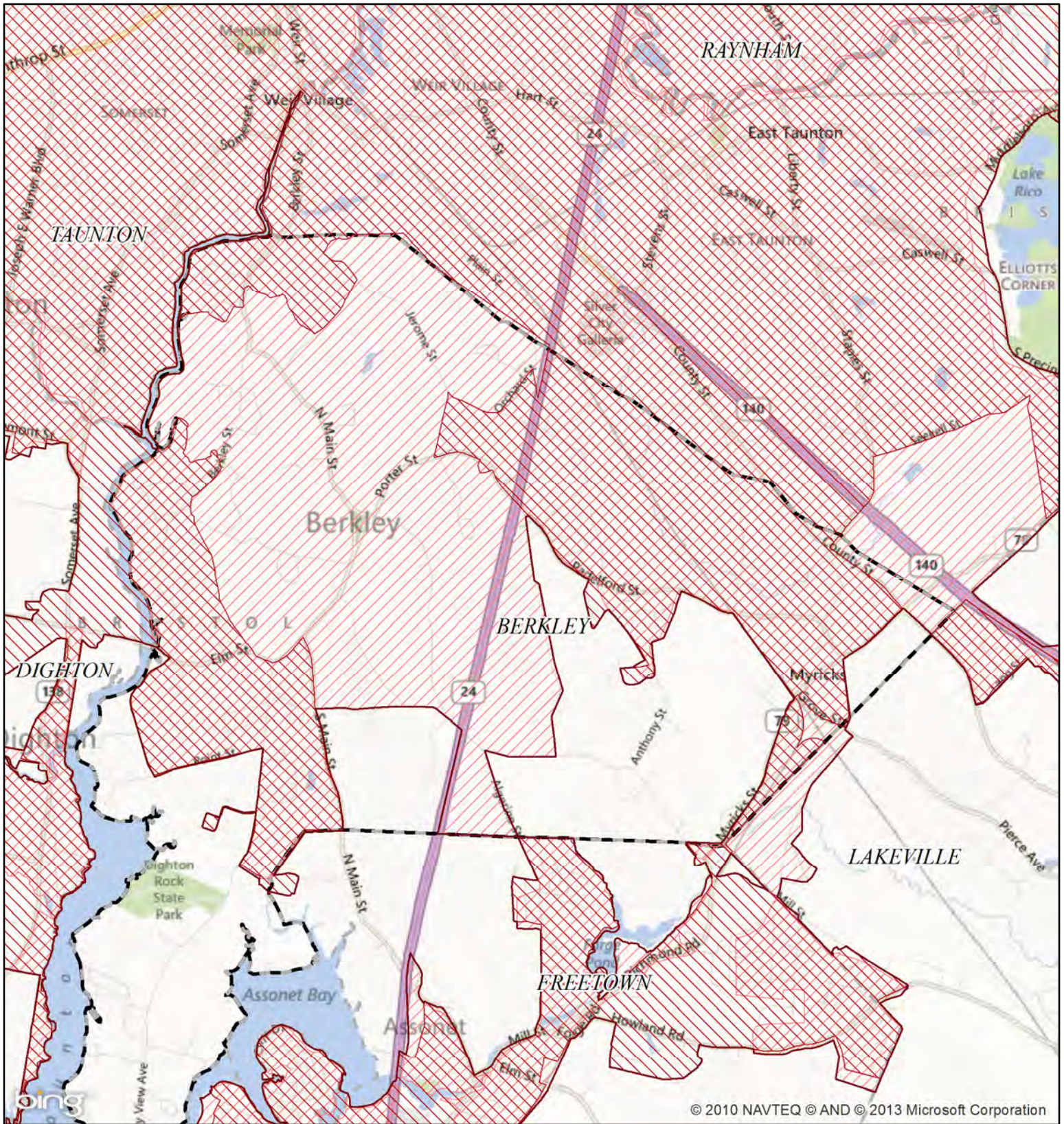
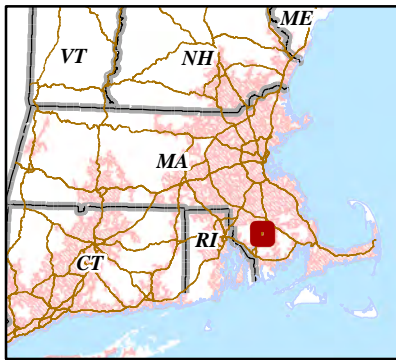


