

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Page 1 of 22

Part I: General Conditions

General Information

Name of Municipality or Organization: State:

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Title:

Street Address Line 1:

Street Address Line 2:

City: State: Zip Code:

Email: Phone Number:

Fax Number:

Other Information

Stormwater Management Program (SWMP) Location
(web address or physical location, if already completed):

The Town of Amherst is a new permittee. SWMP to be completed within the required time frame stated in the permit. When complete, the SWMP will be stored at the Public Works Office and available on the Town's website.

Eligibility Determination

Endangered Species Act (ESA) Determination Complete?

Eligibility Criteria
(check all that apply): ☐ A ☒ B ☐ C

National Historic Preservation Act (NHPA) Determination Complete?

Eligibility Criteria
(check all that apply): ☒ A ☐ B ☐ C

☐ Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

Part II: Summary of Receiving Waters

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters](http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf)- <http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf>

Check off relevant pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with part 2.2.2.a of the permit. List any other pollutants in the last column, if applicable.

[illegible]

Waterbody segment that receives flow from the MS4	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
Tributary to Plum Brook	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Pomeroy Pond	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Tributary to Pomeroy Pond	10	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Tributary to Hop Brook	18	☐	☐	☐	☐	☐	☐	☐	☐	☐	
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Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Web Page	Amherst will develop a webpage link for Stormwater activities including the Town's current SWMP, stormwater SOPs, announcements, etc.	General Public	DPW Operations	Use the official town website to post stormwater events, milestones, documents, etc.	2019
Local Public Service Announcements	Research and purchase a video(s) regarding proper stormwater management practices and standard operating procedures.	Businesses, Institutions and Commercial Facilities	DPW Operations	Broadcast video twice annually on local public access television.	2020
Web Page	Announcements directed toward developers and contractors noting Town by-laws and ordinances relative to construction site runoff control, site inspection and enforcement.	Developers/Construction	DPW Operations	Annual announcements on Town website	2020

[illegible]

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[illegible]

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Part III: Stormwater Management Program Summary *(continued)*

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization (enter your own text to override the drop down menu)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
SSO inventory	Develop SSO inventory in accordance with permit requirements	DPW Operations	Complete within 4 years of effective date of permit	2022
Update storm sewer system map (Phase I requirements)	Update storm sewer system mapping with Phase I requirements	DPW Operations	Update map within 5 years of effective date of permit.	2023
Written IDDE program	Create written IDDE plan incorporating all requirements in the permit	DPW Operations	Complete within 4 years of the effective date of permit and update as required	2022
Implement IDDE program	Implement catchment investigations according to program and permit conditions	DPW Operations	Complete 10 years after effective date of permit	2028
Employee training	Train employees on IDDE identification, removal of non-stormwater sources, and IDDE program implementation.	DPW Operations	Conduct annual training beginning in year 4 of the permit	2022
Conduct dry weather screening	Conduct dry weather outfall screening in accordance with the procedures and conditions outlined in the permit	DPW Operations	Complete 6 years after effective date of permit	2024
Conduct wet weather screening	Conduct in accordance with outfall screening procedures	DPW Operations	Complete 10 years after effective date of permit	2028
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	DPW Operations	Complete ongoing outfall screening upon completion of IDDE program	2027

[illegible]

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Part III: Stormwater Management Program Summary *(continued)*

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures for site inspections and enforcement procedures	DPW Operations	Complete within 3 years of the effective date of permit	2021
Site plan review and inspection and enforcement	Develop site plan review procedure. Create written documentation to include additional requirements outlined in the permit.	DPW Operations	Complete within 3 years of the effective date of permit	2021
Erosion and Sediment Control	Develop and implement written requirements for construction operators to implement a sediment and erosion control program	DPW Operations	Complete within 3 years of the effective date of permit	2021
Waste Control	Develop and implement written requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	DPW Operations	Complete within 3 year of the effective date of permit	2021
Expand local wetlands protection by-laws	Update wetlands by-laws to incorporate more stringent environmental controls requirements	Conservation Committee	Complete within 2 years of the effective date of the permit	2020

[illegible]

