Part I: General Conditions

National Historic Preservation Act (NHPA) Determination Complete? Yes

Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

General Information		
Name of Municipality or Organization: Newmarket		State: NH
EPA NPDES Permit Number: NHR041000		
Primary MS4 Program Manager Contact Inf	ormation	
Name: Diane Hardy	Title: Town Planner	
Street Address Line 1: 186 Main Street		
Street Address Line 2: Newmarket Town Hall		
City: Newmarket	State: NH Zip Cod	le: 03857
Email: dhardy@newmarketnh.gov	Phone Number: (603) 659-8501	
Fax Number: (603) 659-8508		
Other Information		
Stormwater Management Program (SWMP) Location (web address or physical location, if already completed):		
Eligibility Determination		
Endangered Species Act (ESA) Determination Comple	e? Yes Eligibility Cr	1 A B \(\sigma \(\text{f} \)

Eligibility Criteria

(check all that apply): A B C

Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, any impairments.

New Hampshire list of impaired waters: http://des.nh.gov/organization/divisions/water/wmb/swga/

Check off relevant pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with part 2.2.2 of the permit. List any other pollutants in the last column, if applicable.

Other pollutant(s) causing impairments	2-Methylnaphthalene, Acenaphthene, Acenaphthylene, Aluminum, Anthracene, Arsenic, Benzo[a]anthracene, Cadmium, Chrysene (C1-C4), Copper, DDD, DDE, DDT, Dibenz[a,h]anthracene, Dioxin (including 2,3,7,8-TCDD), Fluoranthene, Fluorene, Lead, Mercury, Naphthalene, Nickel, pH, Phenanthrene, Polychlorinated biphenyls, Pyrene, trans-Nonachlor, BOD, Biochemical oxygen demand	Dioxin (including 2,3,7,8-TCDD), Estuarine Bioassessments, Light Attenuation Coefficient , Mercury	Dioxin (including 2,3,7,8-TCDD), Estuarine Bioassessments, Light Attenuation Coefficient, Mercury, pH, Polychlorinated biphenyls	Dioxin (including 2,3,7,8-TCDD), Estuarine Bioassessments, Light Attenuation Coefficient , Mercury, pH, Polychlorinated biphenyls	Mercury, pH	Mercury, pH	Mercury, pH	Mercury, pH	NA	NA	NA	NA	NA	NA	NA	NA
Enterococcus		\boxtimes	\boxtimes													
E. coli																
Solids/ TSS/ Turbidity																
Phosphorus																
HA9 \9ssay BiO	\boxtimes															
Mitrogen	\boxtimes	\boxtimes	\boxtimes	\boxtimes												
Dissolved Oxygen/	\boxtimes				\boxtimes		\boxtimes									
Сһіогорһуіі-а	\boxtimes	\boxtimes														
Chloride																
Number of outfalls into receiving water segment	7.0	-	-	-	2	12	∞	-	-	2			-	-		-
Waterbody segment that receives flow from the MS4	Lamprey River North - E*01-01	Lamprey River South - E*01-02	Great Bay Prohib SZ1 - E*0904-02	Great Bay Prohib SZ2 - E*03	Piscassic River - I*03	Lamprey River - Macallen Dam - 1*09-03	Piscassic River - R*07	Moonlight Brook - R*13	Lubberland Creek - R*04	Tributary to Squamscott River - R*21	unnamed impoundment - 1*04	unnamed impoundment - 1*05	unnamed brook - R*03	unnamed brook - R*13	unnamed brook - R*15	unnamed brook - R*16

Newmarket	Page 3 of 19
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).

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 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 menu.

MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Imple- mentation
Brochures/Pamphlets	Erosion & Sediment Control / LID Principles	Developers (construction)	Planning Department	Proper installation of E&S controls and increased implementation of LID Principles	2022
Brochures/Pamphlets	Proper Lawn Care	Residents & Businesses, Institutions and Commercial Facilities	Planning Department	Increased awareness of proper fertilizer use.	2019
Brochures/Pamphlets	Pet Waste Management	Residents & Businesses, Institutions and Commercial Facilities	Planning Department	Increased awareness of pet waste impacts to water quality.	2019
Local Public Service Announcements	Proper Disposal of Leaf Litter	Residents & Businesses, Institutions and Commercial Facilities	Planning Department	Increased awareness of yard waste impacts to water quality.	2019
Brochures/Pamphlets	Construction Site Stormwater Management	Developers (construction)	Planning Department	Improved stormwater controls on construction sites.	2020
Mailing	Septic System Maintenance	Residents w/ septic systems in the Lamprey River and Great Bay Prohib SZ1 catchments.	Planning Department	Increased owner awareness on proper maintenance and testing of residential septic systems.	2019
Web Page	Proper Storage of Industrial Materials	Industrial Facilities	Planning Department	Improved storage procedures by Industrial Facility	2020

