

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL RESOURCES PROTECTION ACT

38 M.R.S. §§ 480-A to 480-BB

NRPA APPLICATION

Use for:
Individual NRPA
Freshwater Wetland Alteration: Tier 1, 2 and 3
Including Significant Groundwater Well review



Natural Resources Protection Act Application

If a current Licensing Fee Schedule was not sent to you with this application, you can obtain one from any DEP Office or from the Department's web site at <http://www.maine.gov/dep/feesched.pdf>.

This NRPA application was amended in 2001 and 2002 to allow for inclusion of fragile mountain areas and tier applications, followed by a minor revision in 2005 which increased clarity. This application (DEPLW-0308-J2006) is being modified to reflect changes to the NRPA statute and rules and to update other information. Please note this application is color-coded for ease of use.

Maine Department of Environmental Protection, Division of Land Resource Protection
 Application Processing Flowchart
 (Supplemental to SOP#DEPLW435-A2002 for all applications except Permit by Rule)

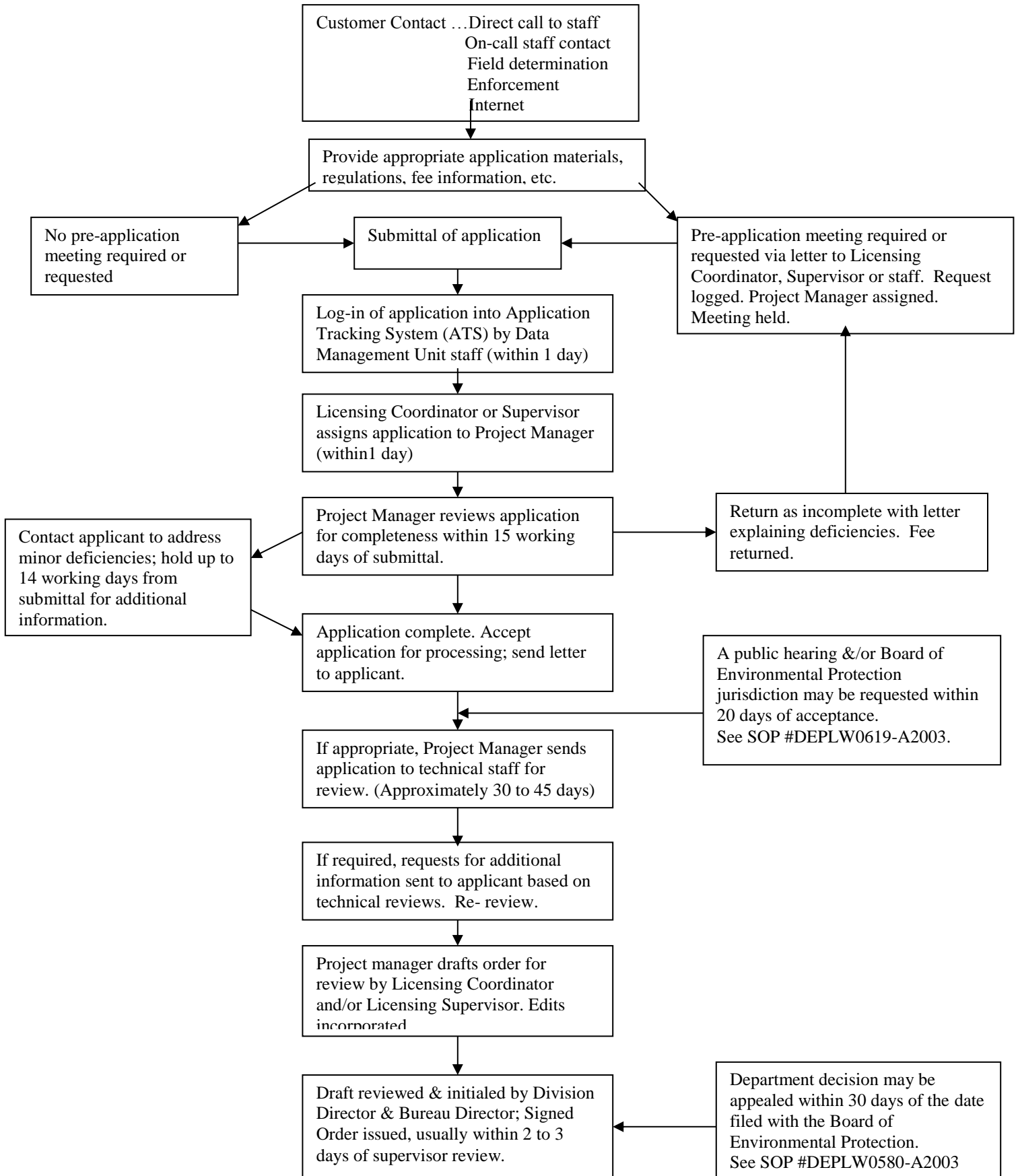


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THE NATURAL RESOURCES PROTECTION ACT APPLICATION

This form should be used for the Department of Environmental Protection (DEP) and may be used for the U.S. Army Corps of Engineers (Corps). This application covers activities requiring permits under 38 M.R.S. §§ 480-A *et seq.* (Natural Resources Protection Act) and 33 USC 401, Section 10; 1413, Section 404; Section 103 M. All DEP Bureau of Land Resource documents referenced throughout this application may be accessed on the Web at <https://www.maine.gov/dep/land/index.html>, once there click on Laws & Rules.

GENERAL INFORMATION

The following is a list of helpful information that you should read before you begin to fill out this application. Reading these eight (8) bullets could save you time and money!

- 1. This application form is to be used when requesting a permit for activities in, on, or over a great pond, coastal wetland, freshwater wetland, significant wildlife habitat, fragile mountain area and river, stream, or brook where the activity includes dredging, bulldozing, removing or displacing sand, soil, vegetation or other materials; draining or dewatering; filling, or any construction, repair, or alteration of a permanent structure. It is also used for activities adjacent to certain protected natural resources (38 MRSA 480-C(1)). This application form is used when the activity is not eligible for a permit by rule or general permit review. There is a separate application form for activities in sand dunes.**

The Corps has jurisdiction over dredging, construction of structures, and other work in navigable waters and placement of fill in all waters of the United States including navigable waters, freshwater wetlands, and coastal wetlands. If your activity involves an activity in these resources, the DEP will send your application to the Corps for review. Copies of the application may also be mailed directly to the Corps to avoid processing delays. In most cases, the Corps will coordinate with the DEP; however, some activities may require direct contact with the Corps (e.g. cumulative impacts from previous wetland alteration that occurred prior to September 29, 1995). If you would like copies of federal laws or more information on the Corps' jurisdiction, please direct your questions to: U.S. Army Corps of Engineers, Maine Project Office, 675 Western Avenue #3, Manchester, Maine 04351, phone (207) 623-8367

Before filling out the application, please carefully read the relevant law and Department rules. For copies of the Natural Resources Protection Act (NRPA) or for additional information regarding the Natural Resources Protection program, call the nearest DEP office (telephone numbers are listed on page 2). Under the NRPA, pay particular attention to the permitting standards (Section 480-D) and the exemptions (Section 480-Q). In addition to the NRPA, you may also need the following materials to successfully complete the application:

- Wetland and Waterbodies Protection Rules, Chapter 310, Significant Wildlife Habitat Rules, Chapter 335 and Scenic and Aesthetic Impact Rules, Chapter 315. Available from the DEP, Bureau of Land & Water Quality.
- Maine Erosion and Sediment Control Handbook: Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices (March 2003). Available from the Cumberland County Soil and Water Conservation District, 35 Maine St., Windham, ME 04062, telephone number 207-892-4700 or on the DEP website: <https://www.maine.gov/dep/land/erosion/escbmps/>

(green)

- Solid Waste Rules, Chapters 400-405. Available from the DEP, Bureau of Remediation and Waste Management 207-287-7688 or on the website at <http://www.maine.gov/dep/rwm/rules>.
- Rules Concerning the Processing of Applications and Other Administrative Matters, Chapter 2. Available from the DEP, Bureau of Land Resources.

2. **Before drafting actual plans, you are strongly urged and in some cases required** (see #3 below) **to meet with DEP staff to discuss your activity, any questions you may have, and applicable permitting requirements.** The Corps and other state and federal agencies may also attend this pre-application meeting. **To request a pre-application meeting**, you should submit a location map, a sketch plan of the site, a brief activity description, a description of the resource that will be altered by the activity, and photographs of the activity site to the appropriate regional office. To determine the appropriate regional office, see pages 9-12 that identify which towns are served by each office. The following is a list of the regional offices:

- **for Central Maine** **DEP, Division of Land Resources**
 17 State House Station, Augusta, ME 04333 **(207) 287-7688**
- **for Eastern Maine** **DEP, Division of Land Resources**
 106 Hogan Road, Bangor, ME 04401 **(207) 941-4570**
- **for Southern Maine** **DEP, Division of Land Resources**
 312 Canco Road, Portland, ME 04103 **(207) 822-6300**
- **for Northern Maine** **DEP, Division of Land Resources**
 1235 Central Drive, Presque Isle, ME 04769 **(207) 764-0477**

3. **A pre-application meeting and a pre-submission meeting is required** (see Chapter 2, Section 10(B), Rules for acceptance of a new NRPA application) for a project that involves the filling of 43,560 square feet (one acre) or more of wetland; wetland projects requiring compensation; new crossings of Outstanding River Segments as defined in NRPA, Section 480-P; dredging projects greater than 50,000 cubic yards; the construction of expansions or new buildings on frontal dunes; or an application to remove an existing dam (See NRPA, Section 480-E (12)). For applications that require a pre-application meeting, the applicant is also required to hold a public informational meeting in accordance with Chapter 2, Section 13, prior to submitting the application. The requirement for a pre-application or pre-submission may be waived by written notice from the Department and agreement by the applicant.

4. **Processing a NRPA application may take up to 120 days, so please plan accordingly.** During this time, the DEP may seek review comments from other agencies to determine if the activity will meet the standards of the law and rules. The Corps will try to meet this deadline, but is under no requirement to do so. The Corps & DEP will issue separate permits.

5. **The DEP has a simplified permit process known as Permit by Rule (PBR) for certain activities.** If your activity consists **entirely** of one or more of the activities listed below, you should obtain a copy of the PBR standards from the DEP to determine if your activity qualifies for PBR. If your activity qualifies, you can file a one-page notification form instead of this application and work may start on the activity 14 days after the PBR notification form is received by the DEP unless the Department notifies you that the application is unacceptable. It is therefore to your advantage to design your activity to meet the PBR standards. If you have questions regarding PBR, please contact the nearest regional office for assistance.

(green)

The following is a list of PBR activities:

- Activities Adjacent to [a resource]
- Replacement of Structures
- Outfall Pipes
- Crossings (Utility Lines, Pipes and Cables)
- Public Boat Ramps
- Activities in Coastal Sand Dune
- Shoreline Stabilization
- Restoration of Natural Areas
- Significant Vernal Pool Habitat
- Waterfowl/Wading Bird and Shorebird Areas
- State Transportation Facilities
- Transfers and Permit Extensions
- Intake Pipes & Water Monitoring Devices
- Movement of Rocks or Vegetation
- Maintenance Dredging (Permit renewal)
- Stream Crossings (Bridges, Culverts & Fords)
- Fisheries & Wildlife Habitat Creation or Enhancement and Water Quality Improvement Activities

Please note that a number of PBR activities require a separate application to and approval from the Corps **before the work can begin**. Read the PBR application carefully. If you have any questions you may contact the Corps directly at (207) 623-8367.

6. **If your activity is in an unorganized township** it may require a permit from the Maine Land Use Planning Commission (LUPC). Please read NRPA Section 480-V to determine if your activity requires a DEP permit. Any question regarding LUPC requirements or permits should be directed to:

Maine Land Use Planning Commission
Department of Agriculture, Conservation and Forestry
22 State House Station
Augusta, ME 04333-0022 (207) 287-2631

7. **If your activity involves State-owned submerged lands** (below mean low water) and requires an individual permit, it may require a lease or easement from the Department of Conservation, Bureau of Parks & Lands (BP&L). A copy of this application form will be sent to BP&L and BP&L will determine whether a lease or easement is required for you to establish title, right or interest in the submerged lands. BP&L will contact you if a lease or easement is required. Any questions regarding submerged lands should be directed to:

Bureau of Parks & Land
Department of Agriculture, Conservation and Forestry
22 State House Station
Augusta, ME 04333-0022 (207) 287-3061

8. **The DEP does not discriminate on the basis of disability in its programs or services.** If you need assistance, contact the DEP Americans with Disabilities Act Coordinator (287-2691). **This material can be made available in alternate formats.**

9. **Certificate of Good Standing.** If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

10. **If you are an agent or consultant and have an ownership interest in the project, you must attach a sheet of explanation to explain your interest.**

(green)

GENERAL APPLICATION INSTRUCTIONS:

1. **The appropriate application form for your project, which can be found in Parts 1, 2 or 3 must be filled out completely and submitted with all required attachments.** The information provided in this application is necessary to evaluate the activity. Be sure to provide detailed descriptions. The block numbers in the attached instruction sheet match the block numbers on the form. Answer every block unless otherwise directed. **If additional information is required to fully answer the question, clearly label the block number on the separate sheet and organize the extra information and attachments in numerical order.** If after reading these instructions you have questions, please call the nearest regional office. (Phone numbers and addresses are shown on page 2.)
2. **Except for Tier 1 activities that are not in wetlands of special significance, all other activities that require a permit must submit an alternatives assessment or analysis. The visual evaluation field survey checklist provided in Parts 2 and 3, Appendix A is required for all activities except for Tier 1 activities not in wetlands of special significance. The coastal wetland characterization checklist provided in Part 3, Appendix B is required for all activities impacting coastal wetlands. All activities that require dredging must complete Part 3, Appendix C of this application. There are additional requirements, such as compensation, for projects that include any of the following activities:**
 - Alterations in freshwater wetlands of special significance impacting 500 square feet or more (e.g. fill, excavation, dredging, removal of vegetation, or permanent structures) except for crossings of rivers, streams or brooks which meet Permit by Rule standards.
 - Alterations in freshwater wetlands not of special significance involving fill, excavation, dredging, removal of vegetation, or permanent structures impacting 15,000 square feet or more.
 - Alterations in coastal wetlands impacting marsh vegetation, or involving fill of more than 500 square feet or more of intertidal or subtidal area.
 - Dredging in coastal wetlands of 10 cubic yards or more in an intertidal area, or 100 cubic yards or more in a subtidal area.
 - Alterations in great ponds involving 500 square feet or more of fill, excavation, dredging, removal of vegetation, dewatering or draining, or permanent structures.
3. **Prior to submitting a NRPA application to the DEP, except for Tier 1 applications, the applicant is required to publish a public notice.** Please refer to the sheet "Information Concerning the Filing of a Public Notice" and the "Notice of Intent to File" form included in Parts 2 and 3.
4. Please **submit the original application and photos** and required number of copies, along with the appropriate fee to the appropriate regional office. The required number of copies of the application varies with the activity. To determine the exact number needed, please discuss with the appropriate regional office prior to submittal or discuss at the pre-application meeting. Otherwise submit the original application and 4 copies. In addition, **one copy of this application and all attachments must be filed with the municipal office** and be available for public inspection in the city or town of the proposed activity. Be sure to **retain a copy of the application for your own records.** A reminder: **A copy of the application may be mailed directly to the Corps to expedite its review.**

(green)

INSUFFICIENT OR MISSING INFORMATION IN THE APPLICATION IS FREQUENTLY A CAUSE OF DELAY. APPLICATIONS WITH MISSING INFORMATION OR ATTACHMENTS CANNOT BE PROCESSED AND WILL BE RETURNED AS INCOMPLETE.

