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



Part I: General Conditions

## General Information

Name of Municipality or Organization: City of Easthampton State: MA

EPA NPDES Permit Number (if applicable): MAR041006

## Primary MS4 Program Manager Contact Information

Name: Daniel J. Murphy, P.E. Title: City Engineer

Street Address Line 1: Municipal Building

Street Address Line 2: 50 Payson Avenue

City: Easthampton State: MA Zip Code: 01027

Email: engineer@easthamptondpw.org Phone Number: (413) 665-5555

Fax Number:

## Other Information

Stormwater Management Program (SWMP) Location (web address or physical location, if already completed): Physical location: 109 Hendrick Street, Easthampton, MA

## 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

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?** *(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)* 100%

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)*

A copy of the map is attached

## Regulatory Authorities (if covered under the 2003 permit)

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

Effective Date or Estimated Date of Adoption (MM/DD/YY): 05/19/11

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

Effective Date or Estimated Date of Adoption (MM/DD/YY): 05/19/11

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

Effective Date or Estimated Date of Adoption (MM/DD/YY): 05/19/11

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## 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/ DO Saturation | Nitrogen | Oil & Grease/ PAH | Phosphorus | Solids/ TSS/ Turbidity | E. coli | Enterococcus | Other pollutant(s) causing impairments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Bassett Brook | 8 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Brickyard Brook | 17 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Broad Brook | 22 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Hannum Brook | 10 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Manhan River | 51 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ | ☐ | |
| Nashawannuck Pond | 10 | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | Non-native aquatic plants*, nutrient/eutrophication biological indicators |
| North Branch of Manhan River | 17 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Connecticut River | 2 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ | ☐ | PCB in fish tissue |
| Rubber Thread Pond | 4 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| White Brook | 16 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Wilton Brook | 13 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | Non-native aquatic plants*, Aquatic plants (macrophytes) |
| Lower Mill Pond | 18 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | Non-native aquatic plants* |
| Wooded Area | 3 | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | Note: * TMDL not required (Non-pollutant) |

| 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 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
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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 municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

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

### MCM 1: Public Education and Outreach

| **BMP Media/Category** (enter your own text to override the drop down menu) | **BMP Description** | **Targeted Audience** | **Responsible Department/Parties** (enter your own text to override the drop down menu) | **Measurable Goal** | **Beginning Year of BMP Imple-mentation** |
|---|---|---|---|---|---|
| Multi-media methods | Education of and outreach to residents on stormwater management of significance in Easthampton, including impaired waterbodies. Educational topics will include but are not limited to those in Part 2.3.2.d.i. | Residents | DPW, PB, ConCom, BOH, PVPC CRSWC | Distribute a minimum of two (2) educational messages spaced at least a year apart | 2018 |
| Multi-media methods | Education of and outreach to businesses, institutions, and commercial facilities on stormwater management of significance in Easthampton, including impaired waterbodies. Educational topics will include but are not limited to those in Part 2.3.2.d.ii. | Businesses, Institutions and Commercial Facilities | DPW, PB, ConCom, BOH, PVPC CRSWC | Distribute a minimum of two (2) educational messages spaced at least a year apart | 2018 |

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|---|---|---|---|---|---|
| Multi-media methods | Education of and outreach to developers (construction) on stormwater management of significance in Easthampton, including impaired waterbodies. Educational topics will include but are not limited to those in Part 2.3.2.d.iii. | Developers (construction) | DPW, PB, ConCom, BOH, PVPC CRSWC | Distribute a minimum of two (2) educational messages spaced at least a year apart | 2018 |
| Multi-media methods | Education of and outreach to industrial facilities on stormwater management of significance in Easthampton, including impaired waterbodies. Educational topics will include but are not limited to those in Part 2.3.2.d.iv. | Industrial Facilities | DPW, PB, ConCom, BOH, PVPC CRSWC | Distribute a minimum of two (2) educational messages spaced at least a year apart | 2018 |
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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

| BMP Categorization | Brief BMP Description (enter your own text to override the drop down menu) | Responsible Department/Parties (enter your own text to override the drop down menu) | Additional Description/ Measurable Goal | Beginning Year of BMP Imple-mentation |
|---|---|---|---|---|
| Public Review | SWMP Review | DPW, City Engineer | Annually provide the public with an opportunity to participate in the review and implementation of the SWMP | 2018 |
| Public Participation | Provide public opportunities for involvement/participation in SWMP | DPW, City Engineer | Ongoing compliance | 2018 |
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# Notice of Intent (NOI) for coverage under Small MS4 General Permit

## Part III: Stormwater Management Program Summary (continued)

### MCM 3: Illicit Discharge Detection and Elimination (IDDE)

| **BMP Categorization** (enter your own text to override the drop down menu) | **BMP Description** | **Responsible Department/Parties** (enter your own text to override the drop down menu) | **Measurable Goal** (all text can be overwritten) | **Beginning Year of BMP Imple-mentation** |
|---|---|---|---|---|
| SSO inventory | Complete SSO Inventory | DPW | Develop SSO inventory within 1 year of effective date of permit, update annually | 2018 |
| Storm sewer system map | Complete stormwater map | DPW | Update existing map within 2 years of effective date of permit to meet Phase 1 requirements and complete full system map 10 years after effective date of permit to meet Phase 2 requirements | 2018 |
| Develop IDDE program | Create written IDDE Plan, including outfall/ interconnection inventory | DPW | Complete written IDDE program within 1 year of the effective date of permit, update components annually as needed | 2018 |
| Dry weather outfall and interconnection screening and sampling | Inspect all outfalls and interconnections (except Problem and excluded outfalls) for the presence of dry weather flow | DPW | Complete within 3 years of permit effective date | 2018 |
| Catchment investigations | Investigate each catchment associated with an outfall or interconnection in accordance with written IDDE Plan | DPW | Begin Problem Catchments before 2 years of effective date of permit complete within 7 years of permit effective date<br>Complete all High and Low priority catchments within 10 years of permit effective date | 2018 |
| Employee training | Train employees on IDDE Program | DPW | Train annually | 2018 |
| Ongoing screening | Conduct dry weather and wet weather screening (as necessary) | DPW | Complete ongoing outfall screening upon completion of IDDE program | 2018 |

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

## Part III: Stormwater Management Program Summary (continued)

### MCM 4: Construction Site Stormwater Runoff Control

| **BMP Categorization** (enter your own text to override the drop down menu or entered text) | **BMP Description** | **Responsible Department/Parties** (enter your own text to override the drop down menu) | **Measurable Goal** (all text can be overwritten) | **Beginning Year of BMP Imple-mentation** |
|---|---|---|---|---|
| Site inspection and enforcement of Erosion and Sediment Control (ESC) measures | Revise stormwater ordinance to include written procedures for site inspections and enforcement | PB, ConCom, City Council, ZBA, DPW | Complete within 1 year of the effective date of permit | 2018 |
| Site plan review | Complete written procedures of site plan review, inspection, and enforcement, and begin implementation | PB, ConCom, City Council, ZBA, DPW | Complete within 1 year of the effective date of permit | 2018 |
| Erosion and Sediment Control | Adoption of requirements for construction operators to implement a sediment and erosion control program | PB, ConCom, City Council, ZBA, DPW | Complete within 1 year of the effective date of permit | 2018 |
| Waste Control | Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes | PB, ConCom, City Council, ZBA, DPW | Complete within 1 year of the effective date of permit | 2018 |
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# Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

