**Updated** **05/15/2020**

# STATE PROJECT

**Effective May 15, 2020**
**Supersedes April 22, 2020**

## BIDDING INSTRUCTIONS

FOR ALL PROJECTS:

1. Use pen and ink to complete all paper Bids.
2. As a minimum, the following must be received prior to the time of Bid opening:

For a Paper Bid:

a) a copy of the Notice to Contractors, b) the completed Acknowledgement of Bid Amendments form, c) the completed Schedule of Items, d) two copies of the completed and signed Contract Offer, Agreement & Award form, e) a Bid Guaranty, (if required), and f) any other certifications or Bid requirements listed in the Bid Documents as due by Bid opening.

For an Electronic Bid:

NOTE: Not all projects accept Electronic Bids. Please review the Notice to Contractors and see if it specifically states that Electronic Bids will be accepted.

a) a completed Bid using Expedite® software and submitted via the Bid Express™ web-based service, b) an electronic Bid Guaranty (if required) or a faxed copy of a Bid Bond (with original to be delivered within 72 hours), and c) any other Certifications or Bid requirements listed in the Bid Documents as due by Bid opening.

3. Include prices for all items in the Schedule of Items (excluding non-selected alternates).
4. Bid Guaranty acceptable forms are:
   a) a properly completed and signed Bid Bond on the Department's prescribed form (or on a form that does not contain any significant variations from the Department's form as determined by the Department) for 5% of the Bid Amount or
   b) an Official Bank Check, Cashier's Check, Certified Check, U.S. Postal Money Order or Negotiable Certificate of Deposit in the amount stated in the Notice to Contractors or
   c) an electronic bid bond submitted with an electronic bid.

5. If a paper Bid is to be sent, "FedEx First Overnight" delivery is suggested as the package is delivered directly to the DOT Headquarters Building located at 16 Child Street in Augusta. Other means, such as U.S. Postal Service's Express Mail has proven not to be reliable.

IN ADDITION, FOR FEDERAL AID PROJECTS:

6. Complete the DBE Proposed Utilization form, and submit with your bid. If you are submitting your bid electronically, you must FAX the form to (207) 624-3431. This is a curable defect.

*If you need further information regarding Bid preparation, call the DOT Contracts Section at (207) 624-3410.*

*For complete bidding requirements, refer to Section 102 of the Maine Department of Transportation, Standard Specifications, March 2020 Edition.*

April 28, 2017
Supersedes October 15, 2015

# NOTICE

**The Maine Department of Transportation is attempting to improve the way Bid Amendments/Addendums are handled, and allow for an electronic downloading of bid packages from our website, while continuing to maintain an optional plan holders list.**

**Prospective bidders, subcontractors or suppliers who wish to download a copy of the bid package and receive a courtesy notification of project specific bid amendments must fill out the on-line plan holder registration form and provide an email address to the MDOT Contracts mailbox at: MDOT.contracts@maine.gov. Each bid package will require a separate request.**

**Additionally, interested parties will be responsible for reviewing and retrieving the Bid Amendments from our web site, and acknowledging receipt and incorporating those Bid Amendments in their bids using the Acknowledgement of Bid Amendment Form.**

**The downloading of bid packages from the MDOT website is not the same as providing an electronic bid to the Department. Electronic bids must be submitted via http://www.BIDX.com. For information on electronic bidding contact Rebecca Snowden at rebecca.snowden@maine.gov or Guy Berthiaume at guy.berthiaume@maine.gov.**

# NOTICE

For security and other reasons, all Bid Packages which are mailed, shall be provided in double (one envelope inside the other) envelopes. The *Inner Envelope* shall have the following information provided on it:

Bid Enclosed - Do Not Open
PIN:
Town:
Date of Bid Opening:
Name of Contractor with mailing address and telephone number:

In Addition to the usual address information, the *Outer Envelope* should have written or typed on it:

Double Envelope: Bid Enclosed
PIN:
Town:
Date of Bid Opening:
Name of Contractor:
*This should not be much of a change for those of you who use Federal Express or similar services.*

Hand-carried Bids may be in one envelope as before, and should be marked with the following information:

Bid Enclosed: Do Not Open
PIN:
Town:
Name of Contractor:

October 16, 2001

## STATE OF MAINE DEPARTMENT OF TRANSPORTATION

Bid Guaranty-Bid Bond Form

**KNOW ALL MEN BY THESE PRESENTS THAT**_____

_____, of the City/Town of _____and State of_____

as Principal, and _____as Surety, a

Corporation duly organized under the laws of the State of_____and having a usual place of

Business in _____and hereby held and firmly bound unto the Treasurer of

the State of Maine in the sum of_____,for payment which Principal and Surety bind

themselves, their heirs, executers, administrators, successors and assigns, jointly and severally.