The easiest way to use this application is to remove the application form from the appropriate section (Tier 1- yellow, Tier 2- blue, all other- pink) of the packet and answer the questions using the following instructions as a guide.

APPLICATION FORM INSTRUCTIONS:

Block 1. Name of Applicant. Write in the name of the landowner or entity that has title, right or legal interest in the property. If the applicant is an agency, company, corporation, or other organization, please include the organization's name and the name of a staff person that can be contacted about the application. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

Block 2. Applicant's Mailing Address. Write in the full mailing address of the applicant. Copies of all correspondence will be mailed to this address.

Block 3. Applicant's Daytime Phone Number. Write in the applicant's daytime telephone number, including the area code. This should be a number where the applicant may usually be reached during normal office hours. If the applicant is not available during normal office hours, it may be helpful to have an agent (see Block 4).

Block 4. Applicant's E-mail Address Applicant will receive decision on the license via e-mail, therefore, an electronic address is required for *either* the applicant or the agent.

Block 5. Name of Agent. The DEP and the Corps do not require an agent for this application. If the applicant chooses to have an agent, please provide the name of the person chosen to represent the applicant in the application process and a letter of authorization from the applicant. The agent may be a consultant, contractor, engineer, or other person willing to provide assistance. If the DEP and Corps have any questions about the application, the agent will be contacted first. The applicant will always be sent a copy of any letters written about the activity. If an agent is not being retained, do not fill in Blocks 4, 5 and 6.

Block 6. Agent's Mailing Address. Write in the full mailing address of the agent. All original correspondence will be sent to this address or to the e-mail address of the agent..

Block 7. Agent's Daytime Phone #. Write in the agent's daytime telephone number where the agent can be reached during normal office hours. If the DEP or Corps have any questions about the application, they will use this number. Quick answers can help minimize delays in the application process.

Block 8 Applicant's E-mail Address Applicant will receive decision on the license via e-mail, therefore, an electronic address is required for *either* the applicant or the agent.

Block 8. Agent's Email Address. Agent will receive licensing decision via e-mail. If agent is not used, the decision will be electronically sent only to the applicant.

Block 9. Location of Activity. Write in the street address of the activity site or the name of the nearest road, street, or route number. (green)

Block 10. Town. Write in the name of the town or city where the activity site is located. This may be different from the applicant's mailing address.

Block 11. County. Write in the name of the county where the activity site is located.

Block 12. Type of Resource. Check the box next to the protected resource that will be impacted by the proposed activity or that is adjacent to the proposed activity. If more than one resource is affected, please check all that apply.

Block 13. Name of Resource. Write in the name of the protected resource(s), such as Sebago Lake, Casco Bay, or the Penobscot River. If resources are named, the names are usually shown on U.S.G.S. topographical maps. Many wetlands, small streams and brooks are unnamed. In this situation, write UNNAMED in the block.

Block 14. Amount of Impact. Write in the amount of wetland area; lake bottom; or river, stream, or brook bottom that will be altered for the activity. Please use the total footprint area of all alterations measured in square feet. If more than one resource is involved, identify the resources to be impacted and break down the amount of impact by resource. If both temporary and permanent impacts are proposed, break down the amount of impact by duration as well. The impacted area may be greater than just the area where an activity physically takes place. Alteration means causing any change to the resource and includes dredging; bulldozing; removing or displacing soil, sand, vegetation, or other materials; draining or dewatering; filling; or any construction or modification of any permanent structure in, on, over, or adjacent to the resource. If the proposed activity is adjacent to the resource but not in the resource please write 0 (zero). **For alterations to a river, stream, or brook also include linear feet of impact. If there are resources that have been previously filled or altered on the site please note the amount and date of the alteration to the best of your knowledge.

Block 14A. Significant Groundwater Well. Only shown on the Groundwater part of the application and to be used only if applying for a Significant Groundwater Well permit.

Block 15. Type of Wetland. If your project will impact freshwater wetlands, check the type of freshwater wetland that will be altered by the activity. If more than one type of wetland will be altered, check all boxes that apply. Wetland types are based on the plants living in the wetland. Examples of forested wetlands include Red Maple Swamps and Cedar Swamps. Scrub shrub wetlands include Alder Swamps. Emergent wetlands include Cattail Marshes. Wet Meadow wetlands include Sedge Meadows and grass lands. Peatlands include bogs, heaths and fens. Open Water wetlands have ponded water for most of the year. Under Vegetation Type, "deciduous" means that the plants in the wetland lose their leaves for the winter months such as red maple. "Coniferous" means that the wetland has evergreen trees such as fir and spruce. If you have a wetland with vegetation that is not described by any of the boxes, please check "other" and describe the wetland vegetation. If you need more room, please attach a separate sheet labeled "Block 13" for your explanation. If you have any questions about which boxes to check, please call the nearest DEP regional office.

Block 16. Proposed Start Date and Activity Description. List your proposed start date and describe the purpose and need for the activity in detail. What will it be used for and why? Describe the type of activity involved (i.e. dredging, filling, constructing a structure). If your project involves dredging, provide information on the amount of dredge spoils, amount and type of fill, and the dimensions for any proposed structures. The written description and drawings are very important parts of the application. (green)

You must also include narrative explaining why the activity cannot be located wholly in the upland portions of your property. For example, if the upland portions of your property are excessively steep, consist of ledge and bedrock or are otherwise unsuitable for your

activity, you must explain this in Block 14. This information is necessary to allow the department and federal reviewers to determine that you have avoided wetland impact to the greatest extent practicable. Without this information your activity may be delayed. If more space is needed, attach extra sheets of paper marked "Block 14".

Block 17. Size of Lot or Parcel. Write in the approximate size of the lot or parcel in square feet or acres. Check the unit size used. This information is available at the town office.

Block 18. Title, Right, or Interest. Check whether you own, lease, have an option to buy, or have a written agreement to use the property. Please attach a copy of your deed, or other legal documents establishing title, right, or interest in the site and label it as Block 16. Fill in **UTM Northing and UTM Easting Locations**, if known.

Block 19. Deed Reference Numbers. Write in the deed reference numbers showing book and page. This information may be obtained at the County Registry of Deeds.

Block 20. Tax Map # and Tax Lot #. Write in the town tax map number(s) and lot number(s) for the property where the activity is located. This information may be obtained from the local tax bill, tax assessor or town office in which the activity is located.

Block 21. DEP Staff Previously Contacted. Write in the name(s) of any DEP staff that is familiar with the activity and/or the activity site. Include staff that have visited the site and/or have discussed the proposed activity in detail with you.

Block 22. Part of a Larger Project. Check yes or no regarding association with another project. Is this application being submitted "After the Fact?" Check yes or no.

Block 23. Resubmission. If an application was submitted to the DEP and was then either withdrawn by the applicant or returned as deficient by the DEP, check YES. If the application was returned as deficient, a pre-submission meeting is required to ensure that the information is complete. Call the appropriate regional office to set up a pre-submission meeting with the project manager. If you checked YES on Block 20, write the original application number and the name of the project manager as shown on the deficiency letter. (Example application number: L-19054-L6-A-N)

Block 24. Written Notice of Violation. If you have received a written notice of violation from the DEP for all or part of this project, check YES. If you checked yes, write in the name of the staff person as identified on the notice of violation.

Block 25. Previous Wetland Alteration. If any wetland on the parcel was previously altered, or if you check YES, please attach a separate sheet labeled "Block 23" and provide information on the size of the previous wetland alteration, the date(s) when the alteration occurred, and whether State and/or Federal permits were obtained for the activity. Please include permit numbers, if known. This information is often available from the original developer, town records, DEP or the Corps.

Block 26. Detailed Directions to the Activity. Provide detailed directions to the activity site from a known location or landmark so that a site visit may be made, if necessary. (green)

Include highway and street numbers as well as names. Also provide distances from known locations or landmarks and any other information that may be helpful in locating the site.

Block 27. Tier 1, 2 and 3 and Individual Permits. This block outlines what is needed for attachments to the application form that are required. Tier 1 submittals are different than other Tier submittals. If you checked the box in Block 15 for Tier 1, you are only required to submit the listed items under "Tier 1" in this Block. If you checked a box in Block 15 for a Tier 2 or 3, please submit all required items listed under "Tier 2/3 and Individual Permits" in this Block. ***IF AT LEAST TWO COPIES OF ALL APPROPRIATE ATTACHMENTS ARE NOT INCLUDED, THE APPLICATION WILL BE RETURNED.***

Block 28. Fees. Write in the amount of application fees enclosed with the application (see **current** Licensing Fee Schedule). Make check payable to "Treasurer, State of Maine". There are no additional fees required by the Corps.

Attachments For All Activities: Submit all of the information listed. Label each attachment with the appropriate Attachment number and place them behind the application form in numerical order.

(green)

DEP SOUTHERN MAINE REGIONAL TOWNS

If your town is listed in this table you should send your application to the following address:

**DEP
Southern Maine Regional Office
312 Canco Road
Portland, ME 04103**

Acton	Kittery
Alfred	Lebanon
Arrowsic	Limerick
Arundel	Limington
Baldwin	Long Island
Bath	Lovell
Berwick	Lyman
Bethel	Naples
Biddeford	New Gloucester
Bridgton	Newfield
Brownfield	Newry
Brunswick	North Berwick
Buxton	North Yarmouth
Cape Elizabeth	Norway
Casco	Ogunquit
Cornish	Old Orchard Beach
Cumberland	Otisfield
Dayton	Parsonfield
Denmark	Phippsburg
Durham	Porter
Eliot	Portland
Falmouth	Pownal
Freeport	Raymond
Frye Island	Saco
Fryeburg	Sanford
Georgetown	Scarborough
Gilead	Sebago
Gorham	Shapleigh
Gray	South Berwick
Greenwood	South Portland
Hanover	Standish
Harpswell	Stoneham
Harrison	Stow
Hiram	Sweden
Hollis	Waterboro
Kennebunk	Waterford
Kennebunkport	Yarmouth

DEP CENTRAL MAINE REGIONAL TOWNS

If your town is listed in this table you should send your application to the following address:

**DEP
Central Maine Office
17 State House Station
Augusta, ME 04333**

Albion	Hebron	Richmond
Alna	Hope	Rockland
Andover	Industry	Rockport
Anson	Isleboro	Rome
Appleton	Jay	Roxbury
Auburn	Jefferson	Rumford
Augusta	Kingfield	Sabattus
Avon	Knox	Saint George
Belfast	Leeds	Searsmont
Belgrade	Lewiston	Sidney
Belmont	Liberty	Skowhegan
Benton	Lincolntonville	Smithfield
Boothbay	Lisbon	Somerville
Boothbay Harbor	Litchfield	South Bristol
Bowdoin	Livermore	South Thomaston
Bowdoinham	Livermore Falls	Southport
Bremen	Madison	Starks
Bristol	Madrid	Strong
Brooks	Manchester	Sumner
Buckfield	Mechanic Falls	Temple
Burnham	Mercer	Thomaston
Byron	Mexico	Thorndike
Camden	Minot	Topsham
Canaan	Monmouth	Turner
Canton	Montville	Union
Carrabasset Valley	Morrill	Unity
Carthage	Mount Vernon	Upton
Chelsea	New Portland	Vassalboro
Chesterville	New Sharon	Vienna
China	New Vineyard	Vinalhaven
Clinton	Newcastle	Waldo
Cornville	Nobleboro	Waldoboro
Cushing	Norridgewock	Wales
Damariscotta	North Haven	Warren
Dixfield	Northport	Washington
Dresden	Oakland	Waterville
Edgecomb	Owls Head	Wayne
Eustis	Oxford	Weld
Fairfield	Palermo	West Gardiner
Farmingdale	Paris	West Paris
Farmington	Peru	Westport
Fayette	Phillips	Whitefield
Freedom	Pittsfield	Wilton
Friendship	Pittston	Windsor
Gardiner	Poland	Winslow
Greene	Randolph	Winthrop
Hallowell	Rangeley	Wiscasset
Hartford	Readfield	Woodstock

DEP EASTERN/NORTHERN MAINE REGIONAL TOWNS

If your town is listed in this table you should send your application to the following address:

DEP
Eastern Maine Regional Office
106 Hogan Road
Bangor, Me 04401

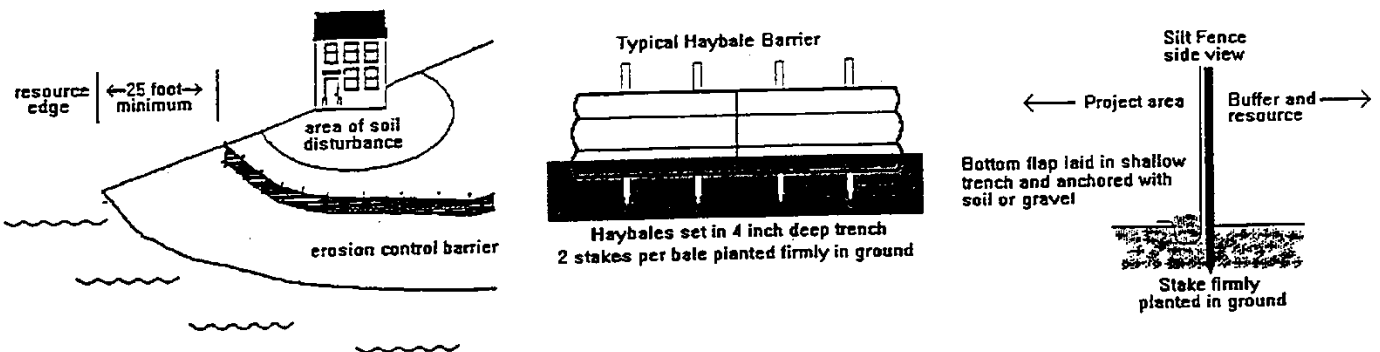
Abbot	Columbia Falls	Gouldsboro	Madawaska
Addison	Cooper	Grand Isle	Mapleton
Allagash	Corinth	Great Pond	Mariaville
Alton	Corinna	Greenbush	Mars Hill
Amity	Cranberry Isle	Greenville	Marshfield
Ashland	Crawford	Guilford	Masardis
Athens	Crystal	Hampden	Mattawamkeag
Atkinson	Cutler	Hancock	Maxfield
Bar Harbor	Danforth	Harmony	Meddybemps
Beddington	Deblois	Harrington	Medford
Bingham	Dedham	Hartland	Medway
Blaine	Deer Isle	Haynesville	Merrill
Blue Hill	Dennysville	Hermon	Milbridge
Bowerbank	Detroit	Hersey	Milford
Bradford	Dexter	Hiram	Millinocket
Bridgewater	Dixmont	Hodgdon	Milo
Brooklin	Dover-Foxcroft	Holden	Monroe
Brooksville	Dyer Brook	Houlton	Monson
Brownville	Eagle Lake	Howland	Monticello
Bucksport	East Machias	Lowell	Moose River
Burlington	East Millinocket	Hudson	Moscow
Calais	Eastbrook	Island Falls	Mount Desert
Cambridge	Easton	Isle Au Haut	New Canada
Caratunk	Eastport	Jackman	New Limerick
Caribou	Eddington	Jackson	New Sweden
Carmel	Edinburg	Joneboro	Newburgh
Castine	Ellsworth	Kenduskeag	Newport
Castle Hill	Emden	LaGrange	Northfield
Caswell	Enfield	Lamoine	Oakfield
Centerville	Etna	Lee	Old Town
Chapman	Exeter	Levant	Orient
Charleston	Forest City	Limestone	Orland
Charlotte	Fort Fairfield	Lincoln	Orono
Cherryfield	Fort Kent	Linneus	Orrington
Chester	Frankfort	Littleton	Otis
Clifton	Franklin	Lubec	Palmyra
Columbia	Frenchville	Ludlow	Parkman
Columbia	Garland	Machias	Passadumkeag
	Glenburn	Machiasport	Pembroke

Penobscot	Westmanland
Perham	Weston
Perry	Whiting
Plymouth	Whitneyville
Portage Lake	Willimantic
Presque Isle	Winn
Princeton	Winter Harbor
Prospect	Winterport
Rogue Bluffs	Woodland
Ripley	Woodville
Robbinston	
Sangerville	
Searsport	
Sebec	
Sedgwick	
Sherman	
Shirley	
Smyrna	
Solon	
Sorrento	
Southwest Hbr	
Springfield	
St. Agatha	
St. Albans	
St. Francis	
Stetson	
Steuben	
Stockholm	
Stockton Spgs	
Stonington	
Sullivan	
Surry	
Swans Island	
Talmadge	
Topsfield	
Tremont	
Trenton	
Van Buren	
Vanceboro	
Veazie	
Wade	
Wallagrass	
Waltham	
Washburn	
Wesson	
Westfield	

Erosion Control

Before Construction

1. If you have hired a contractor, make sure you have discussed your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is and where it is located. Most people could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. Your contractor may be the person actually pushing dirt around but you are both responsible for complying with the permit.
2. Call around and find sources for your erosion controls. You will probably need silt fence or hay bales, and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be more expensive during those times of year. Plan ahead. Purchase a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the activity.
4. If a contractor is installing the barrier, double-check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the land slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. Keeping the soil covered prevents more than 90% of erosion.

(green)

2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the activity site, then your erosion controls are not working as intended. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.
2. If you finish your activity after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be killed by a frost before it has a chance to become established. Instead, mulch the site with a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.
3. Keep your erosion control barrier up and maintained until the area is permanently stabilized.

Why Control Erosion?

***Protect Water Quality**

When soil erodes into protected resources such as streams, rivers, wetlands and lakes it has many effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth called blooms. In addition, when the soil settles out on the bottom it smothers fish eggs and small animals eaten by fish. There are lots of other impacts as well, all bad.

***Protect Soil**

After Construction

After the activity is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder or a cut bank that you don't intend to mow.

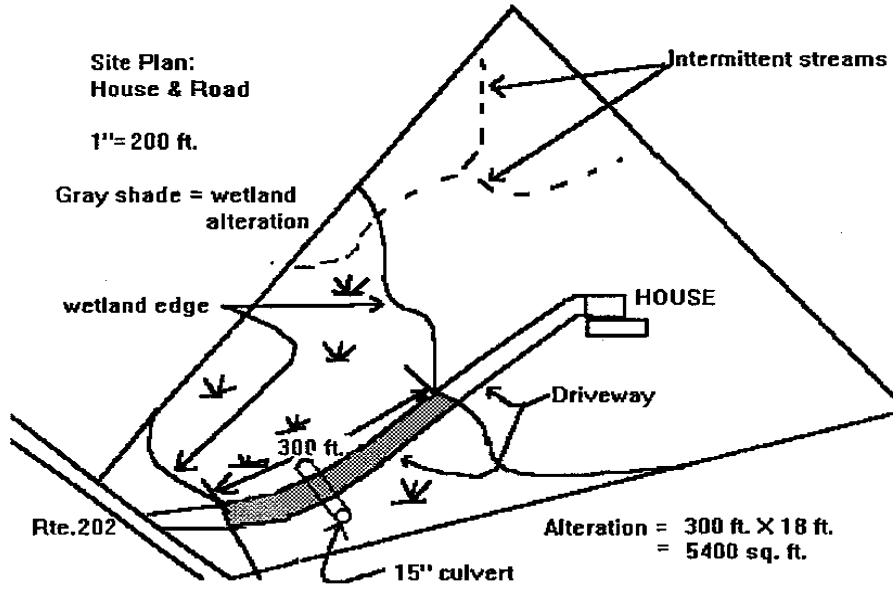
It has taken thousands of years for our soil to develop. We cannot afford to waste this valuable resource.

***Save Money**

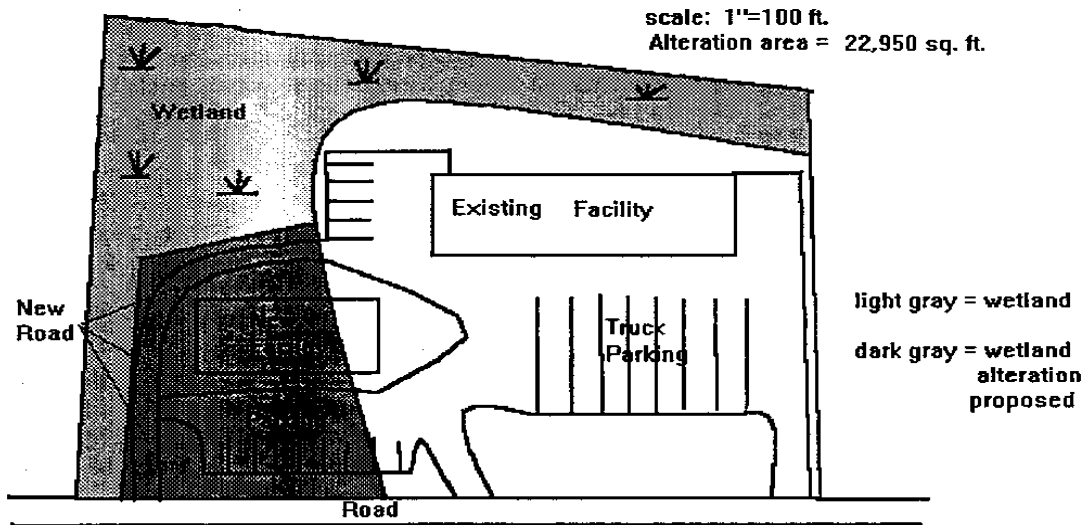
Replacing topsoil or gravel washed off your property is expensive. You end up paying twice because State and local agencies spend your tax dollars digging out ditches and storm drains choked with sediment.

(green)

Sample Site Plan



Example #1



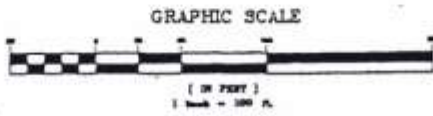
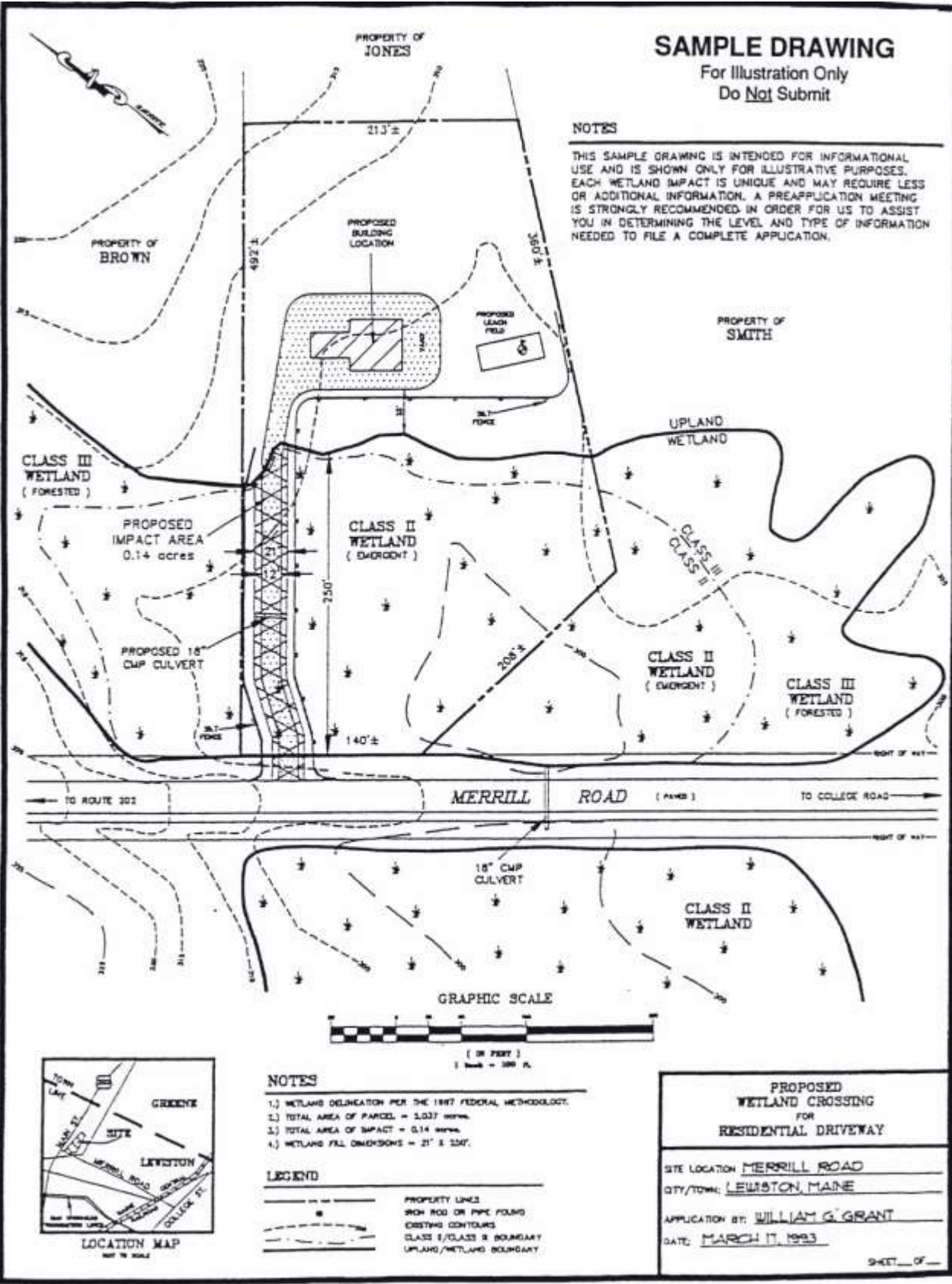
Example #2

SAMPLE DRAWING

For Illustration Only
Do Not Submit

NOTES

THIS SAMPLE DRAWING IS INTENDED FOR INFORMATIONAL USE AND IS SHOWN ONLY FOR ILLUSTRATIVE PURPOSES. EACH WETLAND IMPACT IS UNIQUE AND MAY REQUIRE LESS OR ADDITIONAL INFORMATION. A PREAPPLICATION MEETING IS STRONGLY RECOMMENDED IN ORDER FOR US TO ASSIST YOU IN DETERMINING THE LEVEL AND TYPE OF INFORMATION NEEDED TO FILE A COMPLETE APPLICATION.



- NOTES**
- 1.) WETLAND DELINEATION PER THE 1987 FEDERAL METHODOLOGY.
 - 2.) TOTAL AREA OF PARCEL = 3.037 ACRES.
 - 3.) TOTAL AREA OF IMPACT = 0.14 ACRES.
 - 4.) WETLAND FULL DIMENSIONS = 21' x 104'.

