

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:

**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):

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

Web address where MS4 map is published:

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

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

**Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?**  Effective Date or Estimated Date of Adoption (MM/DD/YY):

**Construction/Erosion and Sediment Control (ESC) Authority Adopted?**  Effective Date or Estimated Date of Adoption (MM/DD/YY):

**Post- Construction Stormwater Management Adopted?**  Effective Date or Estimated Date of Adoption (MM/DD/YY):

*(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)*



Waterbody that receives flow from the MS4 and segment ID if applicable	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
Wetlands near Longview Drive	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands near Terry Lane	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands near Tommi Ann Terrace	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands near Vinny Circle	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands near Cesidio Court	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands north of Gypsy Rover Way	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands south of Edgehill Drive	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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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

<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>
Brochures/Pamphlets	Mailing, Website, event, phone contact, site visit, and/or other means	Residents	Community and Economic Development Department	Town to distribute first educational message to this audience over permit term	2019
Brochures/Pamphlets	Mailing, Website, event, phone contact, site visit, and/or other means	Businesses, Institutions and Commercial Facilities	Community and Economic Development Department	Town to distribute first educational message to this audience over permit term	2019
Brochures/Pamphlets	Mailing, Website, event, phone contact, site visit, and/or other means	Developers (construction)	Community and Economic Development Department	Town to distribute first educational message to this audience over permit term	2020
Brochures/Pamphlets	Mailing, Website, event, phone contact, site visit, and/or other means	Industrial Facilities	Community and Economic Development Department	Town to distribute first educational message to this audience over permit term	2020
School Curricula/Programs	Mailing, Website, event, phone contact, site visit, and/or other means	Residents	Community and Economic Development Department	Town to distribute second educational message to this audience over permit term	2021







## 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	Engineering	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	Community and Economic Development Department	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2019
Written IDDE program	Create written IDDE program	Engineering	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Engineering	Complete 10 years after effective date of permit	2020
Employee training	Train employees on IDDE implementation	Engineering	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Engineering	Complete 3 years after effective date of permit	2019
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Engineering	Complete 10 years after effective date of permit	2020
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Engineering	Complete ongoing outfall screening upon completion of IDDE program	2022





## 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	Engineering	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Community and Economic Development Department/Engineering	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	Engineering	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	Engineering	Complete within 1 year of the effective date of permit	2018



## 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	Engineering	Require submission of as-built plans for completed projects	2019
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually	Engineering	Complete 4 years after effective date of permit and report annually on retrofitted properties	2021
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	Community and Economic Development Department/Engineering	Complete 4 years after effective date of permit and implement recommendations of report	2021

<p>Street design and parking lot guidelines</p>	<p>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.</p>	<p>Community and Economic Development Department/Engineering</p>	<p>Complete 4 years after effective date of permit and implement recommendations of report</p>	<p>2021</p>
<p>Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook</p>	<p>Adoption, amendment, or modification of a regulatory mechanism to meet permit requirements</p>	<p>Community and Economic Development Department/Engineering</p>	<p>Complete 2 years after effective date of permit</p>	<p>2019</p>


## 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> <small>(enter your own text to override the drop down menu or entered text)</small>	<b>BMP Description</b>	<b>Responsible Department/Parties</b> <small>(enter your own text to override the drop down menu)</small>	<b>Measurable Goal</b> <small>(all text can be overwritten)</small>	<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	Engineering/Town Manager/Community and Economic Development I	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Engineering	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Engineering	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Community and Economic Development Department/Engineering	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	Engineering/Highway	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	Engineering/Highway	Sweep all streets and permittee-owned parking lots once per year in the spring	2018









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**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) Where a "beginning year" is requested we have listed the first year of the applicable fiscal year. Fiscal years run from July 1 to June 30 and correspond to permit years (i.e. permit year 1 is 2018).
- 2) For the purposes of NOI outfall mapping, "receiving waters" are considered as waterbodies and wetlands delineated by the USGS 25k hydrography data layers, which consists of hydrographic (water-related) features including surface waters (rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and vernal pools). The number of outfalls into a receiving water segment listed in Part II: Summary of Receiving Waters include those discharging within a 100' of a wetland or surface water. All other outfalls are considered to be upland of receiving waters and are included in the map for use by the Town only.
- 3) We completed the Endangered Species Act Eligibility Guidance in Appendix C of the Permit and determined that the project meets eligibility USFWS Criterion B. This determination is based on the project area IPAC report results and our assessment that activities will have "no affect" on listed species because no field work or alteration of any potential habitat is included in activities covered under this permit. A "no species present" letter, provided by USFWS, is included as an attachment to this application to complete the ESA determination, however, we'd like to clarify. Based on email correspondence on 3/15/2019 with US Fish and Wildlife, the Plymouth Redbelly Turtle identified on the IPAC report is another name for a distinct population of Northern Red-bellied Cooter that is found in Massachusetts. are proposed the Town will evaluate impacts to this species on a case by case basis in accordance with the Endangered Species Act. A letter of from USFWS for determination under Criteria B and email correspondence are included as an attachment.
- 4) Regulations were underway to assign Authorities under the 2003 permit, however, the Town of Bridgewater changed its form of government in 2005 causing delays. The Town is currently working toward adoption of regulatory authorities by December 31, 2019.