**ATTACHMENT A**  
**Urbanized Area Map**



© 2010 NAVTEQ © AND © 2013 Microsoft Corporation



NPDES Phase II Stormwater Program  
Automatically Designated MS4 Areas

**Berkley MA**

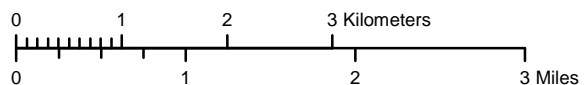
Regulated Area:



Town Population: 6411  
Regulated Population: 4700  
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:  
US Census (2000, 2010)  
Base map © 2013 Microsoft Corporation  
and its data suppliers



**ATTACHMENT B-1**  
**Official Species List**



# 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:

September 19, 2018

Consultation Code: 05E1NE00-2018-SLI-3132

Event Code: 05E1NE00-2018-E-07362

Project Name: Berkley, MA - Small MS4 General Permit

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-3132

Event Code: 05E1NE00-2018-E-07362

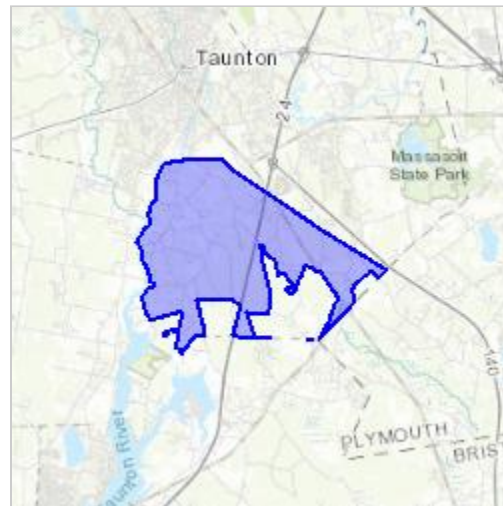
Project Name: Berkley, MA - Small MS4 General Permit

Project Type: Guidance

Project Description: Municipally owned stormwater systems through the Urbanized Area within the town boundary routinely discharges stormwater to various receiving waters. The Town will perform regular inspection and maintenance to these systems, with possible construction or reconstruction when necessary to retrofit a system to provide improved stormwater treatment.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.84230982893553N71.08541342199155W>



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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**ATTACHMENT B-2**  
**USFWS EPA 2016 MS4 Permit Letter**



# 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

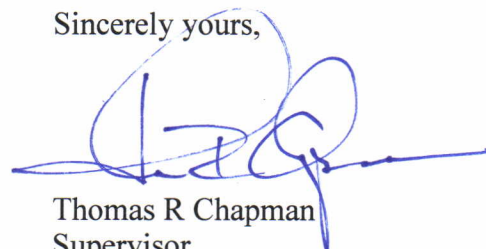
species listed under **Criterion C**,<sup>1</sup> you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix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

**ATTACHMENT C**  
**IDDE Program**

## **ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) PROGRAM**

A hard copy of the Town of Berkley's Illicit Discharge Detection and Elimination (IDDE) Program and supporting documents is available at the Highway Department Office.

**ATTACHMENT D**  
**O&M Procedures**

## **O&M PROCEDURES AND PLANS**

The Town of Berkley O&M procedures and plans for MCM 6 Good Housekeeping and Pollution Prevention will be added to this appendix when they are developed.

