

GREAT RIVER HYDRO, LLC
2 Killeen Street
N. Walpole, NH 03609

tel 802-299-5943
www.greatriverhydro.com

June 13, 2023

US Environmental Protection Agency

**RE: NPDES Draft General Permit # MAG360000 for Hydroelectric Generating Facilities,
Deerfield No. 5 Facility**

Dear Sir or Madame,

Enclosed please find the Notice of Intent (NOI) for Great River Hydro, LLC Deerfield No. 5 hydroelectric generating facility and dam located in Monroe and Florida, Massachusetts. Great River Hydro, LLC is seeking National Pollutant Discharge Elimination System (NPDES) permit coverage under the Draft General Permits for Hydroelectric Generating Facilities General Permit #MAG360000.

If you have any questions or need additional information, please contact me at (802) 299-5943 or at Ksparks@greatriverhydro.com

Sincerely,



Kari Sparks
Environmental Specialist

Enclosures: Notice of Intent for facility to be covered under MAG360000.

cc: Massachusetts Department of Environmental Protection - Division of Watershed Management

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II. Suggested Format for the HYDRO General Permit Notice of Intent (NOI):

Request for General Permit Authorization to Discharge Wastewater Notice of Intent (NOI) to be covered by Hydroelectric Generating Facilities General Permit (HYDROGP) No. MAG360000 or NHG360000

Indicate Applicable General Permit for Discharge(s): MAG360000 NHG360000

A. Facility Information

1. Facility Location	Name:	
	Street:	
	City:	State:
	Zip:	SIC Code:
	Latitude:	Longitude:
	Type of Business:	
2. Facility Mailing Address (if different from Location)	Street:	
	City:	State:
	Zip:	
3. Facility Owner	Name:	Email:
	Street:	Telephone:

	City:	State:
	Contact Person:	Zip:
4. Facility Operator (if different from above)	Name:	Email:
	Street:	Telephone:
	City:	State:
	Zip:	
5. Current Permit Status	Has prior HYDROGP coverage been granted for the discharge(s) listed in the NOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Permit number (if yes):	
	Is the facility covered under an Individual Permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Is there a pending NPDES application of file with EPA for the discharge(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Date of Submittal (if yes):	Permit Number (if known):
	Attach a topographic map indicating the locations. of the facility and outfall(s) to the receiving water	<input type="checkbox"/> Map Attached
	Number of turbines:	
	Combined turbine discharge (installed capacity) at:	Maximum capacity? cfs Minimum capacity? cfs
	Is this facility operated as a pump storage project?	<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Discharge Information

1. Name of Receiving Water(s):		<input type="checkbox"/> Freshwater <input type="checkbox"/> Marine
2. Waterbody classification: <input type="checkbox"/> Class A <input type="checkbox"/> Class B <input type="checkbox"/> Class SA <input type="checkbox"/> Class SB		
3. Is the receiving water is listed in the State’s Integrated List of Waters (i.e., CWA Section 303(d))?		<input type="checkbox"/> Yes <input type="checkbox"/> No
4. If the applicant answered yes to B.3, has the applicant identified the designated uses that are impaired, any pollutants indicated, and whether a final TMDL is available for any of the indicated pollutants in a separate attachment to the NOI?		<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Attach a line drawing or flow schematic showing water flow through the facility including location of intake(s), operations contributing to effluent flow, treatment units, outfalls, and receiving water(s).		<input type="checkbox"/> Line Drawing Attached
6. List each outfall (numbered sequentially) discharging effluent from the following categories and provide an estimate of the average monthly flow (in gallons per day) for each discharge type. See Parts 1.1 through 1.5 (for MA) or Parts 2.1 through 2.5 (for NH) for descriptions and permit conditions for each discharge type.		
Equipment-related cooling water	Outfalls: 001 - Station Bearing Cooling Water, from packing box, generator bearings and turbine bearings	123,495 gpd
Equipment and floor drain water	Outfalls: Note: There is no dewatering of sump. 003 - Station Sump (combined discharge)	gpd 39,310 gpd
Maintenance-related water	Outfalls:	
Facility maintenance-related water during flood/high water events	Outfalls: None	n/a gpd
Equipment-related backwash strainer water	Outfalls:	gpd

7. For each outfall listed above, provide the following information (attach additional sheets if necessary). Outfalls may be eligible for alternative pH effluent limits. See Parts 1.7.1. and 2.7.1 of the permit for additional information. Contact MassDEP or NHDES to determine the required information and protocol to request alternative pH effluent limits.

