

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? <i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	03/07/06
Construction/Erosion and Sediment Control (ESC) Authority Adopted? <i>(Part II,III,IV or V, Subpart B.4.(a.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	03/07/06
Post- Construction Stormwater Management Adopted? <i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	07/29/99

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.

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
Quashnet River MA96-90	8	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Hamblin Pond MA96-58	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Mashpee Pond MA96-194	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Mercury in Fish Tissue
Mashpee River MA96-24 and MA96-89	16	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Popponesset Bay MA96-40	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Santuit River MA96-91	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Wakeby Pond MA96346	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	Mercury in Fish Tissue
Deans Pond	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Popponesset Creek MA96-39	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	Estuarine Bioassessments
Ashumet Pond MA96004	0	☐	☐	☒	☐	☐	☒	☐	☐	☐	Abnormal Fish DELTS, Abnormal Fish Histology (Lesions), Mercury in Fish Tissue
Shoestring Bay MA96-08	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Santuit River MA96-92	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Little River MA96-61	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Johns Pond MA96157	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Jehu Pond MA96-59	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Great River MA96-60	0	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Waquoit Bay MA96-21	0	☐	☐	☒	☐	☐	☐	☐	☐	☐	Estuarine Bioassessments
Santuit Pond MA96277	0	☐	☐	☐	☐	☐	☒	☐	☐	☐	Abnormal Fish DELTS, Abnormal Fish Histology (Lesions), Chlorophyll-a, Excess Algal Growth, Nutrient/Eutrophication Biological Indicators, High pH, Secchi disk transparency

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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 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 require a target audience).

MCM 1: Public Education and Outreach

BMP ID 2017	BMP Media/Category	BMP Description	Targeted Audience	Responsible Department /Parties	Measurable Goal	Beginning Year of BMP Implementation
1A	Multi-media methods (including web and print materials)	Education and outreach on stormwater management topics of significance in Mashpee, including the proper use of slow-release fertilizers, pet waste management, septic system maintenance and disposal of grass clippings and leaf litter. Educational topics will include but are not limited to those in Part 2.3.2.d.i	Residents	Department of Public Works (DPW), Environmental Oversight Committee (EOC)	Distribute a minimum of 2 educational messages spaced at least a year apart	FY 2019 (PY1)

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BMP ID 2017	BMP Media/Category	BMP Description	Targeted Audience	Responsible Department /Parties	Measurable Goal	Beginning Year of BMP Implementation
1B	Multi-media methods (including web and print materials)	Education and outreach on stormwater management topics of significance in Mashpee, including the proper use of slow-release fertilizers, pet waste management and disposal of grass clippings and leaf litter. Educational topics will include but are not limited to those in Part 2.3.2.d.ii	Businesses, Institutions, and Commercial Facilities including Landscaping, Marine Services and Golf Courses	DPW, EOC	Distribute a minimum of 2 educational messages spaced at least a year apart	FY 2020 (PY2)
1C	Multi-media methods (including web and print materials)	Education and outreach on stormwater management topics of significance in Mashpee, including impaired waterbodies. Educational topics will include but are not limited to those in Part 2.3.2.d.iii	Developers (Construction)	DPW, EOC	Distribute a minimum of 2 educational messages spaced at least a year apart	FY 2019 (PY1)
1D	Multi-media methods (including web and print materials)	Education and outreach on stormwater management topics of significance in Mashpee, including impaired waterbodies. Educational topics will include but are not limited to those in Part 2.3.2.d.iv	Industrial Facilities	Department of Public Works	Distribute a minimum of 2 educational messages spaced at least a year apart	FY 2020 (PY2)

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

BMP ID 2017	BMP Media/Category	BMP Description	Targeted Audience	Responsible Department /Parties	Measurable Goal	Beginning Year of BMP Implementation
1E	Public Education Goals and Progress	Educational goals (programmatic and message specific) will be defined in the SWMP.	All	DPW/ EOC	Annually report methods/measures to evaluate effectiveness and progress to meet meeting goals.	FY 2019 (PY1)

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Part III: Stormwater Management Program Summary

MCM 2: Public Involvement and Participation

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
2A	Public Review	SWMP Review	Department of Public Works	Annually provide the public with an opportunity to participate in the review and implementation of the SWMP	FY 2019 (PY1)
2B	Public Participation	Provide opportunities for public involvement and participation in Mashpee's stormwater program. Specific activities, schedule, and lead departments are included in the SWMP.	All Town Departments, Boards, and Committees	Ongoing compliance	FY 2019 (PY1)
2C	Public Review	Stormwater Task Force (DPW, Conservation Commission, Planning, Board of Health, Environmental Oversight Committee)	Department of Public Works	At a minimum, Stormwater Task Force will meet annually.	FY 2019 (PY1)

Notice of Intent (NOI) for coverage under Small MS4 General Permit**Part III: Stormwater Management Program Summary****MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
3A	IDDE Ordinance/Bylaw	Develop IDDE Ordinance or Bylaw. Continue to enforce illegal dumping or waste disposal under current regulations.	Department of Public Works, and Board of Health	Track illicit discharges identified and removed.	FY 2019 (PY1)
3B	Storm drainage system map	Update map during IDDE program implementation	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	FY 2020 (PY2)
3C	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	FY 2019 (PY1)

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

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
3D	Assessment and Priority Ranking of Outfalls & Interconnections	1. Outfall/ Interconnection Inventory and Initial Ranking as part of BMP 3D for outfalls in the urbanized area. Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated as high priority in implementation of the IDDE program.	Department of Public Works	Complete within 1 year of the effective date of permit and update as necessary	FY 2019 (PY1)
3D	Assessment and Priority Ranking of Outfalls & Interconnections	2. Dry Weather Outfall Screening & Sampling in accordance with IDDE Plan and permit conditions for all outfalls with dry weather flow	Department of Public Works	Complete 3 years after effective date of permit. Track # illicit discharges identified & volume removed. Summarize screening/sampling results.	FY 2019 (PY1)

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

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
3D	Assessment and Priority Ranking of Outfalls & Interconnections	3. Catchment Investigations according to program and permit conditions	Department of Public Works	Complete 10 years after effective date of permit. Track # and percentage of MS4 catchments evaluated. Track # illicit discharges identified & volume removed. Summarize screening/sampling results.	FY 2020 (PY2)
3E	Employee Training	Train employees on IDDE implementation	Department of Public Works	Train annually. Track employees trained, training topic, date/time, and materials presented.	FY 2019 (PY1)

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Part III: Stormwater Management Program Summary

MCM 4: Construction Site Stormwater Runoff Control

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
4A	Construction Bylaw and Regulations	Modify local bylaw and regulations, as needed, to contain new MS4 provisions per section 2.3.5.i. Regulations shall include a requirement that new development and redevelopment of stormwater management BMPs be optimized for nitrogen removal.	Planning Board	Review current procedures and modify if necessary within 1 year of permit effective date	FY 2019 (PY1)
4B	Construction Policy and Procedures	Review and revise as needed, written procedures for site inspections and enforcement procedures per section 2.3.5.ii.	Planning Board	Review current procedures and modify if necessary within 1 year of permit effective date	FY 2019 (PY1)

Notice of Intent (NOI) for coverage under Small MS4 General Permit**Part III: Stormwater Management Program Summary****MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment**

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
5A	Post-Construction Bylaw and Regulations	Modify local bylaw and regulations to contain new MS4 provisions per section 2.3.6.a.	Planning Board	Modify existing bylaw and regulations within 2 years of permit effective date	FY 2019/2020 (PY1/2)
5B	Assess street 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.	Planning Board	Complete report no later than 4 years of permit effective date	FY 2021 (PY3)

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BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Measurable Goal	Beginning Year of BMP Implementation
5C	Assess allowing green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Board	Complete report no later than 4 years of permit effective date	FY 2021 (PY3)
5D	Retrofit Feasibility Assessment	Conduct detailed inventory of Town-owned properties and rank for retrofit potential. Priority ranking shall include consideration of BMPs to reduce nitrogen discharges.	Planning Board	Complete report no later than 4 years of permit effective date, beginning in year 5 keep running list of at least 5 retrofit sites	FY 2021 (PY3)

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

Part III: Stormwater Management Program Summary

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Additional Description/Measurable Goal	Beginning Year of BMP Implementation
6A	Operation & Maintenance Program	Inventory and create O&M procedures for all permittee-owned parks and open spaces, buildings and facilities (including their storm drains), and vehicles and equipment . O&M procedures will establish requirements for use of slow-release fertilizers on permittee owned property and managing grass cuttings and leaf litter.	Department of Public Works, Conservation Commission	Complete 2 years after permit effective date, implement in following years	FY 2019 (PY1)
6B	Operation & Maintenance Program	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Department of Public Works	Complete 2 years after permit effective date, implement in following years	FY 2019 (PY1)

