Maine Land Use Regulation Commission
Department of Conservation

REQUIREMENTS FOR WETLAND ALTERATIONS

Supplement S-3

WHO NEEDS TO SUBMIT THIS SUPPLEMENT?

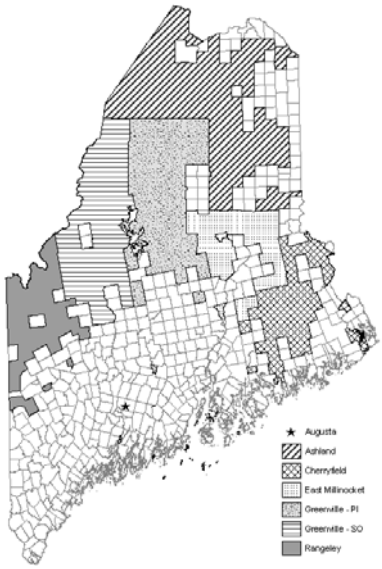
If your proposed development involves altering any amount of land area that is a mapped P-WL subdistrict or any ground below the normal high water mark of a lake, pond, river or stream, you must submit this supplement with your LURC permit application.

WHAT LURC REQUIREMENTS APPLY TO WETLAND ALTERATIONS?

LURC requirements for wetland alterations are explained in Section 10.25,P of the Commission's Land Use Districts and Standards. For guidance, or to obtain a copy of these rules, visit our web site (www.maine.gov/doc/lurc) or contact the LURC office that serves your area.

WHERE CAN I GET HELP TO COMPLETE THIS SUPPLEMENT?

Call the LURC regional office that serves your area (see below) and ask to speak to one of our regional representatives. Also, visit our web site at **www.maine.gov/doc/lurc** to browse through our rules and regulations, meeting agendas, and other valuable information.

Augusta Office *Main LURC Office* 18 Elkins Lane - Harlow Bldg. Tel. (207) 287-2631 22 State House Station TTY (207) 287-2213 Augusta, ME 04333-0022 FAX (207) 287-7439	**Ashland Office** *Serving most of Aroostook County and Northern Penobscot County* 45 Radar Road Tel. (207) 435-7963 Ashland, ME 04732-3600 FAX (207) 435-7184	
Cherryfield Office *Serving Hancock and Washington Counties and Coastal Islands in LURC Jurisdiction* 7 Campbell Hill Tel. (207) 546-4405 P.O. Box 269 FAX (207) 546-2799 Cherryfield ME 04622	**East Millinocket Office** *Serving Southern Penobscot, Southern Aroostook and portions of Piscataquis Counties* 191 Main Street Tel. (207) 746-2244 East Millinocket, ME 04430 FAX (207) 512-1003	
Greenville Office *Serving Piscataquis and Somerset Counties* 43 Lakeview Street Tel. (207) 695-2466 P.O. Box 1107 FAX (207) 695-2380 Greenville, ME 04441	**Rangeley Office** *Serving Franklin and Oxford Counties* 2352 Main Street Tel. (207) 864-5064 P.O. Box 887 FAX (207) 512-1004 Rangeley, ME 04970	

OTHER PERMITS YOU MAY NEED

Some projects that do not require a wetland permit from LURC may require a permit from the U.S. Army Corps of Engineers. It is the applicant's responsibility to be sure that all required permits are obtained for the project. If your project affects any wetlands or waterways, contact the Army Corps of Engineers at (207) 623-8367.

NATURE OF WETLAND ALTERATION

1. Describe the purpose and need for the proposed activity. What will it be used for and why? Describe the type of activity involved (e.g. dredging, filling, constructing a structure, etc.).

2-3. Alteration means removing or displacing soil, sand, vegetation or other materials; dredging; bulldozing; draining or dewatering; filling; or any other construction, repair or alteration of any permanent structure.

P-WL subdistricts include lakes, ponds, rivers, streams, bogs, marshes, intertidal areas and other types of wetlands. Mapped wetlands usually show on LURC maps as P-WL1, P-WL2 or P-WL3 subdistricts. However, small streams are also considered P-WL subdistricts, even if they are not shown on LURC's maps. The legend on the maps will help you interpret the symbols.

If you answered "yes" to Question 3, you must hire a knowledgeable professional experienced in wetland science to determine whether and what kinds of wetlands are present within the boundaries of your project area.

3a. If you answered "no" to Question 3a, you do not need to answer any of the remaining questions in this supplement. Submit a signed statement from a wetlands professional confirming that no wetlands exist within the boundaries of your project area. Mail this supplement and the signed statement with your LURC permit application to the office that serves your area.

If you answered "yes" to Question 2 or Question 3a, proceed to Question 4.
Note: Wetlands not shown on LURC maps, but identified in the field, are also subject to LURC's wetland alteration requirements.