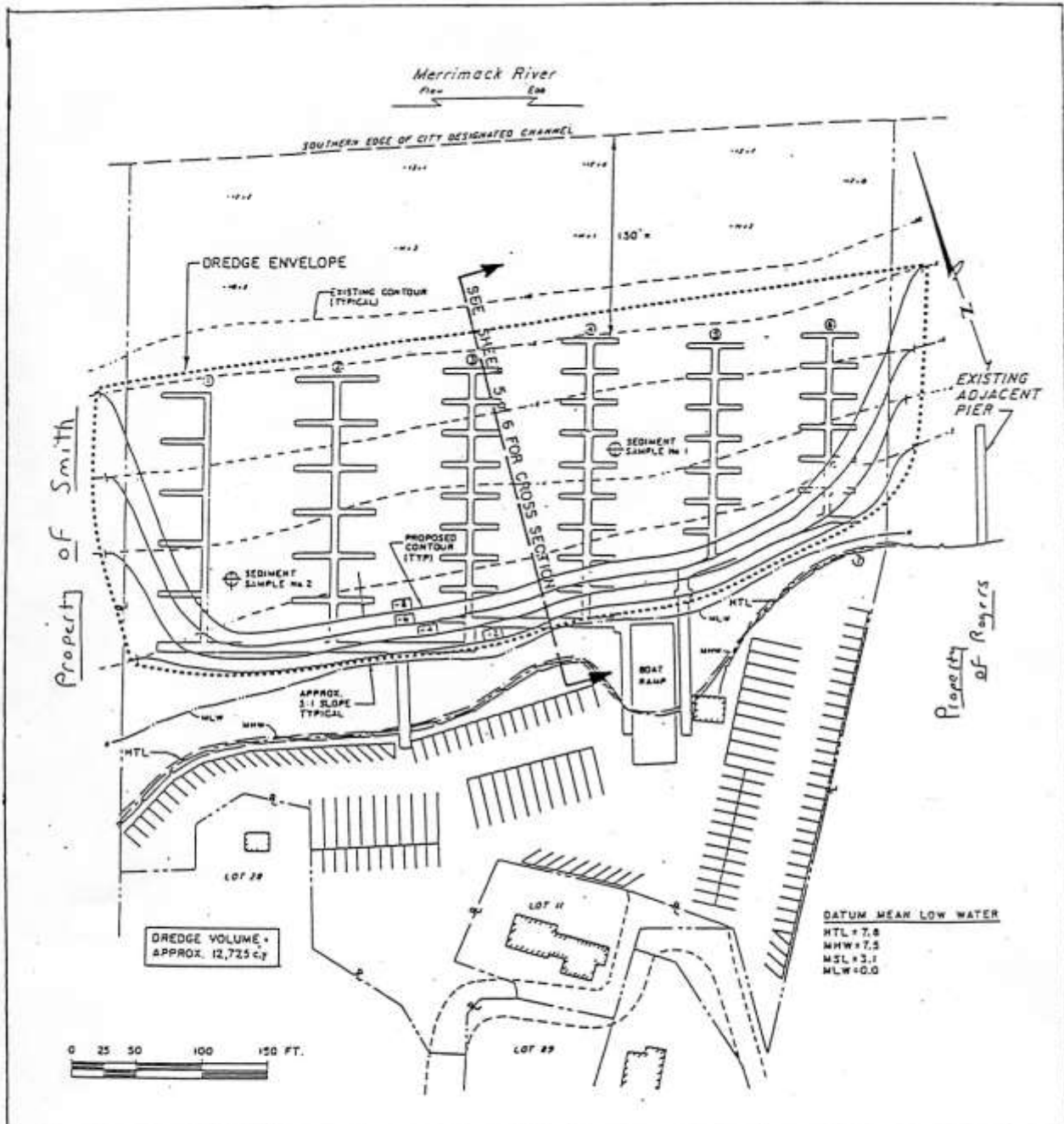
LEGEND

	PROPERTY LINES
	18" ROD OR PIPE FOUND
	EXISTING CONTOURS
	CLASS I/CLASS II BOUNDARY
	UPLAND/WETLAND BOUNDARY

PROPOSED WETLAND CROSSING FOR RESIDENTIAL DRIVEWAY

SITE LOCATION: MERRILL ROAD
 CITY/TOWN: LEWISTON, MAINE
 APPLICATION BY: WILLIAM G. GRANT
 DATE: MARCH 17, 1993

SHEET OF



PURPOSE : ENLARGE MARINA
CREATING ADDITIONAL SLIPS

DATUM: MLW= 0.0
MHW= 7.5
HTL = 7.6

CARMICHAEL ASSOCIATES, INC.
1896 MERCER STREET SUITE 42
PORTLAND, MAINE

DREDGING PLAN

PROPOSED MARINA PLAN IN :
MERRIMACK RIVER

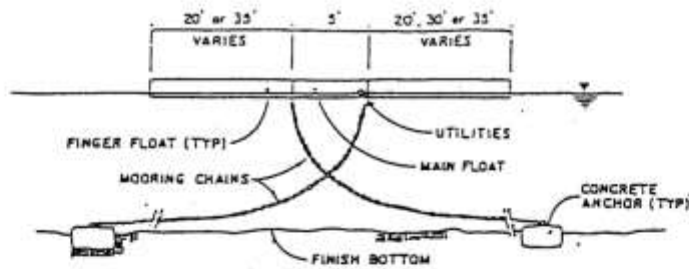
AT: 3-R MARINA

COUNTY OF : ESSEX, ME

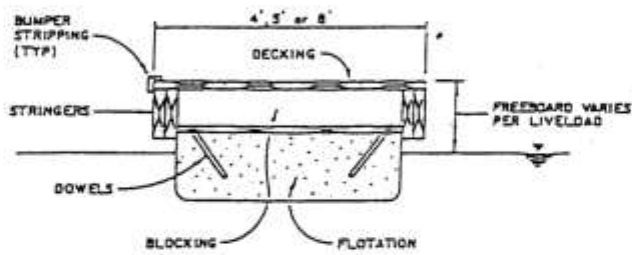
APPLICATION BY :
SIMON REALTY TRUST

DATE : MAY 1989

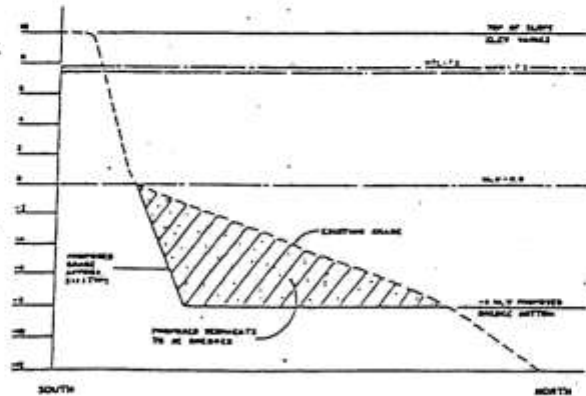
SHEET 4 OF 5



TYPICAL CROSS SECTION THROUGH FINGERS
NOT TO SCALE



TYPICAL MARINA FLOAT
NOT TO SCALE



CROSS SECTION OF DREDGED AREA
SCALE: H 1" = 100' V 1" = 10'

PURPOSE : ENLARGE MARINA
CREATING ADDITIONAL SLIPS

DATUM: MLW = 0.0
MHW = 7.5
HTL = 7.8

CARMICHAEL ASSOCIATES, INC.
1898 MERCER STREET SUITE 42
PORTLAND, MAINE

FLOAT DETAILS AND CROSS SECTION OF DREDGED AREA

PROPOSED MARINA PLAN IN :
MERRIMACK RIVER

AT: 3-R MARINA

COUNTY OF : ESSEX, ME

APPLICATION BY :
SIMON REALTY TRUST

DATE : MAY 1989

SHEET 5 OF 5

PART 1. TIER 1 FRESHWATER WETLAND ALTERATION (0 to 14,999 sq. ft. of freshwater wetland alteration)

ELIGIBILITY CRITERIA & STANDARDS

This application form constitutes a joint application to both the Maine Department of Environmental Protection and the U.S. Army Corps of Engineers for a proposed alteration to a freshwater wetland that qualifies for Tier 1 review. Either of these agencies, or their review agents, may contact you for further information regarding your activity. The square footage of impact is based on the alteration or impact of the whole activity in the wetland. If any part of the overall activity requires a higher tier review, then the whole activity will be reviewed under that higher tier.

NOTE: Single, complete activities that impact less than 4,300 square feet and do NOT occur within: another type of protected natural resource; 25 feet of another protected natural resource and erosion controls are used; a municipal shoreland zone; a wetland normally containing at least 20,000 sq. ft. of open water, aquatic or emergent marsh vegetation; or a peatland are exempt under the Natural Resources Protection Act, 38 M.R.S. Section 480-Q(17).

Upon receipt of a complete application, the Department shall inform the applicant in writing within 30 days if the activity is not eligible for Tier 1 review.

Tier 1 Review Criteria: The Tier 1 review process applies to activities altering up to 15,000 square feet of freshwater wetland provided your activity meets the general requirements listed below and the activity does **NOT** occur:

- within 250 feet (measured horizontally) of a coastal wetland;
- within 250 feet (measured horizontally) of the normal high waterline, and within the same watershed, of any lake or pond classified as GPA. [NOTE: Nearly all great ponds are classified GPA];
- in a freshwater wetland containing under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water. [NOTE: This restriction does not apply to artificial ponds or impoundments unless the impoundment is considered part of a river, stream or brook.];
- in a freshwater wetland inundated during a 100 year storm event (i.e. floodplain wetland) as evidenced by the Federal Emergency Management Agency (FEMA) maps or other site specific information;
- in a freshwater wetland containing significant wildlife habitat as defined in 38 MRSA 480-B(10); or
- in a freshwater wetland identified as a peatland dominated by shrubs, sedges and sphagnum moss. [Note: The Department may allow previously mined peatland to be eligible for Tier 1 review.]

NOTE: The Department may allow certain activities in the areas listed above to proceed under a Tier 1 process if it determines that the activity will not negatively affect the wetland, its functions and values, or other protected natural resources.

General Requirements for Tier 1 review - The proposed freshwater wetland alteration:

- must be avoided if feasible after considering cost, logistics, technology and the overall purpose of the activity;
- if unavoidable, must be limited to the minimum amount necessary to complete the activity;
- must utilize both temporary and permanent erosion control measures to prevent sedimentation of any protected natural resource;
- must maintain a 25 foot buffer strip between the activity and any river, stream or brook;
- must not violate any state water quality law, including those governing the classification of the State's waters; and
- must not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

(yellow)

ATTACHMENTS FOR A TIER 1 NATURAL RESOURCES PROTECTION ACT PERMIT

For a Tier 1 permit application follow the general instructions on pages 4 to 8 (green) and in addition, submit the following information with the yellow application form and signature page.

- A check for the correct fee. Use the current fee schedule to determine fee or see current fee schedule. **If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.**
- The appropriate United States Geological Survey Map (U.S.G.S. topography map, 7 1/2 minute if available) or the Maine Atlas and Gazetteer with the activity location clearly marked and labeled on the map. A photocopy of the applicable portion of the topography map is sufficient provided it is clear and readable.
- A copy of the documentation substantiating the applicant's title, right or interest in the project site.
- A description of the project and a top view drawing showing the area of freshwater wetland to be filled or otherwise altered; areas of any marsh or open water within the freshwater wetland being altered; and surface water bodies within 75 feet of the proposed alteration. All drawings must be drawn to scale and labeled with the applicant's name, the scale used and the date prepared. **Please note that the Corps requires all drawings to be submitted on 8 1/2" x 11" paper which are clear, legible and reproducible.**
- Color photos showing the wetland in the activity area. Label each photo with the applicant's name, town where the activity is located, and the date taken.
- Avoidance or Minimization:
 1. Avoidance: Each applicant must provide a statement that indicates that the alteration of freshwater wetlands on the property has been avoided to the extent feasible considering cost, existing technology and logistics based on overall purpose of the project. Determining whether an alternative exists includes: use of other sites; reducing the size, scope, configuration or density of activity; developing alternative activity designs; and demonstrating the need for the proposed alternative.
 2. Minimization: The applicant must demonstrate that the area of wetland to be altered will be limited to the minimum amount necessary to complete the project. Include in the statement a discussion about how the project was designed to reduce wetland impacts (e.g. 2:1 sideslopes on fill instead of 3:1).
- As a requirement of the Corps only, a copy of this application, including attachments, must be sent to the Maine Historic Preservation Commission (MHPC) before, or at the same time, the application is filed with the DEP. The applicant should submit a copy of the cover letter sent to the MHPC or a signed statement that this has been done. The address is: MHPC, 65 State House Station, Augusta, ME 04333-0065.
- Submit two (2) copies of the application and all attachments to the DEP.** Be sure to retain a copy of the application for your records. **If you submit a copy directly to the Corps, indicate that in your application.**
- Submit a copy of the application and all attachments to the municipality.** (yellow)

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		5. Name of Agent:		
2. Applicant's Mailing Address:		6. Agent's Mailing Address:		
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:		
4. Applicant's Email Address: Required from <i>either</i> applicant or agent:		8. Agent's E-mail Address:		
9. Location of Activity: (Nearest Road, Street, Rt.#)		10. Town:	11. County:	
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:	
			14. Amount of Impact: (Sq.Ft.) Fill: Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	FOR FRESHWATER WETLANDS		
		<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
16. Proposed Start Date and Brief Activity Description:				
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> _____ acres UTM Northing: _____ UTM Easting: _____		
18. Title, Right or Interest:				
<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement				
19. Deed Reference Numbers:		20. Map and Lot Numbers:		
Book#:	Page:	Map #:	Lot #:	
21. DEP Staff Previously Contacted:		22. Part of a larger project:		
		<input type="checkbox"/> Yes <input type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input type="checkbox"/> No		
23. Resubmission of Application?		Previous project manager:		
<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, previous application #			
24. Written Notice of Violation?		25. Previous Wetland Alteration:		
<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	<input type="checkbox"/> Yes <input type="checkbox"/> No		
26. Detailed Directions to the Project Site:				
TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS		
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required		
28. FEES: Amount Enclosed:				

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

SIGNATURE OF AGENT/APPLICANT

Date: _____

Signature of Agent _____ Date: _____

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(yellow)

PART 2. TIER 2 FRESHWATER WETLAND ALTERATION (15,000 to 43,560 sq. ft. of freshwater wetland alteration)

ELIGIBILITY CRITERIA & STANDARDS

This application form constitutes a joint application to both the Maine Department of Environmental Protection and the U.S. Army Corps of Engineers for a proposed alteration to a freshwater wetland that qualifies for Tier 2 review. Either of these agencies, or their review agents, may contact you for further information regarding your activity. The square footage of impact is based on the alteration or impact of the whole activity in the wetland. If any part of the overall activity requires a higher tier review, then the whole activity will be reviewed under that higher tier.

NOTE: Single, complete activities that impact less than 4,300 square feet and do NOT occur within: another type of protected natural resource; 25 feet of another protected natural resource and erosion controls are used; a municipal shoreland zone; a wetland normally containing at least 20,000 sq. ft. of open water, aquatic or emergent marsh vegetation; or a peatland are exempt under the Natural Resources Protection Act, 38 M.R.S. Section 480-Q(17).