The condition of this obligation is that the Principal has submitted to the Maine Department of Transportation, hereafter Department, a certain bid, attached hereto and incorporated as a part herein, to enter into a written contract for the construction of _____

_____

_____and if the Department shall accept said bid and the Principal shall execute and deliver a contract in the form attached hereto (properly completed in accordance with said bid) and shall furnish bonds for this faithful performance of said contract, and for the payment of all persons performing labor or furnishing material in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be null and void; otherwise it shall remain in full force, and effect.

Signed and sealed this_____day of _____20_____

WITNESS:

_____

_____

_____

PRINCIPAL:

By_____

By:_____

By:_____

WITNESS

_____

_____

_____

SURETY:

By_____

By:_____

Name of Local Agency: _____

SAMPLE

# NOTICE

Bidders:

Please use the attached “Request for Information” form when submitting questions concerning specific Contracts that have been advertised for Bid, include additional numbered pages as required. RFI’s may be faxed to 207-624-3431, submitted electronically through the Departments web page of advertised projects by selecting the RFI tab on the project details page or via e-mail to RFI-Contracts.MDOT@maine.gov.

These are the only allowable mechanisms for answering Project specific questions. Maine DOT will not be bound to any answers to Project specific questions received during the Bidding phase through other processes.

When submitting RFIs by Email please follow the same guidelines as stated on the “Request for Information” form and include the word “RFI” along with the Project name and Identification number in the subject line.

State of Maine
Department of Transportation

**RFI No: _____**

# REQUEST FOR INFORMATION

**Date _____ Time _____**

---

**Information Requested for:**

**WIN(S): _____ Town(s): _____ Bid Date: _____**

**Question(s):**_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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_____

_____

_____

Request by:

**Company Name**:_____**Phone:(_____)**_____

**Email: _____ Fax: (_____)**_____

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**Complete this form and fax to 207-624-3431, Attn: Project Manager (name listed on the "Notice to Contractors"), or Email questions to RFI-Contracts.MDOT@maine.gov, Please include the word "RFI" along with the Project Name and Identification Number in the Subject line, or electronically by using the RFI Tab located on the Individual Projects Detail page.**

## Vendor Registration

Prospective Bidders must register as a vendor with the Department of Administrative & Financial Services if the vendor is awarded a contract. Vendors will not be able to receive payment without first being registered. Vendors/Contractors will find information and register through the following link –
http://www.maine.gov/purchases/venbid/index.shtml

# STATE OF MAINE DEPARTMENT OF TRANSPORTATION
# NOTICE TO CONTRACTORS

Sealed Bids addressed to the Maine Department of Transportation, Augusta, Maine 04333 and endorsed on the wrapper "Bids for **Large Culvert Replacement** in the Town of **North Yarmouth**" will be received from contractors at the Reception Desk, MaineDOT Building, Capitol Street, Augusta, Maine, until 11:00 o'clock A.M. (prevailing time) on **December 13, 2023,** and at that time and place, publicly opened and read. Bids will be accepted from all bidders. The lowest responsive bidder must have completed, or successfully complete, a **Highway Construction prequalification),** or project specific prequalification to be considered for the award of this contract. **We now accept electronic bids for bid packages posted on the bidx.com website. Electronic bids do not have to be accompanied by paper bids. Please note: The Department will accept a facsimile of the bid bond; however, the original bid bond must then be received at the MDOT Contract Section within 72 hours of the bid opening. Until further notice, dual bids (one paper, one electronic) will be accepted, with the paper copy taking precedence.**

Description: WIN 023693.00

Location: In Cumberland County, project is located in the Town of North Yarmouth along Route 115, approximately 0.03 miles south of the intersection with Mill Road.

Outline of Work: Large Culvert Replacement and other incidental work.

For general information regarding Bidding and Contracting procedures, contact George Macdougall at (207) 624-3410. Our webpage at http://www.maine.gov/mdot/contractors/ contains a copy of the Schedule of Items, Plan Holders List, written portions of bid amendments, drawings, bid results and an electronic form for RFI submittal. For Project-specific information fax all questions to **Project Manager** LaRay Hamilton at (207) 624-3431, use electronic RFI form or email questions to RFI-Contracts.MDOT@maine.gov, project name and identification number should be in the subject line. Questions received after 12:00 noon of Monday (or if that Monday is a state holiday, Friday) prior to bid date will not be answered. Bidders shall not contact any other Departmental staff for clarification of Contract provisions, and the Department will not be responsible for any interpretations so obtained. TTY users call Maine Relay 711.

Bid Documents, specifications and bid forms can be viewed and obtained digitally at no cost at http://www.maine.gov/mdot/contractors/ . They may be purchased from the Department between the hours of 7:00 a.m. to 3:30 p.m. by cash, credit card (Visa/Mastercard) or check payable to Treasurer, State of Maine sent to Maine Department of Transportation, Attn.: Mailroom, 24 Child Street, Augusta, Maine 04333-0016. They also may be purchased by telephone at (207) 624-3536 between the hours of 7:00 a.m. to 3:30 p.m. Full size plans **$18.00 ($21.50** by mail). Half size plans **$9.00 ($11.25** by mail), Bid Book $10 ($13 by mail), Single Sheets $2, payment in advance, all non-refundable.

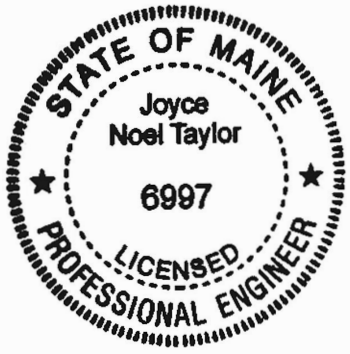
Each Bid must be made upon blank forms provided by the Department and must be accompanied by a bid bond at 5% of the bid amount or an official bank check, cashier's check, certified check, certificate of deposit, or United States postal money order in the amount of 5% of the bid amount, payable to Treasurer, State of Maine as a Bid guarantee. A Contract Performance Surety Bond and a Contract Payment Surety Bond, each in the amount of 100 percent of the Contract price, will be required of the successful Bidder.

This Contract is subject to all applicable State Laws.

All work shall be governed by *State of Maine, Department of Transportation, Standard Specifications, March 2020 Edition*, price $10 [$15 by mail], and *Standard Details, March 2020 Edition*, price $10 [$15 by mail]. They also may be purchased by telephone at (207) 624-3536 between the hours of 7:00 a.m. to 3:30 p.m. *Standard Detail* updates can be found at http://www.maine.gov/mdot/contractors/publications/ .

The right is hereby reserved to the MaineDOT to reject any or all bids.

Augusta, Maine
**November 22, 2023**




Joyce Noel Taylor

JOYCE NOEL TAYLOR P. E.
CHIEF ENGINEER

March 14, 2007
Supersedes March 3, 1966

Non-federal Projects Only

# NOTICE TO CONTRACTORS - PREFERRED EMPLOYEES

Sec. 1303. Public Works; minimum wage

In the employment of laborers in the construction of public works, including state highways, by the State or by persons contracting for the construction, preference must first be given to citizens of the State who are qualified to perform the work to which the employment relates and, if they can not be obtained in sufficient numbers, then to citizens of the United States. Every contract for public works construction must contain a provision for employing citizens of this State or the United States. The hourly wage and benefit rate paid to laborers employed in the construction of public works, including state highways, may not be less than the fair minimum rate as determined in accordance with section 1308. Any contractor who knowingly and willfully violates this section is subject to a fine of not less than $250 per employee violation. Each day that any contractor employs a laborer at less than the wage and benefit minimum stipulated in this section constitutes a separate violation of this section. [1997, c. 757, §1 (amd).]

