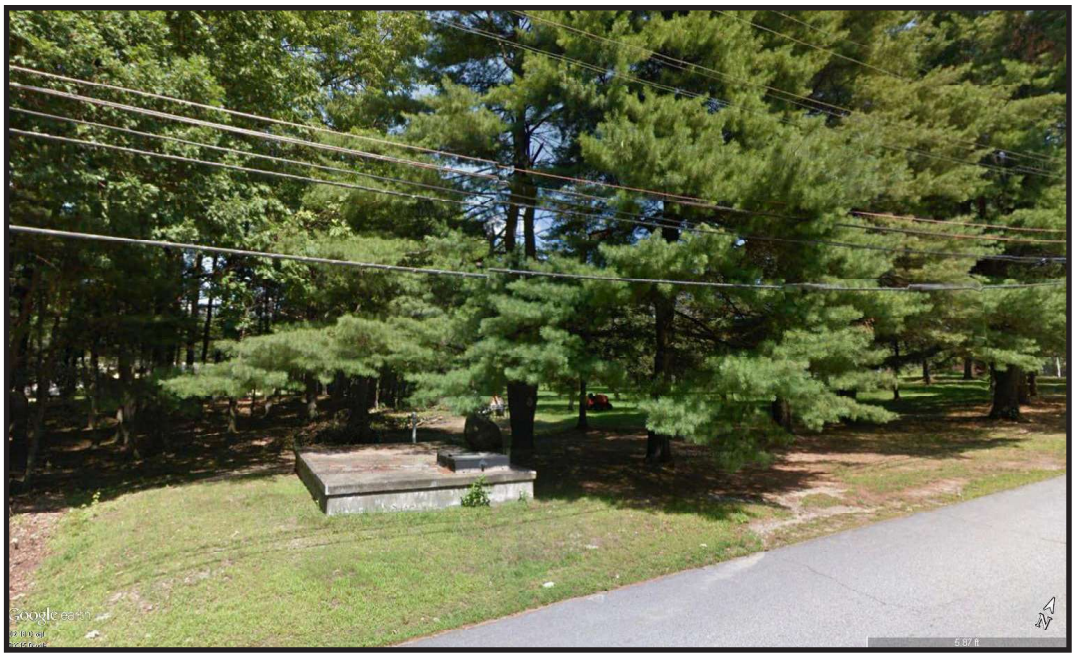

Figure 3.6 View of pump house in the southwestern corner of the Manchester VAMC, taken from Smyth Road. View is to the north. Courtesy of Google Earth 2015.

century additions to the campus were the Ambulatory Care Unit (Bldg. 18) opened in 1978 and the Nursing Home Care Unit (Bldg. 15) which opened in 1978.

In 2010/2011, a mental health addition was completed on the western side of the main hospital. At that time, the New Hampshire Department of Historic Resources (NHDHR) reviewed the planned mental health addition project (NHDHR 05/11/2010) and determined that there were no archaeological concerns. The remaining modifications that recently have been made to the campus have been related to infrastructure such as fuel storage tanks, oxygen storage, transformers, water meter and electrical vaults, and additional parking.

Based on the developmental history of the VAMC facility, although the project area originally would have had potential for archeological resources from the pre-contact era, the extensive development here would argue against the presence of stratigraphically intact archeological resources at the facility.

Chapter IV

Summary and Recommendations

This report has provided an assessment of archeological potential at the Manchester VAMC located at 718 Smyth Road in Manchester, New Hampshire. It was completed as part of a baseline archeological study intended to identify areas of archeological sensitivity as well as any archeological resources that might be present, with the intent of providing information for future planning. This study is part of a larger effort being conducted by VISN1. Facilities that have been included in this archeological study are in Providence, Rhode Island; Newington and West Haven, Connecticut; White River Junction, Vermont; and at five campuses in Massachusetts. The study is being completed under contract to VISN 1, and in addition to the archeological assessments, has included survey of medical facility interiors and monuments.