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: Michael Dutton

Title: Town Manager

Signature: [Handwritten Signature]

Date: 3/27/19

[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Note: When prompted during signing, save the document under a new file name

NOI Submission

Please submit the form electronically via email using the "Submit by Email" button below or send in a CD with your completed NOI. You may also print and submit via mail using the address below if you choose not to submit electronically. The outfall map required in Part I of the NOI (if applicable) can be submitted electronically as an email attachment OR as a paper copy.

Permittees that choose to submit their NOI electronically by email or by mailing a CD with the completed NOI form to EPA, will be able to download a partially filled Year 1 Annual Report at a later date from EPA. (40 CFR 122.22)

Submit by email using this button. Or, send an email with attachments to: stormwater.reports@epa.gov

Save NOI for your records

EPA Submittal Address:

United States Environmental Protection Agency
5 Post Office Square - Suite 100
Mail Code - OEP06-1
Boston, Massachusetts 02109-3912
ATTN: Newton Tedder

State Submittal Address:

Massachusetts Department of Environmental Protection
One Winter Street - 5th Floor
Boston, MA 02108
ATTN: Fred Civian



# 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:

March 13, 2019

Consultation Code: 05E1NE00-2019-SLI-1123

Event Code: 05E1NE00-2019-E-02583

Project Name: Bridgewater NOI

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

To Whom It May Concern:

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

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

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

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

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

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

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](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: 05E1NE00-2019-SLI-1123

Event Code: 05E1NE00-2019-E-02583

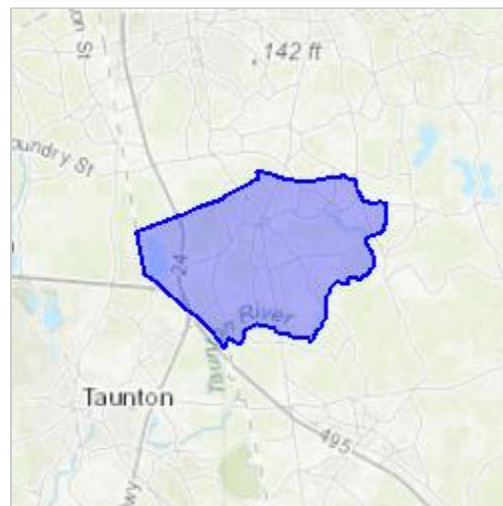
Project Name: Bridgewater NOI

Project Type: \*\* OTHER \*\*

Project Description: Bridgewater Town Lines

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.97031442046926N70.97916291330345W>



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.

- 
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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# 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

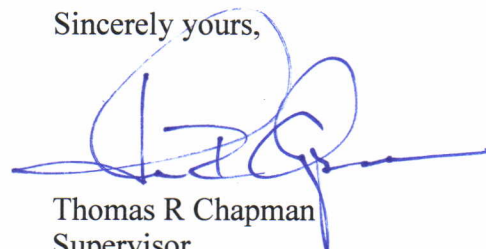
species listed under **Criterion C**,<sup>1</sup> you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix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

## Melissa Recos

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**From:** Dykstra, Eliese <eliese\_dykstra@fws.gov>  
**Sent:** Friday, March 15, 2019 11:13 AM  
**To:** Melissa Recos  
**Subject:** Re: [EXTERNAL] Bridgewater MS4 NOI ESA determination

Hi Melissa,

Exactly! As long as your project meets the requirements listed in the letter, you may use it as evidence of our concurrence when you submit the NOI. Based on your description, it sounds like yours would, but I always mention that as a reminder.

Have a great weekend, and if you have any additional questions don't hesitate to ask!  
Eliese

On Fri, Mar 15, 2019 at 11:02 AM Melissa Recos <[MRecos@beta-inc.com](mailto:MRecos@beta-inc.com)> wrote:

Hi Eliese,

Thank you for the prompt response! In this case I will change our determination to Criteria B based on the Northern Red-bellied Cooter and submit the NOI with the attached letter corresponding to Criteria B... correct?