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

| **BMP Categorization** (enter your own text to override the drop down menu or entered text) | **BMP Description** | **Responsible Department/Parties** (enter your own text to override the drop down menu) | **Measurable Goal** (all text can be overwritten) | **Beginning Year of BMP 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 | PB, ConCom, City Council, ZBA, DPW | Require submission of as-built plans for completed projects no later than 2 years of permit effective date | 2019 |
| Inventory and priority ranking of MS4-owned properties that may be retrofitted with BMPs | Conduct detailed inventory of MS4-owned properties and rank for retrofit potential | PB, ConCom, City Council, DPW | Complete report no later than 4 years of permit effective date; beginning 5 years after permit effective date, keep running list of at least 5 retrofit sites | 2020 |
| Assess allowing green infrastructure | Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist. | PB, ConCom, City Council, DPW | Complete report no later than 4 years after effective date of permit | 2020 |
| Assess 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. | PB, ConCom, City Council, DPW | Complete report no later than 4 years after effective date of permit | 2020 |

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|---|---|---|---|---|
| Bylaw/regulations | Modify local bylaw to contain new MS4 provisions related to LID, new development, and redevelopment | PB, ConCom, City Council, DPW | Modify existing bylaw within 2 years of permit effective date | 2019 |
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# Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 6: Municipal Good Housekeeping and Pollution Prevention

| **BMP Categorization** (enter your own text to override the drop down menu or entered text) | **BMP Description** | **Responsible Department/Parties** (enter your own text to override the drop down menu) | **Measurable Goal** (all text can be overwritten) | **Beginning Year of BMP 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 | DPW | Complete and implement 2 years after effective date of permit | 2018 |
| Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment | Create inventory | DPW | Complete 2 years after effective date of permit and implement annually | 2018 |
| Infrastructure O&M | Establish and implement program for repair and rehabilitation of MS4 infrastructure | DPW | Complete 2 years after effective date of permit | 2018 |
| Stormwater Pollution Prevention Plan (SWPPP) | Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities | DPW | 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 | DPW | Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually | 2018 |
| Street sweeping program | Sweep all streets and permittee-owned parking lots in accordance with permit conditions at 2.3.7.a.iii.3. | DPW | 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 | 2018 |

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| Inspections and maintenance of stormwater treatment structures | Establish and implement inspection and maintenance procedures and frequencies | DPW | Inspect and maintain treatment structures at least annually | 2018 |
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# 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.**

| **Applicable TMDL** | **Action Description** | **Responsible Department/Parties** (enter your own text to override the drop down menu) |
|---|---|---|
| Long Island Sound TMDL (Nitrogen) | Adhere to requirements in part B.I of Appendix F | All Town Departments, Boards, and Committees |
| | Adhere to requirements in part B.I of Appendix F | |
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# 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.**

| Pollutant | Waterbody ID(s) | Action Description | Responsible Department/Parties (enter your own text to override the drop down menu) |
|---|---|---|---|
| E. Coli | Manhan River (MA34-11) | Adhere to requirements in part III of Appendix H | DPW |
| Phosphorus | Nashawannuck Pond (MA34057) | Adhere to requirements in part II of Appendix H | DPW |
| Turbidity | Oxbow (MA34066) | Adhere to requirements in part V of Appendix H | DPW |
| E. Coli | Connecticut River (MA34-04) | Adhere to requirements in part III of Appendix H | DPW |
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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 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 Eligibility Criteria
The Federal Endangered Species Eligibility Determination screening process has been completed and the City of Easthampton meets Criterion B, where informal consultation with U.S. Fish and Wildlife (USFWS) resulted in a finding that the stormwater discharges and discharge related activities are "not likely to adversely affect" listed species or critical habitat. If, during the course of the permit term, the City plans to install a structural stormwater BMP not identified in the NOI, the Town will conduct an endangered species screening for the proposed site and will contact the USFWS if it is determined that the new activity "may affect" or is "not likely to adversely affect" listed species or critical habitat under the jurisdiction of the USFWS.

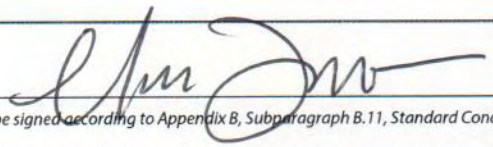
NHPA Eligibility Criteria
The National Historic Preservation Act Eligibility Determination screening process has been completed, and the City of Easthampton meets Criterion A: The discharges do not have the potential to cause effects on historic properties. If the City of Easthampton undertakes construction on or around a property that is listed or eligible for listing in the National Register of Historic Places, the City will coordinate with the State Historic Preservation Officer (SHPO) (the Massachusetts Historical Commission) as needed during the permit term.

The outfalls and associated receiving waters in Part II are based on mapping as of September 2018 and are subject to change during implementation of the Stormwater Management Program as newly constructed outfalls are added to the map and inventory; locations are adjusted; or outfalls are removed if they are determined to be non-municipally owned/operated or reclassified as a BMP inlet, culvert, or other structure. Changes to the outfall inventory and mapping will be formalized in Annual Reports to EPA.

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

Part V: Certification

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

| | | | |
|---|---|---|---|
| Name: | Nicole LaChapelle | Title: | Mayor, City of Easthampton MA |
| Signature: |  | Date: | 9/25/18 |

*[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

# 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

**National Register of Historic Places: Listed Properties as of July 2015**

| Reference Number | State | County | City | Resource | Address | Date Listed |
|---|---|---|---|---|---|---|
| 86000451 | MASSACHUSETTS | Hampshire | Easthampton | Main Street Historic District | Main St. between Northampton and Center Sts. | 19860317 |
| 86000714 | MASSACHUSETTS | Hampshire | Easthampton | US Post Office--Easthampton Main | 19 Union St. | 19860401 |
| 96000950 | MASSACHUSETTS | Hampshire | Easthampton | Town Farm, The | 75 Oliver St. | 19960912 |
| 15000001 | MASSACHUSETTS | Hampshire | Easthampton | Nashawannuck Mills Historic District | 1-15 Cottage St. | 20150212 |

Note: Not all properties are digitized

# Endangered Species Act Eligibility Certification

**TO:** City of Easthampton Stormwater Management Program Files

**FROM:** Tighe & Bond

**COPY:** Daniel J. Murphy, P.E., Town Engineer and Joseph I. Pipczynski, DPW Director

**DATE:** June 16, 2017, revised October 29, 2018

Tighe & Bond has completed the National Endangered Species Eligibility Determination screening process in accordance with Part 1.9.1 and Appendix C of U.S. EPA's National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts (see Attachment A of this memorandum), effective July 1, 2018, and determined that the **City of Easthampton** meets **Criterion B**, where informal consultation with U.S. Fish and Wildlife (USFWS) resulted in a finding that the stormwater discharges and discharge related activities are "not likely to adversely affect" listed species or critical habitat.

