

GP/SA/WL/WQC

Tracking No.

Permit No.

Activity Attachment: Dock Reconstruction

Questions and Conditions of Approval

This Attachment must accompany the Expedited Shoreland Alteration Permit Application, and is for reconstruction of:

- A legally existing private residential or public permanent dock; or
- A legally existing private residential or public temporary dock on a waterbody where there is a FEMA or P-FP zone
NOTE: Temporary docks where there is not a FEMA or P-FP zone present do not require a LUPC permit.
- Where the area affected below the normal high water mark would be less than 500 square feet in size;
- The dock is located on an inland water;
- The dock was in usable condition within the two years prior to submittal of the application; and
- The reconstructed dock will be the same size and type, and in the same location as the existing dock, except where relocated to meet the property line setback.

This Activity Attachment cannot be used for reconstruction of docks on coastal waters or for commercial facilities.

This Activity Attachment is only for dock reconstruction where the affected waterbody is bordered by the following zones (*Note: The zone your project is located in is listed in Question 2 of the application form.*)

- P-GP and P-GP2, including where there is an overlapping FEMA or P-FP zone, or a P-AR zone
- P-SL2 associated with a pond smaller than 10 acres, including where there is an overlapping FEMA or P-FP zone, or a P-AR zone
- P-SL1 and P-SL2 associated with a stream or river (but not where there is a FEMA or P-FP zone)
- P-AL zone
- All development zones (except D-PD and D-MT)

 Projects on waterbodies abutting zones not listed here may be allowed using the standard application form. Consult with your regional representative to determine if your project is an allowed use.

A. PROJECT TYPE (check one)

- Private residential permanent dock Public permanent dock
 Private residential or public temporary dock where there is a FEMA or P-FP zone

B. LOCATION (check one)

- Lake or pond 10 acres or larger Pond smaller than 10 acres (Pond size in acres, if known _____)
 River or stream bordered by a P-SL1 zone (major flowing water) Stream bordered by a P-SL2 zone (minor flowing water)

C. PROJECT DETAILS

NOTE: Answering YES to a question indicates that the statement is correct about your project.

1. The total area in square feet of lake, pond, river or stream below the normal high water mark to be impacted by the dock reconstruction will be less than 500 square feet YES NO
 If YES, provide the size of the area within the waterbody to be impacted:..... _____ sq. ft.
2. The reconstructed dock will be in the same location as the existing dock, unless the dock is being moved to better meet the property boundary line setback to the greatest extent possible..... YES NO
3. Has the dock being reconstructed been in place and usable within the last two years?..... YES NO

If you answered NO to any one of Questions 1, 2 or 3 in Section C, then the expedited permit form cannot be used, STOP HERE.

Contact the LUPC office that serves your area to obtain the standard application form or further assistance.

If you answered YES to all three questions, please continue to Question 4.

4. The dock reconstruction would meet the definition of "normal maintenance and repair" of a docking structure, as defined in Section 10.02 of the Commission's *Land Use Districts and Standards* (also see below). YES NO

Normal Maintenance and Repair: "Unless otherwise provided, work necessary to maintain an improvement, structure, or docking structure in its original or previously improved state or condition, as long as there is no expansion of a non-conforming structure and less than 50 percent of a structure is replaced. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows. In-kind and in-place replacement of decking or exterior stairs is considered to be normal maintenance and repair.

Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, or change in size or capacity. Activities involving a permanent docking structure constitute normal maintenance and repair only when less than 50% of those portions of the permanent docking structure that are above the level of the water during normal high water are maintained or repaired. (emphasis added)

A permit is required for a dock reconstruction located on a waterbody with a FEMA or P-FP zone if the cost of the reconstruction is \$1,000 or more, even if less than 50% of the portion of the dock that is above water is being replaced.

If there is no FEMA or P-FP zone present, and your dock reconstruction meets the definition of "normal maintenance and repair" for docking structures, then no permit is required.

Check with the LUPC office that serves your area to determine if a permit is required for your activity.

D. CONDITIONS OF APPROVAL FOR DOCK RECONSTRUCTION

By law, any proposed development must meet certain conditions of approval. Please read each of the following statements carefully. Check 'YES' if your project will be done as described in each statement. You must complete all questions, including those marked as "[P-FP]". **Checking 'NO' to any of the following statements indicates that your project will not comply with that CONDITION OF APPROVAL, and this expedited form cannot be used for your project.** However, projects not qualifying for the expedited permit may still be allowed using a standard permit. If a statement does not apply to your project, check 'N/A' and if needed, explain why on page 3 of the application form, which is provided for this purpose.

