

Chapter 305: Permit By Rule

Section Overview

1. Introduction

This section outlines the requirements for submission, effective period, discretionary authority, and violations of this rule.

2. Activities adjacent to protected natural resources

This section applies to projects with soil disturbance/fill, vegetation removal, permanent structures within 75 feet of a protected natural resource but not in, on, or over the resource.

3. Intake pipes & water monitoring devices

This section applies to installation/maintenance of permanent water intake pipe, or permanent device used to monitor water elevations, flow or quality including a gauging station, staff gauge, tide gauge, water recording device, water quality testing and improvement device or other similar scientific equipment within certain resources

4. Replacement of structures

This section applies to replacement of an existing permanent structure in, on, or over a coastal wetland, freshwater wetland, great pond, fragile mountain area, or river, stream or brook.

6. Movement of rocks or vegetation

This section applies to limited movement of rocks or hand removal of vegetation from below the normal high water line of a great pond or river, stream or brook in order to provide access for swimming or navigation.

7. Outfall pipes

This section applies to installation/maintenance of a permanent outfall pipe, an outlet from a ditch or drain tile for storm water, ground water or other discharges licensed by the DEP in or on land adjacent to a coastal wetland, freshwater wetland, great pond, river, stream or brook.

8. Shoreline stabilization

This section applies to establishment of vegetation adjacent to any protected natural resource and the installation of riprap along the shoreline of a great pond, freshwater wetland with over 20,000 square feet of open water, stream or brook. It does not apply to the installation of riprap on a coastal wetland, sand dune, or Shoreland Zoned River.

9. Crossings (utility lines, pipes and cables)

This section applies to installation, maintenance and replacement of an overhead or submerged utility lines across certain resources, excluding outstanding river segments

10. Stream crossings (bridges, culverts and fords)

This section applies to installation of a new stream crossing (excludes certain resources)

11. State transportation facilities

This section applies to certain activities on a State Transportation Facility carried out by, or under the authority of, the Maine Department of Transportation (MaineDOT) or the Maine Turnpike Authority

12. Restoration of natural areas

This section applies to the restoration of an altered portion of certain resources to its pre-existing natural condition through the removal of fill, structures or debris which is located in, on over, or adjacent to the natural resource.; retrieval of eroded beach sand, and removal of non-native species

13. Habitat creation or enhancement and water quality improvement activities

This section applies to alteration in or adjacent to a protected natural resource by a public natural resource agency for creating or enhancing habitat for fisheries or wildlife; or a water quality improvement project.

15. Public boat ramps

This section applies to the construction of a new, or the replacement of an existing, public boat ramp or carry-in launch area, including associated parking and accessways, in or adjacent to a protected natural resource by a public natural resource agency, MaineDOT, municipality, or owners of a federally licensed hydropower project within the resource affected by the hydropower project.

16. Activities in coastal sand dunes

This section applies to certain activities in mapped coastal sand dune systems

16-A. Beach Nourishment and dune restoration or construction activities in coastal sand dunes

This section applies to beach nourishment, dune restoration and vegetation establishment within mapped coastal sand dune systems

17. Transfers and permit extensions

This section allows certain permit approvals issued under the Natural Resources Protection Act to be transferred from the permittee to the applicant when the permitted project changes ownership; allows certain approvals issued under the Natural Resources Protection Act to be extended one time provided the approved activity has not begun and the permit has not expired.

18. Maintenance dredging permit renewal

This section applies to the renewal of an individual permit issued by the DEP for maintenance dredging in a coastal wetland, great pond and river, stream or brook

19. Activities in, on or over significant vernal pool habitat

This section applies to activities in, on, or over a significant vernal pool habitat or a potential significant vernal pool habitat.

20. Activities located in, on or over high or moderate value inland waterfowl and wading bird habitat, or shorebird nesting, feeding, and staging areas

This section applies to activities in existing developed areas located in, on, or over high or moderate value inland waterfowl and wading bird habitat, or shorebird nesting, feeding, and staging areas.