

## Part I: General Conditions

### General Information

Name of Municipality or Organization:  State:

EPA NPDES Permit Number (if applicable):

### Primary MS4 Program Manager Contact Information

Name:  Title:

Street Address Line 1:

Street Address Line 2:

City:  State:  Zip Code:

Email:  Phone Number:

Fax Number:

### Other Information

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

### Eligibility Determination

Endangered Species Act (ESA) Determination Complete?  Eligibility Criteria (check all that apply): ☐ A ☐ B ☒ C

National Historic Preservation Act (NHPA) Determination Complete?  Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

☒ Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

### MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete?  If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:

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

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

<b>Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?</b> <i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i>	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text" value="10/07/13"/>
<b>Construction/Erosion and Sediment Control (ESC) Authority Adopted?</b> <i>(Part II,III,IV or V, Subpart B.4.(a.) of 2003 permit)</i>	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text" value="04/22/13"/>
<b>Post- Construction Stormwater Management Adopted?</b> <i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>	<input type="text" value="Yes"/>	Effective Date or Estimated Date of Adoption (MM/DD/YY):	<input type="text" value="04/22/13"/>

## Part II: Summary of Receiving Waters

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters- http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf](http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf)

[illegible]

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

### Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

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

#### MCM 1: Public Education and Outreach

<b>BMP Media/Category</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Targeted Audience</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b>	<b>Beginning Year of BMP Implementation</b>
Outreach Message	Mailing, website, event, press coverage, and/or other means	Residents	DPW Operations	Raise awareness and modify behaviors to reduce pollutant loading	FY22
Outreach Message	Mailing, website, event, press coverage, and/or other means	Businesses, Institutions and Commercial Facilities	DPW Operations	Raise awareness and modify behaviors to reduce pollutant loading	FY22
Outreach Message	Mailing, website, event, press coverage, and/or other means	Developers (construction)	Planning/Building Department	Raise awareness and modify behaviors to reduce pollutant loading	FY22
Outreach Message	Mailing, website, event, press coverage, and/or other means	Industrial Facilities	DPW Operations	Raise awareness and modify behaviors to reduce pollutant loading	FY22
Outreach Message	Mailing, website, event, press coverage, and/or other means	Residents	DPW Operations	Raise awareness and modify behaviors to reduce pollutant loading	FY23
Outreach Message	Mailing, website, event, press coverage, and/or other means	Businesses, Institutions and Commercial Facilities	DPW Operations	Raise awareness and modify behaviors to reduce pollutant loading	FY23

[illegible]

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

[illegible]



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

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

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

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
SSO inventory	Develop SSO inventory in accordance of permit conditions	DPW Operations	Complete within 1 year of effective date of permit	FY19
Storm sewer system map	Update and add to map and update during IDDE program completion	DPW Operations	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	FY20
Written IDDE program	Create written IDDE program	DPW Operations	Complete within 1 year of the effective date of permit and update as required	FY19
Implement IDDE program	Implement catchment investigations according to program and permit conditions	DPW Operations	Complete 10 years after effective date of permit	FY20
Employee training	Train employees on IDDE implementation	DPW Operations	Train annually	FY19
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	DPW Operations	Complete 3 years after effective date of permit	FY21
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	DPW Operations	Complete 10 years after effective date of permit	FY23
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	DPW Operations	Complete ongoing outfall screening upon completion of IDDE program	FY25



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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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Planning/Building Department	Complete within 1 year of the effective date of permit	FY19
Site plan review	Complete written procedures of site plan review and begin implementation	Planning/Building Department	Complete within 1 year of the effective date of permit	FY19
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Conservation Committee	Complete within 1 year of the effective date of permit	FY19
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Planning/Building Department	Complete within 1 year of the effective date of permit	FY19

[illegible]

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

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

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

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
As-built plans for on-site stormwater control	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Planning/Building Department	Require submission of as-built plans for completed projects	FY20
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually	Planning/Building Department	Complete 4 years after effective date of permit and report annually on retrofitted properties	FY22
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Town Manager /Mayor's Office	Complete 4 years after effective date of permit and implement recommendations of report	FY22
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	Planning/Building Department	Complete 4 years after effective date of permit and implement recommendations of report	FY22