WETLAND TYPE AND AMOUNT OF ALTERATION

4. Refer to a LURC Land Use Guidance Map for the township, town or plantation of your project area to determine the type of wetland (P-WL1, P-WL2 or P-WL3) proposed to be altered. If a wetlands professional visited your site to identify wetland boundaries, he or she will determine the wetland type(s). For each type of wetland that will be altered, write down the area (in square feet). Then calculate and write down the total amount of wetland area to be altered.

> *Remember to include all parts of your project that are within the wetland when you calculate the size of the wetland to be altered. Also include any areas below the normal high water mark of a lake, pond, river, stream or intertidal area.*

5. Write down the size of wetland area (in square feet) that will be altered within each of the listed categories.
6. An imperiled (S2) or critically imperiled (S1) natural community is an assemblage of plants that is rare or extremely rare in Maine. Contact the Maine Natural Areas Program at (207) 287-8044 or a wetlands professional for help in determining whether your project area contains any S1 or S2 communities.

PREVIOUS ALTERATION, AVOIDANCE AND MINIMIZATION, EROSION CONTROL

7. If any wetland area was altered on the property before this application was submitted, check "yes". In deciding whether wetlands have been previously altered, consider all known alterations that occurred in your project area or in its general vicinity. There are many different types of wetland alterations. For example, consider whether there is an old dock, boat house, boat launch, area of disturbed or filled soils, drainage ditches, or impoundments in the vicinity of your project. Provide the date, purpose and extent of the previous wetland alteration, and whether state or federal permits were obtained for the activity.
8. To determine whether an alternative exists to altering wetland areas, consider the possibility of using other sites; reducing the size, scope, configuration or density of the project; developing alternative designs; etc. If it is not feasible to carry out your project without altering a wetland, you must explain why the project cannot be located wholly in the non-wetland portions of your property and what provisions you will make to ensure that your proposal will alter the least amount of wetland feasible and necessary to complete your project. Attach additional paper if more space is needed.
9. Describe in detail what you will do before, during and after construction activities to ensure that any disturbed soils will not erode into any nearby water bodies. Make sure that the locations of all erosion control measures are shown on the site plan included with your LURC permit application.

LEVEL OF WETLAND REVIEW, REQUIRED EXHIBITS

10. Using the answers to the above questions, determine the level of wetland review required for your project. **Select only one box!** Based on the level of review required for your project, identify which exhibits must be included with your supplement (see page ii of the instructions for details). Submit this supplement and the required exhibits with your LURC permit application to the office that serves your area.

> *If you determined that the level of wetland review for your project is Tier 2 or Tier 3, contact LURC for guidance on how to proceed. Some projects may qualify for a lower tier of review if certain criteria are met. For large projects affecting wetlands, or projects of any size affecting P-WL1 wetlands, a pre-application meeting with LURC staff is strongly encouraged. Contact the LURC office that serves your area to set up an appointment.*

Tracking No.	For office use
Permit No.	

Maine Land Use Regulation Commission
Department of Conservation

Supplement S-3

Requirements for Wetland Alterations

Applicant Name(s):	Project Location (Township and County):

NATURE OF WETLAND ALTERATION

1. Describe in detail the purpose and need for the proposed wetland alteration and the type of activity involved (use additional paper if needed).

_____

_____

_____

2. Will your proposal alter any amount of land that is a mapped P-WL subdistrict or any ground below the normal high water mark of a lake, pond, river, stream, or intertidal area? □ Yes □ No
3. Will your proposal alter an acre or more of any land area, either upland or wetland? □ Yes □ No
   3a. If yes, are there wetlands present within the boundaries of your project area (as determined by a qualified wetland professional)? □ Yes □ No

WETLAND TYPE AND AMOUNT OF ALTERATION

4. What type of wetland(s) will be altered? (check all that apply) Provide the amount of wetland area (in square feet) that is proposed to be altered within each category that is checked off, then calculate the total area of wetland alteration.
   - □ P-WL1: Wetland of special significance _____ sq. ft.
   - □ P-WL2: Scrub shrub wetland _____ sq. ft.
   - □ P-WL3: Forested wetland _____ sq. ft.

   TOTAL AREA OF WETLAND ALTERATION: _____ sq. ft.
5. Provide the amount of wetland area (in square feet) that is proposed to be altered within each of the following categories:
   - □ Coastal wetland _____ sq. ft.
   - □ Freshwater wetland _____ sq. ft.
   - □ River, stream or brook bottom _____ sq. ft.
   - □ Lake or pond bottom _____ sq. ft.
6. Do the wetlands to be altered contain any critically imperiled (S1) or imperiled (S2) natural communities? □ Yes □ No

PREVIOUS ALTERATION, AVOIDANCE, EROSION/SEDIMENTATION CONTROL

7. Has any wetland area been previously altered on the property? □ Yes □ No
   7a. If yes, provide the date, purpose, and amount of previous alteration, and whether permits were obtained.

   _____

   _____
8. Is there a reasonable way for you to conduct your project that avoids alteration of wetland areas? □ Yes □ No
   8a. If no, explain why not and describe how do you propose to minimize the amount of wetland to be altered.

