

Application For General Permit

Agricultural Irrigation Pond

INSTRUCTIONS

This application is to be used by applicants requesting a general permit for an agricultural irrigation pond in accordance with the provisions of Title 38 M.R.S.A. Sec. 480-Y. The instructions for completing this application are listed below.

GENERAL INFORMATION

The application must be filled out completely before it is submitted to the Department. If you have any questions about a submission requirement, please call the appropriate DEP regional office. The addresses and telephone numbers are at the end of the instruction sheet. Incomplete applications will be returned.

The irrigation pond general permit requires that the DEP conduct a site assessment before the application is submitted. If you have not had a site assessment, please call the appropriate DEP regional office for information about scheduling one. It is very important that these site assessments be conducted during a time of year when the stream and wetland conditions can be properly evaluated. Requests received during the winter may be deferred until after snow melt.

The DEP has 15 days to review the application for completeness. Once accepted as complete, the DEP has 30 days to complete our review. The Department will notify you of our decision prior to the end of the 30 day review period. If you wish, you may call the appropriate DEP regional office at any time to check on the status of the application.

Permits from the municipality may be required. Permits from the U.S. Army Corps of Engineers may also be required. Every attempt will be made to determine the need for federal permits during the site assessment. Please make sure you have had contact with the local and federal government, and have received all necessary permits before beginning construction.

FEES

Please be sure to attach a check for the **stream alteration** application fee. This fee may be obtained by calling the nearest DEP office (located on the following page) and requesting the latest fee schedule. Applications received without the proper fee will be returned. Make checks payable to: Treasurer State of Maine.

SUBMISSIONS

Please submit **four (4) complete copies** of the application to the appropriate DEP regional office (addresses on page 3).

SECTION 1. APPLICATION INFORMATION

Name of applicant. Write in the name(s) of the landowner or a person that has legal title, right, or interest in all of the property to be affected by the pond construction. If the landowner is an agency, company, corporation, or other organization, please include the organization's name and the name of a person in authority we can contact about the project.

NOTE: A general permit does not give authority to alter or flood someone else's property.

Street/Box #, City, State, Zip. Write in the full mailing address of the applicant. The DEP will mail copies of any letters to this address.

Telephone #. Write in the applicant's daytime telephone number, including the area code. This should be a number where the applicant can usually be reached during normal working hours. If the applicant can not be reached during normal working hours, it may be helpful to have a local contact or agent (see below).

Local Contact or Agent. The DEP does not require an agent for this application. If the applicant has chosen to have a local contact or agent, please provide the name of that person. The agent can be an attorney, contractor, engineer, or other person willing to provide assistance. Department staff will call the contact/agent first if we have questions. The applicant will always be copied on any letters written about the project.

Please write the full mailing address of the agent. The DEP will send original letters to this address. Also, write the full telephone number where the agent can be reached during normal working hours. Quick answers can help minimize delays in the application process.

SECTION 2. PROPERTY INFORMATION

Name of Stream or Brook. Please write in the name of the stream or brook that will be altered - as it appears on the U.S.G.S. topographic map. If the stream does not have a name, please write "unnamed".

Nearest Road, Street, or Route Number. Please write in the name of the public road closest to the project site.

Tax Map #, Tax Lot #. Write in the town tax map and lot number for the property where the pond will be located. You can get these numbers from the local tax assessor.

City/Town, County. Please write the name of the town or city, and county where the pond will be located. This may be different from the applicant's mailing address.

Name(s) of any person previously contacted at the DEP. Write in names of all department staff that you have previously contacted about this project. It is especially important to list names of DEP staff that attended the site assessment.

]

SECTION 3. ATTACHMENTS

Please attach all requested information. Label each attachment with the correct exhibit number. It will be helpful if the exhibits follow the cover sheet and signature sheet, and are in numerical order. Site plans may be larger than 8½" by 11". However, at least one set of 8½" by 11" plans should be submitted. Larger plans should be folded to no larger than an 8½" by 11" size. Please make sure that plans are clear, easy to read, and contain all of the information listed on the application form.

☛NOTE: All plans, and engineering documents must be signed, dated and stamped by a professional engineer.

SECTION 4. SIGNATURE

Please read this section of the application carefully. If you do not understand the terms you are agreeing to, please call the DEP for clarification. The application must be signed by the applicant, or an agent legally authorized to act on behalf of the applicant. The agent authorization only allows the agent to answer questions and act on the applicant's behalf during the application process. The applicant is still responsible for making sure the project meets all of the requirements for a general permit.