Outfall No.	Latitude:	Longitude:		
	Discharge is: <input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal			
	Maximum Daily Flow	MGD	Average Monthly Flow	MGD
	Maximum Daily Temperature	°F	Average Monthly Temperature	°F
	Maximum Daily Oil & Grease	mg/L	Average Monthly Oil & Grease	mg/L
	Maximum Monthly pH	s.u.	Minimum Monthly pH	s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input type="checkbox"/> No		State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Outfall No.	Latitude:	Longitude:		
	Discharge is: <input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal			
	Maximum Daily Flow	MGD	Average Monthly Flow	MGD
	Maximum Daily Temperature	°F	Average Monthly Temperature	°F
	Maximum Daily Oil & Grease	mg/L	Average Monthly Oil & Grease	mg/L
	Maximum Monthly pH	s.u.	Minimum Monthly pH	s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input type="checkbox"/> No		State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Outfall No.	Latitude:	Longitude:		
	Discharge is: <input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal			
	Maximum Daily Flow	MGD	Average Monthly Flow	MGD
	Maximum Daily Temperature	°F	Average Monthly Temperature	°F
	Maximum Daily Oil & Grease	mg/L	Average Monthly Oil & Grease	mg/L
	Maximum Monthly pH	s.u.	Minimum Monthly pH	s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input type="checkbox"/> No		State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

C. Best Technology Available for Cooling Water Intake Structures

Facilities that checked “equipment-related cooling” as one of the discharges in Part B. of this NOI are subject to the following requirements.	
1. Does the facility intake water for cooling purposes subject to the BTA Requirements at Part 4 of the HYDROGP?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, skip to Part D of this NOI.
2. If yes, indicate which technology employed to comply with the general BTA requirements at Part 4.2.b of the HYDROGP:	
<input type="checkbox"/> An existing technology (e.g., a physical or behavioral barrier, spillway, or guidance device) that directs fish towards a downstream passage that minimizes exposure to the CWIS. Has the applicant attached a narrative description of the barrier to demonstrate that the downstream fish passage effectively transports live fish in a manner that minimizes the likelihood of becoming impinged or entrained at the cooling water intake? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> An effective intake velocity at the point of cooling water withdrawal, or alternatively, at the point where cooling water enters the penstock (for intakes located within the penstock), not to exceed 0.5 fps. Has the applicant attached a demonstration of compliance with this intake velocity through observation of live fish in the intake or calculation based on the maximum intake volume and minimum bypass flow? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<input type="checkbox"/> For cooling water withdrawn directly from the source waterbody (<i>i.e.</i> , not from within the penstock), a physical screen or other barrier technology with a mesh size no greater than ½-inch that minimizes the potential for adult and juvenile fish to become entrapped in the CWIS. Has the applicant attached a description of the technology? <input type="checkbox"/> Yes <input type="checkbox"/> No If the mesh size of the screen is greater than ½-inch has the applicant demonstrated that the calculated intake velocity is less than 0.5 fps based on the screen dimensions, maximum intake volume, and source water 7Q10 low flow? <input type="checkbox"/> Yes <input type="checkbox"/> No			
3. If the answer to question C.1 is yes, in addition to complying with one of the criteria above, the applicant must submit the following information:			
Maximum daily volume of cooling water withdrawn during previous five (5) years:		gpd	
Maximum monthly average volume of cooling water withdrawn during the previous five (5) years:		gpd	
Maximum daily and average monthly volume of water used exclusively for cooling: Max:		gpd	Avg: gpd
Maximum daily and average monthly volume of water used for another process before or after being used for cooling:		Max: gpd	Avg: gpd
Has the applicant attached a narrative description explaining how cooling water is reused? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Volume of total intake water withdrawn and used in facility as a percentage of:			
Installed turbine capacity	%	Average daily flow through penstock	%
Minimum flow through penstock	%		
Source water annual mean flow (<i>e.g.</i> , available from USGS, MassDEP, or NHDES):		cfs	
Source water 7-day mean low flow with 10-year recurrence interval (7Q10):		cfs	
Volume of total intake water withdrawn and used in facility as a percentage of:			
Source water mean annual flow	cfs		
Source water 7Q10 flow	cfs		

D. Chemical Additives

1. Does the facility use or plan to use non-toxic chemicals for pH adjustment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the facility use or plan to use chemicals for anti-freeze purposes?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. If the answer to D.2 is yes, provide the following for EACH chemical additive used for anti-freeze:	
Chemical Name and Manufacturer:	
Maximum Dosage Concentration Used:	Average Dosage Concentration Used:
Maximum Concentration in Discharge: mg/L	Average Concentration in Discharge: mg/L
Material Safety Data Sheet (MSDS) or other toxicity documentation for each chemical attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

E. Endangered Species Act Certification

Appendix 2 to the HYDROGP explains the certification requirements related to threatened and endangered species and designated critical habitat. Indicate under which criteria the discharge is eligible for coverage under the HYDROGP:

1. ESA eligibility for species under jurisdiction of USFWS	<input type="checkbox"/> Criterion A: No endangered or threatened species or critical habitat are in proximity to the discharges or related activities or come in contact with the “action area.” See Appendix 2, Part B for documentation requirements. Documentation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Criterion B: Formal or informal consultation with the USFWS under Section 7 of the ESA resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the discharges and related activities are “not likely to adversely affect” listed species or critical habitat. Has the operator completed consultation with USFWS and attached documentation? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, is consultation underway? <input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Criterion C: Using the best scientific and commercial data available, the effect of the discharges and related activities on listed species and designated critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the operator and affirmed by EPA, that the

	discharges and related activities will have “no effect” on any federally threatened or endangered species or designated critical habitat under the jurisdiction of the USFWS. Has the applicant attached documentation of the “no effect” finding? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. ESA eligibility for species under jurisdiction of NMFS	Is the facility located on: the Connecticut River between the Massachusetts/Connecticut state line and Turners Falls, MA; the Taunton River; the Merrimack River between Lawrence, MA and the Atlantic Ocean; the Piscataqua River including the Salmon Falls and Cochecho Rivers; or a marine water? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, was the applicant authorized to discharge from the facility under the 2009 HYDROGP? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If the discharge is to one of the named rivers above or to a marine water <i>and</i> the facility was not previously covered under the 2009 HYDROGP, has there been any previous formal or informal consultation with NMFS? <input type="checkbox"/> Yes <input type="checkbox"/> No Documentation of consultation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

F. National Historic Properties Act Eligibility

1. Indicate under which criterion the discharge(s) is eligible for covered under the HYDROGP:
<input type="checkbox"/> Criterion A: No historic properties are present.
<input type="checkbox"/> Criterion B: Historic properties are present. The discharges and related activities do not have the potential to impact historic properties.
<input type="checkbox"/> Criterion C: Historic properties are present. The discharges and related activities have the potential to impact or adversely impact historic properties.
2. Has the applicant attached supporting documentation for NHPA eligibility described in Appendix 3, Part C of the HYDROGP? <input type="checkbox"/> Yes <input type="checkbox"/> No

3. Does supporting documentation include a written agreement from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or other tribal representative that outlines measures the operation will carry out to mitigate or prevent any adverse effects on historic properties? Yes No

G. Supplemental Information

Please provide any supplemental information, including antidegradation review information applicable to new or increased discharges. Attach any certifications required by the HYDROGP. Supplemental information attached? Yes No

H. Signature Requirements

1. The NOI must be signed by the operator in accordance with the signatory requirements of 40 C.F.R. § 122.22, including the following certification:

I certify under penalty of law that no chemical additives are used in the discharges to be authorized under this General Permit except for those used for pH adjustment or anti-freeze purposes and 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 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 certify that I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

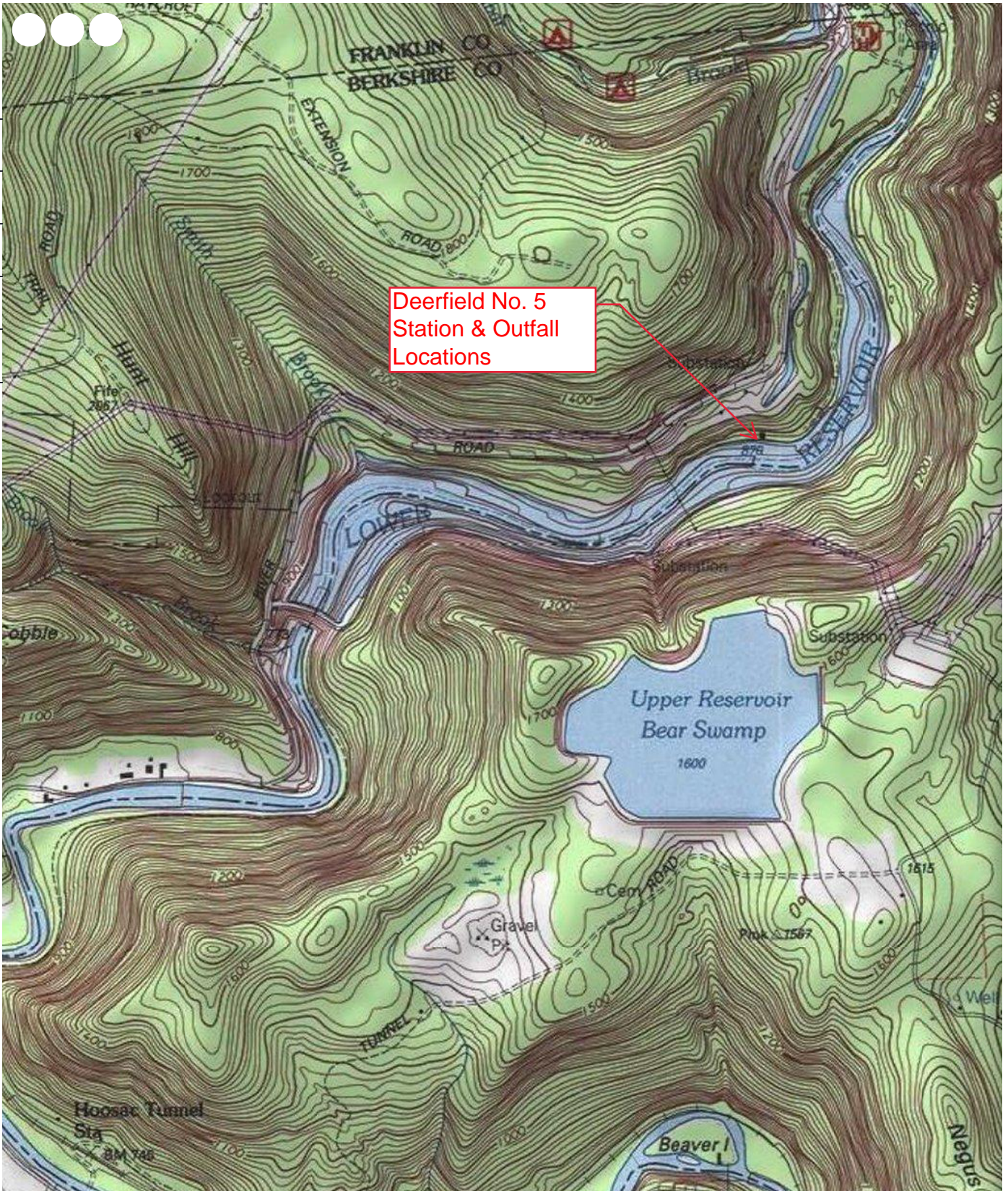
2. Notification provided to the appropriate State, including a copy of this NOI, if required? Yes No

