

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):

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

MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete? If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:

If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted? (Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)	No	Effective Date or Estimated Date of Adoption (MM/DD/YY): 06/30/19
Construction/Erosion and Sediment Control (ESC) Authority Adopted? (Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)	No	Effective Date or Estimated Date of Adoption (MM/DD/YY): 06/30/19
Post- Construction Stormwater Management Adopted? (Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)	No	Effective Date or Estimated Date of Adoption (MM/DD/YY): 06/30/20

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

Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, any impairments.

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]

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

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
Brochures/Pamphlets	Distribute fact sheets or brochures on pet waste	Residents	Public Health Division, MEA, Town Clerk	Continue to provide informational flyers with all applications and renewals.	2018
Brochures/Pamphlets	Distribute flyers and bookmarks developed in conjunction with the Cape Cod Commission Project Storm Team	Residents	Department of Public Works	Continue to make information available at select public events.	2018
Brochures/Pamphlets	Distribute information on roof and yard maintenance, such as the "Get Your Mind in the Gutter" program.	Residents	Public Health Division	Continue to make informational flyers available. Provide download links and develop poster boards for use at public locations.	2018
Brochures/Pamphlets	Develop town standards & distribute sheets on erosion & sediment control as conditions of permit applications.	Developers (construction)	Building Department, Planning and Development, Conservation Cor	Provide information with all applications	2019

Mutt Mitt Dispensers	Maintain existing Mutt Mitt dispensers & refills at public areas frequented by dog walkers to encourage pet waste pickup.	Residents	Department of Public Works	Continue to maintain Mutt Mitt dispensers at certain public areas.	2018
Web Page	Provide web access to erosion and sediment control standards, Low Impact Development, and the NPDES Construction General Permit.	Developers (construction)	Department of Public Works, Public Health Division, Conservation Commission	Each Dept. will maintain links to standards and fact sheets.	2019
Web Page	Provide web information on pesticide and fertilizer use, grass clippings and leaf litter disposal, building maintenance, storage of materials and wastes, car washing, benefits of infiltration, and use of environmentally friendly products.	Businesses, Institutions, and Commercial Facilities	Public Health Division	Continue to update and maintain the websites.	2019
Web Page	Provide web information on septic system maintenance, illicit discharges, pet waste disposal, lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, car washing, and use of environmentally friendly products.	Residents	Public Health Division	Continue to update and maintain the websites.	2019

[illegible]

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

[illegible]

[illegible]

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

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 of permit conditions	Department of Public Works	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	Department of Public Works	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	Department of Public Works	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Department of Public Works	Complete 10 years after effective date of permit	2020
Employee training	Train employees on IDDE implementation	Department of Public Works	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Department of Public Works	Complete 3 years after effective date of permit	2019
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Department of Public Works	Complete 10 years after effective date of permit	2024
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Department of Public Works	Complete ongoing outfall screening upon completion of IDDE program	2024

[illegible]

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

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 are linked with permits	Complete written procedures of site inspections and enforcement procedures	Building Department, Conservation Commission, Public Health	Complete within 1 year of the effective date of permit	2018
Site plan review	Pre-permit procedures of site plan review and begin implementation	Building Department, Planning and Development, Conservation Commission, Pul	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control are linked with permits	Adoption of requirements for construction operators to implement a sediment and erosion control program	Building Department, Planning and Development, Conservation Commission, Pul	Complete within 1 year of the effective date of permit	2018
Waste Control fact sheet linked with permits	Creation of a fact sheet to be included with permits on requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Building Department, Planning and Development, Conservation Commission, Pul	Complete within 1 year of the effective date of permit	2018

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 as by permit	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Building Department, Planning and Development, Conservation Commission, Public Works	As by permit require submission of as-built plans for completed projects	2018
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties within MS4 areas that could be modified or retrofitted with BMPs to reduce impervious areas and update annually	Department of Public Works	Complete 4 years after effective date of permit and report annually on retrofitted properties	2020
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Department of Public Works, Planning and Development	Complete 4 years after effective date of permit and implement recommendations of report	2020
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.	Department of Public Works, Planning and Development	Complete 4 years after effective date of permit and implement recommendations of report	2020

