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

Part I: General Conditions

General Information

Name of Municipality or Organization: US Army Garrison Fort Devens State: MA

EPA NPDES Permit Number (if applicable):

Primary MS4 Program Manager Contact Information

Name: Emily Babbitt de Nicasio Title: Environmental Divison Chief

Street Address Line 1: 30 Quebec Street

Street Address Line 2: Box 10

City: Devens State: MA Zip Code: 01434

Email: emily.c.babbittdenicasio.civ@mail.mil Phone Number: (978) 796-2565

Fax Number: (978) 796-3572

Other Information

Stormwater Management Program (SWMP) Location
(web address or physical location, if already completed):

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Yes

Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

National Historic Preservation Act (NHPA) Determination Complete? Yes

(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?
(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)

Environment I

If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:

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

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?
(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)

Effective Date or Estimated Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted?
(Part II,III,IV or V, Subpart B.4.(a.) of 2003 permit)

Effective Date or Estimated Date of Adoption (MM/DD/YY):

Post- Construction Stormwater Management Adopted?
(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)

Effective Date or Estimated Date of Adoption (MM/DD/YY):

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.

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/ DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
Nashua River	3	☐	☐	☐	☐	☐	☒	☐	☒	☐	Sediment Bioassays -- Acute Toxicity Freshwater, Aquatic Macroinvertebrate Bioassessments
Robbins Pond	1	☐	☐	☐	☐	☐	☐	☐	☐	☐	Non-native aquatic plants
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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		☐	☐	☐	☐	☐	☐	☐	☐	☐	
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		☐	☐	☐	☐	☐	☐	☐	☐	☐	

Click to lengthen table

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 each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

MCM 1: Public Education and Outreach

BMP Media/Category (enter	**BMP Description**	**Targeted Audience**	**Responsible Department/Parties** (enter	**Measurable Goal**	**Beginning Year of BMP Imple-mentation**
Brochures/Pamphlets	Stormwater awareness and informational brochure	employees, tennants, visitors, and con	Environment Department	Provide printed and digital brochure	2019
Newspaper Articles/Press Releases	Newsletter announcement	employees and tennants	Environment Department	Provide seasonal reminders for water quality BMPs : lawn care, pet waste, use of salt/de-icing materials, Appendix H requirements, etc.	2019
Displays/Posters/Kiosks	marking of storm drains	employees, tennants and contractors	Engineering	label storm drains	2019
Meeting	present at the EQCC meeting	employees and tennants	Environment Department	present status of stormwater program at EQCC	2019
Meeting	construction planning	master planning, project teams, and c	DPW Construction	participate in planning meetings for future projects	2019
Web Page	stormwater information	employees, tennants, visitors and contractors	Environment Department	post information on stormwater plan on website and provide updates on stormwater program , regulations, and procedures	2019

Brochures/Pamphlets	stormwater awareness and informational brochure	developers/contractors	Engineering	Provide brochures to prospective contractors with general information on stormwater program and rules/ regulations	2019
Meeting	meet and work with the Nashua River Watershed Association	general public	Environment Department	Meet and participate with the Nashua River Watershed association	2019
Web Page	Provide information on sustainability and ways to reduce water use and reduce waste generated	employees and tennants	Environment Department	Provide updates to website providing information for the topics	2019

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

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

BMP Categorization	(enter	Responsible Department/Parties (enter	Additional Description/ Measurable Goal	Beginning Year of BMP
Employee Review	SWMP Review	Environment Department	Review of SWMP	2019
Employee Review	Public Meeting - Stormwater	Environment Department	Provide annual training and updates to employe and where to find documents	2019
Public Participation	Hotline/webline - reporting problems/violations	Environment Department	Provide space on environmental page of website for reporting problems/violations	2019
Public Participation	Cleanups - Roadside/General	Environment Department	Perform cleanups through contracts and volunteer activities	2019
Public Review	SWMP Review and Annual Reports	Environment Department	Make SWMP and Annual Reports available for review	2019
Public Participation	Participate in Nashua River Watershed Association	Environment Department	Participate in meeting or event	2019

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

Part III: Stormwater Management Program Summary (continued)