Tighe & Bond followed EPA's screening process required by the 2016 Small MS4 General Permit as follows:

Tighe & Bond went to the IPaC website[1] and created an IPaC Trust Resources Report, included in Attachment B to this memorandum. This Report lists the following species that may occur or could potentially be affected by activities in the City:

- Dwarf Wedgemussel,
- Small Whorled Pogonia, and
- Northern Long-eared Bat.

This report documents that there are no critical habitats in Easthampton.

Tighe & Bond then went to the U.S. Fish & Wildlife Service New England Field Office website for Endangered Species Reviews/Consultations[2] and selected the Massachusetts state list[3] to review which Towns have federally-listed species. A copy of the list of Federally Listed Endangered and Threatened Species in Massachusetts is included in Attachment C to this memorandum. Based on review of this list, in Hampshire County the Dwarf Wedgemussel is listed only in the Towns of Hatfield, Amherst, and Northampton; the Small whorled Pogonia is listed only in the Town of Hadley; and the Northern Long-eared Bat is listed statewide.

[1] http://ecos.fws.gov/ipac/
[2] https://www.fws.gov/newengland/EndangeredSpec-Consultation_Project_Review.htm
[3] https://www.fws.gov/newengland/pdfs/MA%20species%20by%20town.pdf

Tighe & Bond then reviewed Step 1 Part B of the USFWS endangered species consultation, and visited the Massachusetts Natural Heritage and Endangered Species Program (NHESP) species information and conservation website about the Northern Long-eared Bat[4]. The NHESP website included a map showing the known locations of the Northern Long-eared Bat within Massachusetts. Attachment D includes three maps showing there are no roost trees or hibernating locations within Easthampton.

Tighe & Bond then reviewed Step 1 Part C of the USFWS endangered species consultation, and checked the provided map of the known range of the Dwarf wedgemussel in the Massachusetts – Connecticut River Watershed, included in Attachment E, to determine whether the City of Easthampton's action area is in the vicinity of its known range. Based on the USFWS Dwarf Wedgemussel Waters of Massachusetts – Connecticut River Watershed map, Easthampton is not in the vicinity of the known range of the Dwarf wedgemussel.

Based on the results of the USFWS and NHESP website review, Tighe & Bond determined there is no potential habitat for any listed species within the action area, and therefore no further coordination is required with the USFWS. Attachment E provides the results of Tighe & Bond's informal consultation on behalf of the City of Easthampton with the USFWS "no species present" letter that states "no species are known to occur in the project area".

**Step 1 – Determine if you can meet USFWS Criterion A**

"USFWS Criterion A: You can certify eligibility, according to USFWS Criterion A, for coverage by this permit if, upon completing the Information, Planning, and Conservation (IPaC) online system process, you printed and saved the preliminary determination which indicated that federally listed species or designated critical habitats are not present in the action area. See Attachment 1 to Appendix C for instructions on how to use IPaC."

***No, the IPaC preliminary determination indicated that the Dwarf Wedgemussel, Small whorled Pogonia, and Northern Long-eared Bat may be present within the City of Easthampton's action area.***

**Step 2 – Determine if You Can Meet Eligibility USFWS Criteria B**

"USFWS Criterion B: You can certify eligibility according to USFWS Criteria B for coverage by this permit if you answer "Yes" to **all** of the following questions:

1) Does your action area contain one or more of the following species: Sandplain gerardia, Small whorled Pogonia, American burying beetle, Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?

   ***Yes, the City of Easthampton's action area contains the Small whorled Pogonia and Dwarf wedgemussel.***

[4] http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/species-information-and-conservation/rare-mammals/northern-long-eared-bat.html

2) Did your assessment of the discharge and discharge related activities indicate that the discharge or discharge related activities "may affect" or are "not likely to adversely affect" listed species or critical habitat?

   ***Yes, the City of Easthampton's action area is "not likely to adversely affect" listed species or critical habitat based on the results of informal consultation with USFWS (see discussion above).***

3) Did you contact the USFWS and did the formal or informal consultation result in either a "no jeopardy" opinion by the USFWS (for formal consultation) or concurrence by the USFWS that your activities would be "not likely to adversely affect" listed species or critical habitat (for informal consultation)?

   ***Yes, Tighe & Bond performed an informal consultation with USFWS and determined that the City of Easthampton's action area is "not likely to adversely affect" listed species or critical habitat (see discussion above).***

4) Do you agree to implement all measures upon which the consultation was conditioned?

   ***Not applicable, the consultation was not conditioned on any measures.***

5) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will re-initiate informal or formal consultation with USFWS as necessary?

   ***Yes, during the course of the permit term the City of Easthampton agrees to re-initiate informal or formal consultation with USFWS if they plan to install a structural BMP not identified in the NOI.***

Tighe & Bond's review of all five questions under Step 2 resulted in "Yes" and thereby we determined the City of Easthampton's action area meets the endangered species' eligibility requirements included in Criterion B.

J:\E\E0713 Easthampton Eng Serv\08 Integrated Water Resources Management Plan\Stormwater\Notice of Intent\Eligibility Criteria\ESA\Easthampton ESA Memo.docx

Attachment A

# Appendix C of U.S. EPA's National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts

**APPENDIX C**
**ENDANGERED SPECIES GUIDANCE**

A. Background

In order to meet its obligations under the Clean Water Act and the Endangered Species Act (ESA), and to promote the goals of those Acts, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this general permit do not adversely affect endangered and threatened species or critical habitat. Applicants applying for permit coverage must assess the impacts of their stormwater discharges and discharge-related activities on federally listed endangered and threatened species ("listed species") and designated critical habitat ("critical habitat") to ensure that those goals are met. Prior to obtaining general permit coverage, applicants must meet the ESA eligibility provisions of this permit by following the steps in this Appendix[1].

Applicants also have an independent ESA obligation to ensure that their activities do not result in any prohibited "take" of listed species[12]. The term "Take" is used in the ESA to include harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering. "Harass" is defined as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Many of the measures required in this general permit and in these instructions to protect species may also assist in ensuring that the applicant's activities do not result in a prohibited take of species in violation of section 9 of the ESA. If the applicant has plans or activities in an area where endangered and threatened species are located, they may wish to ensure that they are protected from potential take liability under ESA section 9 by obtaining an ESA section 10 permit or by requesting formal consultation under ESA section 7. Applicants that are unsure whether to pursue a section 10 permit or a section 7 consultation for takings protection should confer with the appropriate United States Fish and Wildlife Service (USFWS) office or the National Marine Fisheries Service (NMFS), (jointly the Services).