[illegible]

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

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
Inspections and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies	Department of Public Works	Inspect and maintain treatment structures at least annually	2018
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Department of Public Works	Complete 2 years after effective date of permit and implement annually	2018
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Department of Public Works	Complete 2 years after effective date of permit	2018
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Department of Public Works	Complete and implement 2 years after effective date of permit	2018
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	Department of Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2018
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	Department of Public Works	Sweep all streets and permittee-owned parking lots once per year in the spring. Sweep downtown Hyannis roads approximately 8 times per year.	2018
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	Department of Public Works	Implement salt use optimization during deicing season	2018

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

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]

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

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.

Click to add text

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:

Mark S. Ells

Title:

Barnstable Town Manager

Signature:



Date:

9.19.2018

[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



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



January 8, 2018

To Whom It May Concern:

This project was reviewed for the presence of federally listed or proposed, threatened or endangered species or critical habitat per instructions provided on the U.S. Fish and Wildlife Service's New England Field Office website:

<http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm> (accessed January 2018)

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your cooperation. Please contact David Simmons of this office at 603-227-6425 if we can be of further assistance.

Sincerely yours,

Thomas R. Chapman
Supervisor
New England Field Office

From: Rebecca Balke <rbalke@ceiengineers.com>
Sent: Wednesday, August 08, 2018 8:35 AM
To: Saad, Dale
Subject: FW: [EXTERNAL] Informal Endangered Species Consultation - Barnstable, MA

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dale,

USFWS concurs that your MS4 permit renewal will not affect endangered species. See below. We will include this information with the NOI submittal.

Rebecca

Rebecca Balke, P.E.* | Comprehensive Environmental Inc.
Project Manager
Direct: 603.424.8443

*Licensed in NH

From: David Simmons <David_Simmons@fws.gov>
Sent: Wednesday, August 08, 2018 8:28 AM
To: Travis Petersen <tpetersen@ceiengineers.com>
Cc: Rebecca Balke <rbalke@ceiengineers.com>; Nick Cristofori <ncristofori@ceiengineers.com>
Subject: RE: [EXTERNAL] Informal Endangered Species Consultation - Barnstable, MA

Hi Travis,
Thank you for contacting us. I reviewed your letter, and it looks like the proposed permit renewal would not affect the species in the IPaC report. Please submit our "no species present" form letter (https://www.fws.gov/newengland/pdfs/no_spp_present_ltr_2018.pdf) with your application/NOI to EPA. EPA should accept this as evidence of coordination with our office under a "no effect" situation. Please let me know if you have any questions or concerns. Regards,
David

David Simmons
Endangered Species Program Supervisor
New England Fish and Wildlife Office
U.S. Fish and Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301
603.227.6425

From: Travis Petersen [mailto:tpetersen@ceiengineers.com]
Sent: Friday, August 03, 2018 5:06 PM
To: David_Simmons@fws.gov
Cc: Rebecca Balke; Nick Cristofori
Subject: [EXTERNAL] Informal Endangered Species Consultation – Barnstable, MA

Dear Mr. Simmons,

On behalf of the town of Barnstable, MA, Comprehensive Environmental Inc. is requesting an informal endangered species consultation for the purpose of submitting a MS4 NOI. Please see the attached letter with species list for further details. If you have any questions, please feel free to reach out to me.

Best,

Travis Petersen | Comprehensive Environmental Inc.