Page 5 of 19 2022 Proper management of dumpsters, salt and de-icing materials, and parking lot sweeping. Planning Department Industrial Facilities Proper Site Maintenance Newmarket Web Page

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description (enter your own text to override the drop down menu)	Responsible Department/Parties (enter your own text to override the drop down menu)	Additional Description/ Measurable Goal	Beginning Year of BMP Imple- mentation
Public Review	SWMP Review	Planning Department	Annual review of stormwater management plan and post on website, town/city hall for public comment.	2019
Public Participation	Implement 1 or more public participation events/activities annually	Planning Department	Public participation event(s) conducted	2019
	Annual Reporting	Planning Department	Annual reporting of public participation activity and public review/comment on SWMP	2019

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)

BMP Categorization (enter your own text to override the drop down menu)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)
SSO inventory	Develop SSO inventory template and procedure in accordance with Section 2.3.4.4.	DPW Operations / Environmental Services Department	Develop SSO inventory within 1 year of effective date of permit
Storm sewer system map	Phase I Section 2.3.4.5.a Phase II Section 2.3.4.5.b	DPW Operations / Environmental Services Department	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit
Written IDDE program development	Create written IDDE program document	DPW Operations / Environmental Services Department	Complete within 1 year of the effective date of permit
Implement IDDE program	Implement catchment investigations according to IDDE program and permit conditions	DPW Operations / Environmental Services Department	Complete 10 years after effective date of permit
Employee training	Train employees in IDDE program implemenation	DPW Operations / Environmental Services Department	Provide annual training
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions in section 2.3.4.7.b	DPW Operations / Environmental Services Department	Complete 3 years after effective date of permit, update annually based on results of dry weather screening
Conduct wet weather screening	Conduct in accordance with outfall screening procedures in section 2.3.4.8.c	DPW Operations / Environmental Services Department	Elimination of illicit connections within MS4 boudary
Ongoing Screening	Conduct ongoing screening in accordance with section 2.3.4.10	DPW Operations / Environmental Services Department	Complete ongoing outfall screening on completion of IDDE program

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

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Planning Department / Code Enforcement Office	Complete by the end of Year 1
Site plan review	Complete written procedures of site plan review and begin implementation	Planning Department / Planning Board / Town Consulting Engineer	Complete by the end of Year 1
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Planning Department / Planning Board / Town Consulting Engineer	Complete by the end of Year 1
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	Planning Department / Planning Board	Complete by the end of Year 1

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

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)
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.	Planning Department / Planning Board / Town Consulting Engineer	Require submission of as-built plans for completed projects within 2 years of project completion
Target properties to reduce impervious areas	Complete an inventory and priority ranking of permitee-owned property and existing infrastructure that could be retrofitted with BMPs designed to reduce the frequency, volume and pollutant loads of stormwater discharges to its MS4 through the mitigation of impervious area.	Facilities Department	Complete 4 years after permit effective date and report annually on retrofitted properties
Determine feasibility and allow green infrastructure implementation	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Department / Facilities Department	Complete 4 years after permit effective date and implement recommendations of report
Street design and parking lot guidelines	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.	Planning Department / Town Consulting Engineer	Complete 4 years after permit effective date and implement recommendations of report