Currently, there are 20 species of concern for applicants applying for permit coverage, namely the Dwarf wedgemussel *(Alasmidonta heterodon)*, Northeastern bulrush (*Scirpus ancistrochaetus*), Sandplain gerardia *(Agalinis acuta)*, Piping Plover (*Charadrius melodus*), Roseate Tern (*Sterna dougallii*), Northern Red-bellied cooter (*Pseudemys rubriventis)*, Bog Turtle (*Glyptemys muhlenbergii*), Small whorled Pogonia (*Isotria medeoloides*), Puritan tiger beetle (*Cicindela puritana*), American burying beetle (*Nicrophorus americanus*), Northeastern beach tiger beetle (*Cicindela dorsalis*), Northern Long-eared Bat *(Myotis septentriolis)*Atlantic Sturgeon *(Acipenser oxyrinchus*), Shortnose Sturgeon *(Acipenser brevirostrum)*, North Atlantic Right Whale (*Eubalaena glacialis*) Humpback Whale *(Megaptera novaengliae)*, Fin Whale (*Balaenoptera physalus)*, Kemp's Ridley Sea Turtle *(Lepidochelys kempii)*, Loggerhead Sea Turtle *(Caretta caretta)*, Leatherback Sea Turtle *(Dermochelys coriacea)*, and the Green Turtle *(Chelonia*

[1] EPA strongly encourages applicants to begin this process at the earliest possible stage to ensure the notification requirements for general permit coverage are complete upon Notice of Intent (NOI) submission.
[2] Section 9 of the ESA prohibits any person from "taking" a listed species (e.g. harassing or harming it) unless: (1) the taking is authorized through an "incidental take statement" as part of completion of formal consultation according to ESA section 7; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conversion plan; or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

*mydas).* The Atlantic Sturgeon, Shortnose Sturgeon, North Atlantic Right Whale, Humpback Whale, Fin Whale, Loggerhead Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle and Green Turtle are listed under the jurisdiction of NMFS. The Dwarf wedgemussel, Northeastern bulrush, Sandplain gerardia, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Small whorled Pogonia, Roseate Tern, Puritan tiger beetle, Northeastern beach tiger beetle, Northern Long-eared Bat and American burying beetle are listed under the jurisdiction of the U.S. Fish and Wildlife Service.

Any applicant seeking coverage under this general permit, must consult with the Services where appropriate. When listed species are present, permit coverage is only available if EPA determines, or the applicant determines and EPA concurs, that the discharge or discharge related activities will have "no affect" on the listed species or critical habitat, or the applicant or EPA determines that the discharge or discharge related activities are "not likely to adversely affect" listed species or critical habitat and formal or informal consultation with the Services has been concluded and results in written concurrence by the Services that the discharge is "not likely to adversely affect" an endangered or threatened species or critical habitat.

EPA may designate the applicants as non-Federal representatives for the general permit for the purpose of carrying out formal or informal consultation with the Services (See 50 CFR §402.08 and §402.13). By terms of this permit, EPA has automatically designated operators as non-Federal representatives for the purpose of conducting formal or informal consultation with the U.S. Fish and Wildlife Service. EPA has not designated operators as non-Federal representatives for the purpose of conducting formal or informal consultation with the National Marine Fisheries Service. EPA has determined that discharges from MS4s are not likely to adversely affect listed species or critical habitat under the jurisdiction of the National Marine Fisheries Service. EPA has initiated informal consultation with the National Marine Fisheries Service on behalf of all permittees and no further action is required by permittees in order to fulfill ESA requirements of this permit related to species under the jurisdiction of NMFS

B. The U.S. Fish and Wildlife Service ESA Eligibility Process

Before submitting a notice of intent (NOI) for coverage by this permit, applicants must determine whether they meet the ESA eligibility criteria by following the steps in Section B of this Appendix. Applicants that cannot meet the eligibility criteria in Section B must apply for an individual permit.

The USFWS ESA eligibility requirements of this permit relating to the Dwarf wedgemussel, Northeastern bulrush, Sandplain gerardia, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Small whorled Pogonia, Roseate Tern, Puritan tiger beetle, Northeastern beach tiger beetle, Northern Long-eared Bat and American burying beetle may be satisfied by documenting that one of the following criteria has been met:

USFWS Criterion A: No endangered or threatened species or critical habitat are in proximity to the stormwater discharges or discharge related activities.

USFWS Criterion B: In the course of formal or informal consultation with the Fish and Wildlife Service, under section 7 of the ESA, the consultation resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the stormwater discharges and

discharge related activities are "not likely to adversely affect" listed species or critical habitat (informal consultation).

USFWS Criterion C: Using the best scientific and commercial data available, the effect of the stormwater discharge and discharge related activities on listed species and critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the applicant and affirmed by EPA, that the stormwater discharges and discharge related activities will have "no affect" on any federally threatened or endangered listed species or designated critical habitat under the jurisdiction of the USFWS.

1. The Steps to Determine if the USFWS ESA Eligibility Criteria Can Be Met

To determine eligibility, you must assess the potential effects of your known stormwater discharges and discharge related activities on listed species or critical habitat, PRIOR to completing and submitting a Notice of Intent (NOI). You must follow the steps outlined below and document the results of your eligibility determination.

**Step 1 – Determine if you can meet USFWS Criterion A**

USFWS Criterion A: You can certify eligibility, according to USFWS Criterion A, for coverage by this permit if, upon completing the Information, Planning, and Conservation (IPaC) online system process, you printed and saved the preliminary determination which indicated that federally listed species or designated critical habitats are not present in the action area. See Attachment 1 to Appendix C for instructions on how to use IPaC.

*If you have met USFWS Criterion A skip to Step # 4.*

*If you have not met USFWS Criterion A, go to Step # 2.*

**Step 2 – Determine if You Can Meet Eligibility USFWS Criteria B**

USFWS Criterion B: You can certify eligibility according to USFWS Criteria B for coverage by this permit if you answer "Yes" to **all** of the following questions:

1) Does your action area contain one or more of the following species: Sandplain gerardia, Small whorled Pogonia, American burying beetle, Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?
   AND
2) Did your assessment of the discharge and discharge related activities indicate that the discharge or discharge related activities "may affect" or are "not likely to adversely affect" listed species or critical habitat?
   AND
3) Did you contact the USFWS and did the formal or informal consultation result in either a "no jeopardy" opinion by the USFWS (for formal consultation) or concurrence by the

USFWS that your activities would be "not likely to adversely affect" listed species or critical habitat (for informal consultation)?
AND

4) Do you agree to implement all measures upon which the consultation was conditioned?
5) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will re-initiate informal or formal consultation with USFWS as necessary?

Use the guidance below Step 3 to understand effects determination and to answer these questions.