Signature: *Kari Sparks*

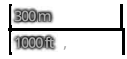
Date:

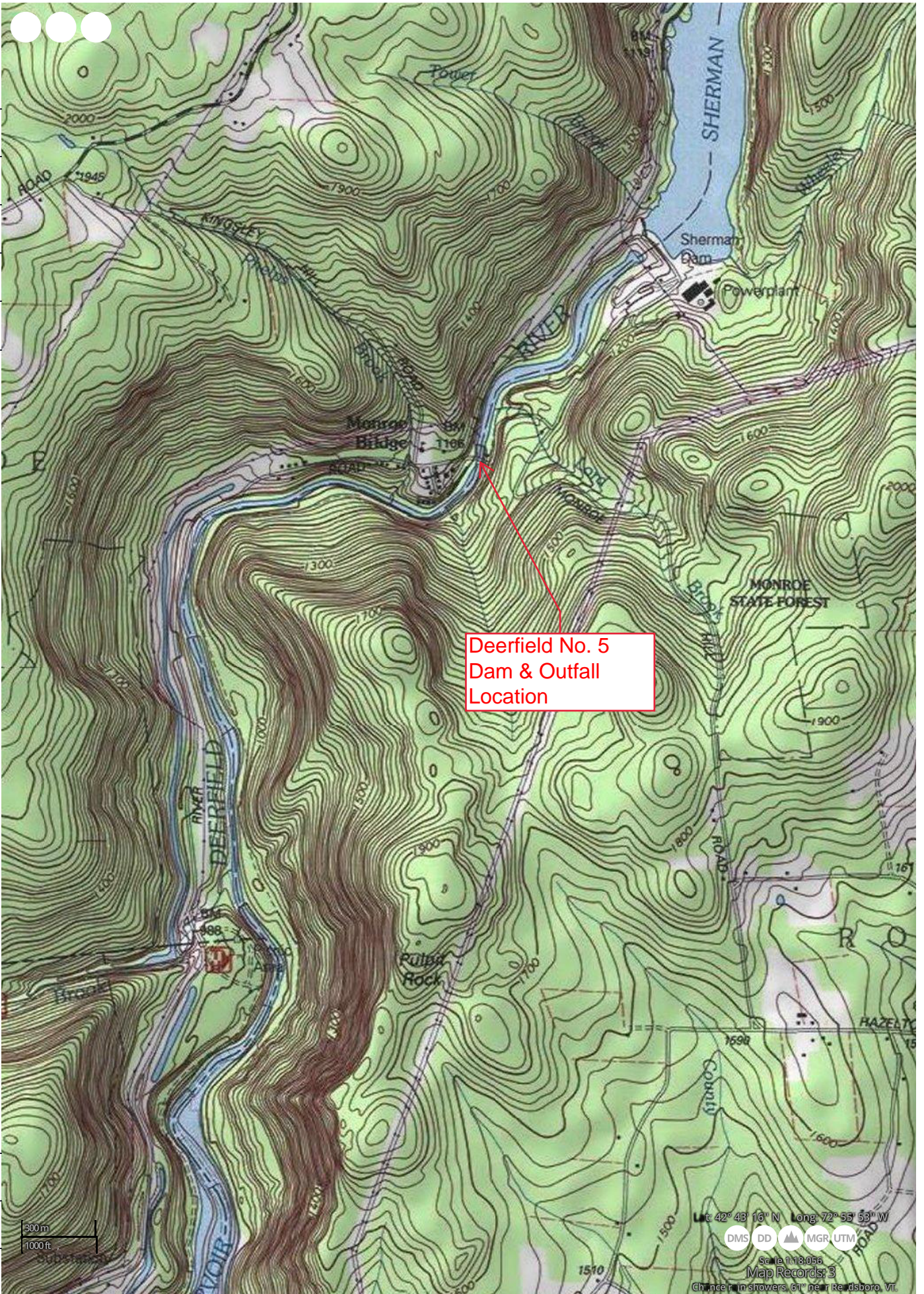
Print Name and Title:

Appendix A: Station Location - Topographical Map



Deerfield No. 5
Station & Outfall
Locations





Deerfield No. 5
Dam & Outfall
Location

300m
1000ft

Lat: 42° 43' 16" N Long: 72° 55' 53" W

DMS DD MGR UTM

Scale: 1:18,056
Map Records: 3

Charted in showers 61° near Readsboro, VT

Appendix B – Designated Uses, Pollutants, TMDL Availability

Appendix B:

Receiving water designated uses that are impaired, pollutants and TMDL availability.

According to Massachusetts Department of Environmental Protection's (MADEP) most recent report titled "Final Massachusetts Integrated List of Waters for the Clean Water Act 2018/2020 Reporting Cycle"¹, the designated uses, pollutants and TMDL data for each Deerfield River facility is provided below:

Deerfield No. 5 and Sherman Stations

- Waterbody: Deerfield River
- AU_ID: MA33-01
- Location Description: Outlet Sherman Reservoir, Monroe/Row to confluence with Cold River, Charlemont
- Designated Uses: Aesthetic, fish, other aquatic life & wildlife, primary contact recreation, and secondary contact recreation
- Impairment(s): Flow regime modification
- TMDL Report: Not required

Deerfield No. 4 Station

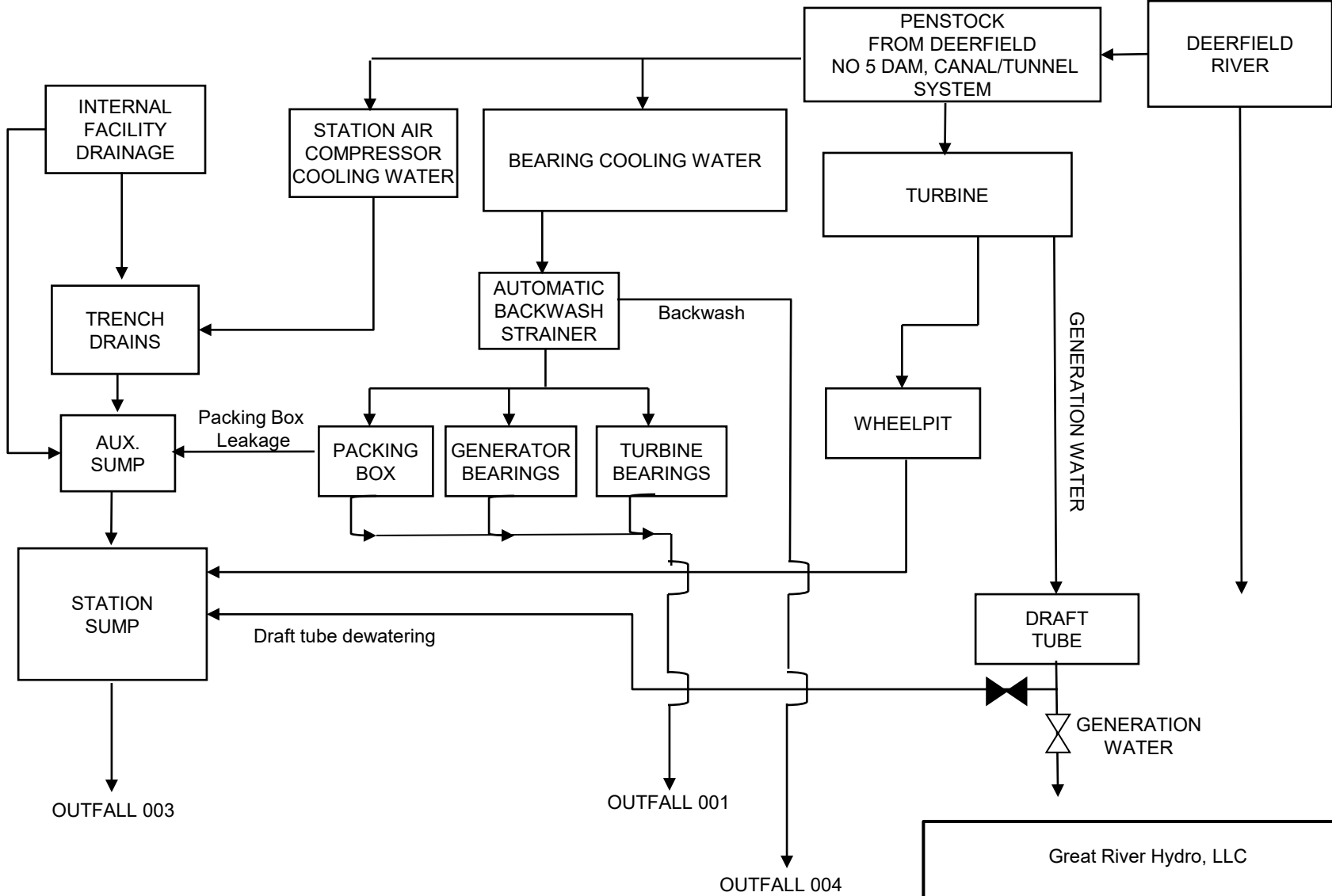
- Waterbody: Deerfield River
- AU_ID: MA33-02
- Location Description: Confluence with Cold River, Charlemont to confluence with North River, Charlemont/Shelburne
- Designated Uses: Aesthetic, fish, other aquatic life & wildlife, primary contact recreation, and secondary contact recreation.
- Impairment(s): None listed
- TMDL Report: Not available