**SPECIAL PROVISION 102.7.3**
**ACKNOWLEDGMENT OF BID AMENDMENTS**

With this form, the Bidder acknowledges its responsibility to check for all Amendments to the Bid Package. For each Project under Advertisement, Amendments are located at http://www.maine.gov/mdot/contractors/ . It is the responsibility of the Bidder to determine if there are Amendments to the Project, to download them, to incorporate them into their Bid Package, and to reference the Amendment number and the date on the form below. The Maine DOT will not post Bid Amendments any later than noon the day before Bid opening without individually notifying all the planholders.

| Amendment Number | Date |
|---|---|
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The Contractor, for itself, its successors and assigns, hereby acknowledges that it has received all of the above referenced Amendments to the Bid Package.

CONTRACTOR

_____ _____
Date Signature of authorized representative

_____
(Name and Title Printed)

Maine Department of Transportation

Proposal Schedule of Items



Proposal ID: 023693.00 Project(s): 023693.00

SECTION: 1 HIGHWAY ITEMS

Alt Set ID: Alt Mbr ID:

Contractor: _____

| Proposal Line Number | Item ID<br>Description | Approximate Quantity and Units | Unit Price<br>Dollars Cents | Bid Amount<br>Dollars Cents |
|---|---|---|---|---|
| 0010 | 203.20<br>COMMON EXCAVATION | 910.000<br>CY | _____.____ | _____.____ |
| 0020 | 203.24<br>COMMON BORROW | 50.000<br>CY | _____.____ | _____.____ |
| 0030 | 203.25<br>GRANULAR BORROW | 230.000<br>CY | _____.____ | _____.____ |
| 0040 | 203.33<br>SPECIAL FILL | 105.000<br>CY | _____.____ | _____.____ |
| 0050 | 304.10<br>AGGREGATE SUBBASE COURSE - GRAVEL | 840.000<br>CY | _____.____ | _____.____ |
| 0060 | 403.208<br>HOT MIX ASPHALT 12.5 MM HMA SURFACE | 107.000<br>T | _____.____ | _____.____ |
| 0070 | 403.213<br>HOT MIX ASPHALT 12.5 MM BASE | 175.000<br>T | _____.____ | _____.____ |
| 0080 | 409.15<br>BITUMINOUS TACK COAT - APPLIED | 31.000<br>G | _____.____ | _____.____ |
| 0090 | 511.07<br>COFFERDAM: DOWNSTREAM | LUMP SUM | LUMP SUM | _____.____ |
| 0100 | 511.07<br>COFFERDAM: UPSTREAM #1 | LUMP SUM | LUMP SUM | _____.____ |
| 0110 | 511.07<br>COFFERDAM: UPSTREAM #2 | LUMP SUM | LUMP SUM | _____.____ |
| 0120 | 603.4071<br>137"X 87" STEEL STRUCTURAL PIPE ARCH - POLYMER COATED | 96.000<br>LF | _____.____ | _____.____ |

Proposal ID: 023693.00 Project(s): 023693.00

SECTION: 1 HIGHWAY ITEMS

Alt Set ID: Alt Mbr ID:

Contractor: _____

| Proposal Line Number | Item ID<br>Description | Approximate Quantity and Units | Unit Price<br>Dollars | <br>Cents | Bid Amount<br>Dollars | <br>Cents |
|---|---|---|---|---|---|---|
| 0130 | 610.08<br>PLAIN RIPRAP | 200.000<br>CY | | | | |
| 0140 | 610.212<br>STREAMBED ROCK FEATURES | 15.000<br>CY | | | | |
| 0150 | 610.213<br>VOID FILLED RIPRAP | 70.000<br>CY | | | | |
| 0160 | 613.319<br>EROSION CONTROL BLANKET | 500.000<br>SY | | | | |
| 0170 | 615.07<br>LOAM | 62.000<br>CY | | | | |
| 0180 | 618.14<br>SEEDING METHOD NUMBER 2 | 11.000<br>UN | | | | |
| 0190 | 618.146<br>HGM BIOTIC SOIL HYDROMULCH MEDIA | 10.000<br>UN | | | | |
| 0200 | 618.147<br>WETLAND SEEDING | 10.000<br>UN | | | | |
| 0210 | 619.12<br>MULCH | 11.000<br>UN | | | | |
| 0220 | 619.14<br>EROSION CONTROL MIX | 50.000<br>CY | | | | |
| 0230 | 620.58<br>EROSION CONTROL GEOTEXTILE | 240.000<br>SY | | | | |
| 0240 | 621.026<br>EVERGREEN TREES (3 FOOT - 4 FOOT) GROUP B | 8.000<br>EA | | | | |

Proposal ID: 023693.00 Project(s): 023693.00

SECTION: 1 HIGHWAY ITEMS

Alt Set ID: Alt Mbr ID:

Contractor: _____

| Proposal Line Number | Item ID<br>Description | Approximate Quantity and Units | Unit Price<br>Dollars Cents | Bid Amount<br>Dollars Cents |
|---|---|---|---|---|
| 0250 | 621.111<br>SMALL DECIDUOUS TREE (3 FOOT - 4 FOOT) GROUP B | 8.000<br>EA | _____.____ | _____.____ |
| 0260 | 621.178<br>MEDIUM DECIDUOUS TREES (6 FOOT - 8 FOOT) GROUP A | 10.000<br>EA | _____.____ | _____.____ |
| 0270 | 621.179<br>MEDIUM DECIDUOUS TREES (6 FOOT - 8 FOOT) GROUP B | 10.000<br>EA | _____.____ | _____.____ |
| 0280 | 621.184<br>MEDIUM DECIDUOUS TREES (8 FOOT - 10 FOOT) GROUP A | 10.000<br>EA | _____.____ | _____.____ |
| 0290 | 621.185<br>MEDIUM DECIDUOUS TREES (8 FOOT - 10 FOOT) GROUP B | 6.000<br>EA | _____.____ | _____.____ |
| 0300 | 621.195<br>MEDIUM DECIDUOUS TREE (1.75 INCH - 2 INCH CALIPER) GROUP A | 12.000<br>EA | _____.____ | _____.____ |
| 0310 | 621.54<br>DECIDUOUS SHRUBS (18 INCH - 24 INCH) GROUP A | 60.000<br>EA | _____.____ | _____.____ |
| 0320 | 621.546<br>DECIDUOUS SHRUBS (2 FOOT - 3 FOOT) GROUP A | 48.000<br>EA | _____.____ | _____.____ |
| 0330 | 621.71<br>HERBACEOUS PERENNIALS GROUP A | 120.000<br>EA | _____.____ | _____.____ |
| 0340 | 627.733<br>4" WHITE OR YELLOW PAINTED PAVEMENT MARKING LINE | 900.000<br>LF | _____.____ | _____.____ |
| 0350 | 629.05<br>HAND LABOR, STRAIGHT TIME | 10.000<br>HR | _____.____ | _____.____ |

Proposal ID: 023693.00 Project(s): 023693.00

SECTION: 1 HIGHWAY ITEMS

Alt Set ID: Alt Mbr ID:

Contractor: _____

| Proposal Line Number | Item ID<br>Description | Approximate Quantity and Units | Unit Price<br>Dollars | <br>Cents | Bid Amount<br>Dollars | <br>Cents |
|---|---|---|---|---|---|---|
| 0360 | 631.10<br>AIR COMPRESSOR (INCLUDING OPERATOR) | 10.000<br>HR | | | | |
| 0370 | 631.11<br>AIR TOOL (INCLUDING OPERATOR) | 10.000<br>HR | | | | |
| 0380 | 631.12<br>ALL PURPOSE EXCAVATOR (INCLUDING OPERATOR) | 10.000<br>HR | | | | |
| 0390 | 631.172<br>TRUCK - LARGE (INCLUDING OPERATOR) | 10.000<br>HR | | | | |
| 0400 | 631.18<br>CHAIN SAW RENTAL (INCLUDING OPERATOR) | 10.000<br>HR | | | | |
| 0410 | 631.32<br>CULVERT CLEANER (INCLUDING OPERATOR) | 10.000<br>HR | | | | |
| 0420 | 639.19<br>FIELD OFFICE TYPE B | 1.000<br>EA | | | | |
| 0430 | 652.312<br>TYPE III BARRICADE | 6.000<br>EA | | | | |
| 0440 | 652.33<br>DRUM | 50.000<br>EA | | | | |
| 0450 | 652.34<br>CONE | 50.000<br>EA | | | | |
| 0460 | 652.35<br>CONSTRUCTION SIGNS | 600.000<br>SF | | | | |
| 0470 | 652.36<br>MAINTENANCE OF TRAFFIC CONTROL DEVICES | 45.000<br>CD | | | | |