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

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Additional Description/Measurable Goal	Beginning Year of BMP Implementation
6C	Stormwater Pollution Prevention Plans (SWPPP)	Develop and implement a SWPPP and SPCC BMPs at DPW/Highway Facility and the Transfer Station	Department of Public Works	Complete SWPPPs within 2 year of permit effective date, implement in following years	FY 2020 (PY2)
6D	Operation & Maintenance Program	1. Implement procedures to optimize catch basin cleaning developed under BMP 6B	Department of Public Works	Track frequency and material quantity of catch basin cleaning in town. In first Annual Report and in SWMP, document plan for optimizing catch basin cleaning.	FY 2019 (PY1)
6D	Operation & Maintenance Program	2. Implement procedures for street and parking lot sweeping developed under BMP 6B. Street sweeping of all municipal owned streets and parking lots will occur a minimum of two times per year.	Department of Public Works	Annually track number of miles cleaned or the volume or mass of material removed.	FY 2019 (PY1)

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

BMP ID 2017	BMP Category	BMP Description	Responsible Department / Parties	Additional Description/Measurable Goal	Beginning Year of BMP Implementation
6D	Operation & Maintenance Program	3. Implement procedures for use and storage of deicing materials developed under BMP 6B	Department of Public Works	Implement program for winter road maintenance throughout permit term.	FY 2019 (PY1)
6D	Operation & Maintenance Program	4. Implement procedures to inspect and maintain Town-owned structural stormwater BMPs	Department of Public Works	Develop an inventory of Town-owned BMPs by PY3. Report on inspection and maintenance conducted annually.	FY 2019 (PY1)

Part III: Stormwater Management Program Summary (continued)

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.

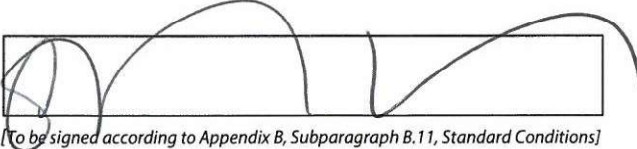
1. BMPs identified in the 2003 General Permit NOI have evolved over the permit term due to staff changes and Stormwater Program modifications. The intent of the 2003 BMPs are being met under the proposed 2016 General Permit BMPs included in the Stormwater Management Plan. The Plan will describe how the BMPs under the 2003 permit fit into the new program, particularly where BMPs and/or measurable goals that are outdated or no longer appropriate have been replaced or updated.
2. The National Endangered Species Eligibility Determination screening process has been completed and the Town of Mashpee meets Criterion B. The Town's stormwater discharges and discharge related activities are not likely to adversely affect listed species or critical habitat. The Town will consult with U.S. Fish and Wildlife as needed during the permit term.
3. The National Historic Preservation Act Eligibility Determination screening process has been completed and the Town of Mashpee meets Criterion A. The Town's stormwater discharges do not have the potential to cause effects on historic properties. The Town will consult with the State Historic Preservation Officer as needed during the permit term.
4. The outfalls and associated receiving waters in Part II are based on mapping as of September 2018 and are subject to change during implementation of the Stormwater Management Program as newly constructed outfalls are added to the map and inventory; locations are adjusted; or outfalls are removed if they are determined to be non-municipally owned/operated or reclassified as a BMP inlet, culvert, or other structure. While some receiving waters do not have direct discharges from Mashpee's MS4, they were included in Part II of the NOI due to the groundwater-dominant hydrology of the area. Changes to the outfall inventory and mapping will be formalized in Annual Reports to EPA.
5. There is no sanitary sewer system in Mashpee and therefore Part 2.3.4.4 of the General Permit, Sanitary Sewer Overflows, does not apply to the Town.
6. The Town of Mashpee is listed in Part 2.2.2.b of the General Permit as a municipality where MS4s discharge to waterbodies, or their tributaries, that are impaired due to total phosphorus. The waterbodies impaired for total phosphorus within Mashpee are Santuit Pond (MA96277) and Ashumet Pond (MA96004). While these waterbodies do not receive direct discharges from the Town's MS4, and therefore Part 2.2.2.b and Appendix H Part II of the General Permit do not apply, the Town will keep these requirements in Part III of this NOI to maintain the current proactive approach to reduce phosphorus discharges within the entire MS4.

Detailed explanations of the above notes will be included in the Town's Stormwater Management Plan.