*If you answered "Yes" to all four questions above, you have met eligibility USFWS Criteria B. Skip to Step 4.*

*If you answered "No" to any of the four questions above, go to Step 3.*

**Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C**

USFWS Criterion C: You can certify eligibility according to USFWS Criterion C for coverage by this permit if you answer "Yes" to both of the following question:

1) Does your action area contain one or more of the following species: Northern Long-eared Bat, Sandplain gerardia, Small whorled Pogonia and/or American burying beetle and **does not** contain one any following species: Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?[3]
OR
2) Did the assessment of your discharge and discharge related activities and indicate that there would be "no affect" on listed species or critical habitat and EPA provided concurrence with your determination?
3) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will to conduct an endangered species screening for the proposed site and contact the USFWS if you determine that the new activity "may affect" or is "not likely to adversely affect" listed species or critical habitat under the jurisdiction of the USFWS.

Use the guidance below to understand effects determination and to answer these questions.

*If you answered "Yes" to both the question above, you have met eligibility USFWS Criterion C. Go to Step 4.*

*If you answered "No" to either of the questions above, you are not eligible for coverage by this permit. You must submit an application for an individual permit for your stormwater discharges. (See 40 CFR 122.21).*

**USFWS Effects Determination Guidance:**

If you are unable to certify eligibility under USFWS Criterion A, you must assess whether your stormwater discharges and discharge-related activities "may affect", will have "no affect" or are "not likely to adversely affect" listed species or critical habitat. "Discharge-related activities" include: activities which cause, contribute to, or result in point source stormwater pollutant discharges; and measures to provide treatment for stormwater discharges including the siting, construction and operational procedures to control, reduce or prevent water pollution. Please be aware that no protection from incidental take liability is provided under this criterion.

The scope of effects to consider will vary with each system. If you are having difficulty in determining whether your system is likely to cause adverse effects to a listed species or critical habitat, you should contact the USFWS for assistance. In order to complete the determination of effects it may be necessary to follow the formal or informal consultation procedures in section 7 of the ESA.

Upon completion of your assessment, document the results of your effects determination. If your results indicate that stormwater discharges or discharge related activities will have "no affect" on threatened or endangered species or critical habitat and EPA concurs with your determination, you are eligible under USFWS Criterion C of this Appendix. Your determination may be based on measures that you implement to avoid, eliminate, or minimized adverse effects.

*If the determination is "May affect" or "not likely to adversely affect"* you must contact the USFWS to discuss your findings and measures you could implement to avoid, eliminate, or minimize adverse effects. If you and the USFWS reach agreement on measures to avoid adverse effects, you are eligible under USFWS Criterion B. Any terms and/or conditions to protect listed species and critical habitat that you relied on in order to complete an adverse effects determination, must be incorporated into your Storm Water Management Program (required by this permit) and implemented in order to maintain permit eligibility.

*If endangered species issues cannot be resolved:* If you cannot reach agreement with the USFWS on measures to avoid or eliminate adverse effects then you are not eligible for coverage under this permit. You must seek coverage under an individual permit.

Effects from stormwater discharges and discharge-related activities which could pose an adverse effect include:

- *Hydrological:* Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Habitat:* Excavation, site development, grading and other surface disturbance activities, including the installation or placement of treatment equipment may adversely affect listed species or their habitat. Stormwater from the small MS4 may inundate a listed species habitat.

- *Toxicity:* In some cases, pollutants in the stormwater may have toxic effects on listed species.

**Step 4 - Document Results of the Eligibility Determination**

Once the USFWS ESA eligibility requirements have been met, you shall include documentation of USFWS ESA eligibility in the Storm Water Management Program required by the permit. Documentation for the various eligibility criteria are as follows:

- USFWS Criterion A: A copy of the IPaC generated preliminary determination letter indicating that no listed species or critical habitat is present within your action area. You shall also include a statement on how you determined that no listed species or critical habitat are in proximity to your stormwater system or discharges.
- USFWS Criterion B: A dated copy of the USFWS letter of concurrence on a finding of "no jeopardy" (for formal consultation) or "not likely to adversely affect" (for informal consultation) regarding the ESA section 7 consultation.
- USFWS Criterion C: A dated copy of the EPA concurrence with the operator's determination that the stormwater discharges and discharge-related activities will have "no affect" on listed species or critical habitat.

C. Submittal of Notice of Intent

Once the ESA eligibility requirements of Part C of this Appendix have been metyoumay submit the Notice of Intent indicating which Criterion you have met to be eligible for permit coverage. Signature and submittal of the NOI constitutes your certification, under penalty of law, of eligibility for permit coverage under 40 CFR 122.21.

D. Duty to Implement Terms and Conditions upon which Eligibility was Determined

You must comply with any terms and conditions imposed under the ESA eligibility requirements to ensure that your stormwater discharges and discharge related activities do not pose adverse effects or jeopardy to listed species and/or critical habitat. You must incorporate such terms and conditions into your Storm Water Management Program as required by this permit. If the ESA eligibility requirements of this permit cannot be met, then you may not receive coverage under this permit and must apply for an individual permit.

E. Services Information

United States Fish and Wildlife Service Office

National websites for Endangered Species Information:
Endangered Species home page: http://endangered.fws.gov
ESA Section 7 Consultations: http://endangered.fws.gov/consultation/index.html
Information, Planning, and Conservation System (IPAC): http://ecos.fws.gov/ipac/

U.S. FWS – Region 5
Supervisor

New England Field Office
U.S. Fish and Wildlife Services
70 Commercial Street, Suite 300
Concord, NH 03301

Natural Heritage Network

The Natural Heritage Network comprises 75 independent heritage program organizations located in all 50 states, 10 Canadian provinces, and 12 countries and territories located throughout Latin America and the Caribbean. These programs gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. Developers, businesses, and public agencies use natural heritage information to comply with environmental laws and to improve the environmental sensitivity of economic development projects. Local governments use the information to aid in land use planning.

The Natural Heritage Network is overseen by NatureServe, the Network's parent organization, and is accessible on-line at: http://www.natureserve.org/nhp/us_programs.htm, which provides websites and other access to a large number of specific biodiversity centers.

U.S. Fish and Wildlife IPaC system instructions

Use the following protocol to determine if any federally listed species or designated critical habitats under USFWS jurisdiction exist in your action area:

Enter your project specific information into the "Initial Project Scoping" feature of the Information, Planning, and Conservation (IPaC) system mapping tool, which can be found at the following location:

http://ecos.fws.gov/ipac/

a. Indicate the action area[1] for the MS4 by either:
    a. Drawing the boundary on the map or by uploading a shapefile.
    Select "Continue"

c. Click on the "SEE RESOURCE LIST" button and on the next screen you can export a trust resources list.This will provided a list of natural resources of concern, which will include an Endangered Species Act Species list. You may also request an official species list under "REGULATORY DOCUMENTS" Save copies and retain for your records

[1] The action area is defined by regulation as all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action (50 CFR §402.02). This analysis is not limited to the "footprint" of the action nor is it limited by the Federal agency's authority. Rather, it is a biological determination of the reach of the proposed action on listed species. Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area.