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
As-built plans for on-site stormwater control	Procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	DPW Operations	Require submission of as-built plans for completed projects within 2 years after completion of construction	2019
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually. Consider BMPs to reduce nitrogen discharges.	DPW Operations	Complete 6 years after effective date of permit and report annually on retrofitted properties	2024
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices, including green roofs, infiltration practices, water harvesting devices, etc., allowable when appropriate site conditions exist	DPW Operations	Complete 6 years after effective date of permit and implement recommendations of report	2024

Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	DPW Operations	Complete 6 years after effective date of permit and implement recommendations of report	2024
Enforce stormwater controls or management practices for new development and redevelopment that meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook	Develop and adopt an ordinance to address post-construction site runoff in new development and redevelopment that meet permits requirements	DPW Operations	Complete 3 years after effective date of permit	2021
Post-Construction Design Standards	Establish stormwater design standards promoting infiltration of post-construction stormwater runoff, i.e. grassed swales, infiltration basins and trenches, porous pavement, etc. This will also include requirements that BMPs be optimized for nitrogen removal.	DPW Operations	Complete 5 years after effective date of permit	2023

[illegible]

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Part III: Stormwater Management Program Summary *(continued)*

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
Operation and maintenance procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	DPW Operations	Complete and implement 4 years after effective date of permit	2022
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW Operations	Complete 4 years after effective date of permit and implement annually	2022
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW Operations	Complete 3 years after effective date of permit. Conduct annual inspections.	2021
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	DPW Operations	Complete and implement 4 years after effective date of permit	2022
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins as dictated by the schedule	DPW Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material removed annually	2020
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	DPW Operations	Sweep all streets and permittee-owned parking lots twice per year, once in the spring and once in the fall to meet nitrogen TMDL enhanced BMP requirements	2020

Road salt use optimization program/winter road maintenance	Develop and implement winter road maintenance procedures including the use and storage of salt and sand, minimizing the use of road salt, and forbidding disposal of snow into waters.	DPW Operations	Complete and implement 3 years after effective date of permit. Implement salt use optimization during deicing season	2021
Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies	DPW Operations	Inspect and maintain treatment structures at least annually	2021
Employee Training - General Stormwater Topics	Conduct an annual in-house training session for all Public Works divisions reviewing general pollution abatement practices associated with municipal facilities.	DPW Operations	Implement 5 years after effective date of permit	2023
O&M Program (General)	Develop and distribute a questionnaire for distribution among Public Works Divisions to evaluate good housekeeping practices and pollution prevention and potential areas of improvement.	DPW Operations	Develop, distribute, and evaluate questionnaire within 4 years of effective date of permit	2022
Evaluate BMP Retrofits for Water Quality	Evaluate properties identified as presenting retrofit opportunities or areas for structural BMP installation to meet the nitrogen TMDL enhanced BMP requirements.	DPW Operations	Complete and implement 5 years after effective date of permit	2023
Installation of BMP Retrofits for Water Quality	Install a minimum of one structural BMP as demonstration project to meet nitrogen TMDL enhanced BMP requirements.	DPW Operations	Complete and implement 6 years after effective date of permit	2024

Source Control	Complete Nitrogen Source Identification Report to meet nitrogen TMDL enhanced BMP requirements.	DPW Operations	Complete and implement 4 years after effective date of permit	2022
O&M Program (Grounds Care/Integrate Pest Management)	Establish requirements for use of slow release fertilizers on permittee owned property, reduce and manage fertilizer use, and establish procedures to properly manage grass clippings, and leaf litter on permittee owned property.	DPW Operations	Complete and implement 3 years after effective date of permit	2021

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

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Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

Endangered Species Act (ESA) Determination Statement: Discharge and discharge related activities will have no affect or impact on listed species or critical habitat. The Town intends to comply with the Massachusetts MS4 General Permit and Appendix C.

National Historic Preservation Act (NHPA) Determination Statement: The applicant (Town of Amherst) is a new permittee. The Town has completed a determination and certifies its eligibility for this permit using Criterion A. At this time the Town does not have any planned projects involving subsurface land disturbance of less than one acre on NHPA sites. Any planned work will be outside of historic property areas.

Attached are the following documents:

Attachment A - GIS Outfall Map dated August 2006.