Deerfield No. 3 and Deerfield No. 2 Stations

- Waterbody: Deerfield River
- AU_ID: MA33-03
- Location Description: Confluence with North River, Charlemont/Shelburne to confluence with Green River, Greenfield
- Designated Uses: Aesthetic, fish, other aquatic life & wildlife, primary contact recreation, and secondary contact recreation.
- Impairment(s): Escherichia Coli (E. Coli)
- TMDL Report: TMDL was scheduled by MADEP for development through State Fiscal Year (SFY) 2022. No report available.

¹ Massachusetts Department of Environmental Protection, 2018/2020, Final Massachusetts Integrated List of Waters for the Clean Water Act 201/2020 Reporting Cycle, CN 505.1, Massachusetts Division of Watershed Management Watershed Planning Program.

Appendix C: Station Flow Schematic



Receiving Water: Deerfield River

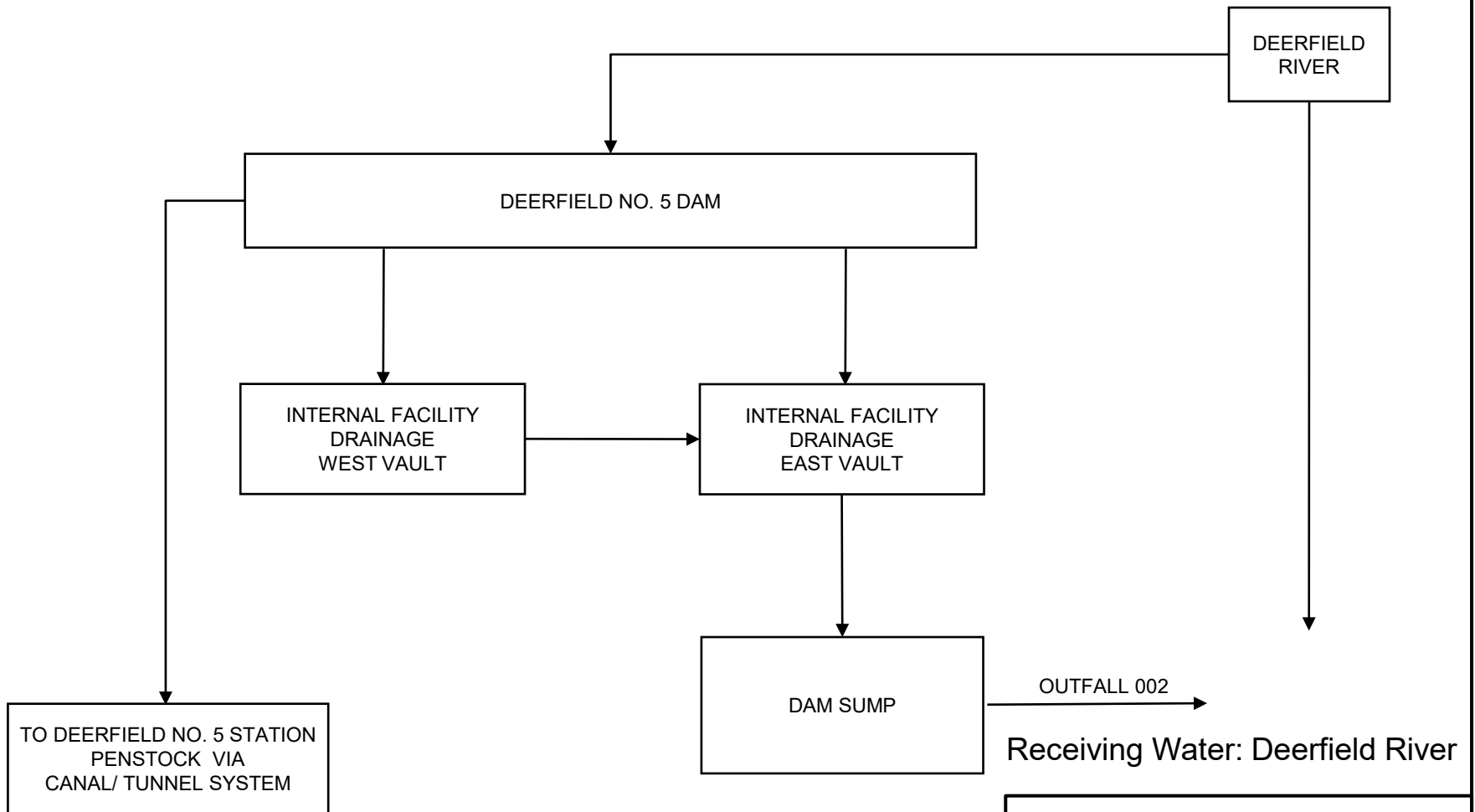


Normally Closed Valve



Normally Open Valve

Great River Hydro, LLC
 DEERFIELD NO. 5 STATION - FLORIDA, MA
 FLOW DIAGRAM
Appendix C
 DATE: June 8, 2023



Great River Hydro, LLC
 DEERFIELD NO. 5 DAM - MONROE BRIDGE, MA

FLOW DIAGRAM
Appendix C
 DATE: June 8, 2023

Appendix D: Intake Velocity Demonstration of Compliance

Appendix D: Cooling Water Intake Velocity, Demonstration of Compliance

NOI Application Section C.2

Permit Threshold: <.5 fps (feet per second)

Deerfield No. 5 Station – Cooling water intake is located within penstock.

Maximum Cooling Water Capacity = 252,000 GPD (gallons per day)

Conversion Calculation: $\text{GPD}/646,300 = \text{fps}$

$252,000 \text{ GPD} / 646,300 = .39 \text{ fps}$

Appendix E: ESA Eligibility for Species under Jurisdiction of
USFWS



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

June 07, 2023

Project Code: 2023-0090849

Project Name: Deerfield No. 5 Sation NPDES General Permit Application

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

To Whom It May Concern:

Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

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. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

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 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. 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 by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 4/12/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at newengland@fws.gov to see if reinitiation is necessary.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines 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 Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. 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:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) 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. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

Migratory Birds

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

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

Project Code: 2023-0090849
Project Name: Deerfield No. 5 Station NPDES General Permit Application
Project Type: Dam - Operations