Summary and Recommendations

A review of previously recorded archeological sites, physiographic setting, and historic and recent land use and development has provided information on current archeological potential at the Manchester VAMC. Although the campus is in an area that initially would have possessed a relatively high potential for occupation and use during the Early Archaic through Contact periods, there is no archeological evidence for sites within the facility. Review of historic maps and data indicate that the project area remained undeveloped until the late nineteenth century, when Governor Smyth built the Smyth Tower on the land as a retreat; that structure now is listed on the NRHP. No additional development occurred within the project area until 1948, when construction of the VAMC was begun. In 2011, the Manchester VAMC complex itself was determined eligible for listing in both the state register and the NRHP (Casella and Bowers 2010)

Construction of the VAMC has included extensive disturbance to the natural soil stratigraphy from grading, filling, utility installation, and building and other infrastructure construction. The scope of disturbance is such that it is unlikely that any stratigraphically intact archeological remains that pre-date the construction of the VAMC facility are present. Cultural material related to the post-1948 VAMC itself, and to the NRHP-listed Smyth Tower may be present, however. Based on the results of this assessment, and assuming no planned impacts to the National Register-listed Smyth Tower, no further archeological work is recommended at the Manchester VAMC.

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APPENDIX I

RESUMES OF KEY PROJECT PERSONNEL

ANN B. MARKELL, PH.D.

SENIOR PROJECT MANAGER

Dr. Ann B. Markell received her Ph.D. in Anthropology/Historical Archaeology from the University of California, Berkeley in 1990, working with Dr. James Deetz. Since 1993, she has been a Senior Project Manager with R. Christopher Goodwin & Associates, Inc. She has been resident in the New Orleans and Frederick, Maryland offices, has managed the former Hampton, Virginia office, and assisted in starting the Lawrence, Kansas office. Dr. Markell has authored more than 100 technical reports on surveys, evaluations and mitigations carried out throughout the United States. She also has prepared brochures, papers, and exhibits for public interpretation. Her special expertise in plantation archeology, colonial settlement, and vernacular architecture has led to her publications in the journal *Historical Archaeology* and the edited volume *Chesapeake Archaeology.*

While in New Orleans, Dr. Markell directed a major archeological data recovery at Nina Plantation, a nineteenth century Louisiana sugar plantation near New Roads, Louisiana. That project was completed for the U.S. Army Corps of Engineers, as were Phase I and Phase II excavations at the historic Cook's Landing Site in Point Coupee Parish and for the Comite River Diversion Project. She has prosecuted numerous other Phase I and II projects throughout Louisiana and Mississippi. In Florida, Dr. Markell completed data recovery excavations at Site 8JE102, a contact period site in Jefferson County. She also was the principal investigator for data recovery excavations at Etna, a late nineteenth and twentieth century turpentine town in Citrus County, Florida. For these two Federal Energy Regulatory Commission (FERC) regulated projects, Dr. Markell supervised the field investigations and the analyses, and was the principal author of the technical reports. She also designed and authored the public interpretation brochure completed for the Etna data recovery.

Projects in Virginia have included the development of a detailed archeological predictive model for the Norfolk Naval Base in Norfolk, Virginia; Phase I identification and Phase II evaluation projects for the Navy at NSGA Northwest, Cheatham Annex, and the Norfolk Naval Air Station; a predictive model for the Defense Supply Center in Richmond, Virginia; and archeological investigations at NASA Langley Research Center in Hampton, Virginia. Other Phase I and Phase II projects were completed for Virginia Department of Transportation (VDOT) projects and for private development. Dr. Markell was the Principal Investigator for Phase I, II, and III investigations at the site of the Tappahannock Regional Airport in Tappahannock, Virginia; that project included the identification and mitigation of two unmarked eighteenth century cemeteries. Dr. Markell coordinated mitigation efforts for those cemeteries and for an associated National Register eligible eighteenth century plantation site with the client and the Virginia Department of Historic Resources (VDHR)..

Since joining the Maryland office, in addition to numerous projects carried out for private, state, and local governments throughout the Mid-Atlantic region, Dr. Markell has supported federal clients through the development of Integrated Cultural Resources Management Plans (ICRMPs) for Dover Air Force Base in Delaware and for White Sands Missile Range in New Mexico. She has been the Principal Investigator for extensive cultural resources survey and evaluation projects at Smoky Hill Air National Guard (ANG) Range in Salina, Kansas, and at Fort Riley, Kansas and for survey and evaluation work at a number of ANG facilities in Virginia, Vermont, Washington, and Delaware. For the past several years, Dr. Markell has been coordinating the cultural resources requirements of a major electrical transmission line project extending across southern Maryland, the Chesapeake Bay, and Maryland's Eastern Shore and she continues to work on numerous electrical transmission line projects in the Mid-Atlantic region.