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization (enter	**BMP Description**	**Responsible Department/Parties** (enter	**Measurable Goal** (all text can be overwritten)	**Beginning Year of BMP Imple-mentation**
SSO inventory	Develop SSO inventory in accordance of permit conditions	Engineering	Complete within 1 year of effective date of permit	2019
Storm sewer system map	Create map and update during IDDE program completion	Engineering	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	Environment Department	Complete within 1 year of the effective date of permit and update as required	2019
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Environment Department	Complete 10 years after effective date of permit	2020
Employee training	Environment Department	Environment Department	Train annually	2019
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Environment Department	Complete 3 years after effective date of permit	2019
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Environment Department	Complete 10 years after effective date of permit	2019
DPW Construction	Conduct dry weather and wet weather screening (as necessary)	Environment Department	2019	2020
Outfall and Interconnection Inventory	Continue to update outfalls and interconnections	Engineering	Continue to update GIS files	2019

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

Part III: Stormwater Management Program Summary (continued)

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization (enter	**BMP Description**	**Responsible Department/Parties** (enter	**Measurable Goal** (all text can be overwritten)	**Beginning Year of BMP Imple-mentation**
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Engineering	Complete within 1 year of the effective date of permit	2019
Site plan review	Complete written procedures of site plan review and begin implementation	Engineering	Complete within 1 year of the effective date of permit	2019
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Engineering	Complete within 1 year of the effective date of permit	2019
Waste Control	Review and update requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Environment Department	Complete within 1 year of the effective date of permit	2019

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

Part III: Stormwater Management Program Summary (continued)

MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

BMP Categorization (enter	**BMP Description**	**Responsible Department/Parties** (enter	**Measurable Goal** (all text can be overwritten)	**Beginning Year of BMP Imple-mentation**
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	Engineering	Require submission of as-built plans for completed projects	2019
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	Engineering	Complete 4 years after effective date of permit and report annually on retrofitted properties	2019
Regulation Review	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Environment Department	Complete 4 years after effective date of permit and implement recommendations of report	2019
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.	Engineering	Complete 4 years after effective date of permit and implement recommendations of report	2019

Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook	Adoption, amendment, or modification of a regulatory mechanism to meet permit requirements	Environment Department	Complete 2 years after effective date of permit	2019
Green Infastructure	Promote green infastructure and LID	Engineering	Ongoing	2019

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

Part III: Stormwater Management Program Summary (continued)

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter	**BMP Description**	**Responsible Department/Parties** (enter	**Measurable Goal** (all text can be overwritten)	**Beginning Year of BMP Imple-mentation**
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	Engineering	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Environment Department	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Engineering	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Environment Department	Complete and implement 2 years after effective date of permit	2019
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	External Contractor	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 permitee-owned parking lots in accordance with permit conditions	External Contractor	Sweep all streets and permitee-owned parking lots once per year in the spring	2019
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	Environment Department	Implement salt use optimization during deicing season	2019

Inspections and maitenance of stormwater treatment structures	Establish and implement inspection and maitenance procedures and frequencies	Environment Department	Inspect and maintain treatment structures at least annually	2019
Employee Training - General Stormwater Topics	Provide training to employees	Environment Department	Provide training annually on stormwater topics	2019
SWPPP	update SWPPPs	Environment Department	update SWPPPs	2019

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. **enter your own text to override drop-down menus.**

Applicable TMDL	Action Description	Responsible Department/Parties (enter
2019		
	Adhere to requirements in part A.I of Appendix F	

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. **enter your own text to override drop-down menus.**

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties (enter
Phosphorus	8143500 - Nashua River	Adhere to requirements in part II of Appendix H	Environment Department
E. Coli	81111 - Nashua River	Adhere to requirements in part III of Appendix H	Environment Department
		Adhere to requirements in part I of Appendix H	

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

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1and 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
Also, provide any additional information about your MS4 program below.

Please see supplemental information attached.

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

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.
for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.
possibility of fine and imprisonment for knowing violations.

Name:	Emily Babbitt de Nicasio	Title:	Environmental Division Chief
Signature:		Date:	09/27/18

[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

Supplemental Information:
US Army Garrison Fort Devens (Fort Devens) prepared this Notice of Intent (NOI) for stormwater discharges from small municipal separate storm sewer systems (MS4s) in Massachusetts in compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. § 1251 et seq.), and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap.21 §§ 26-53).