The documentation used by a Federal action agency to initiate consultation should contain a description of the action area as defined in the Services' regulations and explained in the Services' consultation handbook. If the Services determine that the action area as defined by the action agency is incorrect, the Services should discuss their rationale with the agency or applicant, as appropriate. Reaching agreement on the description of the action area is desirable but ultimately the Services can only consult when an action area is defined properly under the regulations.

For storm water discharges or discharge related activities, the action area should encompass the following:

- The immediate vicinity of, or nearby, the point of discharge into receiving waters.
- The path or immediate area through which or over which storm water flows from the municipality to the point of discharge into the receiving water. This includes areas in the receiving water downstream from the point of discharge.
- Areas that may be impacted by construction or repair activities. This extends as far as effects related to noise (from construction equipment, power tools, etc.) and light (if work is performed at night) may reach.

The action area will vary with the size and location of the outfall pipe, the nature and quantity of the storm water discharges, and the type of receiving waters, among other factors.

Attachment B

Easthampton IPaC Trust Resources

Report

# United States Department of the Interior

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

In Reply Refer To:
Consultation Code: 05E1NE00-2019-SLI-0213
Event Code: 05E1NE00-2019-E-00475
Project Name: Easthampton NOI

October 29, 2018

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

# Official Species List

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

This species list is provided by:

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

# Project Summary

Consultation Code: 05E1NE00-2019-SLI-0213

Event Code: 05E1NE00-2019-E-00475

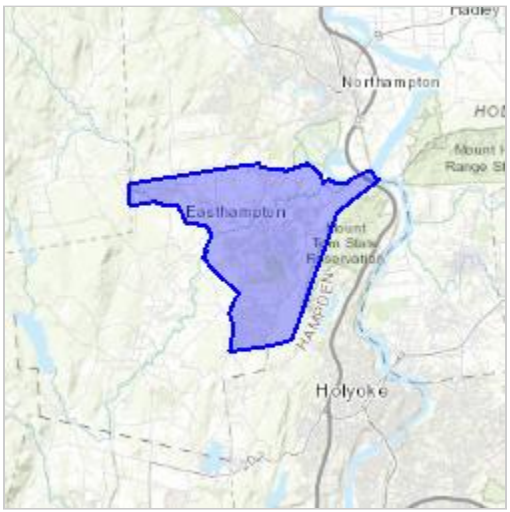
Project Name: Easthampton NOI

Project Type: Regulation Promulgation

Project Description: This project is applying for coverage under the 2016 MS4 General Permit. The project consists of the portion of Easthampton's small municipal separate storm sewer systems (MS4) that falls within the urbanized area of the town. Based on EPA's 2016 MS4 General Permit, Easthampton must apply for permit coverage for Easthampton's MS4 stormwater discharges and assess the impacts of the stormwater discharges and discharge-related activities on endangered and threatened species, and designated critical habitats that fall within the areas that fall within the MS4.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/42.257607987763336N72.6714149193119W




Counties: Hampden, MA | Hampshire, MA

# Endangered Species Act Species

There is a total of 3 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.

---

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

## Clams

| NAME | STATUS |
|---|---|
| Dwarf Wedgemussel *Alasmidonta heterodon*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/784 | Endangered |

## Flowering Plants

| NAME | STATUS |
|---|---|
| Small Whorled Pogonia *Isotria medeoloides*<br>No critical habitat has been designated for this species.<br>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 C

## Federally Listed Endangered and Threatened Species in Massachusetts

# FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES IN MASSACHUSETTS

| COUNTY | SPECIES | FEDERAL STATUS | GENERAL LOCATION/HABITAT | TOWNS |
|---|---|---|---|---|
| Barnstable | Piping Plover | Threatened | Coastal Beaches | All Towns |
| | Roseate Tern | Endangered | Coastal beaches and the Atlantic Ocean | All Towns |
| | Northeastern beach tiger beetle | Threatened | Coastal Beaches | Chatham |
| | Sandplain gerardia | Endangered | Open areas with sandy soils. | Sandwich and Falmouth. |
| | Northern Red-bellied Cooter | Endangered | Inland Ponds and Rivers | Bourne (north of the Cape Cod Canal) |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Berkshire | Bog Turtle | Threatened | Wetlands | Egremont and Sheffield |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Bristol | Piping Plover | Threatened | Coastal Beaches | Fairhaven, Dartmouth, Westport |
| | Roseate Tern | Endangered | Coastal beaches and the Atlantic Ocean | Fairhaven, New Bedford, Dartmouth, Westport |
| | Northern Red-bellied Cooter | Endangered | Inland Ponds and Rivers | Taunton |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Dukes | Roseate Tern | Endangered | Coastal beaches and the Atlantic Ocean | All Towns |
| | Piping Plover | Threatened | Coastal Beaches | All Towns |
| | Northeastern beach tiger beetle | Threatened | Coastal Beaches | Aquinnah and Chilmark |
| | Sandplain gerardia | Endangered | Open areas with sandy soils. | West Tisbury |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |

Updated 02/05/2016

# FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES IN MASSACHUSETTS

| COUNTY | SPECIES | FEDERAL STATUS | GENERAL LOCATION/HABITAT | TOWNS |
|---|---|---|---|---|
| Essex | Small whorled Pogonia | Threatened | Forests with somewhat poorly drained soils and/or a seasonally high water table | Gloucester, Essex and Manchester |
| | Piping Plover | Threatened | Coastal Beaches | Gloucester, Essex, Ipswich, Rowley, Revere, Newbury, Newburyport and Salisbury |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Franklin | Northeastern bulrush | Endangered | Wetlands | Montague, Warwick |
| | Dwarf wedgemussel | Endangered | Mill River | Whately |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Hampshire | Small whorled Pogonia | Threatened | Forests with somewhat poorly drained soils and/or a seasonally high water table | Hadley |
| | Puritan tiger beetle | Threatened | Sandy beaches along the Connecticut River | Northampton and Hadley |
| | Dwarf wedgemussel | Endangered | Rivers and Streams. | Hatfield, Amherst and Northampton |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Hampden | Small whorled Pogonia | Threatened | Forests with somewhat poorly drained soils and/or a seasonally high water table | Southwick |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Middlesex | Small whorled Pogonia | Threatened | Forests with somewhat poorly drained soils and/or a seasonally high water table | Groton |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Nantucket | Piping Plover | Threatened | Coastal Beaches | Nantucket |
| | Roseate Tern | Endangered | Coastal beaches and the Atlantic Ocean | Nantucket |
| | American burying beetle | Endangered | Upland grassy meadows | Nantucket |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |

Updated 02/05/2016

# FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES IN MASSACHUSETTS

| COUNTY | SPECIES | FEDERAL STATUS | GENERAL LOCATION/HABITAT | TOWNS |
|---|---|---|---|---|
| Plymouth | Piping Plover | Threatened | Coastal Beaches | Scituate, Marshfield, Duxbury, Plymouth, Wareham and Mattapoisett |
| | Northern Red-bellied Cooter | Endangered | Inland Ponds and Rivers | Kingston, Middleborough, Carver, Plymouth, Bourne, Wareham, Halifax, and Pembroke |
| | Roseate Tern | Endangered | Coastal beaches and the Atlantic Ocean | Plymouth, Marion, Wareham, and Mattapoisett. |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Suffolk | Piping Plover | Threatened | Coastal Beaches | Revere, Winthrop |
| | Red Knot[1] | Threatened | Coastal Beaches and Rocky Shores, sand and mud flats | Coastal Towns |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |
| Worcester | Small whorled Pogonia | Threatened | Forests with somewhat poorly drained soils and/or a seasonally high water table | Leominster |
| | Northern Long-eared Bat | Threatened Final 4(d) Rule | Winter- mines and caves, Summer – wide variety of forested habitats | Statewide |

[1]Migratory only, scattered along the coast in small numbers

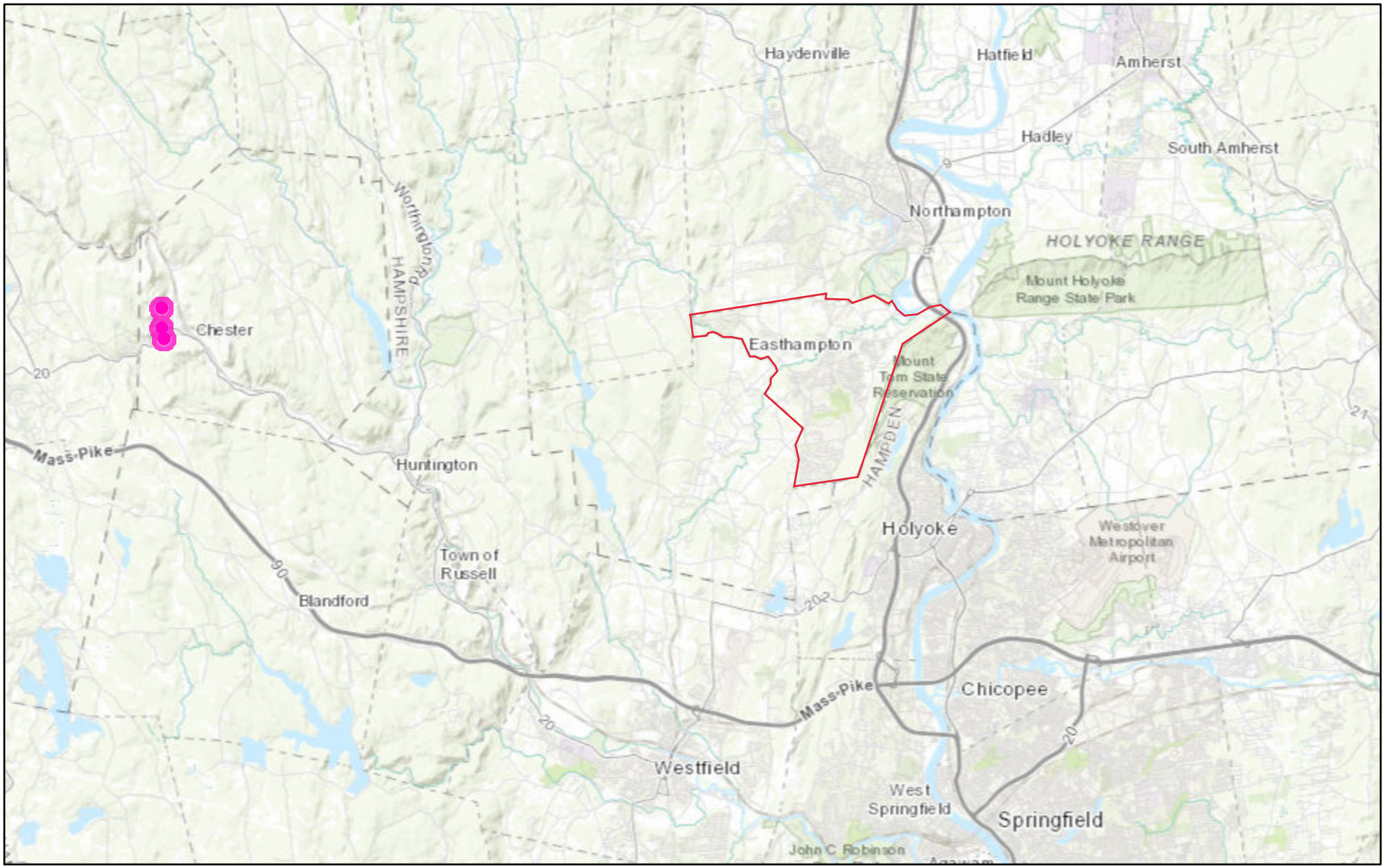
-Eastern cougar and gray wolf are considered extirpated in Massachusetts.
-Endangered gray wolves are not known to be present in Massachusetts, but dispersing individuals from source populations in Canada may occur statewide.
-Critical habitat for the Northern Red-bellied Cooter is present in Plymouth County.

Updated 02/05/2016

Attachment D

Northern Long-eared Bat Location Map

# NHESP NLEB Map




October 29, 2018

Statewide NLEB Symbology

- Hibernaculum
- MA Northern Long-eared Bat Winter Hibernacula (with ¼ mile buffer)