[illegible]

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

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

#### MCM 6: Municipal Good Housekeeping and Pollution Prevention

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	DPW Operations	Complete and implement 2 years after effective date of permit	FY20
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Parks/Recreation	Complete 2 years after effective date of permit and implement annually	FY20
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	DPW Operations	Complete 2 years after effective date of permit	FY20
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	DPW Operations	Complete and implement 2 years after effective date of permit	FY20
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	DPW Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	FY19
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	DPW Operations	Sweep all streets and permittee-owned parking lots once per year in the spring	FY19
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	DPW Operations	Implement salt use optimization during deicing season	FY19

[illegible]

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

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

## Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]



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

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

## Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. In addition, if you are subject to additional requirements due to a downstream nutrient impairment (see Part 2.2.2 of the permit) select the pollutant of concern and indicate applicable waterbody IDs or write "all waterbodies" if applicable. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

**Part IV: Notes and additional information**

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

1) In instances where a "beginning year" is requested, we have listed the applicable fiscal year. Fiscal years run from July 1 to June 30 and correspond to permit years (i.e. permit year 1 is FY19)

2) Summary of Receiving Waters: A number of waterways into which the Town of Middleborough discharges do not have a defined MassDEP waterbody segment as indicated in the MassDEP 2014 Integrated List of Waters, and April 2017 MassDEP Hydrography. In these instances, outfalls have been attributed to the first downstream segment with an assigned MassDEP waterbody segment number.

3) Endangered Species Act Eligibility Determination: Please see the attached letter from USFWS Concord, NH office.

## 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:

Robert Nunes

Title:

Town Manager

Signature:

Date:

09/26/18

[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

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

Page 19 of 19

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*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.*

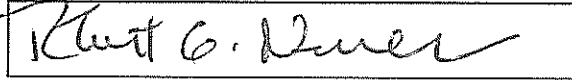
Name:

Robert Nunes

Title:

Town Manager

Signature:



Date:

9-26-18

[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 St, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>

September 24, 2018

To whom it may concern:

The U.S. Fish and Wildlife Service (USFWS) reviewed the stormwater discharge activities associated with the 2016 National Pollutant Discharge and Elimination System (NPDES) Massachusetts (MA) Small Municipal Separate Storm Sewer System (MS4) general permit (MA MS4 General Permit) issued by the Environmental Protection Agency (EPA). We determined those activities may affect, but are not likely to adversely affect, certain species listed under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) when specific conditions are met. When these conditions are met, we do not need to review individual projects. These comments are provided in accordance with section 7 of the ESA and complement existing 2016 MA MS4 General Permit Appendix C Guidance. We understand the applicant is acting as a non-Federal representative of the EPA for the purpose of consultation under section 7. **This letter provides additional guidance for meeting Criterion B and should be submitted as part of your application package to the EPA.**

If the USFWS Information for Planning and Consultation website (<https://ecos.fws.gov/ipac/>) indicates your MA MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), northern red-bellied cooter (*Pseudemys rubriventris*), dwarf wedgemussel (*Alasmidonta heterodon*), rusty patched bumble bee (*Bombus affinis*), northeastern bulrush (*Scirpus ancistrochaetus*), or American chaffseed (*Schwalbea americana*); threatened species: piping plover (*Charadrius melodus*), bog turtle (*Glyptemys muhlenbergii*), Puritan tiger beetle (*Cicindela puritana*), northeastern beach tiger beetle (*Cicindela dorsalis*), or red knot (*Calidris canutus rufa*); or their federally designated critical habitat; and the specific conditions listed below are met, you may submit this letter to complete the **MA MS4 General Permit Appendix C: Step 4** in place of a concurrence letter for informal consultation as documentation of ESA eligibility for **USFWS Criterion B**.