Upon receipt of a complete application, the Department shall inform the applicant in writing within 60 days if the activity is not eligible for Tier 2 review.

Tier 2 Review Criteria:

The Tier 2 review process applies to activities altering between 15,000 square feet and 43,560 square feet (one acre) of freshwater wetland provided your activity meets the general requirements listed below and the activity does **NOT** occur:

- within 250 feet (measured horizontally) of a coastal wetland;
- within 250 feet (measured horizontally) of the normal high waterline, and within the same watershed, of any lake or pond classified as GPA; [NOTE: Nearly all great ponds are classified GPA];
- in a freshwater wetland containing under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water. [NOTE: This restriction does not apply to artificial ponds or impoundments unless the impoundment is considered part of the river, stream or brook.];
- in a freshwater wetland inundated during a 100 year storm event (i.e. floodplain wetland) as evidenced by the Federal Emergency Management Agency (FEMA) maps or other site specific information;
- in a freshwater wetland containing significant wildlife habitat as defined in 38 MRSA 480-B(10);
- in a freshwater wetland identified as a peatland dominated by shrubs, sedges and sphagnum moss; [Note: The Department may allow previously mined peatland to be eligible for Tier 1 review.] or
- in a freshwater wetland containing a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program. [Note: Information about S1 and S2 communities can be obtained through DEP regional offices and the Natural Areas Program, now located within the Department of Conservation.]

NOTE: The Department may allow certain activities in the areas listed above to proceed under a Tier 2 process if it determines that the activity will not negatively affect wetland, wetland functions and values, or other protected natural resources.

General Requirements for Tier 2 Review:

The proposed freshwater wetland alteration:

- must be avoided if feasible after considering cost, logistics, technology and the overall purpose of the activity;
- if unavoidable, must be limited to the minimum amount necessary to complete the activity;
- must utilize both temporary and permanent erosion control measures to prevent sedimentation of any protected natural resource;
- must maintain an undisturbed 25 foot buffer strip between the activity and any river, stream or brook; and
- must not violate any Natural Resource Protection Act standard (38 M.R.S. § 480-D).

(blue)

ATTACHMENTS FOR A TIER 2 NATURAL RESOURCES PROTECTION ACT PERMIT

For a Tier 2 permit application, follow the general instructions on pages 4 to 8 (green) and in addition, submit the following information, the required attachments and a completed Appendix A with the blue application form and signature page.

- A check for the correct fee. Use current fee schedule to determine fee. **If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.**
- The appropriate United States Geological Survey Map (U.S.G.S. topography map, 7 ½ minute) if available or the Maine Atlas and Gazetteer with the activity location clearly marked and labeled on the map. A photocopy of the applicable portion of the topography map is sufficient provided it is clear and readable.
- A copy of the documentation substantiating the applicant's title, right or interest in the project site.
- Written certification by a knowledgeable professional experienced in wetland science that the activity will not alter, or cause to be altered, a wetland of special significance as described in 38 M.R.S. Sec. 480-X(4) or (5).
- A narrative and drawing showing the proposed erosion control plan. The narrative should include a sequence for construction and provisions for installing and maintaining erosion control measures. The drawing must show the location of all proposed erosion control measures. Note: The Maine Erosion and Sedimentation Control BMP's, March 2003, can provide guidance in developing the drawing.
- For work in previously mined peatlands, provide information on the past mining activity including the approximate dates of the mining activity, the area and depth to which peat has been excavated from the site, any restoration work on the site, and the current condition of the site.
- As a requirement of the Corps only, a copy of this application, a location map and a brief project description must be sent to the Maine Historic Preservation Commission (MHPC) before, or at the same time, the application is filed with the DEP. The applicant should submit a copy of the cover letter to the MHPC or a signed statement that this has been done. The address is: MHPC, 65 State House Station, Augusta, ME 04333-0065.
- Documentation that public notice of Intent to File has been provided for the proposed activity in accordance with Department rules. A public notice is required for all activities requiring Tier 2 review. A blank Notice of Intent to File form is provided below for your use.
- Submit two (2) copies of the application and all attachments to the DEP.** Be sure to retain a copy of the application for your records. **If you submit a copy directly to the Corps, indicate that in your application.**
- Submit a copy of the application with all attachments to the municipality.**

NOTE: All drawings must be drawn to scale and labeled with the applicant's name, the scale used and the date prepared. Please note that the Corps requires all drawings to be submitted on 8 1/2" x 11" paper, which are clear, legible and reproducible.

(blue)

To complete this portion of the Tier 2 application, you must refer to the Wetland and Waterbodies Protection Rules, Chapter 310, available from the Department. All Tier 2 applications must include the information requested in Attachments 1 and 2. As noted in the General Instructions on page 2, a pre-application meeting and a public information meeting is required for freshwater wetland projects that must provide compensation unless waived in writing by the Department. At that meeting, Department staff will determine whether Attachments 3 and 4 are required. Tier 2 applicants must hold public information meetings whether the pre-application meeting is waived or not.

NOTE: Unless you have expertise in delineating wetlands and conducting wetland assessments, the Department requires that you hire a consultant/wetland scientist to provide assistance in completing this portion of the application.

1. SITE CONDITIONS

- Submit as **Attachment 1**, a wetland delineation report containing the following:
 - A top view drawing of the entire project, including existing and proposed fill, excavation, roads and structures;
 - A plan at the scale of a minimum of 1 inch equals 100 feet, that shows two-foot contour intervals, existing wetland boundaries, the area of the wetland to be altered, activity location and dimensions, and wetland classification(s). All components of the activity impacting the wetland or other protected natural resources must be included;
 - A description of existing wetland characteristics including water depths, vegetation, and fauna;
 - Current photographs of the wetland to be altered that show its characteristics. Photographs may be taken from the air or the ground but should be taken during the growing season.
 - A description of the methods used to delineate the wetland boundaries and a copy of data sheets completed during the delineation. Please note that wetland delineations must be performed using the 1987 Corps of Engineers Wetland Delineation Manual, or its successor unless otherwise approved by the DEP and the Corps.

2. ALTERNATIVE ANALYSIS

- Submit as **Attachment 2**, a report that analyzes whether a practical alternative to the alteration exists. The report must address the activity purpose and need, and why the activity cannot be completed by:
 - Utilizing, managing or expanding one or more other sites that would avoid the wetland impact;
 - Reducing the size, scope, configuration or density of the activity as proposed, thereby avoiding or minimizing the wetland impact; or
 - Developing alternative activity designs, such as cluster development, that avoid or lessen the wetland impact.

(blue)

3. FUNCTIONAL ASSESSMENT

- Submit as **Attachment 3**, when required by the Wetland and Waterbodies Protection Rules and Department staff, a functional assessment conducted by a qualified professional on the wetland area to be altered which analyzes the area based on the functions and values it serves and how these will be affected by the proposed alteration.

NOTE: The functional assessment must be conducted by a qualified professional(s) using an acceptable methodology approved by the Department and the Corps. If other than an established methodology is proposed, the applicant must submit documentation describing how the methodology was developed, how the wetland functions and values are determined using the methodology, and how much field testing the technique has undergone. In cases where the size of the wetland alteration or other factors make use of an established assessment methodology impractical or inappropriate, the Department and the Corps may instead accept the best professional judgment of a qualified professional. The applicant must notify the Department if he or she intends to use best professional judgment. Contact the Department for further information.

4. COMPENSATION

NOTE: Applicants and their agents are strongly recommended to contact the DEP and the Corps prior to developing a compensation plan.

For applications that include compensation, activities will be held to the Standards For Compensation (Section 6) of the Wetland and Waterbodies Protection Rules.

A. For applications that propose wetland restoration, creation, or enhancement,

- Submit as **Attachment 4**, a plan for the proposed compensation work including:
 - A drawing at a scale of one inch equals 100 feet showing proposed boundaries and characteristics of the compensation site, including existing and proposed two-foot contour intervals, wetland boundaries, vegetation types, and sources of water;
 - A narrative describing the specific goals of the compensation work in terms of particular wetland functions and values. These goals must be related to the lost or degraded functions of the wetland to be impacted by the activity. This narrative must also identify the criteria by which to measure success of the compensation work;
 - Proposed implementation and management procedures for the compensation work;
 - A description of the short-term and long-term sources of water for the wetland, including the water quality of these sources;
 - A narrative and drawing showing the planting plan, if applicable, including a description of plant species, sizes and sources of plant material, numbers of each species/size, proposed spacing of plants and an explanation of how, when and where seeding and/or planting will take place;

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- A narrative and drawing of proposed buffers and other protection measures, such as sediment control measures;
- A description of the plans for monitoring the compensation work, including identifying criteria which will be used to determine if mid-course corrections are required, a description of proposed remediation measures, and a schedule for implementation;
- A narrative describing plans, if any, for control of non-indigenous plant species;
- A schedule for implementing the compensation plan;
- A demonstration of sufficient scientific expertise to carry out the proposed compensation work and; if experimental techniques are proposed, a description of available literature on methods;
- A demonstration of sufficient financial resources to complete the proposed compensation work, including subsequent monitoring and corrective actions;
- Documentation of a deed restriction or conservation easement to be conveyed to a qualified holder for protection of the compensation area. This documentation must:
 - a) Provide for maintenance of the area as a wetland and/or buffer in perpetuity;
 - b) Authorize the Department to act as an enforcing agent; and
 - c) Include the requirement that the Department approve any future alterations in, on or over the compensation area.

B. For applications which propose preservation of wetlands or adjacent uplands,

- Submit as part of **Attachment 4**, the following information:
 - A location map of the preservation site;
 - A legal description of the property to be preserved;
 - A description of the preservation site including existing vegetation, sources of water, functions and values, existing uses, and potential threats to the functions and values of the site; and
 - Documentation of a conservation easement or deed restriction which protects the property as a conservation area in perpetuity, and authorizes the Department to act as an enforcement agent. These areas may be deeded to local or state conservation groups or agencies, but the Department must approve any land management practices.

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**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about

(anticipated filing date)

The application is for

(description of the project)

at the following location:

(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in *(Portland, Augusta or Bangor)*(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

- MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
- MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
- MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

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PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. **“Abutter”** for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.
Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date

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APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		5. Name of Agent:		
2. Applicant's Mailing Address:		6. Agent's Mailing Address:		
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:		
4. Applicant's Email Address Required from either the applicant or agent):		8. Agent's Email Address:		
9. Location of Activity: (Nearest Road, Street, Rt.#)		10. Town:	11. County:	
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:	
			14. Amount of Impact: (Sq.Ft.) Fill: Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)	FOR FRESHWATER WETLANDS			
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
16. Proposed Start Date and Brief Activity Description:				
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> _____ acres UTM Northing: _____ UTM Easting: _____		
18. Title, Right or Interest:				
<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement				
19. Deed Reference Numbers:		20. Map and Lot Numbers:		
Book#:	Page:	Map #:	Lot #:	
21. DEP Staff Previously Contacted:		22. Part of a larger project:	After-the-Fact:	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
23. Resubmission of Application?	<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, previous application #	Previous project manager:	
24. Written Notice of Violation?	<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	25. Previous Wetland Alteration:	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
26. Detailed Directions to the Project Site:				
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS		
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required		
28. FEES Amount Enclosed:				

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

SIGNATURE OF AGENT/APPLICANT

Date:_____

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

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**APPENDIX A - MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: _____ Phone: _____

Application Type: _____

Activity Type: (brief activity description) _____

Activity Location: Town: _____ County: _____

GIS Coordinates, if known: _____

Date of Survey: _____ Observer: _____ Phone: _____

**Distance Between the Proposed Visibility Activity
and Resource (in Miles)**

	0-1/4	1/4-1	1+
1. Would the activity be visible from:			
<i>A. A National Natural Landmark or other outstanding natural feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>C. A state or federal trail?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>D. A public site or structure listed on the National Register of Historic Places?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>E. A National or State Park?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>F. 1) A municipal park or public open space?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

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A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm . In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

Most Maine State and National Wildlife Refuges, Sanctuaries, and Preserves and State Game Refuges are listed in the Maine Atlas and Gazetteer published by DeLorme.

Most State and federal trails are listed in the Maine Atlas and Gazetteer published by DeLorme. In addition, the Maine Department of Conservation maintains a list of state parks with trails that can be searched by county at: www.state.me.us/doc/parks/programs/db_search/index.html

Maine sites and structures listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, can be searched by town at: www.cr.nps.gov/nr/research/nris.htm

In addition, State historic sites can be found at: www.state.me.us/doc/parks/programs/db_search/index.html A partial listing of historic sites in Maine can be found in the Maine Atlas and Gazetteer published by DeLorme.

A listing of Maine State Parks can be found at: www.state.me.us/doc/parks/programs/db_search/index.html or in the Maine Atlas and Gazetteer published by DeLorme. Acadia National Park on Mount Desert Island is Maine's only National Park.

For guidance on completing this field survey checklist, please contact Licensing staff in the Division of Land Resource Regulation at the following offices:

(Headquarters)
Central Maine Regional Office
17 State House Station
Ray Building, Hospital Street
Augusta, Maine 04333
(207) 287-7688 or
toll free at **1-800-452-1942**

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570 or
toll free at **1-888-769-1137**

Northern Maine Regional Office
1235 Central Drive
Presque Isle, Maine 04769
(207) 764-0477 or
toll free at **1-888-769-1053**

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
(207) 822-6300 or
toll free at **1-888-769-1036**

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PART 3. TIER 3 FRESHWATER WETLAND ALTERATION (OVER 43,560 sq. ft) AND INDIVIDUAL NATURAL RESOURCE PROTECTION ACT PERMIT

ELIGIBILITY CRITERIA & STANDARDS

This application form constitutes a joint application to both the Maine Department of Environmental Protection and the U.S. Army Corps of Engineers for a proposed alteration to a freshwater wetland that qualifies for Tier 3 review. Either of these agencies, or their review agents, may contact you for further information regarding your activity. The square footage of impact is based on the alteration or impact of the whole activity in the wetland.

An individual NRPA review is required for activities in protected natural resources that do not otherwise qualify for reduced review procedures, such as permits by rule or general permits.

NOTE: Single, complete activities that impact less than 4,300 square feet and do NOT occur within: another type of protected natural resource; 25 feet of another protected natural resource and erosion controls are used; a municipal shoreland zone; a wetland normally containing at least 20,000 sq. ft. of open water, aquatic or emergent marsh vegetation; or a peatland are exempt under the Natural Resources Protection Act, 38 M.R.S. Section 480-Q(17).

BASIC ATTACHMENTS FOR TIER 3 AND INDIVIDUAL NRPA PERMIT APPLICATIONS

For Tier 3 and individual NRPA permit applications, follow the general application instructions on pages 4-8 (green) and, in addition, submit Attachments 1-12, Attachments 13-14, if required, and the appropriate appendices with the pink application form and signature page. All projects must complete Appendix A, all coastal wetland projects must also complete Appendix B and all dredging projects must also complete Appendix C.

The scale of all drawings must be no smaller than 1 inch equals 100 feet. Larger scale 1" = 20' or 1"=50' plans are also acceptable. **ALL drawings larger than 8½" x 11" must be folded to 8½" x 11". Please note that for the Corps review at least one set of drawings must be on 8½" by 11" size paper.** They must be clear, reproducible, and legible; and each sheet (including the location map) must have a consistent title block, numbering scheme, and date. PLEASE ALSO NOTE THAT REDUCTIONS OF LARGE SCALE PLANS ARE NOT GENERALLY ACCEPTABLE.

All work performed by a professional engineer or other licensed professional must be dated, stamped and signed by the professional.

THE DEPARTMENT HAS FOUND THAT A MAJOR CAUSE OF APPLICATIONS BEING RETURNED IS THE LACK OF PROPERLY PREPARED PLANS. CLEAR AND ACCURATELY DETAILED PLANS ARE CRITICAL TO EFFICIENT APPLICATION PROCESSING. IF YOU DO NOT POSSESS STRONG SKILLS IN DRAFTING PLANS, THE DEPARTMENT RECOMMENDS THAT YOU OBTAIN THE SERVICES OF SOMEONE WHO IS A QUALIFIED PROFESSIONAL.

Attachment 1, an activity description. Describe the activity in detail. Include the dimensions of all permanent and temporary structures; the dimensions of impact or alteration caused by each portion of the proposed activity; and the type of activity involved. This written information regarding your activity should match the information shown on site plans or drawings.

If any resource area has been altered on the property before this application was submitted, provide information on the size of the previous alteration, the dates when the alteration occurred, and whether state or federal permits were obtained for the activity(ies). If the proposed activity is part of a larger or multi-phased project, describe the larger project including all phases. If the proposed activity will occur in a fragile mountain area, include the name of the mountain and the approximate elevation at which the alteration will occur.

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- ❑ **Attachment 2**, an alternatives analysis report that analyzes whether a practical alternative to the alteration exists. The report must address the activity purpose and need, and why the activity cannot be completed by:
 - Utilizing, managing or expanding one or more other sites that would avoid the resource impact;
 - Reducing the size, scope, configuration or density of the activity as proposed, thereby avoiding or minimizing the resource impact; or
 - Developing alternative activity designs, such as cluster development, that avoid or lessen the resource impact.
- ❑ **Attachment 3**, a map with the activity location clearly marked. Acceptable maps are USGS topographical maps or the Maine Atlas and Gazetteer. These may be available in local sporting goods stores or the municipal offices. Clear photocopies of these are also acceptable.
- ❑ **Attachment 4**, color photographs that clearly show the area to be altered and generally show vegetation and other landscape features. (Winter photos with snow cover are not acceptable.) Photographs must be mounted on 8½ x 11" sheets and each photo must be labeled to describe each view, location, and the date taken. An original set of photographs or colored photocopies must be attached to the original application. Legible, black and white photocopies of the photos are acceptable for the copies of the application. If photocopies are not clear or legible, duplicate photos must be included. In addition, aerial photographs, if available, are encouraged.
- ❑ **Attachment 5**, overhead and side view plan drawn to scale, which show the activity and the immediate surroundings in detail. Include the following information:
 - The exact location of any lake, pond, river, stream, brook (perennial or intermittent) and/or wetland with the normal high water line, low water line, and/or wetland boundary shown. Show direction of flow for rivers, streams, and brooks.
 - The exact location and dimensions of the proposed activity on the lot or parcel, including areas of proposed soil disturbance, fill, and vegetation removal and permanent structures.
 - The location and dimensions of all existing structures on the lot. All existing structures on abutting lots must be shown if they are located within 50 feet of any proposed structure.
 - The location and dimensions of any proposed seasonal or temporary structures. (If the temporary structure (less than 7 months a year) is part of the larger NRPA activity, they are subject to the NRPA standards.) Note: Seasonal structures in tidal waters (e.g. floats) always need Corps approval.
 - The location and type of all proposed erosion control measures.
 - For piers, wharves, floats, etc., show the distance to abutting property lines from the proposed structure(s) and the distance to any existing structures (piers, wharves, etc.) on the abutting properties. If property lines are within 100 feet of the proposed structure(s), they should actually be drawn on the plan. An enlarged tax map is often a good reference for this information.
 - Clearly identified resource boundaries and resource impact areas.
 - The location of all property lines and the names of all abutters.
 - For work in tidal waters the mean high and mean low water lines should be shown on all plans.
 - The applicant's name, the scale of the drawings or plans, a north arrow, a legend, and the date. If drawings are not to scale they should be clearly dimensioned.

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- Contour lines for significant regrading activities, and large-scale activities that trigger pre-application meetings or that require a Site Location of Development Act permit.
- **Attachment 6**, additional plans, if applicable:
 - Cross sectional drawings for piers, roadways, stream crossings, dredging activities, retaining walls, riprap, gravel removal, pond construction, fill activities, and dams.
 - Profile drawing or plans for activities involving significant amounts of stream culverting or channelization work, roads involving steep embankments or inclines, and boat ramps.
- **Attachment 7**, a construction plan. Describe in detail how the activity will be constructed. Be sure to include how the site will be accessed, each step of the construction, timing for each step, materials to be used (including the type of preservative for treated wood and poured or pre-cast concrete, if any) and any activity phasing.
- **Attachment 8**, an erosion control plan. If the proposed activity includes grading, bulldozing, digging, scraping the earth, or filling, attach a plan describing in detail the temporary and/or permanent erosion control measures that will be used, when they will be installed, and how they will be maintained. (All erosion control measures must be shown on the activity plans and must conform to the Maine Erosion and Sediment Control Best Management Practices, March 2003.)
- **Attachment 9**, a site condition report for activities impacting a freshwater wetland, coastal wetland, great pond, and a river, stream, or brook. Submit a site condition report, containing the following, as appropriate or directed for the resource:

NOTE: Unless you have expertise in delineating wetlands and conducting wetland assessments, the Department requires that you hire a consultant/wetland scientist to provide assistance in completing this attachment.

- A plan at the scale of a minimum of 1 inch equals 100 feet, that shows two-foot contour intervals, existing resource boundaries, the area of the resource or adjacent area to be altered, activity location and dimensions, and wetland or waterbody classification(s). All components of the activity impacting the protected natural resource must be included;
- A description of existing resource characteristics including water depths, vegetation, and fauna;
- A description of the methods used to delineate the resource boundaries, and a copy of data sheets completed during the delineation. Please note that freshwater wetland delineations must be performed using the 1987 Corps of Engineers Wetland Delineation Manual or its successor, unless otherwise approved by the DEP and the Corps.
- For activities impacting a **river, stream or brook**, also submit the following:
 - A scale drawing of the project location showing 2-foot contour intervals and including the location of all protected natural resources, roads, structures, bedrock outcroppings, area of extraction (if applicable), point gravel bars (if applicable), cross-section locations, and the location of the 100-year floodplain as estimated using the most recent Flood Insurance Rate Map (FIRM);
 - A description of the stability of the stream banks directly upstream, through, and directly downstream of the project area, including riparian vegetation;
- **If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.**

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- A description of the floodplain. Does the stream access the floodplain? During what type of flood event (e.g. 10-year, 25-year, or 100-year flood event)?
 - A description of the threatened or perceived threatened facility or infrastructure. Under what environmental circumstance is the facility or infrastructure threatened (e.g. 100-year flood)? How will the proposed project protect this facility or infrastructure?
 - For projects involving extraction from a river, stream or brook, include a description of the river, stream or brook channel through the reach, including bankfull width and depth, channel slope, cross-sectional area, radius of curvature, and meander wavelength, all measured in multiple locations along the reach;
 - For projects involving extraction from a river, stream or brook, include an estimation of the amount of material proposed to be extracted, the timing for the extraction, a description of the disposal area for any material extracted, and a description of how this extraction will change any of the above referenced information;
 - For projects involving extraction from a river, stream or brook, include a description of the sediment regime. If possible, determine sediment input based on sediment traps, sediment sorting and travel rates. Has this regime changed due to an upstream disturbance or event? Is there sediment transport discontinuity being influenced by downstream constrictions or grade controls?
- For activities impacting **coastal wetlands**, submit the coastal wetland characterization checklist described and provided in Appendix B of this application.
- For activities impacting a **great pond**, also submit the following:
- A description of the stability of the banks of the great pond in and adjacent to the project area, including riparian vegetation;
 - A description of the substrate in the project location (e.g. mud, silt, gravel, boulders);
 - For projects involving extraction from a great pond, include an estimate of the amount of material proposed to be extracted, the timing for the extraction, a description of the disposal area for any material extracted, and a description of how this extraction will change any of the above referenced information;
 - A description of the threatened or perceived threatened facility or infrastructure. Under what environmental circumstance is the facility or infrastructure threatened (e.g. 100-year flood)? How will the proposed project protect this facility or infrastructure?
- **Attachment 10**, the Notice of Intent to File. Fill out the Notice of Intent to File included in the application (Page 16). Submit the original with the application. **Distribute copies as outlined in the "Public Notice and Certification"(after the notice form).**
- **Attachment 11, for Corps review only.** Applicants must submit a copy of this application and plans to the Maine Historic Preservation Commission (MHPC) at the same time or before they submit this application for review. The MHPC address is: MHPC, 65 State House Station, Augusta, ME 04333-0065. Attach in this submittal evidence that the MHPC was provided a copy of the application. Submit any correspondence from the MHPC to the Corps upon receipt.

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**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about

(anticipated filing date)

The application is for

(description of the project)

at the following location:

(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in *(Portland, Augusta or Bangor)*(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

- MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
- MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
- MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

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PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. “**Abutter**” for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.
Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		5. Name of Agent:		
2. Applicant's Mailing Address:		6. Agent's Mailing Address:		
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:		
4. Applicant's Email Address (Required from either applicant or agent):		8. Agent's Email Address:		
9. Location of Activity: (Nearest Road, Street, Rt.#)		10. Town:	11. County:	
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:	
			14. Amount of Impact: (Sq.Ft.) Fill: Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)	FOR FRESHWATER WETLANDS			
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
16. Proposed Start Date and Brief Activity Description:				
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> _____ acres UTM Northing: _____ UTM Easting: _____		
18. Title, Right or Interest:				
<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement				
19. Deed Reference Numbers:		20. Map and Lot Numbers:		
Book#: _____ Page: _____	Map #: _____	Lot #: _____		
21. DEP Staff Previously Contacted:		22. Part of a larger project:		
		<input type="checkbox"/> Yes <input type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input type="checkbox"/> No		
23. Resubmission of Application?:		Previous project manager:		
<input type="checkbox"/> Yes → <input type="checkbox"/> No If yes, previous application # _____				
24. Written Notice of Violation?:		25. Previous Wetland Alteration:		
<input type="checkbox"/> Yes → <input type="checkbox"/> No If yes, name of DEP enforcement staff involved: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No			
26. Detailed Directions to the Project Site:				
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS		
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required		
28. FEES Amount Enclosed:				
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2				

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

SIGNATURE OF AGENT/APPLICANT

Date:_____

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

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ADDITIONAL ATTACHMENTS FOR TIER 3 AND INDIVIDUAL NRPA PERMITS

This part of the application is required for activities impacting a freshwater wetland, great pond, coastal wetland, or river, stream or brook that require compensation. **IF YOU ARE NOT PROPOSING SUCH AN ACTIVITY, PLEASE STOP HERE AND DISREGARD THE REMAINDER OF THE APPLICATION.**

To complete this portion of the application, you must refer to the Wetland and Waterbodies Protection Rules, Chapter 310, available from the Department. As noted in the General Instructions, a pre-application meeting is required for many of the projects that must submit the following attachments, unless waived in writing by the Department. For other individual projects taking place in a great pond, coastal wetland, or river, stream or brook, a pre-application meeting is strongly recommended to determine which of the following attachments is required.

NOTE: Unless you have expertise in delineating wetlands and conducting wetland assessments, the Department requires that you hire a consultant/wetland scientist to provide assistance in completing these attachments.

1. FUNCTIONAL ASSESSMENT

Submit as **Attachment 12**, when required by the Wetland and Waterbodies Protection Rules, a functional assessment conducted by a qualified professional on the resource area to be altered which analyzes the area based on the functions and values it serves and how these will be affected by the proposed alteration.

NOTE: The functional assessment must be conducted by a qualified professional(s) using the Highway Methodology approved by the Department and the Corps. If another methodology is proposed, the applicant must submit documentation describing how the methodology was developed, how the wetland functions and values are determined using the methodology, and how much field testing the technique has undergone. In cases where the size of the wetland alteration or other factors make use of an established assessment methodology impractical or inappropriate, the Department and the Corps may instead accept the best professional judgment of a qualified professional. The applicant must notify the Department if he or she intends to use best professional judgment. Contact the Department for further information.

2. COMPENSATION

NOTE: Applicants and their agents are strongly recommended to contact the DEP and the Corps prior to developing a compensation plan.

For applications which include compensation, activities will be held to the Standards For Compensation (Section 6) of the Wetland and Waterbodies Protection Rules.