1:288,895

0 1.75 3.5 7 mi

0 2.75 5.5 11 km

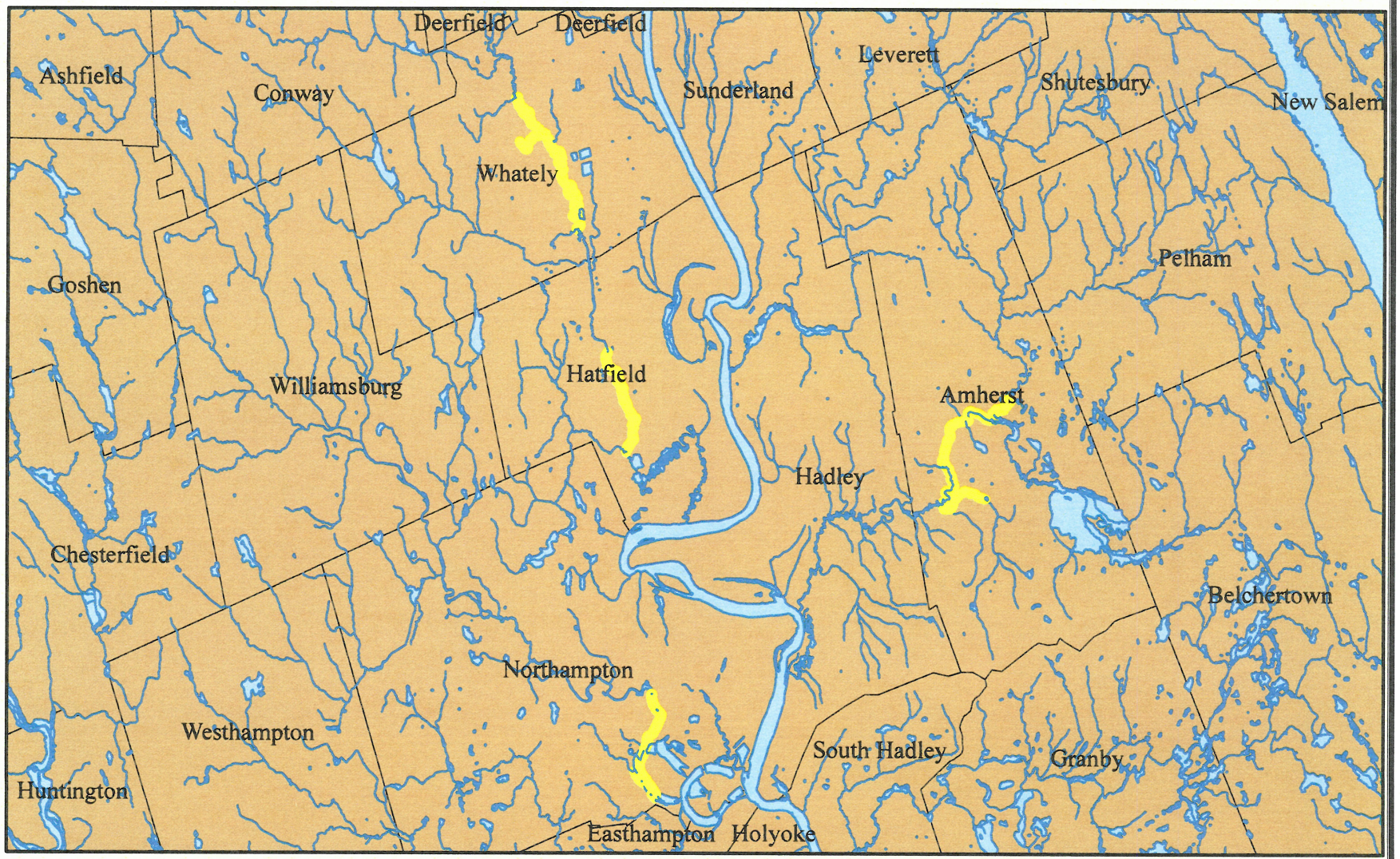
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Attachment E

U.S. Fish and Wildlife Map,

The Dwarf Wedgemussel Waters of

Massachusetts (Connecticut River)




Legend
No Known DWM
DWM Present

# The Dwarf Wedgemussel Waters of Massachusetts

U.S. Fish & Wildlife Service
New England Field Office
*Conserving New England's Natural Resources*

0 0.5 1 2 3 4
Miles

August 27, 2007

Attachment F

U.S. Fish and Wildlife Review Letter

# 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 20, 2017

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 2017)

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 Maria Tur of this office at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Thomas R. Chapman
Supervisor
New England Field Office

**IPaC** **U.S. Fish & Wildlife Service**

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Hampden and Hampshire counties, Massachusetts

Not for consultation

## Local office

New England Ecological Services Field Office

(603) 223-2541
(603) 223-0104

70 Commercial Street, Suite 300
Concord, NH 03301-5094

http://www.fws.gov/newengland

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.

5. Click REQUEST SPECIES LIST.

Listed species[1] are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

The following species are potentially affected by activities in this location:

## Clams

| NAME | STATUS |
|---|---|
| Dwarf Wedgemussel Alasmidonta heterodon<br>No critical habitat has been designated for this species.<br>https://ecos.fws.gov/ecp/species/784 | Endangered |

## Flowering Plants

| NAME | STATUS |
|---|---|
| Small Whorled Pogonia Isotria medeoloides<br>No critical habitat has been designated for this species.<br>https://ecos.fws.gov/ecp/species/1890 | Threatened |

## Mammals

| NAME | STATUS |
|---|---|
| Northern Long-eared Bat Myotis septentrionalis<br>No critical habitat has been designated for this species.<br>https://ecos.fws.gov/ecp/species/9045 | Threatened |

Not for consultation

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service[3]. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The migratory birds species listed below are species of particular conservation concern (e.g. Birds of Conservation Concern) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the AKN Histogram Tools and Other Bird Data Resources. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

| NAME | SEASON(S) |
|---|---|
| American Bittern Botaurus lentiginosus https://ecos.fws.gov/ecp/species/6582 | Breeding |
| Bald Eagle Haliaeetus leucocephalus https://ecos.fws.gov/ecp/species/1626 | Year-round |
| Black-billed Cuckoo Coccyzus erythropthalmus https://ecos.fws.gov/ecp/species/9399 | Breeding |
| Blue-winged Warbler Vermivora pinus | Breeding |
| Canada Warbler Wilsonia canadensis | Breeding |
| Least Bittern Ixobrychus exilis https://ecos.fws.gov/ecp/species/6175 | Breeding |
| Louisiana Waterthrush Parkesia motacilla | Breeding |
| Olive-sided Flycatcher Contopus cooperi https://ecos.fws.gov/ecp/species/3914 | Breeding |
| Peregrine Falcon Falco peregrinus https://ecos.fws.gov/ecp/species/8831 | Breeding |
| Pied-billed Grebe Podilymbus podiceps | Breeding |
| Prairie Warbler Dendroica discolor | Breeding |
| Purple Sandpiper Calidris maritima | Wintering |
| Short-eared Owl Asio flammeus https://ecos.fws.gov/ecp/species/9295 | Wintering |
| Upland Sandpiper Bartramia longicauda https://ecos.fws.gov/ecp/species/9294 | Breeding |
| Willow Flycatcher Empidonax traillii https://ecos.fws.gov/ecp/species/3482 | Breeding |
| Wood Thrush Hylocichla mustelina | Breeding |
| Worm Eating Warbler Helmitheros vermivorum | Breeding |

Not for consultation

**What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?**

**Landbirds:**

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

**Atlantic Seabirds:**

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAANCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the Northeast Ocean Data Portal. The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf. The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the Northeast Ocean Data Portal, which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

**Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?**

**Landbirds:**

The Avian Knowledge Network (AKN) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest,survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the Migratory Bird Programs AKN Histogram Tools webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North, Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

**Atlantic Seabirds:**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Not for consultation

# Facilities

## Wildlife refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGES AT THIS LOCATION.

## Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

# Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

- PEM1E
- PEM1C
- PEM1A
- PEM1B

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1A
- PFO1E
- PFO1C
- PFO1/4E
- PSS1E

PSS1C
PFO1/4C
PFO4E
PFO1/4B
PSS1A
PSS1/4B

FRESHWATER POND
PABH
PUBH

LAKE
L1UBHh
L2ABHh

RIVERINE
R2UBH

A full description for each wetland code can be found at the National Wetlands Inventory website: https://ecos.fws.gov/ipac/wetlands/decoder

**Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Not for consultation

**Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

**Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.