PROJECT DESCRIPTION AND CONSTRUCTION MATERIALS

1. The reconstructed dock will be the same type and the same size as, or smaller than, the existing dock. Reconstructed private residential docks must be no wider than 8 feet and no longer than 50 feet. Reconstructed public docks must be less than 10 feet wide and less than 50 feet long. YES NO

If you plan to replace an existing dock on posts with a rock-filled crib dock, it is considered to be an expansion, not a reconstruction, and this form cannot be used for your project.

2. The reconstructed dock will not include other structures, such as sheds, floatplane hangers, boathouses, electric wiring, or fuel storage tanks attached to the dock. YES NO
3. [P-FP] The reconstructed dock will be adequately anchored to prevent flotation (floating docks excluded), collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. YES NO
4. [P-FP] The construction practices and methods used will minimize the potential for flood damage, and the materials used will be resistant to flood damage. YES NO
5. Only untreated wood or pressure-treated wood or other material approved by the U.S. Environmental Protection Agency for inland waters will be used to reconstruct the dock. CCA pressure-treated wood will only be used if it is dried on land in such a manner as to expose all surfaces to the air for at least 21 days. PCP pressure-treated wood or wood treated with creosote will not be used. YES NO
6. All metal used below the normal high water mark will be rust-proof. YES NO
7. The dock reconstruction will not involve the use of concrete. YES NO
8. Heavy machinery will not be driven in the water or below the normal high water mark (except as provided for flowed lakes, see Question #9). N/A YES NO

Section D Conditions of Approval, continues onto the next page...

9. ***For projects on flowed lakes only:*** Heavy machinery will be driven below the normal high water mark only where necessary, when the work area is above the level of the water, and only on rocky or gravelly substrate. Mats or platforms will be used as needed to protect the shoreline and lake bottom from damage..... N/A YES NO
10. The dock reconstruction will not require alteration of any other area of wetland [(P-WL) Wetland Protection Subdistrict] other than the waterbody that the activity is located on. YES NO
11. The dock reconstruction will not require construction of an access road..... YES NO
12. All construction debris and residual materials will be removed from the waterbody and disposed of according to the Maine Solid Waste Disposal Rules..... YES NO

PROJECT LOCATION AND TIMING

13. The dock reconstruction will occur during a period of low water conditions, and for flowed lakes when the lake bottom is exposed. YES NO
14. ***For projects on streams or rivers:*** The dock reconstruction will occur between July 15th and October 1st..... N/A YES NO
15. ***For projects on streams or rivers:*** The dock reconstruction will not interfere with natural flow, will not create an impoundment, and will not block fish passage..... N/A YES NO
16. [P-FP] The reconstructed dock will not interfere with navigation or recreation. YES NO
17. The dock reconstruction will not occur when the soil above the normal high water mark is frozen or saturated..... YES NO
18. The dock being reconstructed is not located within 250 feet of mapped Endangered, Threatened, and Special Concern species habitat as designated by the Maine Department of Inland Fisheries and Wildlife. For further information, contact your LUPC regional representative; or MDIFW, 284 State Street, Augusta, ME 04333; (207) 287-8000. YES NO

SOIL AND VEGETATION DISTURBANCE; AND EROSION / SEDIMENTATION CONTROL

19. The dock reconstruction will not require more than incidental grading, filling or clearing of vegetation within 100 feet of the normal high water mark. The project will meet the LUPC's standards for Vegetation Clearing (10.27, B) and for Filling and Grading (10.27, F). See www.maine.gov/dacf/lupc/laws_rules/ch10.html, Rules and Regulations, Chapter 10 YES NO
20. Prior to construction, measures to control erosion and sedimentation, such as staked hay bales or silt fencing, will be placed between any area above the normal high water mark that will be disturbed and the waterbody to prevent sediment from entering the waterbody. Silt fencing will be removed within 30 days of completing the project, if soil stabilization is complete..... YES NO
21. If work will be conducted in the water, prior to construction sedimentation control measures such as a floating silt boom will be installed around the work area below the normal high water mark to contain and isolate turbidity. The silt boom will be removed upon completion of construction. YES NO
22. All areas of disturbed mineral soils above the normal high water mark will be stabilized with hay or bark mulch and replanted within one week of inactivity or completion of the project in accordance with the Commission's Guidelines for Vegetative Stabilization. See www.maine.gov/dacf/lupc/laws_rules/ch10.html, Rules and Regulations, Chapter 10, Appendix B..... YES NO