Part V: Certification

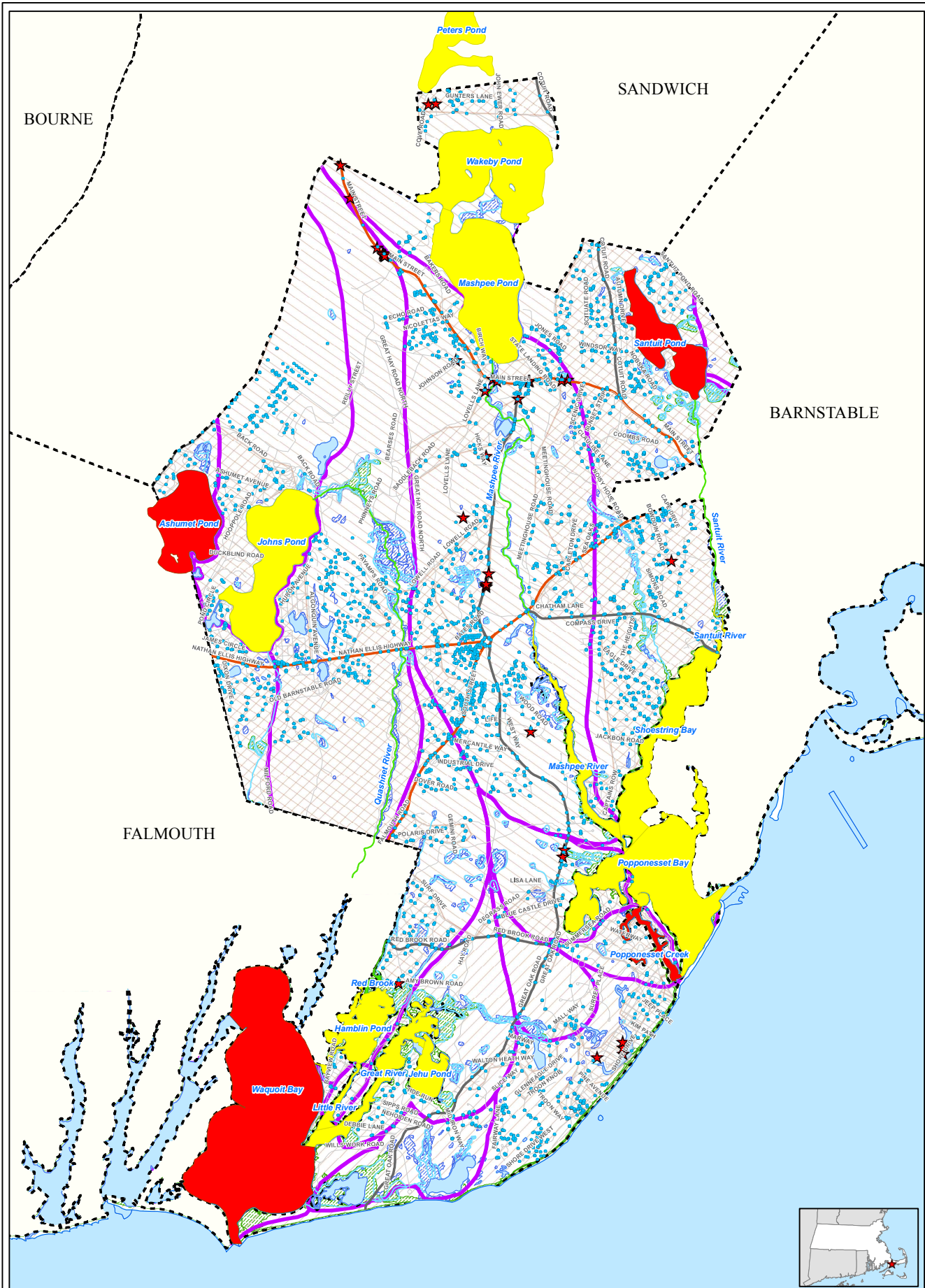
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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: RODNEY C. COLLINS Title: TOWN MANAGER

Signature:  Date: 9/24/2018

[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



Legend

- Catch Basin
- ★ Outlet
- Urban Area (Census 2000 and 2010)
- Wetlands
- 2014 Integrated Waters (Rivers)
- Category
- 2014 Integrated Waters (Lakes, Estuaries)
- Category

Roads

- CLASS
- State & Access Highway
- State Lane Highway, NOT Limited Access
- Other Non-Express Highway
- Major Road - Collector
- Minor Road or Road
- Trail Boundary

Hydrography

- Water Body, Water or Non-Express
- Bay, Estuary or other Salt Water Feature
- Wetlands
- Channel Wetlands
- Stream, Brook

IMPAIRED WATERS

Town of Mashpee, Massachusetts

August 2017

Tighe & Bond
Engineers Environmental Specialists



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

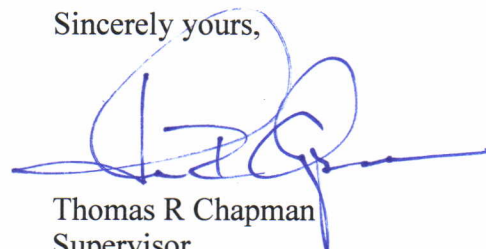
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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