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

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Imple- mentation
Operation and Maintenance Procedures	Create written O&M procedures for parks and open spaces, buildings and facilities, and vehicles and equipment, per section 2.3.7.1 requirements.	Facilities Department / DPW Operations	Complete 2 years after permit effective date	2019
Prepare Inventory	Inventory all permittee- owned parks and open spaces, buildings and facilities (including their storm drains), and vehicles and equipment	Facilities Department / DPW Operations	Complete 2 years after permit effective date	2019
MS4 Infrastructure Repair Program	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Facilities Department / Town Consulting Engineer	Complete 2 years after permit effective date	2019
Stormwater Pollution Prevention Plan (SWPPP) for maintenance garages, transfer stations, and other waste- handling facilities	Create SWPPs for all municipal properties or individual facilities per section 2.3.7.2 requirements.	Facilities Department / DPW Operations	Complete 2 years after permit effective date	2019
Catch basin cleaning	Establish and implement schedule for catch basin cleaning such that each catch basin is no more than 50% full. Ensure proper storage/disposal of basin cleanings.	Facilities Department / DPW Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material removed annually.	2019
Street sweeping program	Sweep all (curbed) streets and permitee- owned parking lots in accordance with section 2.3.7.1.iii requirements	Facilities Department / DPW Operations	Complete once per year in spring and more frequently in permittee determined target areas	2019

Part III: Stormwater Management Program Summary (continued)

Newmarket

Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, enter your own text to override drop-down menus. If submitting a NHDES approved alternative reduction plan, attach and submit it with the NOI.

Applicable TMDL	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
Lamprey River - Bacteria (Enterococcus)	Adhere to requirements in Part II.1 of Appendix F	Planning/DPW Operations/Environmental Services Department
Great Bay Prohib SZ1 - Bacteria (Enterococcus)	Adhere to requirements in Part II.1 of Appendix F	Planning/DPW Operations/Environmental Services Department

Part III: Stormwater Management Program Summary (continued)

Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, enter your own text to override drop-down menus.

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
Nitrogen	Lamprey River (North & South); Great Bay Prohib (SZ1 & SZ2)	Adhere to requirements in part I of Appendix H	Planning/DPW Operations/Environmental Services Department
TSS	Lamprey River North	Adhere to requirements in part V of Appendix H	Facilities Department/DPW Operations
Petroleum Hydrocarbons	Lamprey River North	Adhere to requirements in part V of Appendix H	Facilities Department/DPW Operations
Copper / Lead	Lamprey River North	Adhere to requirements in part V of Appendix H	Facilities Department/DPW Operations

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.2 that you have identified as not applicable to your MS4 and provide all supporting documentation below or attach additional documents if necessary.

Provide any additional information about your MS4 program below.

Frovide any additional information about your wis4 program below.
Part I: General Conditions - Endangered Species Act (ESA) Determination. The Town of Newmarket has determined that the Town's MS4 stormwater discharges and discharge related activities will have no effect on the (2) two threatened species listed. Please refer to Attachment A - Letter from the United States Department of Interior, Fish and Wildlife Service for the Official Species List pursuant to Section 7 of the Endangered Species Act. The Town will consult with the United States Fish and Wildlife Service as necessary during the permit term.
Part I: General Conditions - National Historic Preservation Act (NHPA) Determination. The Town of Newmarket has submitted a Request for Project Review (RPR) form to the New Hampshire Division of Historical Resources (NHDHR) regarding the Town's stormwater discharge, allowable non-stormwater discharge, and discharge-related activities on properties listed or eligible for listing on the National Register of Historic Places. Please refer to Attachment B for the completed RPR form determining that the Town is eligible under Criteria C of this permit.
Part II: Summary of Receiving Waters - A map has been provided as Attachment C of the Town of Newmarket's MS4 urbanized area and the 2012 New Hampshire Department of Environmental Services 303(d) Impaired Waters.

Page 19 of 19

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 gathered and evaluated 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, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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:	Steve Fournier		Tit l e:	Town Administrator	
	Stephen R Fournier [To be signed according to Appendix B, Su	Date: 2010:10:01 13:33:37 0100	Date:		

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

Page 19 of 19

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 gathered and evaluated 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, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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:	Steve Fournier	Title:	Town Administrator
Signature:	To be signed according to Appendix B, Subparagraph B.11, Standard Conditions	Date:	10/1/18

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

Please mail the completed form and required material to:

New Hampshire Division of Historical Resources State Historic Preservation Office Attention: Review & Compliance 19 Pillsbury Street, Concord, NH 03301-3570

