

## 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)

|                                                                                                                                                 |                                  |                                                          |                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------|---------------------------------------|
| <b>Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?</b><br><i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i> | <input type="text" value="No"/>  | Effective Date or Estimated Date of Adoption (MM/DD/YY): | <input type="text" value="08/01/19"/> |
| <b>Construction/Erosion and Sediment Control (ESC) Authority Adopted?</b><br><i>(Part II,III,IV or V, Subpart B.4.(a.) of 2003 permit)</i>      | <input type="text" value="Yes"/> | Effective Date or Estimated Date of Adoption (MM/DD/YY): | <input type="text" value="02/09/11"/> |
| <b>Post- Construction Stormwater Management Adopted?</b><br><i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>                     | <input type="text" value="Yes"/> | Effective Date or Estimated Date of Adoption (MM/DD/YY): | <input type="text" value="09/25/14"/> |

## 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>

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/<br>DO Saturation | Nitrogen                 | Oil & Grease/ PAH        | Phosphorus               | Solids/ TSS/<br>Turbidity | E. coli                  | Enterococcus             | Other pollutant(s) causing impairments |
|---------------------------------------------------|-------------------------------------------------|--------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|----------------------------------------|
| Tributaries to Dirty Meadow Brook                 | 10                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
| Small isolated wetlands                           | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
| Tributary to Indian Brook                         | 3                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
| Small unnamed pond                                | 1                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
| Large wetland system                              | 5                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
| Dopping Brook                                     | 2                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
| Sewall Brook wetland system                       | 18                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | * not a listed impaired water          |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |
|                                                   |                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |                                        |

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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

| <b>BMP Media/Category</b><br>(enter your own text to override the drop down menu) | <b>BMP Description</b>                                                                                                                                                                                                                                                                                                            | <b>Targeted Audience</b>                           | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b>                                                                      | <b>Beginning Year of BMP Implementation</b> |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------|
| Web Page                                                                          | Maps online for stormwater and other valuable information.                                                                                                                                                                                                                                                                        | Residents                                          | Conservation, Planning Board, DPW                                                             | Continue public education and outreach efforts                                              | 2018                                        |
| Web Page                                                                          | Use outreach materials and guidance from various sources (Think Blue Massachusetts, MassDEP, Cape Cod Stormwater) for posting online. -implementing outreach for relevant impairments town wide. See: <a href="https://www.thinkbluemaassachusetts.org/for-businesses">https://www.thinkbluemaassachusetts.org/for-businesses</a> | Businesses, Institutions and Commercial Facilities | Conservation Commission, Planning Board                                                       | Provide links to websites within town website that is catered towards commercial facilities | 2019                                        |
| Web Page/Design Recommendations                                                   | Provide links to Stormwater BMPs and other water quality educational resources on the Town's website.                                                                                                                                                                                                                             | Developers (construction)                          | Conservation Commission, DPW, Planning Board                                                  | Continue to educate and help apply best management practices                                | 2018                                        |

[illegible]

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## 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)

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu) | <b>BMP Description</b>                                                        | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten)                                                                    | <b>Beginning Year of BMP Implementation</b> |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| SSO inventory                                                                     | Develop SSO inventory in accordance of permit conditions                      | DPW, Consultant                                                                               | Complete within 1 year of effective date of permit                                                                         | 2019                                        |
| Storm sewer system map                                                            | Create map and update during IDDE program completion                          | DPW, Consultant                                                                               | Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit | 2020                                        |
| Written IDDE program                                                              | Create written IDDE program                                                   | DPW, Consultant                                                                               | Complete within 1 year of the effective date of permit and update as required                                              | 2019                                        |
| Implement catchment investigations portion of IDDE program                        | Implement catchment investigations according to program and permit conditions | DPW, Consultant                                                                               | Conduct in accordance with outfall screening procedure and permit conditions                                               | 2019                                        |
| Employee training                                                                 | Train employees on IDDE implementation                                        | DPW, Consultant                                                                               | Train annually                                                                                                             | 2019                                        |
| Conduct dry weather screening                                                     | Conduct in accordance with outfall screening procedure and permit conditions  | DPW, Consultant                                                                               | Complete 3 years after effective date of permit                                                                            | 2019                                        |
| Conduct wet weather screening                                                     | Conduct in accordance with outfall screening procedure                        | DPW, Consultant                                                                               | Conduct in accordance with outfall screening procedure and permit conditions                                               | 2021                                        |
| Ongoing screening                                                                 | Conduct dry weather and wet weather screening (as necessary)                  | DPW, Consultant                                                                               | Complete ongoing outfall screening upon completion of IDDE program, if needed                                              | 2022                                        |
|                                                                                   |                                                                               |                                                                                               |                                                                                                                            |                                             |
|                                                                                   |                                                                               |                                                                                               |                                                                                                                            |                                             |
|                                                                                   |                                                                               |                                                                                               |                                                                                                                            |                                             |

