



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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To: File

From: Angus Jennings, Town Manager

Date: September 6, 2018

Re: Documentation of Town of West Newbury's Determination of "No Effect" on Endangered Species or Critical Habitat of West Newbury's MS4 Stormwater Management Program

The Town of West Newbury is planning an updated Stormwater Management program for compliance with the Municipal Separate Storm Sewer System (MS4) Permit issued by EPA and MassDEP effective July 2018 for urbanized communities in the Commonwealth.

As part of the planning review of five-year activities, the Town of West Newbury through its Stormwater Working Group has reviewed resource lists provided by the U.S. Fish and Wildlife Service ("USFWS") and has determined that the Town's Stormwater program meets Criteria C for coverage by the MS4 Permit.

- 1) The Town's MS4 area contains the Northern Long-Eared Bat, one of the USFWS listed species;
- 2) The Town's Stormwater Working Group in its program assessment has determined the stormwater facilities managed under the permit are existing facilities authorized by the previous permit and that activities proposed under the Town's MS4 management & maintenance program are not anticipated to impact endangered species or critical habitat. EPA has documented consultation on the Massachusetts MS4 Program by letter from the USFWS New England Field Office dated January 8, 2018; and
- 3) The Town agrees that during the MS4 permit term, if the Town plans to install a structural BMP not identified in the Program Notice of Intent, the Town will conduct an endangered species screening for the proposed site and contact the USFWS if a proposed new activity "may affect" or is "not likely to adversely affect" listed species or critical habitat under the jurisdiction of the USFWS.

Based on the Stormwater Working Group's review as documented in the NOI preparation, I certify on behalf of the Town of West Newbury the eligibility of the Town's MS4 Program Permit to use Eligibility Criterion C in our Notice of Intent for MS4 permit coverage for Endangered Species Act Determination.

Signed,

Angus Jennings
Town Manager