In addition, this letter also satisfies the requirement in the **MA MS4 General Permit Appendix C: Step 2 (3)** to contact the USFWS and obtain a concurrence letter, if you have not yet done so. If your project action area includes one or more of the above-listed species *and* one or more of the

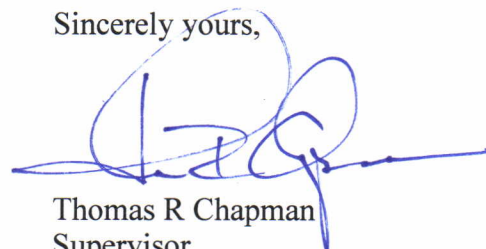
species listed under **Criterion C**,<sup>1</sup> you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix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

We have determined that proposed stormwater discharge activities covered under the 2016 MS4 Permit *may affect, but are not likely to adversely affect*, the above-listed species and the species' critical habitat when the following are true:

1. all stormwater discharges are pre-existing or previously permitted by EPA;
2. any planned operations and maintenance work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. In these situations the chance of encountering any of the subject species is discountable;
3. the project implements EPA MS4 Best Management Practices (BMPs) and meets Clean Water Act and Massachusetts Water Quality Standards. Although permitted discharges may reach the environment used by these species, BMPs reduce pollutants to the extent that discharges are not known to have measurable impacts on these species or their habitat;
4. no new construction or structural BMPs are proposed under this permit at this time; and
5. you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the Notice of Intent (NOI), you will re-initiate consultation with the USFWS as necessary (see **MA MS4 General Permit Appendix C: Step 2 (5)**).

If the above criteria are met, further consultation with the USFWS under section 7 of the ESA is not required at this time; however, if the proposed action changes in any way such that it may affect a listed species in a manner not previously analyzed or if new information reveals the presence of additional listed species that may be affected by the project, the applicant or the EPA should contact us immediately and suspend activities that may affect those species until the appropriate level of consultation is completed with our office. Thank you for your cooperation, and please contact David Simmons of this office at (603) 227-6425 if you have questions or need further assistance.

