to prevent impingement or entrainment of any ESA-listed species life stage.			
<input type="checkbox"/>	19.	No new permanent intake structures related to cooling water, or any other inflow at facilities (e.g. water treatment plants, power plants, etc.).			
e) TURBIDITY/WATER QUALITY PDC					
<input type="checkbox"/>	Yes, my project meets all of the Turbidity/Water Quality PDC below.				

<input type="checkbox"/>	No, my project does not meet all the Turbidity/Water Quality PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):	
<input type="checkbox"/>	20.	Work behind cofferdams, turbidity curtains, or other methods to control turbidity are required when operationally feasible and ESA-listed species may be present.
<input type="checkbox"/>	21.	In-water offshore disposal may only occur at designated disposal sites that have already been consulted on with GARFO.
<input type="checkbox"/>	22.	Any temporary discharges must meet state water quality standards; no discharges of toxic substances.
<input type="checkbox"/>	23.	Only repair of existing discharge pipes allowed; no new construction.

f) ENTANGLEMENT PDC

<input type="checkbox"/>	Yes, my project meets all of the Entanglement PDC below.	
<input type="checkbox"/>	No, my project does not meet all the Entanglement PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):	
	Information for Aquaculture Projects:	
	Type of Aquaculture (e.g., cage on bottom)	Acreage
	a)	
	b)	
	c)	
<input type="checkbox"/>	24.	Shell on bottom <50 acres with maximum of 4 corner marker buoys;
<input type="checkbox"/>	25.	Cage on bottom with no loose floating lines <5 acres and minimal vertical lines (1 per string of cages, 4 corner marker buoys);
<input type="checkbox"/>	26.	Floating cages in <3 acres in waters and shallower than -10 feet MLLW with no loose lines and minimal vertical lines (1 per string of cages, 4 corner marker buoys);
<input type="checkbox"/>	27.	Floating upweller docks in >10 feet MLLW.
<input type="checkbox"/>	28.	Any in-water lines, ropes, or chains must be made of materials and installed in a manner (properly spaced) to minimize the risk of entanglement by keeping lines taut or using methods to promote rigidity (e.g., sheathed or weighted lines that do not loop or entangle).

g) HABITAT MODIFICATION PDC

<input type="checkbox"/>	Yes, my project meets all of the Habitat Modification PDC below.	
<input type="checkbox"/>	No, my project does not meet all the Habitat Modification PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):	

<input type="checkbox"/>	29.	No conversion of habitat type (soft bottom to hard, or vice versa) for aquaculture or reef creation.
h) VESSEL TRAFFIC PDC		
<input type="checkbox"/>	Yes, my project meets all of the Vessel Traffic PDC below.	
<input type="checkbox"/>	No, my project does not meet all the Vessel Traffic PDC as indicated below (please check the PDC the action does NOT comply with below, and provide justification in Section 4 of this form):	
Information for PDC 33 (refer to SOPs for guidance):		
	Temporary Project Vessel Type (e.g., work barge, tug, scow, etc.)	Number of Vessels
a)		
b)		
c)		
	Type of Non-Commercial Vessels Added (e.g., 20' recreational motor boat – only include if there is a net increase directly/indirectly resulting from project)	Number of Vessels (if sum > 2, PDC 33 is not met and justification required in Section 4)
a)		
b)		
	Type of Commercial Vessels Added (only include if there is a net increase directly/indirectly resulting from project)	Number of Vessels (if > 0, PDC 33 is not met and justification required in Section 4)
a)		
b)		
<input type="checkbox"/>	30.	Speed limits below 10 knots for project vessels with buffers of 150 feet for all listed species (1,500 feet for right whales).
<input type="checkbox"/>	31.	While dredging, dredge buffers of 300 feet in the vicinity of any listed species (1,500 feet for right whales), with speeds of 4 knots maximum.
<input type="checkbox"/>	32.	The number of project vessels must be limited to the greatest extent possible, as appropriate to size and scale of project.
<input type="checkbox"/>	33.	The permanent net increase in vessels resulting from a project (e.g., dock/float/pier/boating facility) must not exceed two non-commercial vessels. A project must not result in the permanent net increase of any commercial vessels (e.g., a ferry terminal).

Section 4: Justification for Review under the 2017 NLAA Program

If the action is not in compliance with all of the General PDC and appropriate stressor PDC, 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 PDC 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.

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

Section 5: USACE Verification of Determination

<input type="checkbox"/>	In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action complies with all applicable PDC and is not likely to adversely affect listed species.
<input type="checkbox"/>	In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species per the justification and/or special conditions provided in Section 4.
USACE Signature:	
Date:	

Section 6: GARFO Concurrence

<input type="checkbox"/>	In accordance with the 2017 NLAA Program, GARFO PRD concurs with USACE’s determination that the action complies with all applicable PDC and is not likely to adversely affect listed species or critical habitat.
<input type="checkbox"/>	In accordance with the 2017 NLAA Program, GARFO PRD concurs with USACE’s determination that the action is not likely to adversely affect listed species or critical habitat per the justification and/or special conditions provided in Section 4.
<input type="checkbox"/>	GARFO PRD does not concur with USACE’s determination that the action complies with the applicable PDC (with or without justification), and recommends an individual Section 7 consultation to be completed independent from the 2017 NLAA Program.
GARFO Signature:	
Date:	