MARTHA R. WILLIAMS, M.A., M.ED. RESEARCH ASSOCIATE

Martha R. Williams, M.A., M.Ed., Research Associate, holds a B.A. (1960) from Lebanon Valley College; a Master of Education, with emphasis in the Social Sciences, from the University of Pennsylvania (1965); and an M.A. in History, with emphasis in Applied History, from George Mason University (1987). She was a Coe Fellow in American Studies at SUNY Stony Brook in 1982 and 1989. While completing her internship with George Mason University, she co-authored the original Heritage Resource Management Plan for Fairfax County, Virginia.

Ms. Williams' experience in cultural resource management and in historical archeology began in 1972 with a field school at Colonial Williamsburg, under the direction of Ivor Noel Hume. From 1973 to 1987, she co-directed the Fairfax County Seminars in historical archeology for high school students, a program that investigated 15 archeological sites in Fairfax County. Her archeological experience also includes extensive volunteer work with the Fairfax County (VA) Heritage Resources Branch; the City of Alexandria, VA; the Virginia Division of Historic Resources; and the Museum of the Albemarle in North Carolina. She has been a member of the Lost Colony archeological team since its inception in 1991.

Following her retirement from teaching, Ms. Williams joined the professional staff at R. Christopher Goodwin & Associates, Inc. in 1989. Until her retirement from full-time employment in 2007, Ms. Williams served as historian, project archeologist, project manager, and public interpretation specialist for the company. Her historical research supported both terrestrial and underwater projects in a states ranging from Louisiana and Illinois to Maine and Florida. She also managed all types of archeological projects, including preparation of archeological predictive models and disturbance studies; Phase I and II archeological surveys and evaluations; Phase III archeological data recovery projects; and preparation of cultural resource planning documents for Federal agencies and local governments. As public interpretation specialist, she designed and executed a wide range of public information activities, including two public information and training booklets and a CRM training video for the Legacy Program of the Department of Defense. Since 2007, she has continued to support projects for Goodwin & Associates as a Research Associate.

Ms. Williams has been and remains actively involved in the field of historic preservation. She has contributed articles and reviews to the *Yearbook* of the Historical Society of Fairfax County, *Museum News, Interpretation* (NPS), the *Quarterly Bulletin* of the ASV, *American Antiquity*, and the *Journal of Mid-Atlantic Archaeology*. She presently sits on the Board of Directors of the Archeological Society of Virginia, and serves on the Society's Kittiewan Plantation Committee, which manages the cultural resources of the ASV's 18th century plantation property. Williams also continues to work with the First Colony Foundation, a group committed to archeological research at the Lost Colony, and was recently appointed as its Education Coordinator. These efforts have led to several awards, including the Fairfax County History Commission's Distinguished Service Award (1991); the Archeological Society of Virginia's "Professional Archeologist of the Year" (1996) and "Out of State Professional of the Year" (2008); and the Society for Historical Archaeology's Award of Merit (2001) for her contributions to archeological education. In 2011, Ms. Williams received a Ben Brenman Outstanding Professional Archaeologist award from the City of Alexandria, VA, for "her nearly 40 years of outstanding teaching, historic research, and archaeological investigations in and near Alexandria."

MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS
MANCHESTER VA MEDICAL CENTER
AND
THE NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER
REGARDING
DISPOSITION OF BUILDINGS 2, 3, 4, 5, 13, AND 14 TO EXPAND VETERAN CARE AT THE MANCHESTER VA MEDICAL CENTER

WHEREAS, the U.S. Department of Veterans Affairs (VA) Manchester VA Medical Center (Manchester VAMC) has identified the need to expand Veteran care by constructing Clinical Services and Specialty Care facilities and on-site parking within its existing campus at 718 Smyth Road, Manchester, Hillsborough County, New Hampshire; and

WHEREAS, the Manchester VAMC has six buildings (2, 3, 4, 5, 13, and 14) that do not support current or future operations; and

WHEREAS, the Manchester VAMC has determined that the proposed demolition of the six buildings to create sites for construction of new facilities and additional parking to support expanded Veteran care is a federal action that meets the definition of an undertaking, per 36 CFR § 800.16(y), and is the type of activity that has the potential to cause effects on historic properties, and therefore subject to Section 106 of the National Historic Preservation Act (NHPA) (54 USC § 306108) and its implementing regulations (36 CFR Part 800 – Protection of Historic Properties); and