Fort Devens is a reserve forces training area located in north-central Massachusetts approximately 35 miles northwest of Boston in the Nashua River valley. Fort Devens is comprised of several non-contiguous parcels of land that were retained by the Army following Base Realignment and Closure (BRAC) activities in the 1990s and 2000s. The population of Fort Devens is comprised of federal employees, military units, and contractors. Fort Devens does not have any residents.

Fort Devens was not regulated under the 2003 MS4 permit, but mapping of the stormwater system has been started (Attachment 1), and will continue as Fort Devens goes through the MS4 permitting process. Only those portions of Fort Devens identified as urban in the 2010 census will be covered under the NOI for the MS4 permit (Attachment 2). South Post is not included because it is not a designated urban area (and it does not have a storm sewer system); however, South Post will be managed under the Stormwater Management Program to ensure Best Management Practices (BMPs) are implemented facility-wide.

The Main Cantonment area is approximately 345 acres consisting primarily of administrative buildings, motor pools, maintenance buildings, dining facilities, barracks, fields, paved roads, and parking areas. The 3400 Area is approximately 38 acres consisting of tactical vehicle maintenance facilities, tactical vehicle storage areas, warehouses, administrative buildings, paved roads, and forested areas. The cemetery is approximately 3.5 acres consisting of burial plots, paved roads, an in-ground irrigation system, and a small maintenance shed. The airfield is approximately 9 acres and consists of two hangars, a building, and paved surfaces.

MassDevelopment is responsible for the infrastructure that supports buildings and land transferred under the previous BRACs. Because, many connections exist between the storm sewers of MassDevelopment properties and the current Fort Devens properties, Fort Devens will coordinate with MassDevelopment throughout the MS4 permitting process.

Endangered Species Act (ESA)
Fort Devens has gone through the process outlined in Appendix C of the permit. Based on the information obtained from the IPaC process, there is no effect. The US Fish and Wildlife Service (USFWS) species list and coordination response from USFWS are Attachments 3 and 4.

National Historic Preservation Act (NHPA)
All resources associated with Fort Devens have been evaluated and there are no National Register of Historic Places (NRHP)-listed resources in the project areas. The proposed action covered by the NOI is the implementation of a stormwater management program. Stormwater discharges permitted under the MS4 permit will remain consistent with existing discharges and will have no potential effect on historic properties. Fort Devens is not undertaking any activity involving subsurface land disturbance. Should the need arise to complete structural upgrades to stormwater infrastructure, USAG Fort Devens will initiate consultation with SHPO as necessary. Based on Appendix D of the 2016 permit, EPA will review the NOI and if they concur, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)).

