II. Suggested Notice of Intent (NOI) Format

1. General facility information. Please provide the following information about the facility.

a) Name of facility: Smith Branch Road Embankment Stabilization - Ashfield, MA	**Mailing Address for the Facility:** c/o Mass-West Construction, Inc. PO Box 889, 50 West State Street, Granby, MA 01033	
b) Location Address of the Facility (if different from mailing address): Smith Branch Road Ashfield, MA	**Facility Location** **longitude:** 42d32m09s **latitude:** 72d48m36s	**Type of Business:** Public Roadway **Facility SIC codes:** N/A

c) Name of facility owner: Town of Ashfield **Owner's email:** highway@ashfield.org

Owner's Tel #: (413) 628-4448 **Owner's Fax #:** _____

Address of owner (if different from facility address)

Town Hall, Selectman's Office
412 Main Street, Ashfield, MA 01330

Owner is (check one): 1. Federal____2. State _____ 3. Private_____ 4. Other __✓__(Describe) Municipality

Legal name of Operator, if not owner: Mass-West Construction, Inc.

Operator Contact Name: Melissa Caron

Operator Tel Number: (413) 467-7711 **Fax Number:** (413) 467-7733

Operator's email: melissa@masswestinc.com

Operator Address (if different from owner)

PO Box 889, 50 West State Street
Granby, MA 01033

d) Attach a topographic map indicating the location of the facility and the outfall(s) to the receiving water. Map attached? __✓__

e) Check Yes or No for the following:

1. **Has a prior NPDES permit been granted for the discharge? Yes ____ No__✓__ If Yes, Permit Number: _____**
2. **Is the discharge a "new discharger" as defined by 40 CFR Section 122.2? Yes__✓__ No_____**
3. **Is the facility covered by an individual NPDES permit? Yes_____ No__✓__ If Yes, Permit Number ____**
4. **Is there a pending application on file with EPA for this discharge? Yes _____ No __✓__ If Yes, date of submittal:**

2. Discharge information. Please provide information about the discharge, (attaching additional sheets as needed)

a) Name of receiving water into which discharge will occur: Smith Brook

State Water Quality Classification: B **Freshwater:** X **Marine Water:** _____

b) Describe the discharge activities for which the owner/applicant is seeking coverage:

1. **Construction dewatering of groundwater intrusion and/or storm water accumulation.**
2. **Short-term or long-term dewatering of foundation sumps.**
3. ✓ **Other.** Control of Smith Brook during embankment stabilization to repair damage from previous storms and stabilize

c) Number of outfalls 1

For each outfall:

d) Estimate the maximum daily and average monthly flow of the discharge (in gallons per day– GPD). Max Daily Flow 782,000 **G**
Average Monthly Flow 59,200 **GPD**

e.) What is the maximum and minimum monthly pH of the discharge (in s.u.)? Max pH _____ **Min pH** _____

f.) Identify the source of the discharge (i.e. potable water, surface water, orgroundwater). If groundwater, the facility shall subm required in Section 4.4.5 of the General Permit. surface water

g.) What treatment does the wastewater receive prior to discharge? BMP's, including filter fabric, stone, and haybales

h.) Is the discharge continuous? Yes ✓ **No** _____ **If no, is the discharge periodic (P) (occurs regularly, ie., mo not continuous all year) or intermittent (I) (occurs sometimes but not regularly) or both (B)** _____
If (P), number of days or months per year of the discharge _____ **and the specific months of discharge** _____
If (I), number of days/year there is a discharge _____
Is the discharge temporary? Yes ✓ **No** _____
If yes, approximate start date of dewatering 07/06/15 **approximate end date of dewatering** 08/31/15

i.) Latitude and longitude of each discharge within 100 feet (See http://www.epa.gov/tri/report/siting_tool): Outfall 1: long. 42d32m09s **l 2: long.**_____ **lat.**_____**; Outfall 3: long.**_____ **lat.**_____**.**

j.) If the source of the discharge is potable water, please provide the reported or calculated seven day-ten year low flow (7Q10) of attach any calculation sheets used to support stream flow and dilution calculations N/A **cfs**
(See Appendix VIII for equations and additional information)

MASSACHUSETTS FACILITIES: See Section 3.4 and Appendix 1 of the General Permit for more information on Areas of Critical En (ACEC):

k.) Does the discharge occur in an ACEC? Yes _____ No __✓___
If yes, provide the name of the ACEC:

3. Contaminant Information

a) Are any pH neutralization and/or dechlorination chemicals used in the discharge? If so, include the chemical name and manu average daily quantity used as well as the maximum and average daily expected concentrations (mg/l) in the discharge, and th toxicity (NOAEL and/or LC_{50} in percent for aquatic organism(s)).

b) Please report any known remediation activities or water-quality issues in the vicinity of the discharge. N/A

4. Determination of Endangered Species Act Eligibility: Provide documentation of ESA eligibility as required at Part 3.4 and Appendix to the following questions.