A. For applications which propose resource restoration, creation, or enhancement,

- Submit as **Attachment 13**, a plan for the proposed compensation work including:
 - A drawing at a scale of one inch equals 100 feet showing proposed boundaries and characteristics of the compensation site, including existing and proposed two-foot contour intervals, wetland boundaries, vegetation types, and sources of water;
 - A narrative describing the specific goals of the compensation work in terms of particular resource functions and values. These goals must be related to the lost or degraded functions of the resource to be impacted by the activity. This narrative must also identify the criteria by which to measure success of the compensation work;

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- Proposed implementation and management procedures for the compensation work;
- A description of the short-term and long-term sources of water for a wetland, including the water quality of these sources;
- A narrative and drawing showing the planting plan, if applicable, including a description of plant species, sizes and sources of plant material, numbers of each species/size, proposed spacing of plants and an explanation of how, when and where seeding and/or planting will take place;
- A narrative and drawing of proposed buffers and other protection measures, such as sediment control measures;
- A description of the plans for monitoring the compensation work, including identifying criteria which will be used to determine if mid-course corrections are required, a description of proposed remediation measures, and a schedule for implementation;
- A narrative describing plans, if any, for control of non-indigenous plant species;
- A schedule for implementing the compensation plan;
- A demonstration of sufficient scientific expertise to carry out the proposed compensation work and; if experimental techniques are proposed, a description of available literature on methods;
- A demonstration of sufficient financial resources to complete the proposed compensation work, including subsequent monitoring and corrective actions; and
- Documentation of a deed restriction or conservation easement to be conveyed to a qualified holder for protection of the compensation area. This documentation must:
 - a) Provide for maintenance of the area as a wetland and/or buffer in perpetuity;
 - b) Authorize the Department to act as an enforcing agent; and
 - c) Include the requirement that any future alterations in, on or over the compensation area be approved by the Department.

B. For applications which propose preservation of resources or adjacent uplands,

- Submit as part of **Attachment 13**, the following information:
 - A location map of the preservation site;
 - A legal description of the property to be preserved;
 - A description of the preservation site including existing vegetation, sources of water, functions and values, existing uses, and potential threats to the functions and values of the site; and
 - Documentation of a conservation easement or deed restriction which protects the property as a conservation area in perpetuity, and authorizes the Department to act as an enforcement agent. These areas may be deeded to local or state conservation groups or agencies, but the Department must approve any land management practices.

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DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this _____ day of _____, 19____, by (name), (a Maine corporation having a place of business at (street address), (city or town), (name) County, Maine, (zipcode)), (herein referred to as the "Declarant"), pursuant to State of Maine Department of Environmental Protection Natural Resources Protection Act (Tier 1 or Tier 2 or Order), Project Number _____, dated _____, 19____ (hereinafter referred to as "Order"), relating to preservation of an approximately _____ acre parcel of land near _____ Road, (known feature and/or town).

RECITALS

WHEREAS, the Declarant holds title to certain real property situated in (town), Maine described in a deed from (name) to (name) dated _____, 19____, and recorded in Book _____ Page _____ at the _____ County Registry of Deeds, and the Declarant is the successor in title to _____ by deeds recorded in Book _____, Page _____, (and Book _____, Page _____,) all in said Registry; and

WHEREAS, Declarant desires to place certain deed covenants, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Covenant Area") described as follows:

****Insert property description here****

WHEREAS, pursuant to the Natural Resources Protection Act, Title 38 M.R.S. Section 480-A et seq. and Chapter 310 of regulations promulgated by the Maine Department of Environmental Protection (the "Wetland Protection Rules"), Declarant has agreed, in satisfaction of paragraph _____ of the Order, to impose certain covenants and restrictions on the Covenant Area as more particularly set forth herein and has agreed that such covenants and agreements may be enforced by the Maine Department of Environmental Protection (hereinafter the "MDEP") or any successor in interest.

NOW, THEREFORE, the Declarant hereby declares that the Covenant Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the covenants, conditions and restrictions set forth herein (sometimes referred to as the "Covenants and Restrictions"). The Covenants and Restrictions shall run with the Covenant Area and shall be binding on all parties having any right, title and interest in and to the Covenant Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Covenant Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Covenant Area subject to the Covenants and Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Covenants and Restrictions hereinafter set forth.

1. Restrictions on Covenant Area. Unless the owner of the Covenant Area, or its successors or assigns, obtains the prior written approval of the MDEP, (or any successor thereof), the Covenant Area shall remain undeveloped in perpetuity.
 - a. no soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Covenant Area and the surface waters contained thereon, nor shall the topography of the area be altered or manipulated in any way;
 - b. no trees, grasses, shrubs, vines, or other vegetation shall be cut, destroyed, or sprayed with biocides, except that de minimis flower picking shall be allowed, and clearing will be allowed for the maintenance of any path or trail, and dead wood which is leaning or fallen may be removed;
 - c. no ditches shall be dug, and no draining of the Covenant Area shall take place, and no pumping or any other removal of water shall occur on the Covenant Area, nor shall the manipulation or alteration of natural water courses or hydrology occur;
 - d. no building, sign, fence, utility pole, or other temporary or permanent structure will be constructed, placed or permitted to remain on the Covenant Area;

e. no trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment shall be permitted on the Covenant Area; and

[OPTIONAL f. no wildlife shall be taken, killed, harmed or removed from the Covenant Area. Enforcement of this restriction is the sole responsibility of the Declarant.]

Any activity on or use of the Covenant Area inconsistent with the purpose of these Covenants and Restrictions is prohibited. Prior to undertaking any changes in the use of the Covenant Area, the Declarant, its successors and assigns, shall consult with the MDEP regarding the proposed changes to determine the effect of such changes on the conservation values of the Covenant Area. The MDEP shall have the right to approve such changes in use if such uses do not impair or impede the conservation values of the Covenant Area or the purpose of the Covenants and Restrictions.

2. Enforcement. The MDEP may enforce any of the Covenants and Restrictions set forth in Section 1 above. Any future alterations of the Covenant Area must receive the prior approval in writing from the MDEP.

3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Covenant Area. If the Covenant Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions but only to the extent that any of the Covenant Area is included within such owner's property.

4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Covenant Area and by the MDEP (or any successor thereto).

5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a covenant running with the land as a burden and upon the title to the Covenant Area.

6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity of enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(COMPANY/CORPORATE NAME)

BY:
ITS: (Company or Corporate Title)

STATE OF MAINE
(County), ss. _____, 20_____.

Personally appeared before me the above named (name), (company or corporate title), (COMPANY OR CORPORATE NAME), and acknowledged the foregoing instrument to be (his/her) free act and deed in (his/her) said capacity and the free act and deed of said (company or corporate name).

Notary Public

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: _____ Phone: _____

Application Type: _____

Activity Type: (brief activity description) _____

Activity Location: Town: _____ County: _____

GIS Coordinates, if known: _____

Date of Survey: _____ Observer: _____ Phone: _____

**Distance Between the Proposed Visibility
Activity and Resource (in Miles)**

1. Would the activity be visible from:	0-¼	¼-1	1+
A. <i>A National Natural Landmark or other outstanding natural feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. <i>A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. <i>A state or federal trail?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. <i>A public site or structure listed on the National Register of Historic Places?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. <i>A National or State Park?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. 1) <i>A municipal park or public open space?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) <i>A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) <i>A public resource, such as the Atlantic Ocean, a great pond or a navigable river?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm . In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

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Most Maine State and National Wildlife Refuges, Sanctuaries, and Preserves and State Game Refuges are listed in the Maine Atlas and Gazetteer published by DeLorme.

Most State and federal trails are listed in the Maine Atlas and Gazetteer published by DeLorme. In addition, the Maine Department of Conservation maintains a list of state parks with trails that can be searched by county at: www.state.me.us/doc/parks/programs/db_search/index.html

Maine sites and structures listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, can be searched by town at: www.cr.nps.gov/nr/research/nris.htm

In addition, State historic sites can be found at: www.state.me.us/doc/parks/programs/db_search/index.html A partial listing of historic sites in Maine can be found in the Maine Atlas and Gazetteer published by DeLorme.

A listing of Maine State Parks can be found at: www.state.me.us/doc/parks/programs/db_search/index.html or in the Maine Atlas and Gazetteer published by DeLorme. Acadia National Park on Mount Desert Island is Maine's only National Park.

For guidance on completing this field survey checklist, please contact Licensing staff in the Division of Land Resource Regulation at the following offices:

(Headquarters)
Central Maine Regional Office
17 State House Station
Ray Building, Hospital Street
Augusta, Maine 04333
(207) 287-7688 or
toll free at **1-800-452-1942**

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570 or
toll free at **1-888-769-1137**

Northern Maine Regional Office
1235 Central Drive
Presque Isle, Maine 04769
(207) 764-0477 or
toll free at **1-888-769-1053**

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
(207) 822-6300 or
toll free at **1-888-769-1036**

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APPENDIX B

MAINE'S COASTAL WETLANDS: COASTAL WETLAND CHARACTERIZATION GUIDELINES

(Partly derived from Maine's Coastal Wetlands: Volume II)

Guidelines for the sampling and assessment of coastal wetlands have been developed by the Department of Environmental Protection to standardize habitat characterizations and functional assessments of coastal wetlands as required by the Natural Resources Protection Act (NRPA). The NRPA requires all applicants to characterize coastal wetland areas occurring in the location or vicinity of a proposed activity. Intertidal and/or subtidal characterizations are required for the following activities: fill, crib-supported or subtidal piers, lobster pounds, shoreline stabilization, or dredging. Activities impacting over 500 square feet of coastal wetland require a functional assessment performed by a professional wetland scientist unless the Department determines that the activity will have minimal adverse impact on the functions and values of the wetland.

This checklist satisfies the requirement for Attachment 12, Wetland Delineation Report, described in Part II of the NRPA application for coastal wetlands located only in intertidal areas and subtidal areas less than one foot in depth. The checklist is required for all activities impacting coastal wetlands to provide information describing coastal habitats and assess their most critical functions and values with the least amount of sampling effort possible, providing DEP licensing staff and biologists with information. The information provided will be used to determine whether the Department will require further sampling and assessment. This checklist does not substitute for any other NRPA application requirements.

SURVEY METHODS:

Following the methods below, survey and photograph the activity area on an ebb tide.

1. Walk throughout the activity area and note the location and measurements of all dominant habitat types. If not part of an application, complete an overhead drawing of the activity area. The overhead drawing should include the location and types of vegetation, boundaries of habitat types, sample locations, the location of spring high tide, mean high water and mean low water, and contours, if possible.
2. Take photographs of activity area and habitat types. (Include date, time, tide cycle and location of each photograph).
3. Search throughout the entire activity site, turning over rocks, wood, and algal mats, and look for any identifiable organisms present on the surface of the habitat, list the organisms found if known, and estimate their relative abundance. Complete the Checklist.
4. Using a clam rake or shovel, turn over sediments at random locations throughout the intertidal zone (at least one per zone, high, mid and low). Look for any identifiable organisms present in the sediments and estimate their relative abundance. Mark location on overhead drawing. Complete the Checklist.

PLEASE NOTE: Some activities may require quantitative benthic analysis of the sediments. Examples of such activities include dredges, lobster pounds, and fill activities consisting of over 500 square feet. Determination of sampling requirements may be made through consultation with DEP licensing staff and biologists. Guidelines for quantitative benthic sampling can be provided on request.

DEFINITIONS:

Area of Impact:

Direct Impact: The footprint of a proposed activity; e.g. area of dredge, area covered by cribs, base of riprap.

Indirect Impact: The area surrounding a proposed activity that will potentially be affected by the activity; e.g. shoreline adjacent to riprap, salt marsh areas, shaded areas. NOTE: The area of indirect impact will vary from site to site and should be determined on a case by case basis by the consultant, the applicant, and DEP staff.

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Timing of Survey Work: The date, time of day, and tidal height of sampling. Ideally, surveys should be conducted between May 1 and November 30 on an ebb or flood tide. Surveys may be conducted at other times of year, if necessary. Include the timing of low tide on the survey date. If the activity will extend into the low intertidal and/or shallow subtidal, the survey should be conducted on a negative or zero tide.

Energy Levels:

Exposed/High energy: Area exposed to oceanic swell and wind waves. Wind fetch (i.e. direction of origin) unlimited. Water velocity exceeds 2 meters/second.

Partially exposed/Moderate energy: Oceanic swell attenuated by offshore reefs, islands, or headlands, but shoreline is substantially exposed to wind waves. Typical of cobble or gravel fields. Water velocity between 1 and 2 meters/second.

Semi-protected/Low energy: Shoreline protected from sea swell, but it may receive waves generated by moderate fetch. Typical of gravel or unconsolidated muddy sediments. Water velocity less than 1 meter/second.

Protected/Low energy: No sea swell, little or no current, and restricted wind. Typical of unconsolidated muddy sediments. Water velocity less than 1 meter/second.

Drainage on Intertidal Flats: The amount of water left on intertidal area after ebb tide.

Habitats: description of activity site and adjacent areas

Sand Beach: exposed environments containing at least 75% sand.

Boulder/cobble Beach: exposed environments dominated by boulders and/or loose rounded rocks.

Sand Flat: protected and semi-protected environment dominated by sandy sediment.

Mixed Coarse & Fines: semi-protected environment consisting of a mixture of rocks, boulders, gravel, sand, cobbles, and mud.

Rocky Shore: semi-protected to moderate consisting of rocks, boulders, or ledge.

Salt Marsh: persistent near shore emergent grass habitats.

Ledge: stable bedrock

Mud Flat: protected environments containing at least 75% mud

Eelgrass: intertidal and subtidal grass habitat.

Relative Abundance: the frequency of an organism at or adjacent to the activity site

Absent: Organism is physically absent from the specific area.

Scattered or occasional: A limited number of a specific organism found only after a thorough investigation of the habitat *or* organisms occurring in small (<1/2 square foot) patches or small clumps throughout the zone.

Common: Specific organism found readily with little investigation, but not visually obvious; found repeatedly and/or occurring in numerous patches throughout habitat.

Abundant: Specific organism is visually obvious throughout area with limited or no habitat disturbance.

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**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: _____ PHONE: _____

APPLICATION TYPE: _____

ACTIVITY LOCATION: TOWN: _____ COUNTY: _____

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: _____

DATE OF SURVEY: _____ OBSERVER: _____

TIME OF SURVEY: _____ TIDE AT SURVEY: _____

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
Intertidal area: _____ Subtidal area: _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____
Intertidal area: _____ Subtidal area: _____

HABITAT TYPES PRESENT (check all that apply):
 sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
 ledge rocky shore mudflat (sediment depth, if known: _____)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER:
 bluff/bank (height from spring high tide: _____) beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

CURRENT USE OF SITE AND ADJACENT UPLAND:
 undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:
 Photographs Overhead drawing (pink)

**APPENDIX C: APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT
PERMIT
SUPPLEMENTAL INFORMATION FOR DREDGING ACTIVITIES IN A COASTAL WETLAND, GREAT POND,
RIVER, STREAM OR BROOK**

(Discard this part if dredging is not proposed as part of your activity.)