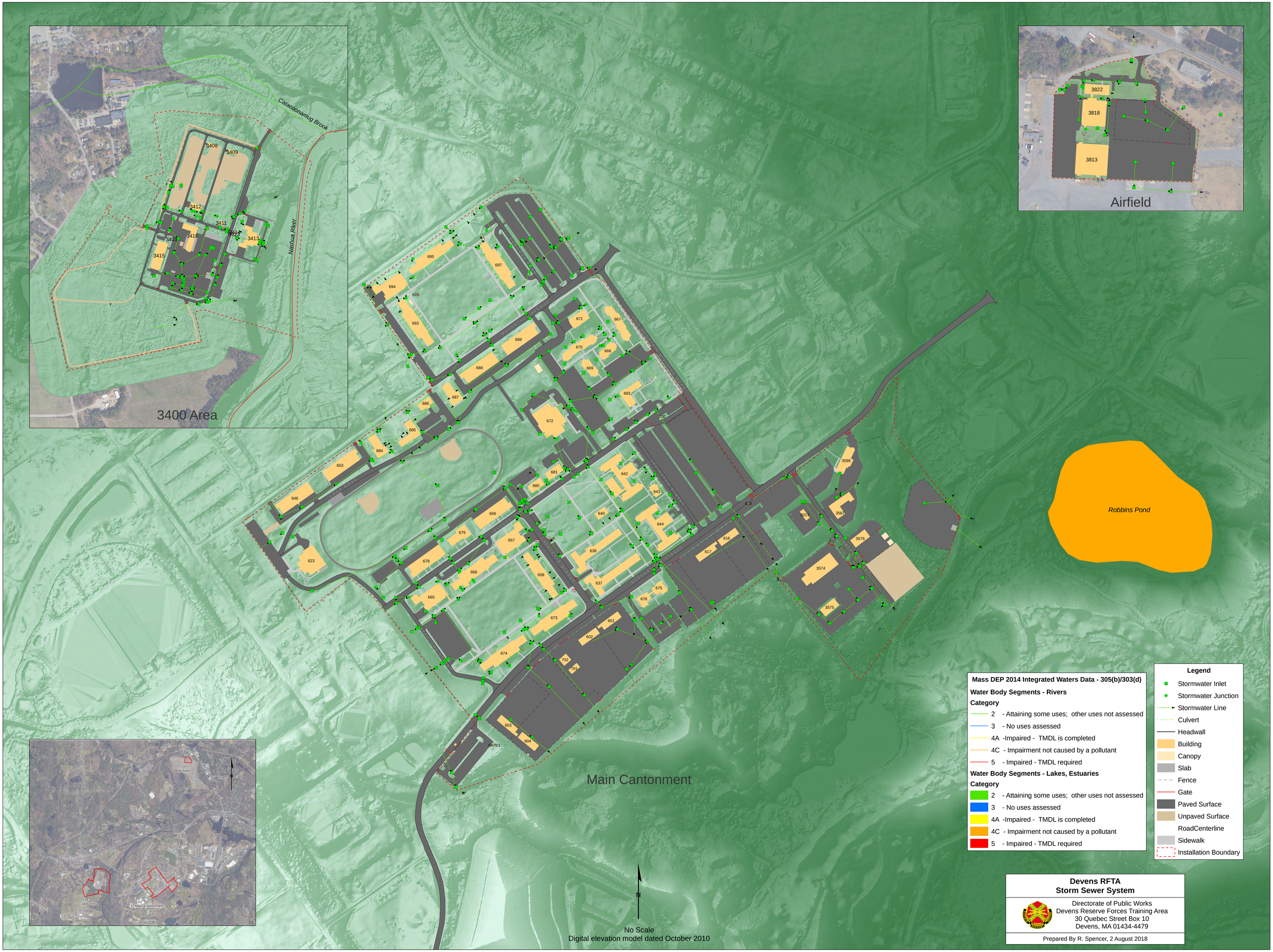
Total Maximum Daily Load (TMDLs)
Fort Devens does not currently discharge to any waterbodies or tributaries of any waterbodies that have approved TMDLs.

Impaired Waters
Fort Devens discharges to waterbodies that have phosphorus and *E. coli* impairments which require development of a TMDL. Per Part III of this NOI and per Part 2.2.2 and Appendix H of the 2016 MS4 General Permit, BMPs that will be implemented to meet requirements related to water quality of impaired waterbodies include the items list in the table below.

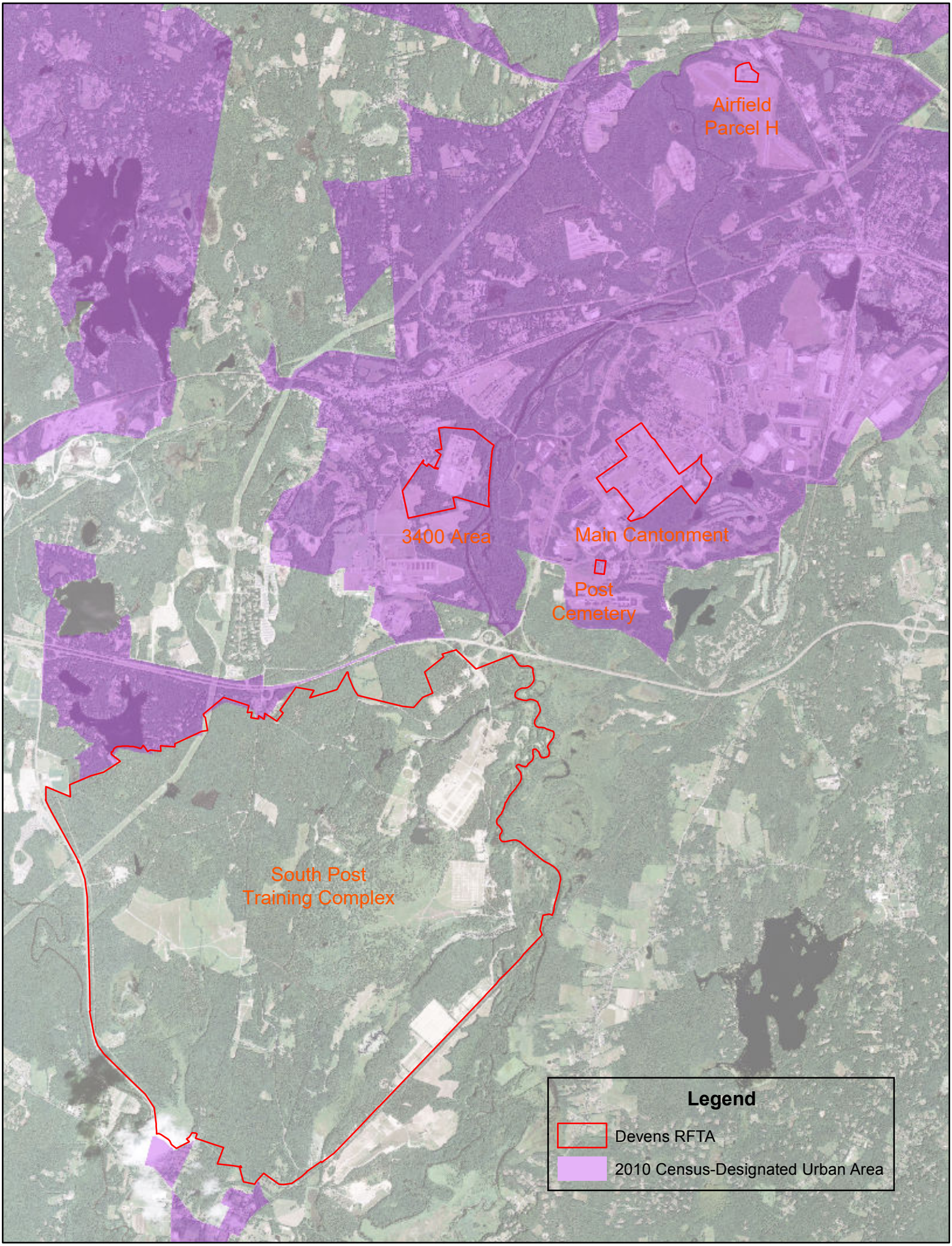
Reference	Requirement	Implementation Date
H.II.1.a.i.1	• Distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. • Distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. • Distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter.	2019
H.II.1.a.i.2	• Amend ordinance and other regulations to include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal.	2019
H.II.1.a.i.3	• Amend procedures to properly manage grass cuttings, leaf litter, and street sweeping on permittee property.	2019
H.II.1.b	• Complete a Phosphorus Source Identification Report and submit to EPA	Complete within 4 years (2022)
H.II.1.c	• Evaluate all permittee-owned properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii or identified in the Phosphorus Source Identification Report that are within the drainage area of the water quality limited water or its tributaries.	Complete within 5 years (2023)
H.II.1.c	• Provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual report. • The permittee shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the water quality limited water or its tributaries within 6 years of the permit • Install the remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report. • BMPs tracked and the permittee shall estimate the phosphorus removal by the BMP in accordance with Attachment 3 to Appendix F of the General Permit - Methods to Calculate Phosphorus Load Reductions for Structural Stormwater BMPs.	Complete within 6 years (2024)
H.III.2.a	• Distribute annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. • Distribute annual message providing information about proper septic system maintenance.	2019
H.III.2.a	• Implement Illicit Discharge Program. Catchments draining to waters impaired for bacteria or pathogens will be designated as Problem Catchments or High priority in the Illicit Discharge Program.	2020

Attachments:
Attachment 1 – Fort Devens Storm Sewer Map
Attachment 2 – Fort Devens 2010 Census Urban Areas
Attachment 3 – USFWS Official Species List
Attachment 4 – USFWS Letter – No Species Present