Proposal ID: 023693.00 Project(s): 023693.00

SECTION: 1 HIGHWAY ITEMS

Alt Set ID: Alt Mbr ID:

Contractor: _____

| Proposal Line Number | Item ID / Description | Approximate Quantity and Units | Unit Price Dollars | Unit Price Cents | Bid Amount Dollars | Bid Amount Cents |
|---|---|---|---|---|---|---|
| 0480 | 652.38<br>FLAGGER | 200.000<br>HR | | | | |
| 0490 | 652.41<br>PORTABLE CHANGEABLE MESSAGE SIGN | 4.000<br>EA | | | | |
| 0500 | 656.75<br>TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL | LUMP SUM | LUMP SUM | | | |
| 0510 | 659.10<br>MOBILIZATION | LUMP SUM | LUMP SUM | | | |

Section: 1 Total:

Total Bid:

# CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street, Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and

_____

a corporation or other legal entity organized under the laws of the State of _ _____, with its principal place of business located at _____

_____

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

**A. The Work.**

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, **WIN. 023693.00 for Large Culvert Replacement in the town of North Yarmouth, County of Cumberland, Maine.** The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

**B. Time.**

The Contractor agrees to complete all Work, except warranty work, on or before **October 5, 2024**. Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the *State of Maine Department of Transportation Standard Specifications, March 2020 Edition* and related Special Provisions.

**C. Price.**

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is _____

_____

**$**_ _____ Performance Bond and Payment Bond each being 100% of the amount of this Contract.

**D. Contract.**

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, *Standard Specifications, March 2020 Edition, Standard Details March 2020 Edition* as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

**E. Certifications.**

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in the Contract are still complete and accurate as of the date of this Agreement.

2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.

3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

**F. Offer.**

The undersigned, having carefully examined the site of work, the Plans, *Standard Specifications March 2020 Edition, Standard Details March 2020 Edition* as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:
**WIN. 023693.00 - for Large Culvert Replacement - in the town of North Yarmouth, County of Cumberland,** State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items."

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items," which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the *Standard Specifications, March 2020 Edition,* and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the *Standard Specifications March 2020 Edition* and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Fifth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

| | |
|---|---|
| _____ | _____ |
| Date | (Signature of Legally Authorized Representative of the Contractor) |
| _____ | _____ |
| Witness | (Name and Title Printed) |

**G. Award.**

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

MAINE DEPARTMENT OF TRANSPORTATION

| | |
|---|---|
| _____ | _____ |
| Date | By: Bruce A. Van Note, Commissioner |
| _____ | |
| Witness | |

# CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street, Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and

_____

a corporation or other legal entity organized under the laws of the State of _ _ _____, with its principal place of business located at _____

_____

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

**A. The Work.**

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, **WIN. 023693.00 for Large Culvert Replacement in the town of North Yarmouth, County of Cumberland, Maine.** The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

**B. Time.**

The Contractor agrees to complete all Work, except warranty work, on or before **October 5, 2024**. Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the *State of Maine Department of Transportation Standard Specifications, March 2020 Edition* and related Special Provisions.

**C. Price.**

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is _____

_____

**$**_ _____ Performance Bond and Payment Bond each being 100% of the amount of this Contract.

**D. Contract.**

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, *Standard Specifications, March 2020 Edition, Standard Details March 2020 Edition* as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

**E. Certifications.**

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in the Contract are still complete and accurate as of the date of this Agreement.

2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.

3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

**F. Offer.**

The undersigned, having carefully examined the site of work, the Plans, *Standard Specifications March 2020 Edition, Standard Details March 2020 Edition* as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:
**WIN. 023693.00 - for Large Culvert Replacement - in the town of North Yarmouth, County of Cumberland,** State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items."