**ATTACHMENT E**  
**Program Evaluation, Record Keeping, and Reporting**

## **PROGRAM EVALUATION, RECORD KEEPING, AND REPORTING**

### **Program Evaluation**

The Town of Berkley will self-evaluate their progress towards implementation of the Stormwater Management Program (SWMP) and compliance with the 2016 MS4 General Permit. The self-evaluation will be submitted with the Annual Report and also maintained as part of the SWMP.

The self-evaluation will review the appropriateness of the selected BMPs in achieving the objectives of each control measure and measurable goals. The self-evaluation will assess topics such as public education, public input and participation; proposed activities, goals, and timelines; effectiveness of BMPs, and potential modifications to the SWMP. If a BMP is found to be ineffective, the SWMP will be updated in accordance with the provisions in Part 4.1 of the 2016 MS4 General. BMP modifications will be described in the Annual Report.

### **Record Keeping**

All documentation and records required by the 2016 MS4 General Permit will be maintained by the Town of Berkley for a period of at least five years. Records include but are not limited to: information used in the development of any written (hard copy or electronic) program, monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges, maintenance records, inspection records, and data used in the development of the NOI, SWMP, SWPPP, and annual reports.

### **Reporting**

The Town of Berkley will submit an Annual Report each year of the permit term. The first annual report will cover the period from May 1, 2018 to June 30, 2019, subsequent years will span from July 1 to June 30 of each year. The Annual Report is due 90 days from June 30 (September 28), and will be submitted electronically to: [stormwater.reports@epa.gov](mailto:stormwater.reports@epa.gov).

The Annual Report will contain the following information (excerpt from Part 4.4.b of the 2016 MS4 General Permit):

- i. A self-assessment review of compliance with the permit terms and conditions.
- ii. An assessment of the appropriateness of the selected BMPs.
- iii. The status of any plans or activities required by part 2.1 and/ or part 2.2, including:
  - Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response including all items required by part 2.1.1;
  - For discharges subject to TMDL related requirements, identification of specific BMPs used to address the pollutant identified as the cause of impairment and assessment of the BMPs effectiveness at controlling the pollutant (part 2.2.1. and Appendix F) and any deliverables required by Appendix F;
  - For discharges to water quality limited waters a description of each BMP required by Appendix H and any deliverables required by Appendix H.
- iv. An assessment of the progress towards achieving the measurable goals and objectives of each control measure in part 2.3 including:
  - Evaluation of the public education program including a description of the targeted messages for each audience; method of distribution and dates of distribution; methods used to evaluate the program; and any changes to the program.
  - Description of the activities used to promote public participation including documentation of compliance with state public notice regulations.
  - Description of the activities related to implementation of the IDDE program including: status of the map; status and results of the illicit discharge potential ranking and assessment; identification of problem catchments; status of all protocols described in part 2.3.4.(program responsibilities and systematic procedure); number and identifier of catchments evaluated; number and identifier of outfalls screened; number of illicit discharges located; number of illicit discharges removed; gallons of flow removed; identification of tracking indicators and measures of progress based on those indicators; and employee training.

- Evaluation of the construction runoff management including number of project plans reviewed; number of inspections; and number of enforcement actions.
  - Evaluation of stormwater management for new development and redevelopment including status of ordinance development (2.3.6.a.ii.), review and status of the street design assessment (2.3.6.b.), assessments to barriers to green infrastructure (2.3.6.c), and retrofit inventory status (2.3.6.d.)
  - Status of the O&M Programs required by part 2.3.7.a.
  - Status of SWPPP required by part 2.3.7.b. including inspection results.
  - Any additional reporting requirements in part 3.0.
- v. All outfall screening and monitoring data collected by or on behalf of the permittee during the reporting period and cumulative for the permit term, including but not limited to all data collected pursuant to part 2.3.4. The permittee shall also provide a description of any additional monitoring data received by the permittee during the reporting period.
- vi. Description of activities for the next reporting cycle.
- vii. Description of any changes in identified BMPs or measurable goals.
- viii. Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure.