

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)	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	10/01/2013
Construction/Erosion and Sediment Control (ESC) Authority Adopted? (Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	04/01/2015
Post- Construction Stormwater Management Adopted? (Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)	Yes	Effective Date or Estimated Date of Adoption (MM/DD/YY):	04/01/2015

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

Part II: Summary of Receiving Waters

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

Waterbody that receives flow from the MS4 and segment ID if applicable	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
Lynn Harbor	9	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform TMDL 50122
Nahant Bay	15	☐	☐	☐	☐	☐	☐	☐	☐	☐	Fecal Coliform TMDL 50121
Massachusetts Bay	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Nahant Harbor	10	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Broad Sound	2	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Tributary to Lowlands Marsh	7	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Tributary to Kelly Green Marsh	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Wetland tributary to Thicket	3	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Wetland tributary to Nahant Harbor	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
Kelly Green Marsh	4	☐	☐	☐	☐	☐	☐	☐	☐	☐	none
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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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
Web Page	stormwater educational information	Residents	Town Administrator and webmaster	post stormwater info to inform the public	2017
Web Page	hazardous waste pollution prevention	Residents	Town Administrator and webmaster	hazardous waste collection program	2017
Web Page and town hall posting	pet waste stations pick up & disposal of pet waste	Residents	Animal Control/Town Clerk /DPW	reduce pet waste as pollution source to wetlands/waterways	2017
Web page and flyer postings	General pollution prevention	Businesses, Institutions and Commercial Facilities	Town Administrator and webmaster	General pollution Prevention	2017
Newspaper Articles/Press Releases and post	water conservation measures	Residents	Board of Selectmen/DPW	leak detection and water efficiency	2017
Web Page/Video	posting of EPA video "After the Storm"	residents	Town Administrator and webmaster	pollution prevention and source reduction	2017
Annual letter	offer assistance with local cleanup activities	residents/beach associations/civic groups	DPW and Conservation Commission	provide tools/equipment for organized clean ups	2017

[illegible]

Part III: Stormwater Management Program Summary (continued)

[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	Town Administrator/Town Clerk/Planning Board and DPW	Complete within 1 year of effective date of permit	2018
Storm Sewer Map	Create map and update during IDDE program completion	Town Administrator/Town Clerk/Planning Board and DPW	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- NOTE: incorporated into the current town bylaw	Create written IDDE program	Engineering	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	Engineering	Complete 10 years after effective date of permit	2019
Employee training	Train employees on IDDE implementation	Engineering	Train annually	2019
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Engineering	Complete 3 years after effective date of permit	2019
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Engineering	Complete 10 years after effective date of permit	2019
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Engineering	Complete ongoing outfall screening upon completion of IDDE program	2020

[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	Complete written procedures of site inspections and enforcement procedures	Conservation Commission	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Planning Board and Conservation Commission	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Conservation Commission	Complete within 1 year of the effective date of permit	2018
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Conservation Commission	Complete within 1 year of the effective date of permit	2018

[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	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Planning Board and Conservation Commission	Require submission of as-built plans for completed projects	2017
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	Planning Board	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	Planning Board and Conservation Commission	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.	Planning Board	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
O&M procedures for landscape/lawn care	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 2 years after effective date of permit	2018
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Engineering	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	Engineering	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	Engineering	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	DPW Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2017
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 once per year in the spring	2017
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	DPW Operations	Implement salt use optimization during deicing season	2017

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	2017
O&M Program (Public BMP Maintenance)	Develop Vehicle & Equipment Maintenance Program	DPW Operations	incorporate into employee training manual	2017
O&M Program (Vehicle Washing)	Develop vehicle & equipment Cleaning Policy	DPW Operations	incorporate into employee training manual	2017
O&M Program (General)	develop formal training for DPW staff	DPW/Fire Department	training on spill containment equipment and water deployment	2017
Landscaping/Lawn Care	Develop Policy	Golf Course Committee	formalize town's landscape and lawn care policy	2005
Spill Response Plan for Town Facility	complete SPR for Flash Road Facility	DPW Operations	SPR training/annual review	2005
Pollution Remediation	apply for funding to conduct remediation activities in Thicket Watershed	Town Administrator/Audubon	apply to CZM	TBD
O&M Program (General)	formalize O&M for Bear Pond ditch maint. program	DPW Operations	develop, implement & track maintenance	TBD
Water Monitoring/Testing	continue regular testing of local Beaches for enterococci	Board of Health	continue testing	annual

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. In addition, if you are subject to additional requirements due to a downstream nutrient impairment (see Part 2.2.2 of the permit) select the pollutant of concern and indicate applicable waterbody IDs or write "all waterbodies" if applicable. 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.

Based on the 2014 Massachusetts Year 2014 Integrated List of Waters, there are no receiving waters listed as impaired due to nitrogen or phosphorous mapped within Nahant.

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:

Antonio Barletta

Title:

Town Administrator

Signature:

Antonio Barletta

Digitally signed by Antonio Barletta
DN: cn=Antonio Barletta, o=Town of Nahant, ou=Town
Administrator, email=abarletta@nahant.org, c=US
Date: 2018.10.02 08:26:38 -0400

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

ADDENDA TO 2018 NOTICE OF INTENT (NOI) FOR TOWN OF NAHANT

EPA NPDES SMALL MS4 PERMIT MA041051

Stantec prepared the MS4 Notice of Intent on behalf of the Town of Nahant relying on the following information:

- NPDES PII Small General Permit Annual Report for the reporting period between April 1, 2017 and March 31, 2018; and
- “Stormwater Management Plan” Town of Nahant, Massachusetts Final dated November 2003.

Part I: General Conditions

Eligibility Determinations

The NOI requires Permit Eligibility Documentation for the Endangered Species Act and National Historic Preservation Act (NHPA).

For this part, the following were reviewed to determine the presence or absence of federally endangered species and habitat that may occur within the action area (points of discharge): The U.S. Fish and Wildlife Service’s IPaC process, the U.S. Fish and Wildlife Service New England Field Office Self Service Consultation process and the U.S. Fish Federal Critical Habitat portal. The IPaC results show the Roseate Tern (Endangered “E”), Northern long-eared bat (Threatened “T”), Piping Plover (T) and Red Knot (T) and a number of migratory bird species. The New England Field office consultation process for Essex County shows the Red Knot in all coastal towns, NLEB as statewide; the Piping Plover is not included as a threatened and/or endangered species within Nahant and the Roseate Tern is not included on the list as a federally endangered or threatened species. According to the Critical Habitat portal, there is no mapped critical federal habitat within the action area. According to the EPA’s Stormwater Management FAQ document dated September 14, 2018, if the municipality contains the NLEB, compliance with Criterion C can be determined. In sum, the Red Knot is the threatened species that could potentially occur within the action area, however the U.S.FWS notes that the Red knot is found along coastal beaches, rocky shores and sand and mud flats and is considered “migratory only, scattered along the coast in small numbers.” The continued existence and operation of storm drain outfalls, as opposed to new construction, will not result in a take of federally listed Red Knot.

As far as NHPA, the above reference EPA FAQ states that if there is no MS4 work proposed, including construction that would affect historic properties, then compliance with NHPA meets Criterion A in the Permit Eligibility Section.

Illicit Discharge Detection and Elimination (IDDE) Authority

After reviewing the current Town of Nahant bylaws during Permit Year 3, the Town decided not to develop an Illicit Discharge Detection and Elimination Plan because the current bylaws adequately protect the stormwater drainage system. The DPW will continue to conduct formal dry-weather screening of outfalls and track potential illicit connections.



Town of Nahant
334 Nahant Road
Nahant, MA 01908

Telephone: 781-581-0088 Fax: 781-593-0340

April 16, 2019

Michelle Vuto
Stormwater & Construction Permits
U.S. EPA Region 1
5 Post Office Square—OEP06-4
Boston, MA 02109-3912
Sent via email to: Vuto.Michelle@epa.gov

Dear Ms. Vuto,

Attached please find a memorandum from the Town of Nahant's MS4 consultant, Stantec, summarizing the Town's response to EPA's March 11, 2019 request for additional information on the Town's MS4 NOI.

Please do not hesitate to contact me directly at abarletta@nahant.org with any additional questions on this matter.

Sincerely,

Antonio Barletta
Town Administrator
Town of Nahant

To:	Antonio Barletta Town Administrator Town of Nahant	From:	Jennifer Zoppo Stantec 226 Causeway Street, 6th Floor Boston, MA 02114
File:	Small MS4 NOI Information Requested	Date:	April 16, 2019

Reference: Small MS4 NOI Information Requested

The intent of this memorandum is to provide a response to EPA's request for information dated March 11, 2019.

1. 2003 Information: The map could not be located at the link provided. Please provide a new link or attach a PDF of the map.

A pdf copy of the map is attached.

2. ESA eligibility: Based on the summarized IPaC results, the town should designate criterion B. Please attach correspondence with USFWS. This correspondence can be found at <https://www.epa.gov/npdes-permits/small-ms4-noi-resources-list-ma-nh>

The Town agrees Criterion B is appropriate. In order to meet the documentation requirements for Criterion B, we have attached a copy of the IPaC Official Species List and the USFWS consultation letter dated September 28, 2018 for certifying under eligibility Criterion B. The letter states that Permit activities may affect, but are not likely to adversely affect, certain species when specific conditions are met. The Town has reviewed the specific conditions and confirms they are met.

3. Public Education MCM: Please describe 2 messages to each of 4 audiences as required by the permit or indicate that one or more audiences are not present in your municipality (missing 1 for businesses, institutions, and commercial facilities; 2 for developers (construction); and 2 for industrial facilities)

The Town will employ the following BMPs for target audiences, in addition to those already listed in the NOI:

- *Businesses, Institutions, and Commercial Facilities:*
 - *Brochures/Pamphlets; The Town Administrator will be the responsible party to coordinate with Nahant SWIM on the 2019 rack card, ensuring it is sent to all businesses*
- *Developers (Construction):*
 - *Brochures/Pamphlets; The Town Administrator will be the responsible party to distribute the Builder's Guide to LID (brochure) developed by DEP (<https://www.mass.gov/doc/builders-guide-to-low-impact-development-lid>) or similar; 2019*
 - *Brochures/Pamphlets; The Town Administrator will be the responsible party to distribute the US EPA Stormwater Pollution Prevention for Small Residential Construction Sites brochure (https://www.epa.gov/sites/production/files/2015-12/documents/cgp_small_lot_swppp_brochure-508_0.pdf) or similar; 2020*

Reference: Small MS4 NOI Information Requested

- *Industrial Facilities: The Town of Nahant does not contain any areas zoned for industrial use, therefore, the Industrial Facilities target audience is not applicable.*
4. TMDLs: Please confirm that the town will follow the North Coastal Pathogen TMDL for Lynn Harbor and Nahant Bay
- The Town will follow the Final Pathogen TMDL for the North Coastal Watershed dated March 2012, with respect to Lynn Harbor (MA93-52 and MA93-53) and Nahant Bay (MA93-24).*
5. Impairments: Note: the requirements in part A.III of Appendix F should be followed for the fecal coliform impairments since there is a TMDL for the applicable waterbodies (instead of following part III of Appendix H).
- The Town confirms Part A.III of Appendix F will be followed for fecal coliform impairments. The mention of Appendix H was a transcription error.*