Project Description: This project is for the continuation of a Massachusetts NPDES wastewater discharge permit from Deerfield No. 5 Station's Hydroelectric power generation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.69092515,-72.95601035375432,14z>



Counties: Berkshire County, Massachusetts

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 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	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Kari Sparks
Address: 152 Governor Hunt Road
Address Line 2: PO Box 155
City: Vernon
State: VT
Zip: 05354
Email: ksparks@greatriverhydro.com
Phone: 8022995943

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Environmental Protection Agency
Name: George Papadopoulos
Email: Papadopoulos.george@epa.gov
Phone: 6179181579



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

In Reply Refer To:
Project Code: 2023-0090859
Project Name: Deerfield No. 5 Dam NPDES General Permit Application

June 07, 2023

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

To Whom It May Concern:

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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 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. 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 by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 4/12/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at newengland@fws.gov to see if reinitiation is necessary.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines 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 Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. 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:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) 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. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

Migratory Birds

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

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

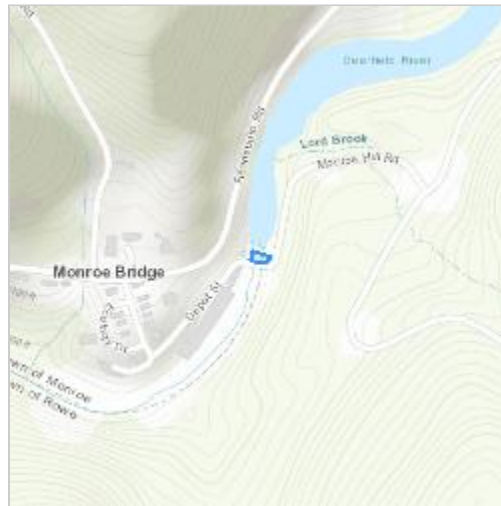
(603) 223-2541

PROJECT SUMMARY

Project Code: 2023-0090859
Project Name: Deerfield No. 5 Dam NPDES General Permit Application
Project Type: Dam - Operations
Project Description: This project is for the continuation of a Massachusetts NPDES wastewater discharge permit from Deerfield No. 5 Dam's Hydroelectric power generation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.72234855,-72.93879463563096,14z>



Counties: Franklin County, Massachusetts

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 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	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Kari Sparks
Address: 152 Governor Hunt Road
Address Line 2: PO Box 155
City: Vernon
State: VT
Zip: 05354
Email: ksparks@greatriverhydro.com
Phone: 8022995943

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Environmental Protection Agency
Name: George Papadopoulos
Email: Papadopoulos.george@epa.gov
Phone: 6179181579

Appendix F: National Historic Property Act Eligibility

93 FERC ¶ 62,083**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

US Gen New England Inc.