Attachment B - US Department of the Interior Fish and Wildlife Service threatened and endangered species listing, dated August 13, 2018 and Project Review Request letter to the U.S. Fish and Wildlife Service with attachments dated August 31, 2018.

Attachment C - Letter of Concurrence from the US Department of the Interior Fish and Wildlife Service dated September 24, 2018.

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Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:

Paul Bockelman

Title:

Town Manager

Signature:



Date:

09/28/18

[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Note: When prompted during signing, save the document under a new file name

ATTACHMENT A

SUNDERLAND

SHUTESBURY

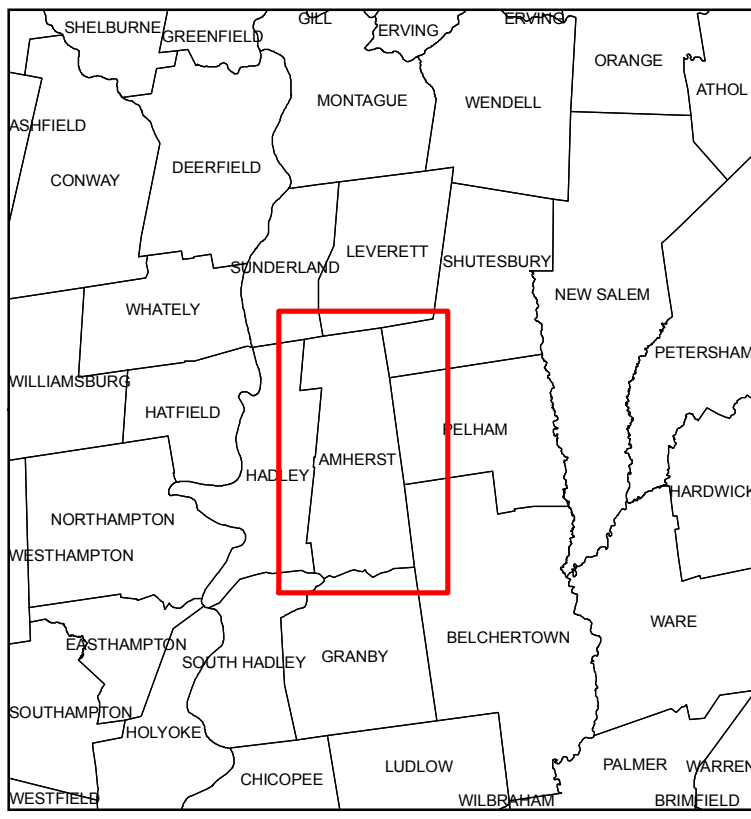
PELHAM

BELCHERTOWN

OUTH HADLEY

Amherst GIS, August, 2006

Town of Amherst Stormwater Outfalls



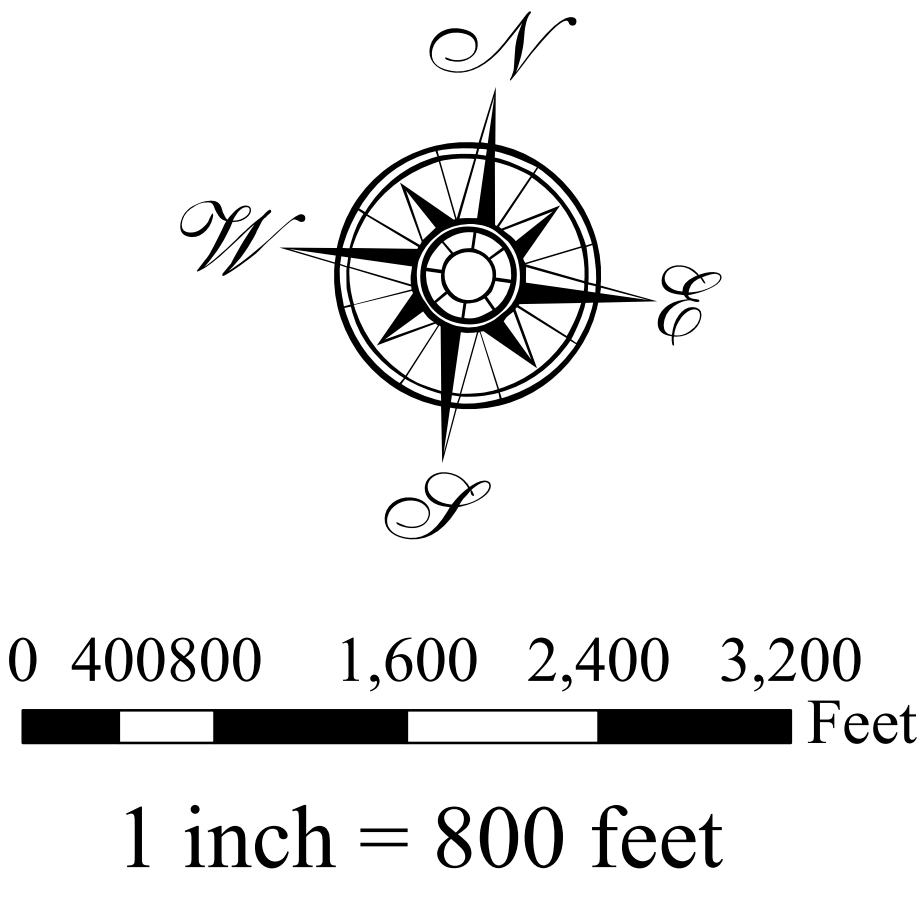
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MA Stateplane Coordinate System,
Zone 4151, Datum NAD83, Feet

Planimetric basemap features compiled
at 1"=40' from April, 2009 Aerial Photography.

Parcels compiled through a "best-fit"
methodology to match the basemap;
revisions are ongoing. Property Lines are
not for conveyance purposes.

The Town of Amherst and its mapping
contractors assume no legal responsibility
for the information contained herein.

- Stormwater Outfalls
- Dams
- Rivers, Ponds & Reservoirs
- Retention ponds/Flood basins
- Wetland
- Forested Wetland



gis.amherstma.gov

ATTACHMENT B



AMHERST *Massachusetts*

OFFICE OF THE SUPERINTENDENT OF PUBLIC WORKS
586 SOUTH PLEASANT STREET
AMHERST, MA 01002
TEL. 413-259-3050 FAX 413-259-2414

August 31, 2018

U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

Attention: David Simmons

Re: Project Review Request, MS4 Permit Notice of Intent for Coverage
Amherst, MA, SLI-2697

Dear Mr. Simmons,

We have reviewed the referenced project using the Environmental Protection Agency's (EPA) project review process for our Municipal Separate Storm Sewer System (MS4) and have followed all guidance and instructions in completing the review. We completed our review on August 13, 2018 and are submitting our project package in accordance with the instructions for further review. The U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) species list indicated these species may be present in the project area:

- Northern Long-eared Bat *Myotis septentrionalis* – threatened
- Dwarf Wedgemussel *Alasmodonta heterodon* – endangered
- Small Whorled Pogonia *Isotria medeoloides* – threatened

We are submitting this letter as a non-Federal representative of the EPA pursuant to the requirements of the EPA's process for NPDES/MS4 permits.

Our proposed action consists of: Existing stormwater discharge to waterbodies containing the Dwarf Wedgemussel species.

The location action area is identified on the enclosed map.

Permit implementation will begin in the fall of 2018 and the permit has an expiration date of June 30, 2022.

This is a request for review by the Service pursuant to section 7 of the Endangered Species Act. We determined that the project may affect, but is not likely to adversely affect the above listed species, because:

- Although discharges from the project may reach the marine environment used by the dwarf wedgemussel, the project implements Best Management Practices to reduce

pollutants to the extent that the discharges are not known to have measureable impacts on dwarf wedgemussels or their habitat.

- It was determined that this project will have no effect on the Northern long eared bat or the small whorled pogonia.

The enclosed materials provide information about the species considered in our review. We request you concur with our determination that the project may affect, but is not likely to adversely affect the species described above.

For additional information, please contact me (Lindsay Strole) at the address listed above, by phone at 413-259-3104, or strolel@amherstma.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lindsay Strole".