RECEIVED SEP 04 2018

DHR Use Only R&C#	100	06
Log In Date	/_	_/
Response Date	/_	_/_
Sent Date	1	_/

Request for Project Review by the New Hampshire Division of Historical Resources

☐ This is a new submittal☐ This is additional information relating to DHR Review & Compliance (R&C) #:					
GENERAL PROJECT INFORMATION					
Project Title National Historic Preservation Act Determination for EPA MS4 Notice of Intent					
Project Location Newmarket, NH MS4 Boundary					
City/Town Newmarket Tax Map R1-R7, U1-U5 Lot # Multiple Properties					
NH State Plane - Feet Geographic Coordinates: Easting 1178749 Northing 211001 (See RPR Instructions and R&C FAQs for guidance.)					
Lead Federal Agency and Contact (if applicable) Environmental Protection Agency - Region 1 (Agency providing funds, licenses, or permits) Permit Type and Permit or Job Reference # MS4 General Permit					
State Agency and Contact (if applicable) Department of Environmental Services, D. Loiselle					
Permit Type and Permit or Job Reference #					
APPLICANT INFORMATION					
Applicant Name Diane Hardy					
Mailing Address 186 Main Street Phone Number 603-659-8501					
City Newmarket State NH Zip 03857 Email dhardy@newmarketnh.gov					
CONTACT PERSON TO RECEIVE RESPONSE					
Name/Company (same as Applicant)					
Mailing Address Phone Number					
City State Zip Email					

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at christina.st.louis@nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION /0006
Project Boundaries and Description
Attach the relevant portion of a 7.5' USGS Map (photocopied or computer-generated) indicating the defined project boundary. (See RPR Instructions and R&C FAQs for guidance.) Attach a detailed narrative description of the proposed project. Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation. Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) (Informative photo captions are requested.) A DHR file review must be conducted to identify properties within or adjacent to the project area. Provide file review results in Table 1. (Blank table forms are available on the DHR website.) File review conducted on 08/31/2018 - Telephone Conference with David Trubey, Review Coordinator.
<u>Architecture</u> Architecture - Documentation (Attached)
Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? Yes No If no, skip to Archaeology section. If yes, submit all of the following information:
Approximate age(s): 19th century to Present
Photographs of resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.) If the project involves rehabilitation, demolition, additions, or alterations to existing buildings of structures, provide additional photographs showing detailed project work locations. (i.e. Detail photographs windows if window replacement is proposed.)
Archaeology - Documentation Attached
Does the proposed undertaking involve ground-disturbing activity? Yes No If yes, submit all of the following information:
Description of current and previous land use and disturbances. Available information concerning known or suspected archaeological resources within the project are (such as cellar holes, wells, foundations, dams, etc.)
Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.
DHR Comment/Finding Recommendation This Space for Division of Historical Resources Use Only
☐ Insufficient information to initiate review. ☐ Additional information is needed in order to complete review.
□ No Potential to cause Effects □ No Historic Properties Affected □ No Adverse Effect □ Adverse Effect Comments: State Control of the Contro
POTENIAL TO MAVE EFFECT ON MISTOLIC PROPERTIES. DUR RECOGNIZES TOWN'S COMMITMENT TO COOLDINATE WITH DUR TO AVOID, MINIMIZE OR
MITIGATE ADVELSE EFFECTS AND ENTER INTO WRITEN AGRESSAT WITH DAYS. TO ASSURE COMPLIANCE WITH NIGHT.
If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.
Authorized Signature: Modine Melly DS HPO Date: 95/18



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: August 09, 2018

Consultation Code: 05E1NE00-2018-SLI-2679

Event Code: 05E1NE00-2018-E-06278

Project Name: Newmarket, NH MS4 Notice of Intent Submittal

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(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

Project Summary

Consultation Code: 05E1NE00-2018-SLI-2679

Event Code: 05E1NE00-2018-E-06278

Project Name: Newmarket, NH MS4 Notice of Intent Submittal

Project Type: ** OTHER **

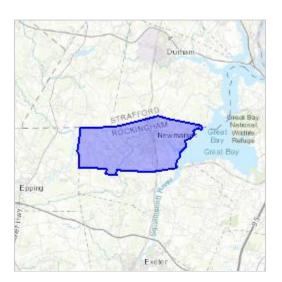
Project Description: ESA Determination in conjunction with the 2017 NH Small MS4 General

Permit, Notice of Intent submission for Newmarket, NH. Submission

deadline is October 1, 2018.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/43.0688056177656N70.96002273435995W



Counties: Rockingham, NH | Strafford, NH

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 Fisheries¹, 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. <u>NOAA Fisheries</u>, 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 Myotis septentrionalis

Threatened

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045

Flowering Plants

NAME STATUS

Small Whorled Pogonia Isotria medeoloides

Threatened

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