VIOLATIONS

Any actions taken that are not in compliance with the standards of the general permit or the approved plans are a violation of the general permit and may be subject to enforcement action by the DEP.

AGAIN, IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE APPROPRIATE DEP REGIONAL OFFICE. OFFICE LOCATIONS AND TELEPHONE NUMBERS ARE LISTED BELOW. A MAP OF THE REGIONAL BOUNDARY LINES IS ATTACHED FOR YOUR REFERENCE.

Southern Maine:

312 Canco Road

Portland ME 04103

☎ 207-822-6300 or

Toll free at 888-769-1036

Central Maine:

17 State House Station

Augusta ME 04333-0017

☎ 207-287-7688 or

Toll free at 800-451-1942

Eastern Maine:

106 Hogan Road

Bangor ME 04401

☎ 207-941-4570 or

Toll free at 888-769-1137

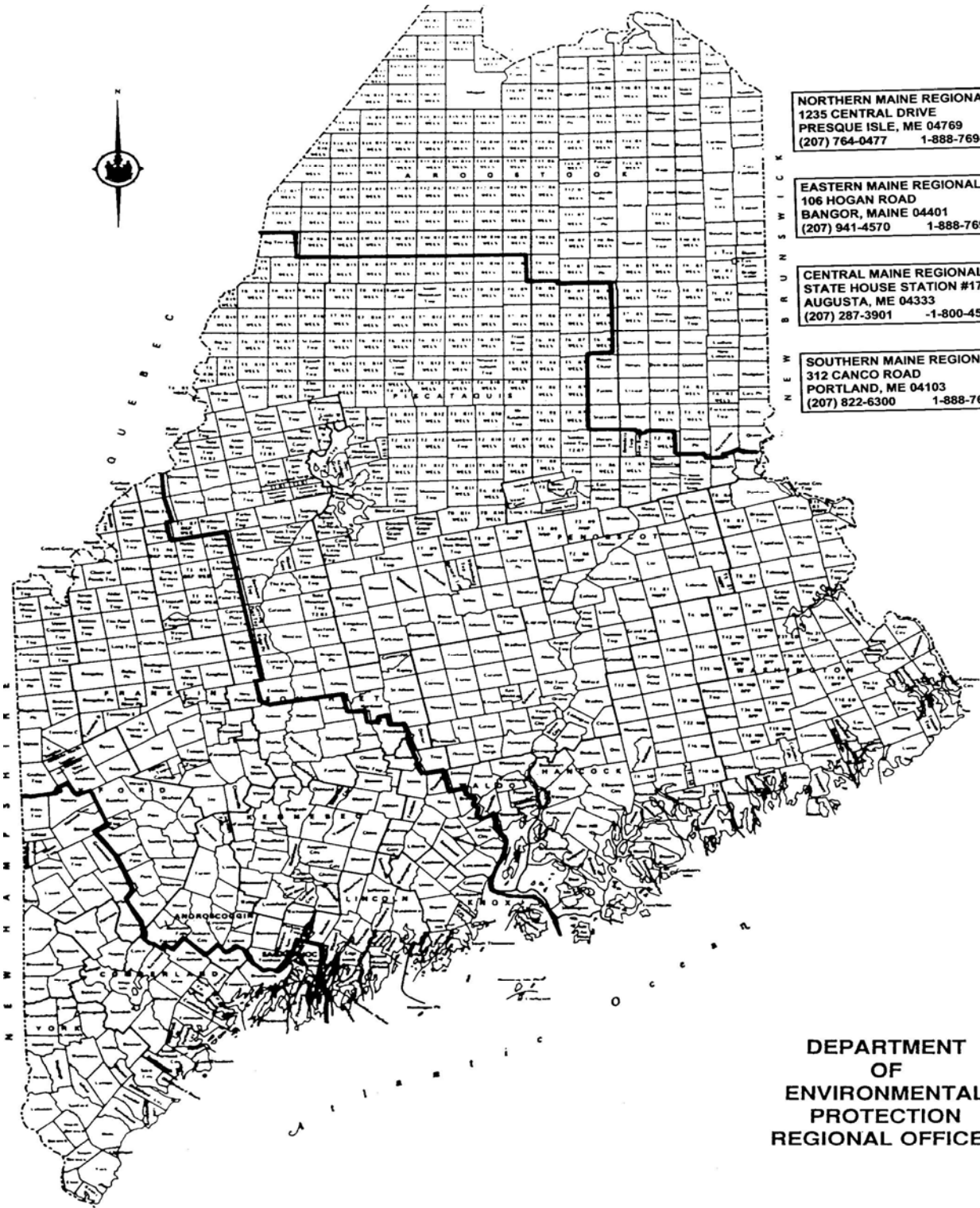
Northern Maine:

1235 Central Drive

Presque Isle ME 04769

☎ 207-764-0477 or

Toll free at 888-769-1053



NORTHERN MAINE REGIONAL OFFICE
 1235 CENTRAL DRIVE
 PRESQUE ISLE, ME 04769
 (207) 764-0477 1-888-769-1053

EASTERN MAINE REGIONAL OFFICE
 106 HOGAN ROAD
 BANGOR, MAINE 04401
 (207) 941-4570 1-888-769-1137

CENTRAL MAINE REGIONAL OFFICE
 STATE HOUSE STATION #17
 AUGUSTA, ME 04333
 (207) 287-3901 1-800-452-1942

SOUTHERN MAINE REGIONAL OFFICE
 312 CANCO ROAD
 PORTLAND, ME 04103
 (207) 822-6300 1-888-769-1036

**DEPARTMENT
 OF
 ENVIRONMENTAL
 PROTECTION
 REGIONAL OFFICES**

Department of Environmental Protection
 Bureau of Land Resources
 17 State House Station
 Augusta, Maine 04333-0017
 ☎ (207)287-7688

For Office Use Only	
File #:	L-
Fee Paid:	
Date Received:	
ATS #:	

APPLICATION FOR GENERAL PERMIT

AGRICULTURAL IRRIGATION POND

This application is to be used by applicants requesting a general permit in accordance with the provisions of Title 38 M.R.S.A. §480-Y. The submissions listed below correspond directly to this section of the Natural Resources Protection Act. An application fee for stream alteration is required at the time of filing. Instructions are attached.

PLEASE TYPE OR PRINT:

① *APPLICANT INFORMATION:*

Name of applicant			
Street/Box #			
City			
State		Zip	
Telephone #			

Local Contact or Agent			
Street/Box #			
City			
State		Zip	
Telephone #			

② *PROPERTY INFORMATION:*

Name of Stream or Brook				
Nearest Road, Street, or Route Number		Tax Map #		Tax Lot #
City/Town			County	
Name(s) of any person previously contacted at DEP				

③ ATTACHMENTS:

- A. **Attach as Exhibit #1** the appropriate United States Geological Survey Map (a U.S.G.S. topo map, 7½ minute, if available) with the boundaries of the farm and the pond site clearly marked and labeled. Clear photocopies are acceptable provided they are labeled with the quad name.
- B. **Attach as Exhibit #2** a photograph of the stream at the proposed dam site. Photos should be mounted on an 8½" by 11" sheet of paper. The photographs must be labeled with the applicant's name, location, and the date taken.
- C. **Attach as Exhibit #3** a copy of the irrigation plan for the farm. The plan must identify the following:
1. The total number of irrigated acres on the farm or unit.
 2. The amount of water needed.
 3. The potential sources of water for irrigation.
 4. The water management practices that will be used to ensure that the amount of water used for crop irrigation will be kept to a minimum.

➤ **NOTE:** *The Natural Resources Conservation Service, the Cooperative Extension Service, professional engineers, and irrigation equipment suppliers may be able to provide assistance with the preparation of this plan.*

- D. **Attach as Exhibit #4** a site plan drawn to scale that includes the following:
1. Existing and proposed topography.
 2. Stream channel location.
 3. Existing wetland boundaries.
 4. Maximum pool elevation.
 5. Normal pool elevation.
 6. Dam footprint.
 7. Outlet location.
 8. Emergency spillway location.
 9. Access roads.
 10. Stockpile locations.
 11. Buffer strips.
- E. **Attach as Exhibit #5** cross section plans drawn to scale-
1. Through the dam.
 2. Through the outlet.
 3. Showing proposed maximum pool elevation.
 4. Showing proposed normal pool elevation.
- F. **Attach as Exhibit #6** a plan to maintain a minimum flow downstream of the dam. Include any calculations used to create the plan. The minimum flow must be equal to inflow or the site specific aquatic base flow, whichever is less, as established at the site assessment.
- G. **Attach as Exhibit #7** a complete erosion control plan using practices contained in the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (1991) unless otherwise approved or required by the department. The erosion control plan must include:
1. A narrative with a sequence for implementing the plan.
 2. Provisions to inspect and maintain erosion controls.
 3. A site plan showing locations of control measures.