[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

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu or entered text) | <b>BMP Description</b>                                                                                                                                                  | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten) | <b>Beginning Year of BMP Implementation</b> |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|
| Site inspection and enforcement of Erosion and Sediment Control (ESC) measures                    | Complete written procedures of site inspections and enforcement procedures                                                                                              | Planning Board, Building Department                                                           | Included in latest planning board regulations from 2011 | 2018                                        |
| Site plan review                                                                                  | Complete written procedures of site plan review and begin implementation                                                                                                | Planning Board, Building Department                                                           | Included in latest planning board regulations from 2011 | 2018                                        |
| Erosion and Sediment Control                                                                      | Adoption of requirements for construction operators to implement a sediment and erosion control program                                                                 | Planning Board, Building Department                                                           | Included in latest planning board regulations from 2011 | 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 | Planning Board, Conservation Commission, Building Department                                  | Complete within 1 year of the effective date of permit  | 2019                                        |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |
|                                                                                                   |                                                                                                                                                                         |                                                                                               |                                                         |                                             |

[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

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu or entered text) | <b>BMP Description</b>                                                                                                                                                                                                                     | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten)                                       | <b>Beginning Year of BMP Implementation</b> |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------|
| 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                                                                                      | Require submission of as-built plans for completed projects                                   | 2020                                        |
| 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                                                                                      | Complete 4 years after effective date of permit and report annually on retrofitted properties | 2022                                        |
| 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                                                               | Building Department, Planning, Conservation                                                   | Complete 4 years after effective date of permit and implement recommendations of report       | 2022                                        |
| 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                                                                                      | Complete 4 years after effective date of permit and implement recommendations of report       | 2022                                        |

[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

| <b>BMP Categorization</b><br>(enter your own text to override the drop down menu or entered text)         | <b>BMP Description</b>                                                                                                                                           | <b>Responsible Department/Parties</b><br>(enter your own text to override the drop down menu) | <b>Measurable Goal</b><br>(all text can be overwritten)                                                                    | <b>Beginning Year of BMP Implementation</b> |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| O&M procedures                                                                                            | Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment | Conservation Commission, DPW, Recreation Commission, Schools                                  | Complete and implement 2 years after effective date of permit                                                              | 2020                                        |
| Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment | Create inventory                                                                                                                                                 | DPW, Conservation Commission                                                                  | Complete 2 years after effective date of permit and implement annually                                                     | 2020                                        |
| Infrastructure O&M                                                                                        | Establish and implement program for repair and rehabilitation of MS4 infrastructure                                                                              | DPW                                                                                           | Complete 2 years after effective date of permit                                                                            | 2020                                        |
| Stormwater Pollution Prevention Plan (SWPPP)                                                              | Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities                                                                    | External Contractors, Building Department, DPW                                                | Complete and implement 2 years after effective date of permit                                                              | 2020                                        |
| 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                                                                                           | Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually | 2019                                        |
| Street sweeping program                                                                                   | Sweep all streets and permittee-owned parking lots in accordance with permit conditions                                                                          | DPW                                                                                           | Continue to Sweep all streets and permittee-owned parking lots once per year in the spring                                 | 2018                                        |
| Road salt use optimization program                                                                        | Establish and implement a program to minimize the use of road salt                                                                                               | DPW                                                                                           | Implement salt use optimization during deicing season                                                                      | 2019                                        |

[illegible]

# 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.

**ESA Determination**

The northern long-eared bat is the only endangered species that is listed in Sherborn's MS4 regulated area as noted in the attached IPaC generated preliminary determination letter (Attachment A). The Town does not have any plans to take down any trees for any stormwater related projects. Furthermore, the effect of the stormwater discharges and discharge related activities on the northern long-eared bat have been evaluated using the best scientific and commercial data available by EPA. Based on those evaluations, a determination has been made by the EPA that the stormwater discharges and discharge related activities will have "no affect" on northern long-eared bat.

**NHPA Determination-**

Sherborn's MS4 is covered under the 2003 Permit eligibility with the National Historic Preservation Act was previously determined. There is no expansion planned to the MS4 as part of this permit. Therefore Sherborn is covered under Criterion A.

**MCM 1: Public Education and Outreach-**

There are no Industrial Facilities within the town of Sherborn.

