



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

SEP 22 2016

David M. Webster
United States Environmental Protection Agency – Region I
Water Permits Branch
5 Post Office Square, Suite 100
Boston, MA 02109-3912

**Re: Re-issuance of the National Pollutant Discharge Elimination System (NPDES)
Permit for Discharges from Potable Water Treatment Facilities – The Potable
Water Treatment Facility General Permit (PWTF GP); NPDES Permit
MAG640000 and NHG640000**

Dear Mr. Webster:

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your letter received September 12, 2016, regarding the above-referenced proposed project. We reviewed the action agency's consultation request document and related materials. Based on our knowledge, expertise, and the action agency's materials, we concur with the action agency's conclusion that the proposed action is not likely to adversely affect the NMFS ESA-listed species and/or designated/proposed critical habitat. Therefore, no further consultation pursuant to section 7 of the ESA is required.

We agree with the rationale you provided to support your determination that the proposed action is not likely to adversely affect listed species. Specifically, we agree with your project description and the description of the action area. We agree with your description of listed species, life stages, and behaviors in the action area. We agree that the effects, which you analyzed, constitute all of the direct and indirect effects of the action and that there are no interrelated or interdependent activities. We agree with your application of the terms "insignificant" and "discountable" to each of the effects you analyzed, and that your analysis of the effects of the action when added to baseline conditions supports your "not likely to adversely affect" determination. We reviewed your critical habitat determination of "no conference" and concur that no conference is necessary at this time. Finally, we agree that you based your determinations on the best available scientific and commercial information.

Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the



consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (c) If a new species is listed or critical habitat designated that may be affected by the identified action. No take is anticipated or exempted. If there is any incidental take of a listed species, reinitiation would be required. Should you have any questions about this correspondence please contact Ross Pilotte at 978-281-9153 or by email (Ross.Pilotte@noaa.gov). If you have any questions concerning EFH and other NMFS trust resources, please contact Mike Johnson at 978-281-9130 or (mike.r.johnson@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly B. Damon-Randall', with a long horizontal flourish extending to the right.

Kimberly B. Damon-Randall
Assistant Regional Administrator
for Protected Resources

EC: Pilotte, GAR/PRD; T. Murphy, EPA; M.R. Johnson, GAR/HCD

PCTS: NER-2016-13577

File Code: H:/Section 7 Team/Section 7/Non-Fisheries/EPA/Informal/2016/ PWTF GP Reissuance