The DEP and the Corps strongly recommend that applicants schedule a pre-application meeting prior to submitting an application for dredging.

Volume to be dredged:	cu. yds.		
Sq. ft. to be dredged: i	sq. ft.		
Max. depth of dredging below existing grade:			
Type of material (example: sand, silt, clay, gravel. etc.) to be Dredged:			
Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):			
Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary): Show dewatering location and erosion control measures on activity drawings.			
What equipment will be used for the dredge?			
Disposal Location: (Check one)	Upland disposal: <input type="checkbox"/> On site <input type="checkbox"/> Landfill <input type="checkbox"/> Other _____	Ocean disposal: Federal Disposal Site <input type="checkbox"/> Arundel <input type="checkbox"/> Portland <input type="checkbox"/> Rockland <input type="checkbox"/> Other _____	

(pink)

FOR UPLAND DISPOSAL:

Contact the Division of Solid Waste Management at (207) 822-6300:

- Contacted: Yes No If yes, attach a copy of any correspondence.
- Permitted: Yes No If yes, provide the permit number_____.

FOR OCEAN DISPOSAL:

- Submit as **Attachment 15**, a copy of the test results performed in accordance with the U.S. Environmental Protection Agency and the Army Corps of Engineers' document entitled "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (May 2002). This is available from the Army Corps of Engineers. (207) 623-8367

NOTE: Applicants are **STRONGLY** recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

- Submit as **Attachment 16**, a copy of a map showing the proposed transportation route to the disposal site.

List all municipalities adjacent to the proposed transportation site:

A copy of the application must be submitted to all municipalities adjacent to the proposed transportation site.

- Submit as **Attachment 17**, a copy of the notice of the proposed transportation route. A copy of the proposed transportation route must be published in a newspaper of general circulation in the area of the proposed route. (The notice of the proposed route must include compass bearings or Loran coordinates). The notice must be published under the heading "NOTICE TO FISHERMEN".

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Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



THIS IS AN APPLICATION FOR A.....

- Commercial wharf
If yes, indicate type of commercial activity: _____
License number: _____
Number of fishermen using this wharf: _____
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: _____



TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of _____ feet.
My boat(s) is _____ feet long.



TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____



SCENIC CONSIDERATIONS...Please complete Appendix A of the NRPA application.



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in _____ approximately _____ miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in _____ approximately _____ miles from the project location.
(distance) (town)

- I have inquired about slip or mooring availability at the nearest marina or public facility.
 - Yes, a slip or mooring is available. No, a slip or mooring is not available.
 - Approximate expected time on waiting list: _____
- I have contacted the local Harbor Master.

Name: _____ Phone: _____

I currently use the following for my boat: Mooring Marina



TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- The structure will be supported by pilings.
_____ pilings of _____ inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet
- The structure will be supported by solid fill.
_____ square feet of solid fill
- Other: _____

DIMENSIONS:

Length of fixed section: _____ feet
Width of fixed section: _____ feet
Length of ramp: _____ feet
Dimensions of float: _____ feet wide by _____ feet long
Distance the structure will extend below mean low water (MLW): _____ feet
Depth of water at the fixed end of the structure: _____ feet
Depth of water at the float at low tide: _____ feet
Depth of water at the float at high tide: _____ feet
Dimensions of any proposed buildings (e.g. bait shed):
_____ feet high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge

PART 4. SIGNIFICANT GROUNDWATER WELL APPLICATION UNDER THE NATURAL RESOURCE PROTECTION ACT

ELIGIBILITY CRITERIA & STANDARDS

This application form constitutes an application to the Maine Department of Environmental Protection for a proposed significant groundwater well review. This agency, or their review agents, may contact you for further information regarding your activity.

An individual NRPA review is required for the establishment or operation of a significant groundwater well.

BASIC ATTACHMENTS FOR SIGNIFICANT GROUNDWATER WELL PERMIT APPLICATIONS

For Part 4 Significant Groundwater Well NRPA permit applications, follow the general application instructions on pages 4-8 (green) and, in addition, submit Attachments 1-10, on the goldenrod application form and the signature page.

The scale of all drawings must be no smaller than 1 inch equals 100 feet. Larger scale 1" = 20' or 1"=50' plans are also acceptable. **ALL drawings larger than 8½" x 11" must be folded to 8½" x 11". Please note that for the Corps review at least one set of drawings must be on 8½" by 11" size paper.** They must be clear, reproducible, and legible; and each sheet (including the location map) must have a consistent title block, numbering scheme, and date. PLEASE ALSO NOTE THAT REDUCTIONS OF LARGE SCALE PLANS ARE NOT GENERALLY ACCEPTABLE.

All work performed by a professional engineer or other licensed professional must be dated, stamped and signed by the professional.

THE DEPARTMENT HAS FOUND THAT A MAJOR CAUSE OF APPLICATIONS BEING RETURNED IS THE LACK OF PROPERLY PREPARED PLANS. CLEAR AND ACCURATELY DETAILED PLANS ARE CRITICAL TO EFFICIENT APPLICATION PROCESSING. IF YOU DO NOT POSSESS STRONG SKILLS IN DRAFTING PLANS, THE DEPARTMENT RECOMMENDS THAT YOU OBTAIN THE SERVICES OF SOMEONE WHO IS A QUALIFIED PROFESSIONAL.

- Attachment 1**, a project description. A description of the development history and proposed development at the site, including the acreage of the parcel, area to be developed, areas of buildings, parking lots, roads, paved areas and other existing or proposed facilities, proposed volumes of water to be extracted, locations and method of extraction, and other relevant information. This written information regarding your activity should match the information shown on site plans or drawings.

- Attachment 2**, a project location map. A photocopy of the relevant area of the U.S.G.S. 7.5 minute quadrangle map or maps showing the boundaries of the property and the approximate location of the proposed extraction point or points.

- Attachment 3**, a site plan. A plan or plans of the site, at a scale of 1"= no more than 100', showing, at a minimum, the existing or proposed groundwater extraction point or points and the following features within 1000 feet of any existing or proposed extraction point. Depending on the size of the parcel on which the

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project is located, the area of the parcel to be impacted by the proposed development, volume of water to be withdrawn, other uses of water within the area and the results of the pumping tests and determination of the zone of contribution to any wells used for extraction of the water, the Department may require some or all of this information at a greater distance from any existing or proposed groundwater extraction point or points.

The following must also be included:

- Existing or Proposed Facilities. All existing and proposed facilities related to groundwater extraction, transport, bottling, or other relevant activities, and all other structures on property owned or controlled by the applicant;
 - Roads. All public and private roads, existing or proposed;
 - Sources of Water. All wells, springs, or other locations where groundwater or surface water is drawn for private, public, or commercial use;
 - Surface-Water Resources. All surface water resources, including but not limited to streams, wetlands, ponds, lakes, and vernal pools;
 - Monitoring Locations. All monitoring wells, piezometers, flumes, staff gages, precipitation monitoring sites, stream sections, wetland transects, sampling locations, or other facilities and locations used in analysis of the site;
 - Possible Sources of Contamination. All known or potential sources of groundwater contamination, including but not limited to surface and subsurface wastewater disposal systems, landfills and dumps, sand – salt storage and mixing areas, junkyards, manure stacking sites, agricultural fields or other areas of pesticide, herbicide, or fertilizer application, and tanks or other storage areas for fuel or other hazardous materials.
- **Attachment 4**, a geologic characterization. A report describing a conceptual hydrogeologic model of the aquifer being considered and its recharge areas, including but not limited to:
- Geologic Description. Description of the geology and geologic history of the area.
 - Cross-Sections. Generalized geologic cross-sections through the aquifer based on available information such as well logs, geologic reports, maps, and subsurface data.
 - Logs. Logs of all wells, borings, seismic lines, and other subsurface data used in development of the report;
 - Hydrogeologic Description. A description of aquifer flow, hydraulic boundaries, recharge conditions, interaction of the source of the withdrawal with surrounding water resources, and springs, and the estimated zone of contribution;
 - Conceptual Flow Net. A conceptual groundwater flow-net map for the aquifer and its recharge areas based on available data, showing hydraulic head contours; and horizontal and vertical groundwater flow under average, ambient, non-pumping conditions.
 - Water Budget. An estimate of the pre- and post-development water budget of the site, including the volumes of water required to maintain existing conditions in the protected resources in the zone of contribution, other existing uses in the watershed and contributing area, and reasonably anticipated changes in demand for water in those areas.

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○ **Background Data.** Data from monitoring wells, piezometers, flumes, staff gauges, precipitation monitoring site, stream sections, wetland transects, sampling locations, and other sites used to access pre-development conditions at the site. These data must have been collected at a frequency and density of locations acceptable to the Department and must provide information over a sufficient period of time, generally no less than one year, to allow assessment of natural seasonal variation. If unusually dry or wet seasons occur during the background monitoring period, include an assessment of how conditions observed during these seasons would differ from more typical conditions.

□ **Attachment 5,** a demonstration of no adverse impact. Submit information demonstrating that the proposed withdrawal of water will not adversely affect existing uses of groundwater or surface water resources. Note that all instrumentation used during this assessment must meet standards of accuracy and precision determined by the Department.

○ **Pumping Tests.** Submit a determination of the long-term safe yield of each well, including a prediction of operating levels and determination of the zone of influence and zone of capture for each well. This determination must include at least one long-duration pump test at a reasonably fixed rate and a stepped-rate test designed to determine the optimal extraction rate for the well or wells. Provide a specific assessment, developed from monitoring of water levels and flows during the pump tests, of the impacts on any existing wells and existing groundwater flow paths within the zone of influence and zone of capture for each well, and on the impacts on baseflow volumes, potential for induced recharge, maintenance of flow and surface water quality, duration of saturation in wetlands and vernal pools, and other potential impacts on surface-water or groundwater quantity, quality, and classification within the zone of influence and zone of capture for each well. Pump tests should include, at a minimum, the following:

- Establishment of near-field and far-field monitoring wells, including nested wells near springs, wetlands, and other surface waters in order to evaluate changes in vertical flow due to the pumping, and background wells to document background water levels in an area of the aquifer (or adjacent aquifer) that will not be influenced by the test.
- Location and elevation of the monitoring wells relative to the existing well(s), to the nearest 1 ft horizontal and 0.01 ft vertical.
- Measurement of elevation and distance from the pumping well(s) of springs, streams, lakes, rivers, and wetlands shown on the site plan.
- Establishment of staff gages or pressure transducers in streams, ponds, open-water wetlands, and other surface waters reasonably likely to be affected by pumping.
- Establishment of one or more precipitation monitoring stations.
- Two or more weeks of daily background monitoring at all stations.
- A stepped-rate pumping test to assess the hydraulic characteristics of the well or wells to be pumped during the long-duration test.

(goldenrod)

- A long-duration pumping test to continue until stabilization has been reached or for 5 days, whichever is less. Stabilization is considered to be reached when the drawdown reading at either an observation well no more than ten feet from the pumping well or the pumping well itself has not varied by more than 1/2 inch (0.04 feet) during the preceding 24-hour period. An alternative definition of stabilization may be proposed by the applicant and must be reviewed and approved by the Department prior to the pumping test. The Department may require longer-duration tests if determined to be necessary to assess impacts to surface waters or other wells.
- Monitoring of water levels at monitoring wells, surface waters, springs, and other areas at a frequency determined by the Department during the pump tests and a recovery period no shorter than the duration of the test.
- Records of precipitation during the pump test and recovery period, at a frequency determined by the Department.
- Flows from the pumping well in gallons per minute.
- Uses and flows of nearby wells or other operations, such as construction dewatering, in the vicinity of the pumping well or monitoring wells that could affect groundwater levels during the test and recovery period.

○ Natural Flow from Springs, Other Surface Sources, or Artesian Wells. If the proposed extraction relies in whole or part on collection of water from a spring or surface source, demonstrate that the flow remaining after removal of the water will be sufficient to maintain existing uses of downstream surface waters, particularly during periods of low-flow, and that the classification of downstream surface waters will not be affected.

□ **Attachment 6, a** monitoring plan. Submit a plan for long-term monitoring of groundwater and surface water within areas likely to be impacted by the proposed use, and of background conditions outside that zone if determined to be necessary by the Department. This may include, but is not limited to, regular measurement and assessment of water level, water quality, streamflow, biomonitoring, wetland vegetation, amount and type of precipitation, and other sources of information as determined to be applicable to particular sites, depending on the presence and sensitivity of the resources, the proposed volume and method of extraction, and other relevant factors. This plan must include a provision for regular submission of data to the Department, comparison of measured data to predicted values, and a plan to be implemented in the event that monitoring indicates the potential for adverse impact on surface-water or groundwater quantity, quality, and classification.

□ **Attachment 7, Certificate of Good Standing.** If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

□ **Attachment 8, ownership interest.** If an agent is involved with the project, what is his ownership interest? Attach a letter of explanation. (goldenrod)

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about

(anticipated filing date)

The application is for

(description of the project)

at the following location:

(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in *(Portland, Augusta or Bangor)* (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

- MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
- MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
- MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

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PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. “**Abutter**” for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

9. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
10. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
11. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
12. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.
Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date

(goldenrod)

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		5. Name of Agent:	
2. Applicant's Mailing Address:		6. Agent's Mailing Address:	
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:	
4. Applicant's Email Address (Required from either applicant or agent):		8. Agent's Email Address:	
9. Location of Activity: (Nearest Road, Street, Rt.#)		10. Town:	11. County:
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:
			14. Amount of Impact: (Sq.Ft.) Fill: Dredging/Veg Removal/Other:
15. Type of Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	FOR FRESHWATER WETLANDS	
		<i>Tier 1</i>	<i>Tier 2</i>
	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
16. Proposed Start Date and Brief Activity Description:			
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> _____ acres UTM Northing: _____ UTM Easting: _____	
18. Title, Right or Interest:			
<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
19. Deed Reference Numbers:		Book#: _____ Page: _____	20. Map and Lot Numbers: Map #: _____ Lot #: _____
21. DEP Staff Previously Contacted:		22. Part of a larger project:	<input type="checkbox"/> Yes <input type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input type="checkbox"/> No
23. Resubmission of Application?	<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, previous application #	Previous project manager:
24. Written Notice of Violation?	<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input type="checkbox"/> No
26. Detailed Directions to the Project Site:			
TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES: Amount Enclosed:			
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2			

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following:

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

SIGNATURE OF AGENT/APPLICANT

DATE

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