Sincerely yours,

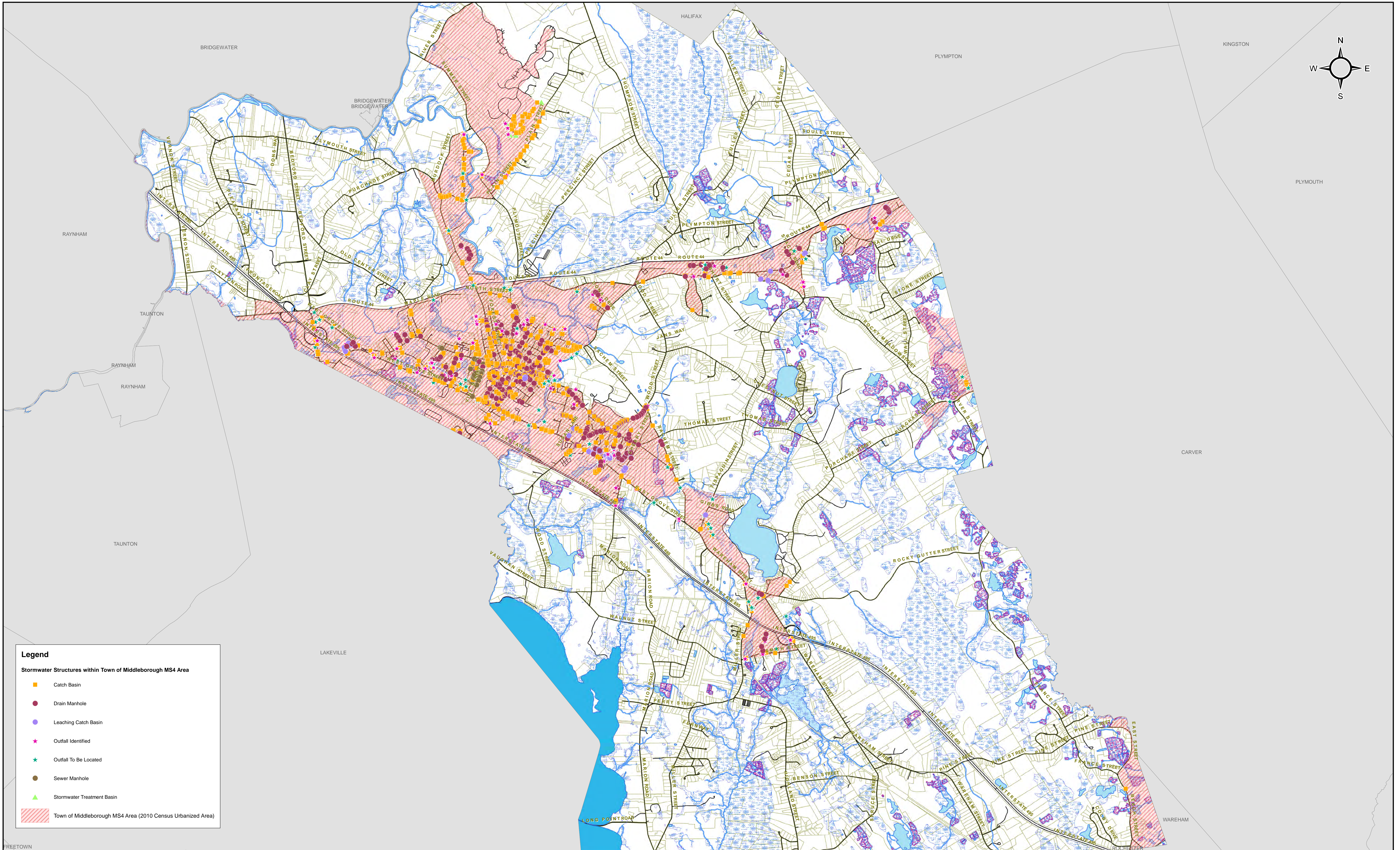


Thomas R Chapman  
Supervisor  
New England Field Office

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<sup>1</sup> Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*), sandplain gerardia (*Agalinis acuta*), small whorled pogonia (*Isotria medeoloides*), and/or American burying beetle (*Nicrophorus americanus*) (MA MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).





**Legend**

Stormwater Structures within Town of Middleborough MS4 Area

- Catch Basin
- Drain Manhole
- Leaching Catch Basin
- Outfall Identified
- Outfall To Be Located
- Sewer Manhole
- Stormwater Treatment Basin
- Town of Middleborough MS4 Area (2010 Census Urbanized Area)



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

## Part II: Summary of Receiving Waters

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

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters- http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf](http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf)

[illegible]



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Click to lengthen table



## Green Seal Environmental, Inc.

114 State Road, Bldg. B, Sagamore Beach, MA 02562  
T: 508.888.6034 F: 508.888.1506  
www.gseenv.com

MA-SDO Certified D/WBE, D/MBE  
NH-Certified DBE  
SBA Certified EDWOSB  
MassDOT Certified | DCAMM Certified

September 7, 2018

Supervisor  
U.S. Fish and Wildlife Service  
70 Commercial St., Suite 300  
Concord, NH 03301

Subject: Threatened or Endangered Species Evaluation for the Town of Middleborough,  
Massachusetts with regard to the 2016 EPA MS4 Phase II Permit  
Consultation Code: 05E1NE00-2018-SLI-2595

The Town of Middleborough, Massachusetts is permitted as a small municipal separate storm sewer system (MS4) under General NPDES Permit No. MA041134. Section 1.9.1 of the 2016 EPA MS4 Phase II Permit, which is effective as of July 1, 2018 with an expiration date of June 30, 2022, requires documentation supporting the permittee's eligibility with regard to stormwater discharges, allowable non-stormwater discharges, and discharge-related activities impact on any state or federally listed species that are listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Green Seal Environmental, Inc. (GSE) is under contract to assist the Town in complying with the terms of their NPDES permit. To satisfy the newly issued NPDES MS4 permit eligibility criteria regarding endangered species, GSE assessed the potential effects of the MS4 known stormwater discharges and discharge-related activities on listed species or critical habitat and followed the steps outlined in Appendix C of the General Permit. The MS4 area within the Town is a mix of urban, residential, open space, forested land, with connections to various wetlands and waterbodies. The proposed actions consist of routine maintenance throughout the Town, such as catch basin cleaning, stormwater management, tree trimming, and repair of stormwater infrastructure if/when necessary. All activities utilize best management practices (BMPs) to reduce pollutants, impacts, and discharges into surrounding wildlife habitat.