Thanks again,

Melissa

### **Melissa Recos, PE**

Project Manager

**BETA Group, Inc.** | 781.255.1982

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### **Join our team!**

**From:** Dykstra, Eliese [mailto:[eliese\\_dykstra@fws.gov](mailto:eliese_dykstra@fws.gov)]  
**Sent:** Friday, March 15, 2019 10:12 AM  
**To:** Melissa Recos  
**Cc:** Phil Paradis  
**Subject:** Re: [EXTERNAL] Bridgewater MS4 NOI ESA determination

Hi Melissa,

Thanks so much for reaching out to us for clarification. The Plymouth Redbelly Turtle is another name for a distinct population of Northern Red-bellied Cooter that is found in Massachusetts. At one point in time, it was thought to be a completely different species which is why it is listed under that name in IPaC. Unfortunately, because it was listed under that name in the Federal Register, it isn't easy to correct it, which we know leads to some confusion (we hope to have this fixed in IPaC someday when the species status is reviewed). I appreciate you asking about this, and I'll see if I can have this written out in future iterations of MS4 guidance so that everyone will know that the Plymouth Redbelly Turtle and Northern Red-bellied Cooter are the same species. Only the Massachusetts population of the Northern Red-bellied Cooter is currently listed as an endangered species.

Thanks, my apologies for the misleading names, and let me know if you have any more questions!  
Eliese

On Fri, Mar 15, 2019 at 9:45 AM Melissa Recos <[MRecos@beta-inc.com](mailto:MRecos@beta-inc.com)> wrote:

Hi Eliese,

The Town of Bridgewater has recently asked us to assist them in getting their MS4 NOI submitted so we are trying to help them out. I just ran into something with the ESA review that I had not encountered with any of the other communities so I am looking for any guidance or concurrence you can provide. Attached is the IPAC report for Bridgewater and the typical letter from US Fish and Wildlife for meeting Criteria C which we have used for other submissions to EPA that clearly met Criteria C.

Based on the Endangered Species Act Eligibility Guidance in Appendix C of the MS4 Permit we determined that the project meets eligibility USFWS Criterion C based on Permit Appendix C, Section B Step 3 and the third paragraph of Section A which lists 20 species of concern for applicants applying for this permit. This determination is based on the project area IPAC report results and our assessment that activities will have "no affect" on listed species because no field work or alteration of any potential habitat is included in activities covered under this permit. A "no species present" letter, provided by USFWS for Criteria C determination is attached, however, we'd like to clarify. The Plymouth Redbelly Turtle is listed in the IPAC report (attached) but is not listed in the 20 species of concern for applicants applying for this permit. If any future projects are proposed the Town will evaluate impacts to this species on a case by case basis in accordance with the Endangered Species Act.

Can you please let me know whether you concur with the Criterion C determination or if you have any advice/thought on this?

Thank you,

Melissa

**Melissa Recos, PE**

Project Manager



**BETA Group, Inc.**

781.255.1982



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Eliese Dykstra  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service

New England Field Office

70 Commercial Street, Suite 300  
Concord, NH 03301  
Phone: 603-227-6427  
Email: [eliese\\_dykstra@fws.gov](mailto:eliese_dykstra@fws.gov)

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Eliese Dykstra  
Fish and Wildlife Biologist  
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# Town of Bridgewater, MA

## MS4 Outfall Map

MA62131  
Lake Nippenicket (4a):  
Mercury in Fish Tissue (CN 376.0)  
Non-Native Aquatic Plants

MA62-12  
Town River (3)

MA62-13  
Town River (3)

MA62-32  
Matfield River (5):  
Excess Algal Growth  
Taste and Odor  
Phosphorus (total) (WQLW)  
DO  
Aquatic Macroinvertebrate Bioassessments  
Fecal Coliform (CN 256.0)

MA62053  
Cross Street Pond (3)

MA62-01  
Taunton River (2)

MA62033  
Carver Pond (4c):  
Non-Native Aquatic Plants

MA62-36  
Sawmill Brook (3)

**Map Legend**

**Hydrography**

- Hydrologic Connection
- Open Water
- Wetland

**\*MassDEP 2014 Integrated List of Waters**

- Rivers: Category 2 or 3
- Lakes, Estuaries: Category 2 or 3
- Rivers: Category 4A
- Lakes, Estuaries: Category 4A
- Rivers: Category 4C
- Lakes, Estuaries: Category 4C
- Rivers: Category 5
- Lakes, Estuaries: Category 5

**Regulated Areas**

- MassDEP Wellhead Protection Areas (Zone II)
- MA MS4 Urban Area

**Public Water Supplies**

- Community Groundwater Source
- Surface Water Intake
- Non-Community Groundwater Source
- Emergency Surface Water

**Outfall Data**

- Town Outfall to Waterbody (34 Total Outfalls)
- Town Outfall to Upland Area (>100' from wetland or surface water, 49 Total Outfalls)
- MassDOT Outfall (22 Total Outfalls)

**Town Data**

- Town Parcels

**Roadway Owner**

- State
- Town

\*Category 1: Unimpaired and not threatened for all designated uses;  
Category 2: Unimpaired for some uses and not assessed for others;  
Category 3: Insufficient information to make assessments for any uses;  
Category 4: Impaired for one or more uses, but not requiring the calculation of a Total Maximum Daily Load (TMDL);  
Category 5: Impaired for one or more uses and requiring a TMDL (impairment due to pollutants) such as nutrients, metals, pesticides, solids and pathogens;  
Data Source: Town of Bridgewater and MassGIS