Project Scientist

225 Cedar Hill Street

Marlborough, MA 01752

Cell: 612-849-2484



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:

July 26, 2018

Consultation Code: 05E1NE00-2018-SLI-2516

Event Code: 05E1NE00-2018-E-05892

Project Name: Barnstable MS4 Endangered Species Review

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

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-2516

Event Code: 05E1NE00-2018-E-05892

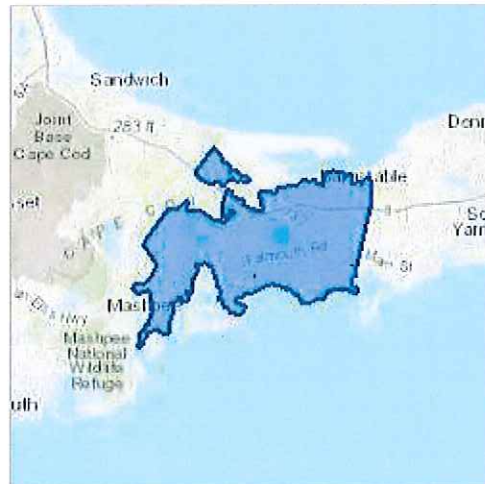
Project Name: Barnstable MS4 Endangered Species Review

Project Type: LAND - DRAINAGE

Project Description: Determination of impact of stormwater discharges and discharge related activities to threatened and endangered species per Appendix C of the MA MS4 General Permit. Stormwater discharge occurs from pre-existing outfalls within the regulated zone, as shown on the map.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.654148914435424N70.36069034839772W>



Counties: Barnstable, MA

Endangered Species Act Species

There is a total of 5 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

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern <i>Sterna dougallii dougallii</i> Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Flowering Plants

NAME	STATUS
Sandplain Gerardia <i>Agalinis acuta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8128	Endangered

Critical habitats

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



- Engineering
- Design
- Construction
- Inspection

Responsive
service,
cost-effective
solutions,
technical
excellence

- Drainage & Flooding
- Energy & Sustainability
- Hazardous Waste
- Permitting & NEPA
- Stormwater & LID
- Transportation
- Water & Wastewater
- Watershed Restoration

COMPREHENSIVE ENVIRONMENTAL INCORPORATED

Friday, August 03, 2018

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

RE: Informal Endangered Species Consultation – Barnstable, MA

Dear Mr. Simmons,

As required by the federal 2016 National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit (2016 MS4 Permit) issued by the Environmental Protection Agency (EPA), communities must meet certain requirements under the Clean Water Act and Endangered Species Act (ESA) to ensure that activities undertaken do not adversely affect endangered and threatened species or critical habitat. This permit requires that applicants applying for permit coverage must assess the impacts of their stormwater discharges and discharge-related activities on federally listed endangered and threatened species ("listed species") and designated critical habitat ("critical habitat") to ensure that these goals are met.

The 2016 MS4 Permit provides guidance on how to meet requirements of the ESA which in part requires communities with certain endangered species located within the "action area" (in this case, defined as the entirety of the community's regulated urbanized area) to contact the United States Fish and Wildlife Services (USFWS) for a formal or informal consultation to determine that permit activities will result in either a "no jeopardy" opinion or "not likely to adversely affect" listed species or critical habitat. These procedures are outlined in Appendix C, Criterion B of the 2016 MS4 Permit.

Comprehensive Environmental Inc. (CEI) is working with the Town of Barnstable, Massachusetts to complete work under the 2016 MS4 Permit, including preparation of a Notice of Intent (NOI) for submittal to EPA. During preparation of the NOI and using the IPaC system, CEI identified one or more species (listed below) identified under Criterion B, which requires contacting USFWS for a formal or informal consultation. Therefore, the purpose of this letter is to request an informal consultation from USFWS for endangered species listed in Barnstable for a concurrence that activities are "not likely to adversely affect" listed species.

Activities covered under the 2016 MS4 Permit include stormwater discharge and related activities such as inspections, maintenance, and repairs of stormwater infrastructure. There are several reasons why activities proposed will not affect endangered or threatened species:



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- Engineering
- Design
- Construction
- Inspection

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service,
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- Drainage & Flooding
- Energy & Sustainability
- Hazardous Waste
- Permitting & NEPA
- Stormwater & LID
- Transportation
- Water & Wastewater
- Watershed Restoration

1. No new construction is proposed under this permit, and any new construction may be required to undergo its own specific permitting process.
2. Any repair work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. Due to the nature of stormwater systems, this work falls primarily along roads within urbanized areas, where the risk of encountering and adversely impacting endangered species is limited.
3. Repair work that falls within the wetlands or 100-foot buffer zone is regulated by the Massachusetts Wetlands Protection Act, which triggers a project specific endangered species review, providing more specific protection for those species within the wetlands or buffer zone.
4. All stormwater discharges are pre-existing and Barnstable was previously permitted under the 2003 MS4 NOI.

The following provides a list of species that were identified using the IPaC system, along with a brief rationale regarding why activities under this permit are not likely to “adversely affect” the organism.

Terrestrial Animals

Northern Long-Eared Bat – In warmer months these bats roost and forage in forested areas. As no trees are being removed under this permit, and stormwater discharges are unlikely to affect the forested areas that serve as its habitat, CEI has determined that activities covered by this permit are “not likely to adversely affect” the Northern Long-Eared Bat.

Piping Plover – In Massachusetts, these birds nest on sandy coastal beaches and dunes. The primary threat to this species is human caused habitat destruction. As these areas are protected by the Massachusetts Wetlands Protection Act, any direct action which may impact them will be subject to further regulatory review. Due to their terrestrial nature, stormwater discharges are unlikely to affect this species. Because of this, CEI has determined that activities covered by this permit are “not likely to adversely affect” the Piping Plover.

Red Knot – These birds use Massachusetts as a foraging location during their spring and fall migrations to and from wintering and breeding grounds. They primarily use sandy beaches and intertidal areas to forage for bivalves and crustaceans. The primary threat to this species is the overharvesting of horseshoe crab eggs in the Delaware Bay, which borders Delaware and New Jersey. Because the Massachusetts habitats where this species are found are protected by the Massachusetts Wetlands Protection Act, any direct action which may impact their habitats will be subject to further regulatory review. Due to their terrestrial



- Engineering
- Design
- Construction
- Inspection

Responsive

service,

cost-effective

solutions,

technical

excellence

- Drainage & Flooding
- Energy & Sustainability
- Hazardous Waste
- Permitting & NEPA
- Stormwater & LID
- Transportation
- Water & Wastewater
- Watershed Restoration

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nature, stormwater discharges are unlikely to affect them. Because of this, CEI has determined that activities covered by this permit are “not likely to adversely affect” the Red Knot.

Roseate Tern – This species nests within the colonies of the larger Common Tern on sandy, gravelly, or rocky islands, and more rarely at the end of long barrier beaches. The primary threat to them is human disturbance and habitat destruction. The habitat these birds live in is protected by the Massachusetts Wetlands Protection Act. As such, any direct action which may impact these areas will be subject to further regulatory review. Due to their terrestrial nature, stormwater discharges are unlikely to affect them. Because of this, CEI has determined that activities covered by this permit are “not likely to adversely affect” the Roseate Tern.

Plants

Sandplain Gerardia – Native to open, sandy and periodically disturbed areas, this plant can be found in places such as roadsides, grasslands and cemeteries. As stormwater systems primarily fall within roads and urbanized areas, repair work covered by this permit is unlikely to affect habitat that has not been previously impacted. Likewise, regulated stormwater discharges occur in wetland and surface water areas, not the upland areas which the Sandplain Gerardia inhabits. For this reason, CEI has determined that activities covered by this permit are “not likely to adversely affect” the species.

CEI has determined that the stormwater discharges and discharge related activities regulated by this permit are “not likely to adversely affect” the above listed species within the action areas and requests a written concurrence from you in that regard. The Town of Barnstable agrees to re-initiate consultation with USFWS if structural Best Management Practices (BMPs) not identified on the NOI are proposed for installation or construction during the course of the permit term.



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Please review the above list and inform us of your conclusions at your earliest convenience. If you have any questions or would like to discuss, please contact me at 800.725.2550 x381 or tpetersen@ceiengineers.com.