a) Which of the three eligibility criteria listed in Appendix IV, Criterion (A, B, or C) have you met? ___A___

b) Please attach documentation with your NOI supporting your response. Please see Appendix IV for acceptable documentation

5. Documentation of National Historic Preservation Act requirements: Please respond to the following questions:

a) See Screening Process in AppendixIII and respond to questions regarding your site and any historic properties listed or eligible f Register of Historic Places. Question 1: Yes __✓__ No ____ ; Question 2: No __✓___ Yes _____

b) Have any State or Tribal historic preservation officers been consulted in this determination? Yes _____ or No __✓__ If yes, at consultation(s).

c) Which of the three National Historic Preservation Act eligibility criterion listed in Appendix III, Criterion (A, B, or C) have you m

d) Is the project located on property of religious or cultural significance to an Indian Tribe? Yes _____ or No __✓__ If yes, provide t Tribe associated with the property. _____

6. Supplemental Information: Please provide any supplemental information. Attach any analytical data used to support the application certification(s) required by the general permit

Construction Plans Attached

7. Signature Requirements: The Notice of Intent must be signed by the operator in accordance with the signatory requirements of 40 C below) including the following certification:

I certify under penalty of law that (1) no biocides or other chemical additives except for those used for pH adjustment and/or dechlorination are used in the dewatering system; (2) the discharge consists solely of dewatering and authorized pH adjustment and/or dechlorination chemicals; (3) the discharge does not come in contact with any raw materials, intermediate product, water product or finished product; (4) if the discharge of dewatering subsequently mixes with other permitted wastewater (i.e. stormwater) prior to discharging to the receiving water, any monitoring provided under this permit will be only for dewatering discharge; (5) where applicable, the facility has complied with the requirements of this permit specific to the Endangered Species Act and National Historic Preservation Act; and (6) 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 certify that I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Facility Name: Smith Branch Road Embankment Stabilization - Ashfield, MA

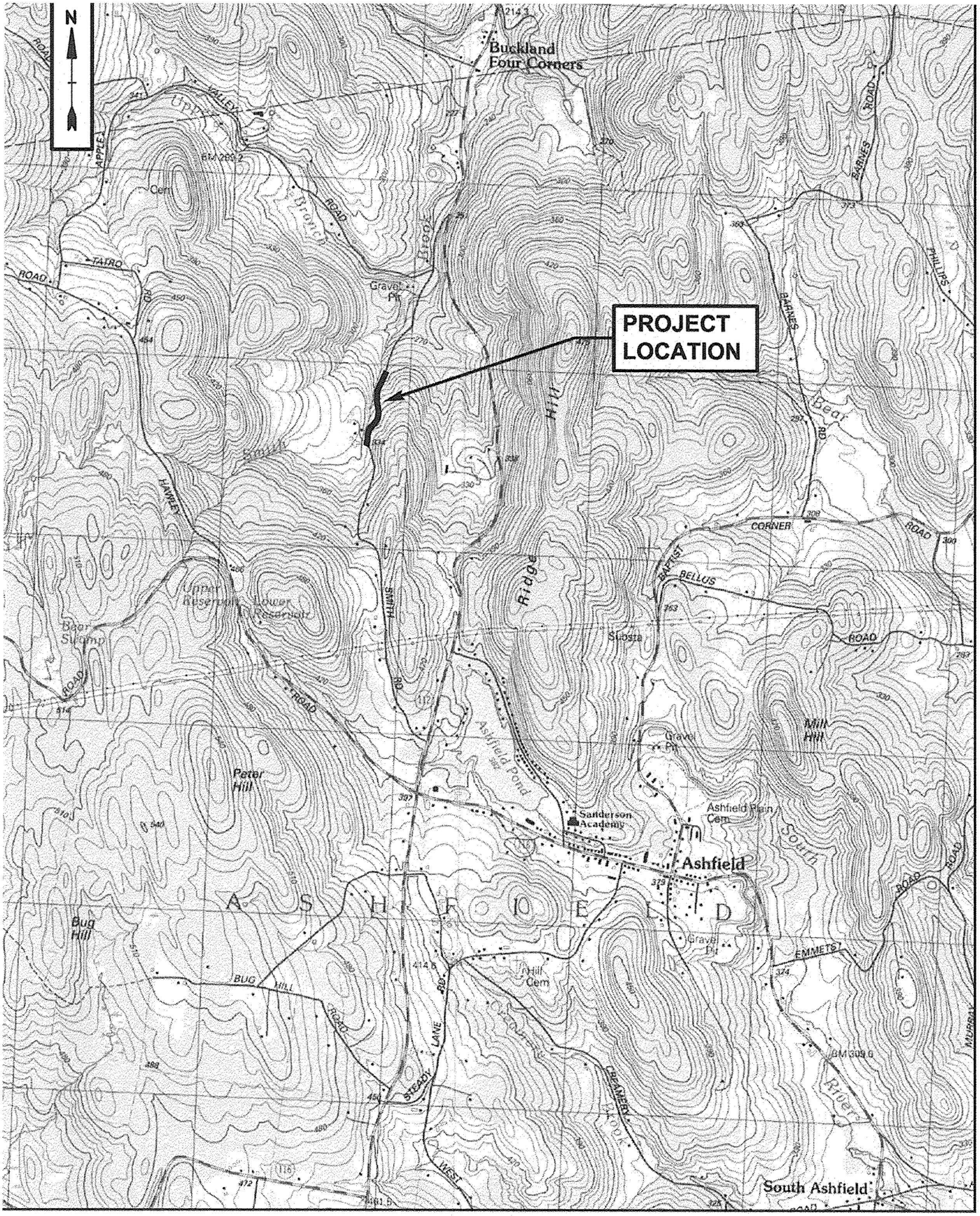
Operator signature:

Print Full Name and Title: John Welch, Treasurer

Date: 06/15/2015

Federal regulations require this application to be signed as follows:

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For partnership or sole proprietorship, by a general partner or the proprietor, respectively, or,
3. For a municipality, State, Federal or other public facility, by either a principal executive officer or ranking elected official.



SCALE: 1:24000

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 3301
PHONE: (603)223-2541 FAX: (603)223-0104
URL: www.fws.gov/newengland

Consultation Code: 05E1NE00-2015-SLI-0577 June 17, 2015
Event Code: 05E1NE00-2015-E-00933
Project Name: Smith Branch Road Emabankment Stabilization

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

United States Department of Interior
Fish and Wildlife Service

Project name: Smith Branch Road Emabankment Stabilization

Official Species List

Provided by:

New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 3301
(603) 223-2541
http://www.fws.gov/newengland

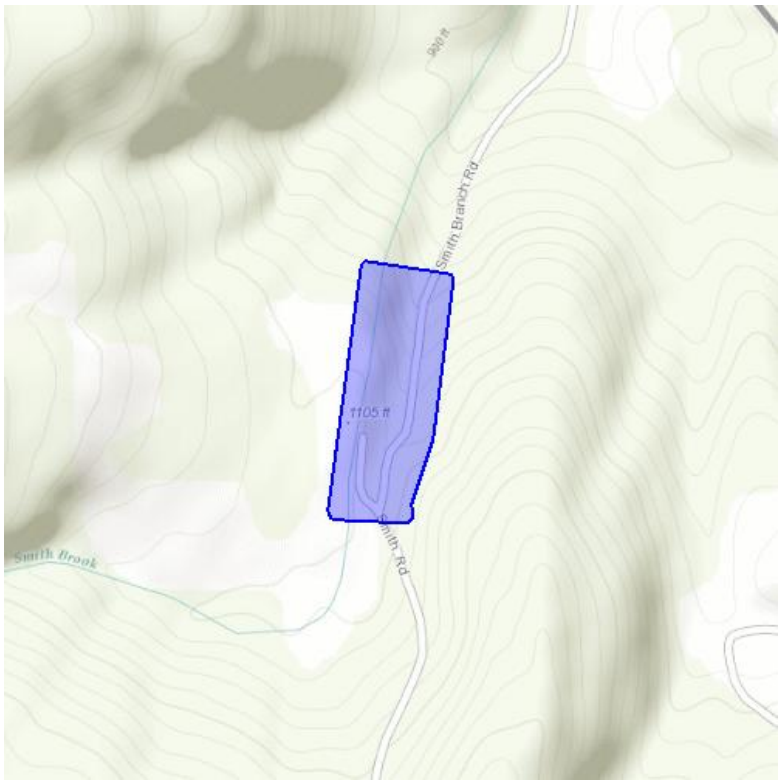
Consultation Code: 05E1NE00-2015-SLI-0577
Event Code: 05E1NE00-2015-E-00933

Project Type: Federal Grant / Loan Related

Project Name: Smith Branch Road Emabankment Stabilization
Project Description: Installation of gabion retaining wall to repair damage from previous storms and stabilize adjacent roadway

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-72.8096635879531 42.54681877311919, -72.80964713174306 42.546679698619094, -72.80969952180223 42.5466197103396, -72.80977641024683 42.546598938265475, -72.81092053479107 42.546634033461395, -72.81099424897681 42.54665824639407, -72.81105071848148 42.54674360517789, -72.8105268675217 42.549676267441676, -72.81049298402034 42.54974444219435, -72.81042796998156 42.54978405359836, -72.80908953937994 42.54964738016704, -72.809013612034 42.54961381584779, -72.80897094562648 42.549542604169964, -72.80930329402553 42.54762493144503, -72.8096635879531 42.54681877311919)))

Project Counties: Franklin, MA

Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat *(Myotis septentrionalis)*	Threatened		

Critical habitats that lie within your project area

There are no critical habitats within your project area.