WHEREAS, the Manchester VAMC has consulted with the New Hampshire State Historic Preservation Officer (SHPO); and

WHEREAS, the Manchester VAMC did not identify any Indian tribes with an interest in the area; and

WHEREAS, the Manchester VAMC has invited the following to be consulting parties: the City of Manchester Heritage Commission (MHC), New Hampshire (NH) Preservation Alliance, and Hillsborough County Board of Commissioners; and MHC has been a consulting party; and

WHEREAS, the Manchester VAMC, has provided the public with information about the undertaking and its effects on historic properties and sought public comment and input, consistent with 36 CFR § 800.2(d), by presenting the projects at the open meetings of the MHC on May 23 and June 7, 2017, April 24, 2018 and January 26, 2019; and

WHEREAS, the Manchester VAMC, in consultation with the SHPO, has determined the area of potential effects (APE) to be the southern portion of the campus, as shown in Attachment 1; and

WHEREAS, the Manchester VAMC has identified the Manchester VAMC Historic District, determined eligible for listing in the National Register of Historic Places (NRHP) in 2011, and the Smyth Tower, listed in the NRHP in 1978, as historic properties within the APE that may be affected by the undertaking; and

WHEREAS, the Manchester VAMC has found that the undertaking will have an adverse effect on the Manchester VAMC Historic District, as Buildings 2, 3, 4, 5, 13, and 14 are contributing resources to it, and consulted to resolve the adverse effect per 36 CFR § 800.6; and

WHEREAS, the MHC has expressed interest in Building 2 as an uncommon example of Prairie Style domestic architecture in New Hampshire; and the NH Preservation Alliance included Building 2 on its Seven to Save list in 2018 because of its significance and proposed demolition; and

WHEREAS, the Manchester VAMC advertised the availability of Building 2 for reuse via Enhanced Use Lease (EUL) or NHPA Section 111 Historic Property Reuse lease with a Request for Information (RFI) on the Federal Business Opportunity website (FBO) from December 1, 2017, through March 9, 2018, and notified the SHPO and MHC of the posting, and received no expressions of interest; and the Manchester VAMC re-advertised Building 2 on FBO from February 19 to March 19, 2019, and received an expression of interest; and

WHEREAS, the Manchester VAMC evaluated the feasibility of reuse of Building 2 based on the expression of interest to the RFI and determined that lease requirements and duration would not fulfill agency program needs; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the Manchester VAMC has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding with specified documentation, and the ACHP has chosen not to participate in the consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the Manchester VAMC and the SHPO agree that the adverse effect will be resolved through execution of this Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(b)(1)(iv), and that the undertaking shall be implemented in accordance with the following stipulations to account for the effect of the undertaking on historic properties.

STIPULATIONS

The Manchester VAMC shall ensure that the following measures are carried out:

I. HABS DOCUMENTATION

a. The Manchester VAMC will produce an archival document completed by a qualified architectural historian (36 CFR 61), to Historic American Buildings Survey (HABS) Level III requirements. The report will provide information on the VAMC Historic District; documenting the entire campus while focusing on buildings 2, 3, 4, 5, 13, and 14 and their relationship to the campus as a whole. No more than 35 large format photographs (interior and exterior views as appropriate), site plan, photo index, and photo key will be included in the documentation.

b. A digital draft HABS document will be submitted to the SHPO for review and comment for a period of 45 days. One draft copy will then be provided by the VAMC to the National Park Service (NPS) for review and comment.

c. Following NPS comment, one final archival copy (with one set of original photographs) will be submitted to NPS and the SHPO (in archival folder). In addition, a digital PDF copy will be submitted to SHPO.
d. Upon acceptance of the draft HABS documentation by the SHPO, the demolition can proceed.