Lindsay Strole

Enclosures:

Species List for the Town of Amherst
2013 USFWS DWM 5 Year Review – Table 2 Excerpt
Amherst Dwarf Wedgemussel Area and Drainage System Map
Massachusetts Dwarf Wedgemussel Locations Map - USFWS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>



In Reply Refer To:

August 13, 2018

Consultation Code: 05E1NE00-2018-SLI-2697

Event Code: 05E1NE00-2018-E-06313

Project Name: Amherst MS4 Notice of Intent

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
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Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2018-SLI-2697

Event Code: 05E1NE00-2018-E-06313

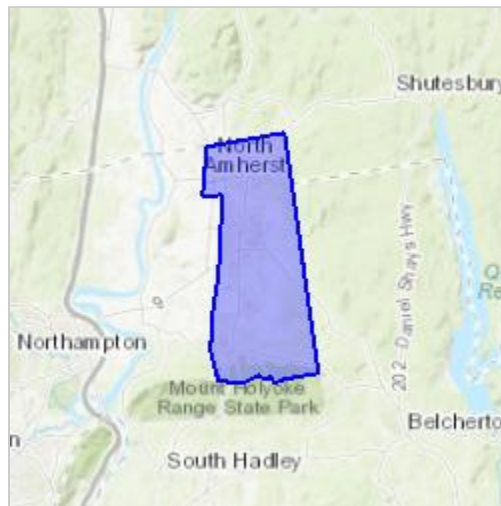
Project Name: Amherst MS4 Notice of Intent

Project Type: STREAM / WATERBODY / CANALS / LEVEES / DIKES

Project Description: The Town of Amherst is applying for coverage under EPA's 2016 Massachusetts Small MS4 Permit. This will include coverage for our entire stormwater infrastructure system.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.36802283779414N72.50517248919834W>



Counties: Franklin, MA | Hampshire, MA

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [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.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Dwarf Wedgemussel <i>Alasmodonta heterodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784	Endangered

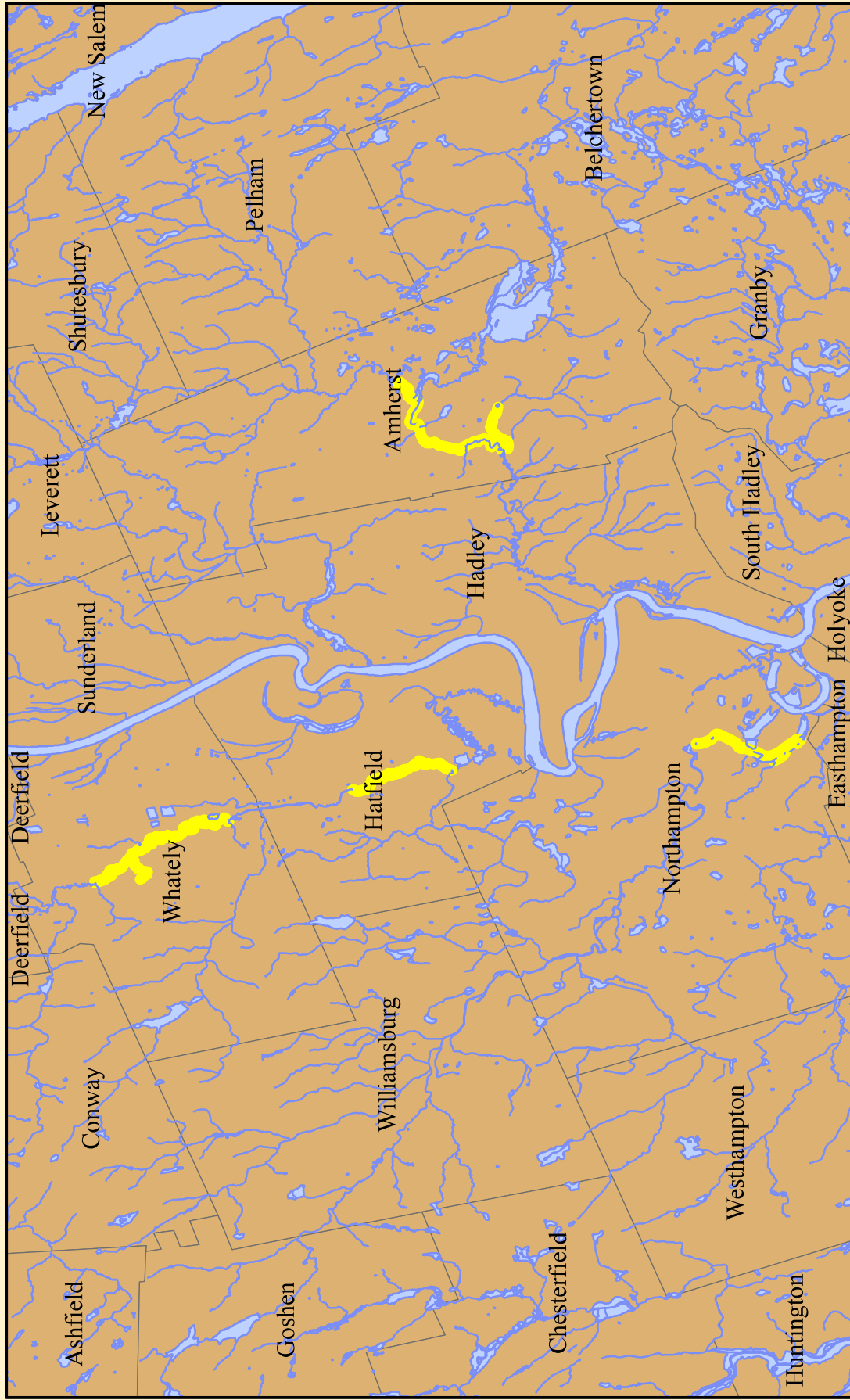
Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