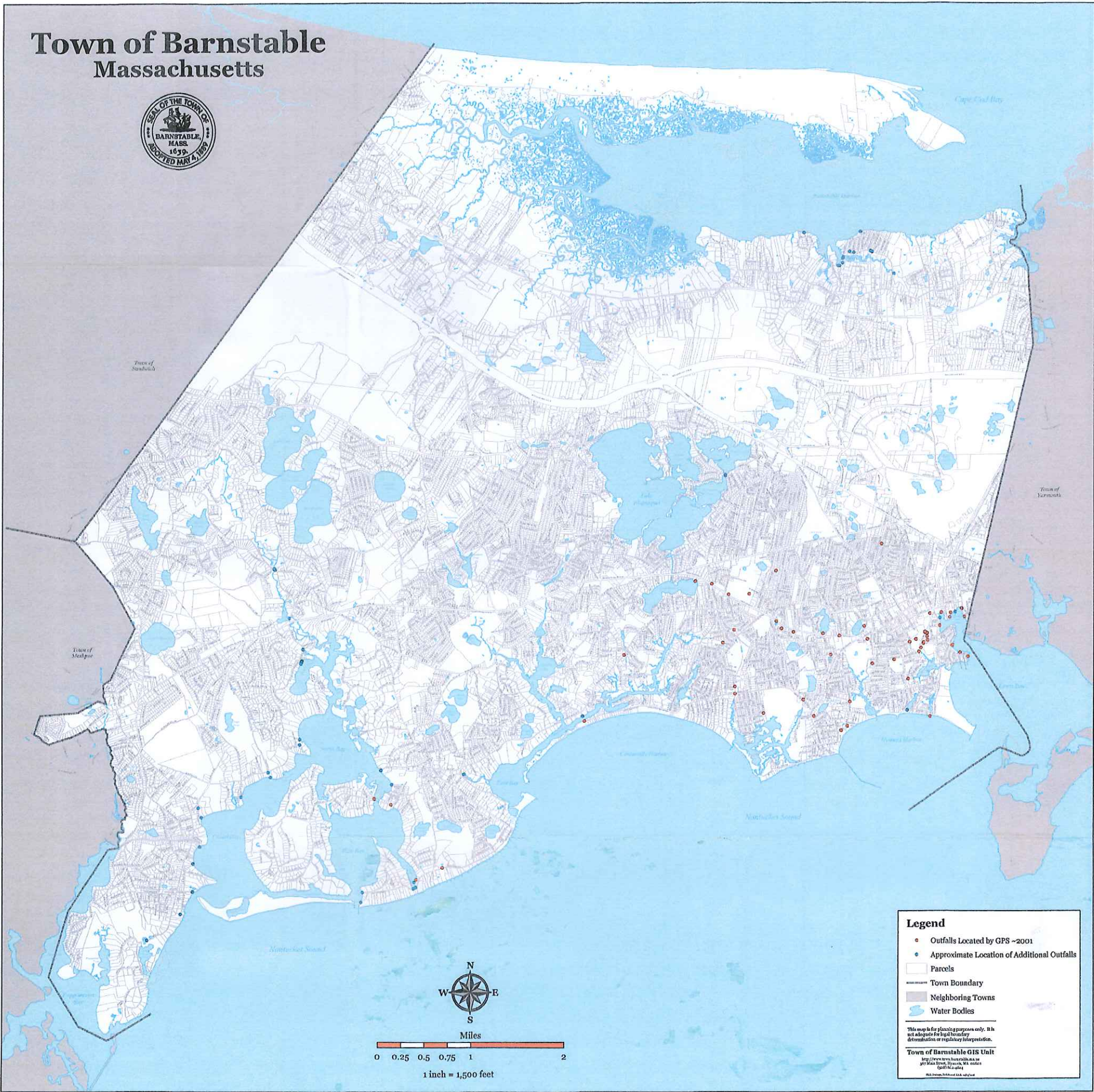
Sincerely,

COMPREHENSIVE ENVIRONMENTAL

Travis Petersen
Project Scientist

Attachments/Enclosures:
Official Species List – US Fish & Wildlife Service

Town of Barnstable Massachusetts



Legend

- Outfalls Located by GPS ~2001
- Approximate Location of Additional Outfalls
- ▭ Parcels
- ▬ Town Boundary
- ▭ Neighboring Towns
- ▭ Water Bodies

This map is for planning purposes only. It is not adequate for legal boundary determination or regulatory interpretation.