II. SITE INTERPRETATION

a. The Manchester VAMC shall create one interpretive panel pertaining to employees' residential life on campus overseen by a qualified architectural historian (36 CFR 61).
b. Historical data used in the panel will be based on information contained in the draft Manchester VA Medical Center Historic District National Register Nomination, the United States Third Generation Veterans Hospitals, 1946-1958 Multi-Property Inventory Form, the NH Inventory Form for the Manchester VAMC, materials from the Manchester VAMC archives, and information obtained from interviews with former residents of the Manchester VAMC campus, as possible.
c. The interpretative panel will be consistent in style and graphic design as used in existing or planned signage on the Manchester VAMC campus.
d. The Manchester VAMC will submit to the SHPO and MHC the proposed text, graphics and location for the interpretative panel prior to installation.
e. The SHPO and MHC will have 30 days to comment on the panel.
f. The Manchester VAMC will consider any comments in finalizing and installing the panel.
g. The Manchester VAMC will submit photos documenting the completion of the interpretative panel to the SHPO within 30 days of installation.

III. WEB-BASED INTERPRETATION

a. The Manchester VAMC will create and make publicly available a webpage devoted to the history and significance of the hospital campus. Information contained on this page may include:
    i. Copies of historical documents that illustrate the history of the station and may include architectural drawing and historic photographs;
    ii. Virtual tour of Smyth Tower;
    iii. Information from the draft NRHP nomination.
b. The Manchester VAMC will submit to the SHPO the proposed text and graphics for the web-based interpretation prior to publishing.
c. The SHPO will have 30 days to comment on the web content.
d. The web content will be made available for a minimum of seven years.

IV. LECTURE

a. The Manchester VAMC will develop an approximately 30-minute lecture on the history and significance of the VA and hospital campus. Lecture materials will include:
    i. Text; and
    ii. Illustrations formatted in PowerPoint, which correspond to lecture text.
b. The Manchester VAMC will schedule, advertise and host a minimum of two lectures with a post-lecture round-table discussion with attendees.

c. The Manchester VAMC will submit electronic copies of the lecture with illustrations and lecture notifications to the SHPO prior to the events.

V. HISTORIC PRESERVATION MANAGEMENT PLAN

a. The Manchester VAMC will develop a Historic Properties Management Plan (HPMP) applicable to the resources that contribute to the Manchester VAMC Historic District.
b. The HPMP will include procedures to guide routine and emergency treatment and maintenance to avoid and minimize adverse effects.
c. A 75% draft HPMP will be submitted to the SHPO for review and comment before finalization.

VI. POST-REVIEW DISCOVERIES

If historic properties are discovered or unanticipated effects on historic properties occur during execution of the undertaking, the Manchester VAMC will notify the SHPO and make efforts to avoid, minimize or mitigate adverse effects to such resources. The Manchester VAMC and SHPO shall be guided by steps established in 36 CFR § 800.13(b).

VII. DURATION

This MOA will expire if its terms are not carried out within 7 years from the date of its execution. Prior to such time, the Manchester VAMC may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation IX below.

VIII. DISPUTE RESOLUTION

Should either signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Manchester VAMC shall consult with the SHPO to resolve the objection. If Manchester VAMC determines that such objection cannot be resolved, it will:

a. Forward all documentation relevant to the dispute, including the Manchester VAMC's proposed resolution, to the ACHP. The ACHP shall provide the Manchester VAMC with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Manchester VAMC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO, and provide them with a copy of this written response. The Manchester VAMC will then proceed according to its final decision.
b. If the ACHP does not provide its advice regarding the dispute within the 30-day period, the Manchester VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the Manchester VAMC shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and provide it and the ACHP with a copy of such written response.
c. The Manchester VAMC's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IX. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by both signatories. The amendment will be effective on the date a copy signed by both signatories is filed with the ACHP.

X. TERMINATION

If either signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatory to attempt to develop an amendment per Stipulation IX, above. If within 30 days (or another time period agreed to by both signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.

Once the MOA is terminated, and prior to work continuing on the undertaking, the Manchester VAMC must either (a) execute a MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Manchester VAMC shall notify the SHPO as to the course of action it will pursue.

XI. ANTI-DEFICIENCY ACT

The Manchester VAMC's obligations under this MOA are subject to the availability of funds and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act (31 USC § 1341). The Manchester VAMC will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs its ability to implement the stipulations of this MOA, the Manchester VAMC will consult with the SHPO in accordance with the amendment and termination procedures in Stipulations IX and X.