Attachment 1 – Fort Devens Storm Sewer Map


3400 Area
Cataccoonamug Brook
Nashua River
3408
3409
3412
3411
3416
3403
3415
3413
Airfield
3822
3818
3813
Main Cantonment
Robbins Pond
Mass DEP 2014 Integrated Waters Data - 305(b)/303(d)
Water Body Segments - Rivers
Category
2 - Attaining some uses; other uses not assessed
3 - No uses assessed
4A -Impaired - TMDL is completed
4C - Impairment not caused by a pollutant
5 - Impaired - TMDL required
Water Body Segments - Lakes, Estuaries
Category
2 - Attaining some uses; other uses not assessed
3 - No uses assessed
4A -Impaired - TMDL is completed
4C - Impairment not caused by a pollutant
5 - Impaired - TMDL required
Legend
Stormwater Inlet
Stormwater Junction
Stormwater Line
Culvert
Headwall
Building
Canopy
Slab
Fence
Gate
Paved Surface
Unpaved Surface
RoadCenterline
Sidewalk
Installation Boundary
Airfield
3400 Area
Main Cantonment
N
No Scale
Digital elevation model dated October 2010
Devens RFTA
Storm Sewer System
Directorate of Public Works
Devens Reserve Forces Training Area
30 Quebec Street Box 10
Devens, MA 01434-4479
Prepared By R. Spencer, 2 August 2018

Attachment 2 – Fort Devens 2010 Census Urban Areas


Airfield
Parcel H
3400 Area
Main Cantonment
Post
Cemetery
South Post
Training Complex
Legend
Devens RFTA
2010 Census-Designated Urban Area

Attachment 3 – USFWS Official 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: August 22, 2018
Consultation Code: 05E1NE00-2018-SLI-2842
Event Code: 05E1NE00-2018-E-06662
Project Name: MS4 NOI

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2018-SLI-2842

Event Code: 05E1NE00-2018-E-06662

Project Name: MS4 NOI

Project Type: ** OTHER **

Project Description: The Department of the Army Fort Devens is preparing a Notice of Intent (NOI) for stormwater discharges from small municipal separate storm sewer systems (MS4) permit in Massachusetts, in compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. § 1251 et seq.), and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap.21 §§ 26-53).

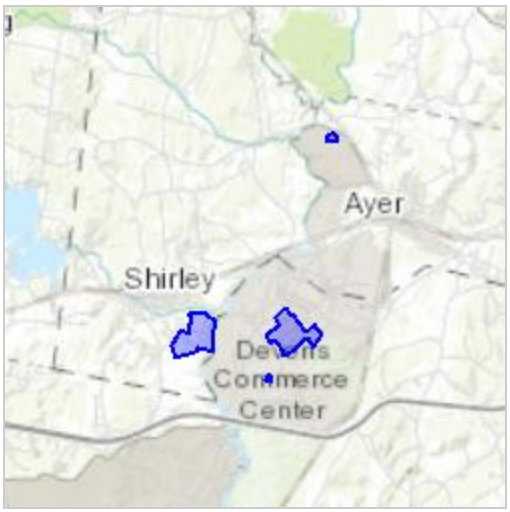
This permit would authorize the discharge of stormwater from small MS4s as defined at 40 CFR § 122.26(b) (16). This includes MS4s described in 40 CFR §122.32(a) (1) and (a) (2). Coverage under this permit is for State, federal, county and other publicly owned properties (Non-traditional) (MAR042000). A small MS4 within the Commonwealth of Massachusetts is located within an urbanized area as determined by the latest Decennial Census by the Bureau of Census as of the effective date of the permit.

Fort Devens is located in north-central Massachusetts approximately 35 miles northwest of Boston, in the Nashua River valley. The portions of Fort Devens covered under the NOI, as determined by the 2010 census, include the Main Cantonment, 3400 Area, cemetery, and airfield. Species listed as threatened in these areas, from preliminary IPaC research, are the Northern Long-eared Bat and the Small Whorled Pogonia. Neither lists any designated critical habitat.

The proposed action covered by the NOI is the development and implementation of a stormwater management program. Stormwater discharges and discharge related activities are not likely to adversely affect any species listed as endangered or threatened under the ESA. If plans to install a structural BMP are identified, Fort Devens will re-initiate consultation with USFWS as necessary.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/42.53700647208569N71.6411652331678 4W



Counties: Middlesex, MA | Worcester, MA

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 Fisheries[1], 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 *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Flowering Plants

NAME	STATUS
Small Whorled Pogonia *Isotria medeoloides* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890	Threatened

Critical habitats

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

Attachment 4 – USFWS Letter – No Species Present

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

January 8, 2018

To Whom It May Concern:

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

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

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

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

Sincerely yours,

Thomas R. Chapman
Supervisor
New England Field Office

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

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.
for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.
possibility of fine and imprisonment for knowing violations.

Name:	COL Efrem Z. Slaughter	Title:	Commander, USAG Fort Devens RFTA
Signature:		Date:	05/09/19

[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