Stantec Consulting Services

Jen Zoppo PMP
Project Manager

Phone: 1 617 314 7172
jennifer.zoppo@stantec.com

Attachment: MS4 Outfall Map
IPaC Official Species List
USFWS Consultation Letter

c. Victoria Masone/VM Consulting Engineers, LLC
Mark Bartlett/Stantec



Figure 2
Outfall Location Map

July 2003

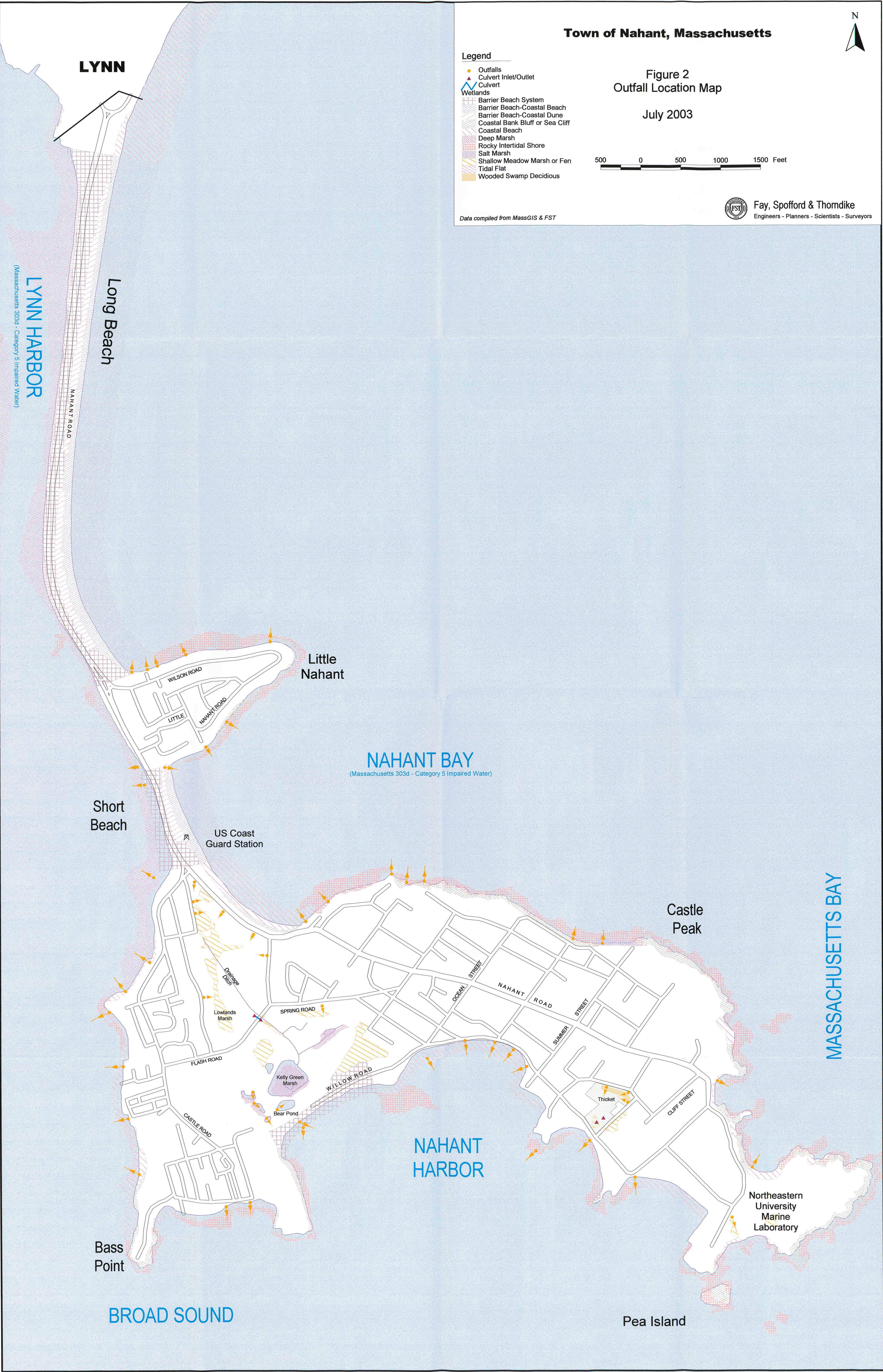
- Legend**
- Outfalls
 - ▲ Culvert Inlet/Outlet
 - ▲ Culvert
 - Wetlands
 - Barrier Beach System
 - Barrier Beach-Coastal Beach
 - Barrier Beach-Coastal Dune
 - Coastal Bank Bluff or Sea Cliff
 - Coastal Beach
 - Deep Marsh
 - Rocky Intertidal Shore
 - Salt Marsh
 - Shallow Meadow Marsh or Fen
 - Tidal Flat
 - Wooded Swamp Deciduous

500 0 500 1000 1500 Feet



Fay, Spofford & Thorndike
Engineers - Planners - Scientists - Surveyors

Data compiled from MassGIS & FST





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:
Consultation Code: 05E1NE00-2019-SLI-1405
Event Code: 05E1NE00-2019-E-03339
Project Name: Nahant, MA

April 12, 2019

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: 05E1NE00-2019-SLI-1405

Event Code: 05E1NE00-2019-E-03339

Project Name: Nahant, MA

Project Type: ** OTHER **

Project Description: Town of Nahant MS4 Permit, Effective date of Permit July 1, 2018.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.43650565553672N70.93388303802077W>



Counties: Essex, MA

Endangered Species Act Species

There is a total of 4 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

Critical habitats

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE



New England Field Office
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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

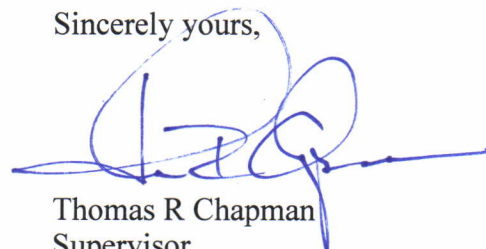
species listed under **Criterion C**,¹ you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered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