A preliminary screening and evaluation was completed through the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system, and indicates the presence of the Northern Long-eared Bat and Plymouth Redbelly Turtle within the MS4 area of the Town. The IPaC report and a locus map are attached for your reference.

An initial review of the Town's MS4 discharges and related activities indicates that the Municipality's current stormwater management activities are unlikely to measurably adversely affect endangered or threatened species through ongoing and anticipated routine stormwater management activities. This is a request for review by the Service pursuant to section 7 of the Endangered Species Act.

We determined that the project may affect, but is not likely to adversely affect the above listed species, because:

- The structures that are routinely maintained as part of the Town's stormwater management are not part of the Northern Long-eared bat habitat (live and dead trees, caves). Nor are these activities anticipated to impact the food sources of the bat in a way that would negatively impact access to available insects. Migration and maternity colonies of this bat are not anticipated to be measurably impacted by routine stormwater management tasks.
- While Northern Red-bellied Cooter habitat coincides with areas managed by stormwater management activities, and discharges from the project may reach the aquatic environment used by the Northern Red-bellied Cooter, one of the stated goals of the project is to implement BMPs to reduce pollutants (to the extent known) to aquatic environments and avoid measurable impacts on the Northern Red-bellied Cooter, its habitat and food.

This request is for a determination as to whether stormwater discharges and routine discharge-related activities are likely or unlikely to adversely affect listed species. This consultation follows the Fish and Wildlife Coordination Act of 1958, and the Endangered Species Act of 1973 (amended). The enclosed project package provides the information about the species and/or critical habitat considered in our review, and we identified our determinations for the resources that may be affected by the project. We request you concur with our determination that the project may impact, but is not likely to adversely impact the species described above.

If you have any questions or need any additional information, please feel free to call me at (508) 888-6034 or email me at [m.rosenblatt@gseenv.com](mailto:m.rosenblatt@gseenv.com).

Sincerely,

GREEN SEAL ENVIRONMENTAL, INC.



Melissa Rosenblatt  
Project Engineer

Enclosures: 2018 USFWS ICaP Species List  
Town of Middleborough Locus Map



## 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: 05E1NE00-2018-SLI-2595  
Event Code: 05E1NE00-2018-E-06066  
Project Name: MS4 NOI

August 01, 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](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

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

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

Attachment(s):

- Official Species List
-

## Official Species List

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

This species list is provided by:

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

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## Project Summary

Consultation Code: 05E1NE00-2018-SLI-2595

Event Code: 05E1NE00-2018-E-06066

Project Name: MS4 NOI

Project Type: Guidance

**Project Description:** This project is associated with the Municipal Separate Storm Sewer System (MS4) Notice of Intent, due October 1, 2018 for the Town of Middleborough, Massachusetts. There are numerous stormwater infrastructure components that discharge to various bodies of water throughout the MS4 Regulated Area in Town. The proposed actions consist of routine maintenance throughout the Town, such as catch basin cleaning, stormwater management, and repair of stormwater infrastructure if/when necessary. All activities utilize best management practices (BMPs) to reduce pollutants, impacts, and discharges into surrounding wildlife habitat. We would like to request an official species list and an evaluation of potential impacts on resources. Please contact me with any requirements for additional details - I am unclear on what level of detail you need for this project.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.90106149999999N70.92985789690394W>



Counties: Bristol, MA | Plymouth, MA

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## 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<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Reptiles

NAME	STATUS
Plymouth Redbelly Turtle <i>Pseudemys rubriventris bangsi</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/451">https://ecos.fws.gov/ecp/species/451</a>	Endangered

## Critical habitats

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

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**From:** [Melissa Rosenblatt](#)  
**To:** [Vuto, Michelle](#)  
**Subject:** RE: Small MS4 NOI submission - additional or corrected information required  
**Date:** Friday, December 14, 2018 12:24:10 PM

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Hi Michelle,

Yes, I can confirm that based on the IPAC results, the town falls under ESA criterion B.