- 4. Provisions for maintaining a dry construction site.
- 5. Provisions for disposal of dredged and excavated soil material, including a plan for dewatering the materials.

- H. **Attach as Exhibit #8** test pit logs from a minimum of 2 test pits dug in the footprint of the dam, and results of tests done on the dam fill material under the direction of a professional engineer.
- I. **Attach as Exhibit #9** a copy of the property deed, lease, purchase and sale agreement or other legal document establishing that the applicant has title, right to, or interest in the property proposed for pond development.

④ *SIGNATURE:*

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

- Sent by certified mail a completed copy of the Notice of Intent to File to the owners of the property abutting the land upon which the project site is located within thirty (30) days prior to the filing of the application.
- Sent by certified mail a completed copy of the Notice of Intent to File to and filed a duplicate of this application, including all exhibits, with the town clerk or city clerk of the municipality(ies) where the project is located.
- Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located within thirty (30) days prior to the filing of the application.

"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 and its agents to enter the property that is the subject of this application, at reasonable hours, 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."

"I hereby authorize the person named below to act in my behalf as my agent in the processing of this application."

SIGNATURE OF APPLICANT

DATE

"I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant."

SIGNATURE OF AGENT

DATE

INFORMATION CONCERNING THE FILING OF PUBLIC NOTICE

The Department of Environmental Protection requires that an applicant provide public notice in which he/she describes the project activity and where it is located. Three notices all using the same form (see Notice of Intent to File) are required. The notice requirements are as follows:

1. **Newspaper**

You must publish the Notice of Intent to File in a newspaper circulated in the area where the project is located. The notice must appear in the newspaper within 30 days prior to your filing the application with this Department.

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 project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to your filing the application with this Department.

List below the names and addresses of the owners of abutting property (attach an additional sheet if necessary)

NAME	ADDRESS

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.

4. **Water Company/District**

If the river, stream, or brook is used by a water company, municipality, or water district as a source of water supply, you must also, at the time of filing the application, forward a copy of the application to the water company, municipality, or water district by certified mail.

NOTE: *The applicant shall use the Notice of Intent to File form on the next page or one containing identical information to notify abutters, municipal officials, and local newspapers.*

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Natural Resources Protection Act projects within 30 days prior to filing the application. In the notice, the applicant must provide the information included in the attached Notice of Intent to File form. "Abutter" for the purposes of the notice provision means any person who owns property that is contiguous with the property on which the project requiring a license from the Department is proposed.

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.
2. **Abutters and Others Owning Land Within 1,000 Feet:** You must mail a copy of the Notice of Intent to File to abutters and all persons owning land within 1,000 feet of the proposed project. 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 or County Commissioner(s):** You must mail a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office or, if the proposed project is located in an unorganized or deorganized area of the State, to the county commissioner(s). The Municipal Office or county commissioner(s) must receive notice within 30 days prior to the filing of the application with the Department.

ATTACH a copy of the published notice and a list of persons to whom notice was provided.

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 mailing of the Notice of Intent to File was sent to all abutters and all other persons owning land within 1,000 feet of the proposed project within 30 days prior to filing of the application;
3. A 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 or, if applicable, to the county commissioner(s); and
4. Provided notice of and held a public informational meeting, if required, in accordance with the Department's Chapter 2 rules, Processing of Applications and Other Administrative Matters, Section 12, prior to filing the application. Notice of the meeting was sent to abutters and all other persons owning land within 1,000 feet of the proposed project and to the town office of the municipality in which the project is located or to the county commissioner(s), as applicable, at least 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

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

Please take notice that:

(Name and Mailing Address of Applicant)

(Phone Number and Email Address of Applicant)

is intending to file a general permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. § 480-Y 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 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 application processing period.

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, Bangor, or Presque Isle during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(City/Town)

Written public comments may be sent by email to LandOnCall@maine.gov or by mail to the regional office in Portland, Augusta, Bangor, or Presque Isle where the application is filed for public inspection:

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401
MDEP, Northern Maine Regional Office, 1235 Central Drive, Presque Isle, Maine 04769

*For more information on how to submit public comment with the DEP, please go to our website:
[Public Participation in the Licensing Process \(Information Sheet\) Maine DEP](#)*