State	County	River	Watershed	Est. River Length	Last Obs.	Last Survey	Number shells at site (live or dead)	Threats
MA	Hampden	Fort River	Connecticut River	2.8 miles occurrence; ~8 miles habitat	2007	2007	2007: 5 live found; 2002: 1 live; 2001: 2 live; 1988: none found; 1984: 2 live; 1980: 2 males; 1976, '74, & '52: total of 8 found.	
MA	Hampden	Hop Brook	Connecticut River	< 1 mile	2007	2009	10 found in 2009; 8 live found in different stretch of river in 2007.	sedimentation, change in hydrology
CT	Hartford	Muddy Brook	Connecticut River	1 ± miles	1991		1 live	
CT	Hartford	Podunk River	Connecticut River	Unknown	2008	2008	Live individuals and shells found in 2008. 7 shells; 2 live (1997), 0 DWM in 2000	Development, water quality degradation,
CT	Hartford	Philo Brook	Connecticut River	Unknown	1991		2 shells	
CT	Hartford	Stony Brook	Connecticut River	Unknown	2005	2005	1 live in 3-hour survey near a bridge slated for replacement. 1st record in Stony Brook in 24 years.	bridge replacement; urbanization
CT	Hartford	Farmington	Connecticut River	Unknown	2002, 2005	2005	1 live + 2 shells in 2000; 12 live + 1 shell in 2005, including 11 live in 45 minutes at a site in Avon. 4 sites altogether, separated by several miles	water quality degradation, riparian development; WWTP, bank erosion, rapid urbanization
NY	Dutchess	Tenmile River	Housatonic River	Unknown	2010	2010	1 Live found in Webatuck Creek	Legacy pollution
NY	Orange	Neversink River	Delaware River	5 miles - Cuddebackville Dam to confluence	2006	2006	Surveys done in 2005 and 2006 at selected sites following flooding in 2005 indicate that at least one to two locations have very few individuals remaining. 2006 - 25 DWM found in 5 locations between confluence of Basher Kill to 5 mi downriver, but population has been severely damaged.	Dam removal, sedimentation, severe flood events, bridge replacements, dredging, debris removal, bank stabilization.