Project No. 2323-072

**ORDER MODIFYING AND APPROVING CULTURAL RESOURCE
MANAGEMENT PLAN (ARTICLE 428)**

(Issued November 2, 2000)

On December 6, 1999, US Gen New England Inc. (licensee) filed a Cultural Resource Management Plan (CRMP or plan) for the Deerfield Project, FERC No. 2323.¹ The project is located Deerfield River Valley between Stratton, Vermont and Conway, Massachusetts. The licensee filed the plan pursuant to article 428 of the license issued on April 4, 1997. This article requires the licensee to implement the Programmatic Agreement (PA) executed on October 8, 1996.²

LICENSEE'S PLAN

The licensee's plan included a history of the project and surrounding area. It describes the area of potential effect (APE), the historic properties included in the APE, and the historic and current land use patterns within the APE. The CRMP also includes a description of operation, unaintenance, and construction activities that will and will not impact historic resources, and outlines an action plan for the management of historic properties. The licensee included its procedures should unanticipated discoveries of historic properties or human remains occur during the course of maintenance or operation of the project. It also included its procedures for establishing a public education program on the historic and archeological values of the project.

The hydroelectric facilities are considered eligible for listing in the National Register of Historic Places (Register). The licensee identified 40 standing structures owned by the licensee which are eligible for the Register. A gatehouse in the Somerset Development was recorded during the 1994 cultural resources survey and was a

¹ The licensee filed its draft CRMP on February 23, 1999. Pursuant to the Programmatic Agreement, the Commission requested comments from the Advisory Council on Historic Preservation (Council). The Council provided comments in a letter dated May 6, 1999. The licensee revised the CRMP pursuant to the Council's comments and refiled the plan on December 6, 1999.

² The PA was executed among the Commission, the Council, and the Vermont State Historic Preservation Officer (VtSHPO) and the Massachusetts State Historic Preservation Officer (MaSHPO).

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Project No. 2323-072

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contributing structure to the potential Deerfield River Hydroelectric Project historic district. The gatehouse was demolished and replaced by New England Power in 1994-1995 without consultation with the VtSHPO. The licensee states it is working with the VtSHPO to determine the appropriate mitigative measures for the gatehouse removal.

During the archeological surveys, the licensee identified 25 documented and two undocumented historic sites at six developments consisting of nineteenth and twentieth century residences, mill/factory complexes, mining complexes, schoolhouses, bridge abutments, and one family cemetery. Only one site was determined to be ineligible for the Register.³

The licensee included its plan to integrate cultural resource management into its master planning process for the project. It also included its mitigation measures for the historic properties, including an evaluation of any site that will be impacted by an activity.

The licensee plans to monitor all of the archeological sites. It will establish a baseline for these sites and file the information with the SHPOs. In addition, it plans to conduct a Historic American Building Survey/Historic American Engineering Record (HABS/HAER) of the historic buildings and structures. This baseline information will be updated at 10-year intervals through visual inspections by a qualified professional architectural historian. The licensee will file annual reports with the MaSHPO and VtSHPO .

DISCUSSION

The CRMP addresses the protection of historic properties at the project. The licensee states it is working with the VtSHPO to determine the appropriate mitigative measures for the gatehouse in the Somerset Development. The licensee should develop a plan to mitigate the gatehouse in consultation with the VtSHPO and file a supplement to the CRMP with 90 days of the date of this order. The supplemental plan should include comments from the VtSHPO and the licensee's response. The licensee should allow the VtSHPO 30 days to comment. If the VtSHPO does not comment, the licensee should include its request for comments in the filing.

The licensee is reminded that it is required pursuant to Section 2 d. of the PA to file a report with the SHPOs of all activities conducted under the implemented CRMP.

³ The licensee has not fully evaluated all of the sites to determine eligibility; however, it has proposed treating the above-listed sites as potential eligible under the CRMP.

Project No. 2323-072

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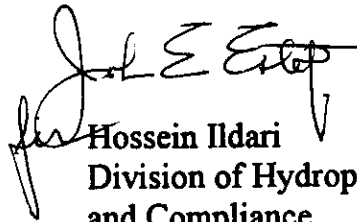
The first report is due April 7, 2001. The CRMP as modified by ordering paragraph (B) should be approved and made part of the license.

The Director Orders:

(A) The Cultural Resource Management Plan (CRMP) for the Deerfield Project filed on December 6, 1999, is approved as modified by ordering paragraph (B).

(B) The licensee shall develop a plan to mitigate the gatehouse removal at the Somerset Development in consultation with the Vermont State Historic Preservation Officer (VtSHPO) and file a supplement to the CRMP within 90 days of the date of this order. The supplemental plan should include comments from the VtSHPO and the licensee's response. The licensee should allow the VtSHPO 30 days to comment. If the SHPO does not comment, the licensee should include its request for comments in the filing.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.



Hossein Ildari

Division of Hydropower Administration
and Compliance

Document Content (s)

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