Thank you,

Melissa

-----Original Message-----

From: Vuto, Michelle <Vuto.Michelle@epa.gov>  
Sent: Friday, December 14, 2018 10:30 AM  
To: Melissa Rosenblatt <m.rosenblatt@gseenv.com>  
Subject: RE: Small MS4 NOI submission - additional or corrected information required

Hi Melissa,

Thanks for the additional information for Middleborough. Can you respond confirming that based on the IPaC results, the town falls under ESA criterion B?

Thanks,  
Michelle

Michelle Vuto  
Stormwater & Construction Permits  
U.S. EPA Region 1  
5 Post Office Square-OEP06-4  
Boston, MA 02109-3912  
617-918-1222

-----Original Message-----

From: Melissa Rosenblatt <m.rosenblatt@gseenv.com>  
Sent: Wednesday, December 12, 2018 10:47 AM  
To: Vuto, Michelle <vuto.michelle@epa.gov>  
Cc: Christopher Peck <cpeck@middleborough.com>  
Subject: RE: Small MS4 NOI submission - additional or corrected information required

Good Morning, Michelle:

I am responding to the email (please see below) on behalf of Christopher Peck, DPW Director for the Town of Middleborough in response to a request for additional information for the NOI submission for the MS4. Please see attached documentation, with description below for EPA requested items:

1. Requested: Output from the USFWS IPaC process, and documentation that the planned discharge activities will not adversely affect the endangered/threatened species present.  
Provided: Please find attached the information and species list generated from the IPaC inquiry, as well as the letter sent to the Concord, NH USFWS office outlining planned activities for routine MS4 tasks as well as specific information regarding the threatened and endangered species listed by IPaC.

2. Requested: Please provide the waterbody names for all receiving waterbodies (not just grouped into the first segment downstream with an assessment unit ID) along with the number of outfalls discharging to each waterbody and any impairments.

Provided: Please find attached a revised list of receiving waterbodies for documented outfalls within the MS4 Area of the Town of Middleborough. Where an impaired waterbody exists (per the Massachusetts 2014 Integrated List of Waters), the impairment category and a description of the status/impairment is listed.

I am happy to provide additional information upon request.

Thank you,

Melissa Rosenblatt

Melissa Rosenblatt, EIT | Project Engineer

Green Seal | office: 508.888.6034 | cell: 413.512.0633 Environmental | Engineering | Energy US SBA 8(M)-  
CERTIFIED WOSB-EDWOSB MA- SDO CERTIFIED M/W/DBE  
114 STATE ROAD, SAGAMORE BEACH, MA 02562 WWW.GSEENV.COM

-----Original Message-----

From: Vuto, Michelle [<mailto:Vuto.Michelle@epa.gov>]

Sent: Monday, November 26, 2018 4:34 PM

To: Christopher Peck

Cc: Reports Stormwater

Subject: Small MS4 NOI submission - additional or corrected information required

[NOTICE: This message originated outside of the Town of Middleborough mail system -- PLEASE DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Christopher,

EPA requires additional or corrected information to receive a complete NOI submission for your MS4 and continue the review process.

Please respond to this email with the requested details in the attached report. You do not need to resubmit your entire NOI form. Please respond with the requested information as soon as you can. If the additional information is not received within 30 days of the date on this email EPA may initiate the process to deny your NOI, unless additional time is granted by EPA for such submission.

Please let me know if you have any questions.

Best,  
Michelle

Michelle Vuto  
Stormwater & Construction Permits  
U.S. EPA Region 1  
5 Post Office Square-OEP06-4  
Boston, MA 02109-3912  
617-918-1222

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is

public record and therefore cannot be kept confidential.