U.S. Fish & Wildlife Service
New England Field Office
Conserving New England's Natural Resources



0 0.5 1 2 3 4



Miles

August 27, 2007

The Dwarf Wedgemussel Waters of Massachusetts

ATTACHMENT C



United States Department of the Interior

FISH AND WILDLIFE SERVICE



New England Field Office
70 Commercial St, Suite 300
Concord, NH 03301-5087
<http://www.fws.gov/newengland>

September 24, 2018

To whom it may concern:

The U.S. Fish and Wildlife Service (USFWS) reviewed the stormwater discharge activities associated with the 2016 National Pollutant Discharge and Elimination System (NPDES) Massachusetts (MA) Small Municipal Separate Storm Sewer System (MS4) general permit (MA MS4 General Permit) issued by the Environmental Protection Agency (EPA). We determined those activities may affect, but are not likely to adversely affect, certain species listed under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) when specific conditions are met. When these conditions are met, we do not need to review individual projects. These comments are provided in accordance with section 7 of the ESA and complement existing 2016 MA MS4 General Permit Appendix C Guidance. We understand the applicant is acting as a non-Federal representative of the EPA for the purpose of consultation under section 7. **This letter provides additional guidance for meeting Criterion B and should be submitted as part of your application package to the EPA.**

If the USFWS Information for Planning and Consultation website (<https://ecos.fws.gov/ipac/>) indicates your MA MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), northern red-bellied cooter (*Pseudemys rubriventris*), dwarf wedgemussel (*Alasmidonta heterodon*), rusty patched bumble bee (*Bombus affinis*), northeastern bulrush (*Scirpus ancistrochaetus*), or American chaffseed (*Schwalbea americana*); threatened species: piping plover (*Charadrius melodus*), bog turtle (*Glyptemys muhlenbergii*), Puritan tiger beetle (*Cicindela puritana*), northeastern beach tiger beetle (*Cicindela dorsalis*), or red knot (*Calidris canutus rufa*); or their federally designated critical habitat; and the specific conditions listed below are met, you may submit this letter to complete the **MA MS4 General Permit Appendix C: Step 4** in place of a concurrence letter for informal consultation as documentation of ESA eligibility for **USFWS Criterion B**.

In addition, this letter also satisfies the requirement in the **MA MS4 General Permit Appendix C: Step 2 (3)** to contact the USFWS and obtain a concurrence letter, if you have not yet done so. If your project action area includes one or more of the above-listed species *and* one or more of the

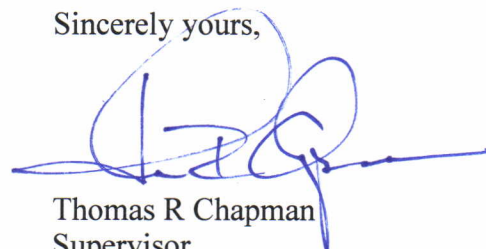
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered Species Guidance) remains unchanged.

We have determined that proposed stormwater discharge activities covered under the 2016 MS4 Permit *may affect, but are not likely to adversely affect*, the above-listed species and the species' critical habitat when the following are true:

1. all stormwater discharges are pre-existing or previously permitted by EPA;
2. any planned operations and maintenance work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. In these situations the chance of encountering any of the subject species is discountable;
3. the project implements EPA MS4 Best Management Practices (BMPs) and meets Clean Water Act and Massachusetts Water Quality Standards. Although permitted discharges may reach the environment used by these species, BMPs reduce pollutants to the extent that discharges are not known to have measurable impacts on these species or their habitat;
4. no new construction or structural BMPs are proposed under this permit at this time; and
5. you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the Notice of Intent (NOI), you will re-initiate consultation with the USFWS as necessary (see **MA MS4 General Permit Appendix C: Step 2 (5)**).

If the above criteria are met, further consultation with the USFWS under section 7 of the ESA is not required at this time; however, if the proposed action changes in any way such that it may affect a listed species in a manner not previously analyzed or if new information reveals the presence of additional listed species that may be affected by the project, the applicant or the EPA should contact us immediately and suspend activities that may affect those species until the appropriate level of consultation is completed with our office. Thank you for your cooperation, and please contact David Simmons of this office at (603) 227-6425 if you have questions or need further assistance.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'T. Chapman', with a long horizontal line extending to the right.

Thomas R Chapman
Supervisor
New England Field Office

¹ Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*), sandplain gerardia (*Agalinis acuta*), small whorled pogonia (*Isotria medeoloides*), and/or American burying beetle (*Nicrophorus americanus*) (MA MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).