Execution of this MOA by the Manchester VAMC and SHPO and implementation of its terms evidence that the Manchester VAMC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS
MANCHESTER VA MEDICAL CENTER
AND
THE NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER
REGARDING
DISPOSITION OF BUILDINGS 2, 3, 4, 5, 13, AND 14 TO EXPAND VETERAN CARE AT THE MANCHESTER VA MEDICAL CENTER

SIGNATORIES:

7/10/19

Alfred A. Montoya, Jr. DATE

Director, U.S. Department of Veterans Affairs Manchester VA Medical Center

7/11/19

Elizabeth Muzzey DATE

Director and State Historic Preservation Officer, New Hampshire Division of Historical Resources

Attachment 1: Map of Area of Potential Effects for Disposition of Buildings 2, 3, 4, 5, 13 and 14

Area of Potential Effect (APE)
Proposed Removal – Buildings 2, 3, 4, 5, 13 and 14
Manchester NH Veterans Affairs Medical Center

Limits of APE

Approximate Limits of Property

IPaC **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

NOT FOR CONSULTATION

Location

Hillsborough County, New Hampshire

Local office

New England Ecological Services Field Office

(603) 223-2541
(603) 223-0104

70 Commercial Street, Suite 300
Concord, NH 03301-5094

http://www.fws.gov/newengland

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Insects

NOT FOR CONSULTATION

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	**Candidate**

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird

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species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Prairie Warbler *Dendroica discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

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Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ

"Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort – no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC

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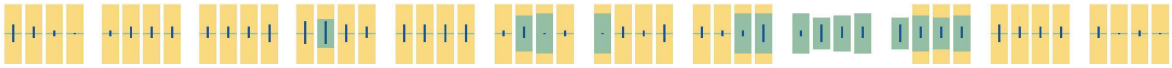
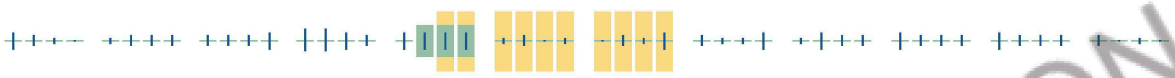
Bald Eagle
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Bobolink
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Prairie Warbler
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Wood Thrush
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

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Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

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For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

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Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in

activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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Appendix B – Public Involvement

NOTICE OF AVAILABILITY
Draft Environmental Assessment
U.S. Department of Veterans Affairs
Proposed New Campus Loop Road and Utility Infrastructure Upgrades at the
U.S. Department of Veterans Affairs Manchester Medical Center
Manchester, Hillsborough County, New Hampshire

The U.S Department of Veterans Affairs (VA) herby gives Notice of Availability (NOA) of the Draft Environmental Assessment (EA) for the VA's Proposed Action to construct and operate the new loop road and other parking and transportation improvements, as well as underground utility infrastructure upgrades at the Manchester VA Medical Center (VAMC), located at 718 Smyth Road, Manchester, Hillsborough County, New Hampshire, 03104.

Under the Proposed Action, VA would construct a new loop road to encircle the Manchester VAMC campus, as well as realign the western entrance, improve existing parking lots, and construct new parking lots to provide a minimum of 135 additional parking spaces. To improve current utility conditions, VA would replace inoperative underground potable water utility lines and install new/improve existing stormwater management systems to redirect stormwater runoff away from abutting residential properties. Additionally, the Proposed Action would also include new lower-glare nighttime lighting systems to minimize existing nuisance night-time lighting issues, as well as a permanent privacy fence and vegetated buffer between the Manchester VAMC property and adjacent residences along the western border to improve the residences' viewscape.

The Draft EA was prepared according to the National Environmental Policy Act of 1969 ([NEPA]); 42 United States Code [USC] 4321 et seq.), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and VA's NEPA implementing regulations (38 CFR Part 26).

The publication of this NOA starts the 30-day review period for the Draft EA. The Draft EA is available for review in print at the Manchester City Library, 405 Pine Street, Manchester, NH 03104. It is also available for electronic download from the Manchester VA website: *https://www.va.gov/manchester-health-care/news-releases/*. Any substantive comments received during the 30-day review period would be documented and addressed in the Final EA.

Additionally, VA would be announcing a public meeting to discuss this project. The details of this meeting would be announced in a separate notice published in this newspaper and on the Manchester VAMC website.

Please send all comments or requests for additional information to: Mr. Keith Lacasse, VA Manchester Health Care System, 718 Smyth Road, Manchester, NH 03104. Please reference "EA for New Campus Loop Road - Manchester VA Medical Center" in all correspondence.