Town of Barnstable GIS Unit
<http://www.townofbarnstable.com>
300 West Street, Barnstable, MA 02536
(508) 548-4444
All images, text and data subject to change without notice.



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

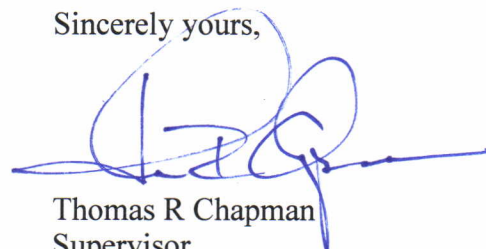
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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



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).

BMP Media/Category	BMP Description	Targeted Audience	Measurable Goal from the NOI	Proposed Measurable Goal
Brochures/Pamphlets	Distribute fact sheets or brochures on pet waste pickup with dog licenses.	Residents	Continue to provide informational flyers with all applications and renewals.	Provide informational flyers with all pet waste license applications/renewals and track the number distributed.
Brochures/Pamphlets	Distribute flyers and bookmarks developed in conjunction with the Cape Cod Commission Project Storm Team	Residents	Continue to make information available at select public events.	Make stormwater-related information available at select public events at least once per year as budget allows and track the number distributed.
Brochures/Pamphlets	Distribute information on roof and yard maintenance, such as the "Get Your Mind in the Gutter" program.	Residents	Continue to make informational flyers available. Provide download links and develop poster boards for use at public locations.	Make informational flyers continually available in at least two public buildings and track the number distributed. Display poster boards at select public events at least once per year.
Brochures/Pamphlets	Distribute fact sheets or brochures on erosion and sediment control with permit applications	Developers (construction)	Provide information with all applications	Provide informational brochures with all applications and track the number distributed.
Mutt Mitt Dispensers	Provide Mutt Mitt dispensers and refills at public areas frequented by dog walkers to encourage pet waste pickup.	Residents	Continue to maintain Mutt Mitt dispensers at certain public areas.	Maintain Mutt Mitt dispensers at certain public areas frequented by dog walkers. Add additional dispensers at problem locations as budget allows.
Web Page	Provide web information on erosion and sediment control, Low Impact Development, and the NPDES Construction General Permit.	Developers (construction)	Continue to update and maintain the websites.	Review the website annually, make updates if needed, and track website hits
Web Page	Provide web information on pesticide and fertilizer use, grass clippings and leaf litter disposal, building maintenance, salt usage, storage of materials and wastes, car washing, benefits of infiltration, and use of environmentally friendly products.	Businesses, Institutions, and Commercial Facilities	Continue to update and maintain the websites.	Review the website annually, make updates if needed, and track website hits
Web Page	Provide web information on septic system maintenance, illicit discharges, pet waste disposal, lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, car washing, and use of environment-	Residents	Continue to update and maintain the websites.	Review the website annually, make updates if needed, and track website hits
Web Page	Provide web information on equipment maintenance and inspection, material storage, solid waste handling, salt usage, benefits of onsite infiltration, management of parking lot surfaces, and EPA's MSGP.	Industrial	Continue to update and maintain the websites.	Review the website annually, make updates if needed, and track website hits
Social Media	Provide relevant stormwater information to different audiences via social media.	Residents, Businesses, Institutions, Commercial Facilities, Developers (construction), Industrial	Follow statewide "ThinkBlue" campaign on social media platforms.	Follow statewide "ThinkBlue" campaign on social media platforms and track number of followers.