## 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:

Charles E. Yon

Title:

Chair, Select Board

Signature:

Charles E. Yon

Digitally signed by Charles E. Yon  
DN: cn=Charles E. Yon, o=Select Board, ou=Sherborn  
Select Board, email=cyon@sherbornma.org, c=US  
Date: 2018.09.28 09:16:08 -04'00'

Date:

09/28/18

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

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

**Attachment A**  
**Official IPaC Species List**



## 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 20, 2018

Consultation Code: 05E1NE00-2018-SLI-2475

Event Code: 05E1NE00-2018-E-05744

Project Name: Sherborn MA MS4

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](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

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## Project Summary

Consultation Code: 05E1NE00-2018-SLI-2475

Event Code: 05E1NE00-2018-E-05744

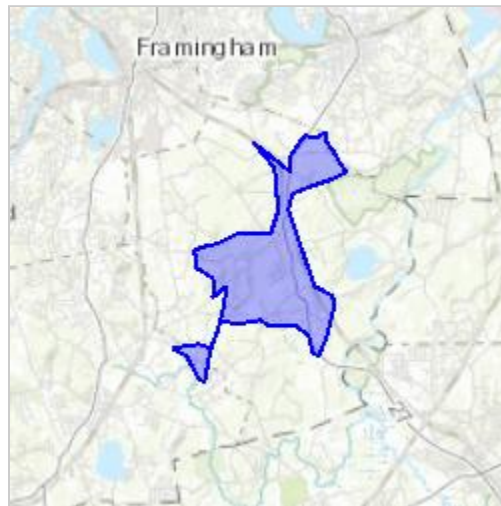
Project Name: Sherborn MA MS4

Project Type: Remote Video Surveillance

**Project Description:** This consultation is for the regulated discharges from the stormwater system in Sherborn, MA in support of the 2018 MS4 NOI application. The location of this project is the rough extent of the designated MS4 regulated areas in Sherborn. The stormwater outfalls in this area are previously existing. The actual action areas are downstream from these discharge points but a larger area has been selected to be conservative. The map that is maintained by MassDEP/NHESP was also consulted (address: <https://mass-eoea.maps.arcgis.com/apps/Viewer/index.html?appid=de59364ebbb348a9b0de55f6febd52>). There are no documented Northern Long-eared Bat Maternity roost sites or Winter Hibernacula in or near the project area. No illicit discharges have been found to these outfalls. Roost trees, hibernaculum, and other trees would not be significantly affected by the stormwater discharge.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.23823846800005N71.37812930189256W>



Counties: Middlesex, MA

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## Endangered Species Act Species

There is a total of 1 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 Fisheries<sup>1</sup>, 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.

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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><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## Critical habitats

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

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[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.

**ESA Determination-**

The northern long-eared bat is the only endangered species that is listed in Sherborn's MS4 regulated area as noted in the attached IPaC generated preliminary determination letter (Attachment A). The Town does not have any plans to take down any trees for any stormwater related projects. Furthermore, the effect of the stormwater discharges and discharge related activities on the northern long-eared bat have been evaluated using the best scientific and commercial data available by EPA. Based on those evaluations, a determination has been made by the EPA that the stormwater discharges and and discharge related activities will have "no affect" on northern long-eared bat.

**NHPA Determination-**

Sherborn's MS4 is covered under the 2003 Permit eligibility with the National Historic Preservation Act was previously determined. There is no expansion planned to the MS4 as part of this permit. Therefore Sherborn is covered under Criterion A.

**MCM 1: Public Education and Outreach-**

There are no Industrial Facilities within the town of Sherborn.

**Actions for Meeting Total Maximum Daily Load (TMDL) Requirements-**

The regulated outfalls in Sherborn do not discharge to the Charles River (MA72-05), therefore the regulation in permit part 2.2.1.b.iii (page 19) for bacteria/pathogen TMDLs does not apply. This part of the permit applies to municipalities "that discharge to a waterbody segment listed in Table F-8 in Appendix F." Charles River (MA72-05) is listed under Sherborn in this table. However, inspection of the outfall map in Attachment B, reveals that there are no regulated outfalls that discharge to the Charles River in Sherborn. In fact, the regulated area in Sherborn is 0.6 miles from the Charles River at its closest point. It should be noted that the discharges regulated subject to bacteria/pathogen TMDL requirements in permit part 2.2.1.b.iii do not include discharges to the tributaries of the listed waters as it does for phosphorus or nitrogen in the surrounding permit parts. So any discharge applicable to this part of the permit must be a direct discharge to the impaired waterbody listed, and since there are no regulated outfalls in Sherborn that discharge to the Charles River (MA72-05), this part is not applicable.