   _____

   _____

   _____
9. How will you keep disturbed soils from eroding into nearby lakes, ponds, rivers, streams, intertidal areas, or other wetlands?

   _____

   _____

   _____

LEVEL OF WETLAND REVIEW, REQUIRED EXHIBITS

10. Determine the level of wetland review required for your project (check only one option!) and submit all necessary exhibits with this supplement (see instructions for details).

	Level of Review	Required Exhibits
□ Altering a P-WL1 of any size. □ Altering 15,000 – 43,559 sq. ft. of a P-WL2 or P-WL3 containing S1 or S2 communities. □ Altering 43,560 sq. ft. or more or a P-WL2 or P-WL3.	Tier 3	S-3A, S-3B, S-3C, S-3D
□ Altering 20,000 – 43,560 sq. ft. of a P-WL2 or P-WL3 not containing S1 or S2 communities.	Tier 2	S-3A, S-3B, S-3C, S-3D
□ Altering 15,000 – 19,999 sq. ft. of a P-WL2 or P-WL3 not containing S1 or S2 communities.	Tier 2	S-3A, S-3B
□ Altering 4,300 – 14,999 sq. ft. of a P-WL2 or P-WL3.	Tier 1	S-3A
□ Altering less than 4,300 sq. ft. of a P-WL2 or P-WL3.	None	S-3A

S3-A. WETLAND MAP OR DELINEATION.

Submit a sketch drawing or a map that identifies the location and type of wetlands within the project area, as follows:

- □ **For projects that will alter less than 4,300 sq. ft. of a P-WL2 or P-WL3**, show the location of the wetland in relation to your project area. You may include this information on your LURC permit application site plan (Exhibit D) instead.
- □ **For projects that will impact only a water body** (such as a lake, pond, stream, river, or intertidal area), submit a map, drawn to scale, that shows the normal high and low water marks of the water body and the proposed wetland impact area. If you are submitting a LURC permit application, you may include this information on your site plan (Exhibit D) instead.
- □ **For projects requiring Tier 1 wetland review**, submit a map, drawn to scale, that indicates the types and locations of wetlands within the project area; the proposed wetland impact area; locations of streams and other natural features; and distances of lakes, ponds, streams, rivers, intertidal areas, and wetlands from the nearest proposed structure or disturbed area.
- □ **For projects requiring Tier 2 or 3 wetland review**, submit a wetland delineation, conducted by a qualified wetlands professional, along with a report describing the physical characteristics of the wetland. The wetland delineation must be conducted using the methods described in the U.S. Army Corps of Engineers Wetland Delineation Manual (1987). For a Tier 2 review, a map must show the wetland boundaries, but the associated field sheets (sample plot logs) do not need to be submitted with this supplement (LURC may request field sheets to be submitted on some projects, depending upon the type of resources to be impacted, the amount of proposed impact, or the nature of the proposal). For a Tier 3 review, a map and field sheets (sample plot logs) must be submitted with this supplement.

S3-B. ALTERNATIVES ANALYSIS.

The alternatives analysis is a narrative that explains how your project has been designed to have the least amount of impact on the wetland. In addition to explaining how your project will alter the least amount of wetland possible, you must also explain why other alternatives to the project are not feasible, including the "no action" alternative (that is, not doing the project at all). As you plan your project, remember to lay it out and use construction techniques that will have the least amount of effect on the wetland. Don't fill or disturb any area of wetland if there is a way to do your project that will avoid it. For example, do not plan to place a structure in a wetland if it can be placed on upland, or plan to drive heavy machinery on the wetland if it can be avoided.

Under LURC's standards for wetland alterations, projects requiring certain types of wetland review must either avoid alteration of wetland areas to the extent feasible, considering natural features, cost, existing technology and logistics based on the overall purpose of the project (Tier 1); or must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment (Tier 2 or 3). Contact the LURC office that serves your area for additional guidance or to obtain a copy of LURC's standards for wetland alterations.

S3-C. FUNCTIONAL ASSESSMENT.

A functional assessment is an evaluation of the functions and values of a wetland that is prepared by a qualified wetlands professional. The preferred method for preparing a functional assessment is the Highway Methodology, although best professional judgment is also accepted under certain circumstances. Contact the LURC office that serves your area for more information.

Certain projects are exempt from the functional assessment and compensation plan requirements. Contact the main LURC office in Augusta for guidance on which projects are exempt from these requirements.

S3-D. COMPENSATION PLAN.

Compensation is required for certain projects where the functional assessment has shown that there will be a loss of wetland functions and values. Because the compensation plan is tied to the results of the functional assessment, the need for a compensation plan is determined either during a pre-application meeting with LURC, or in consultation with LURC once the functional assessment has been submitted. If compensation is required, the compensation plan must meet the standards found in the Commission's Wetland Compensation Guidelines. Contact the LURC office that serves your area to obtain a copy of this document.