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items," which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the *Standard Specifications, March 2020 Edition,* and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the *Standard Specifications March 2020 Edition* and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Fifth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

| | |
|---|---|
| _____ | _____ |
| Date | (Signature of Legally Authorized Representative of the Contractor) |
| _____ | _____ |
| Witness | (Name and Title Printed) |

**G. Award.**

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

MAINE DEPARTMENT OF TRANSPORTATION

| | |
|---|---|
| _____ | _____ |
| Date | By: Bruce A. Van Note, Commissioner |
| _____ | |
| Witness | |

# CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and **(Name of the firm bidding the job)** a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at **(address of the firm bidding the job)**

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

SAMPLE

**A. The Work.**

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, PIN No.01**12345.00**, for the **Hot Mix Asphalt Overlay** in the town/city of **South Nowhere,** County of **Washington**, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

**B. Time.**

The Contractor agrees to complete all Work, except warranty work, on or before **November 15, 2006.** Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the *State of Maine Department of Transportation Standard Specifications, March 2020 Edition* and related Special Provisions.

**C. Price.**

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is **(Place bid here in alphabetical form such as One Hundred and Two dollars and 10 cents)** **$ (repeat bid here in numerical terms, such as $102.10)** Performance Bond and Payment Bond each being 100% of the amount of this Contract.

**D. Contract.**

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, *Standard Specifications, March 2020 Edition, Standard Details March 2020 Edition*, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

SAMPLE

**E. Certifications.**

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the *Standard Specifications March 2020 Edition* (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.

2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.

3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

**F. Offer.**

The undersigned, having carefully examined the site of work, the Plans, *Standard Specifications, March 2020 Edition, Standard Details March 2020 Edition*, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

**PIN 012345.00 South Nowhere, Hot Mix Asphalt Overlay ,**

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items."

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

SAMPLE

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items," which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the *Standard Specifications, March 2020 Edition*, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the *Standard Specifications March 2020 Edition* and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan with their bid.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

| | |
|---|---|
| _____ | **(Sign Here)** |
| Date | (Signature of Legally Authorized Representative of the Contractor) |
| **(Witness Sign Here)** | **(Print Name Here)** |
| Witness | (Name and Title Printed) |

SAMPLE

**G. Award.**

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

MAINE DEPARTMENT OF TRANSPORTATION

| | |
|---|---|
| _____ | _____ |
| Date | By: Bruce A. Van Note, Commissioner |
| _____ | |
| (Witness) | |

BOND # _____

CONTRACT PERFORMANCE BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That _____ _____ **in the State of** _____, as principal, and……....., a corporation duly organized under the laws of the State of ..... and having a usual place of business ..... ....., as Surety, are held and firmly bound unto the Treasurer of the State of Maine in the sum of _____ **and 00/100 Dollars ($ ),** to be paid said Treasurer of the State of Maine or his successors in office, for which payment well and truly to be made, Principal and Surety bind themselves, their heirs, executors and administrators, successors and assigns, jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in the Contract to construct Project Number _____ in the Municipality of _____ promptly and faithfully performs the Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the State of Maine.

Signed and sealed this ..... day of ....., 20….. .

| WITNESSES: | SIGNATURES: |
|---|---|
| | CONTRACTOR: |
| Signature..... | .....…..... |
| Print Name Legibly ..... | Print Name Legibly ...…….... |
| | SURETY: |
| Signature ..... | ....…….... |
| Print Name Legibly ..... | Print Name Legibly ..... |
| SURETY ADDRESS: | NAME OF LOCAL AGENCY: |
| ..... | ADDRESS ..... |
| ..... | ...……..... |
| ..... | .....……..... |
| TELEPHONE..... | .....……..... |

SAMPLE

BOND # _____

CONTRACT PAYMENT BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That _____ _____ **in the State of** _____, as principal, and.....…..... a corporation duly organized under the laws of the State of ..... and having a usual place of business in .....……., as Surety, are held and firmly bound unto the Treasurer of the State of Maine for the use and benefit of claimants as herein below defined, in the sum of _____ **and 00/100 Dollars ($ )** for the payment whereof Principal and Surety bind themselves, their heirs, executors and administrators, successors and assigns, jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in the Contract to construct Project Number _____ in the Municipality of _____ promptly satisfies all claims and demands incurred for all labor and material, used or required by him in connection with the work contemplated by said Contract, and fully reimburses the obligee for all outlay and expense which the obligee may incur in making good any default of said Principal, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

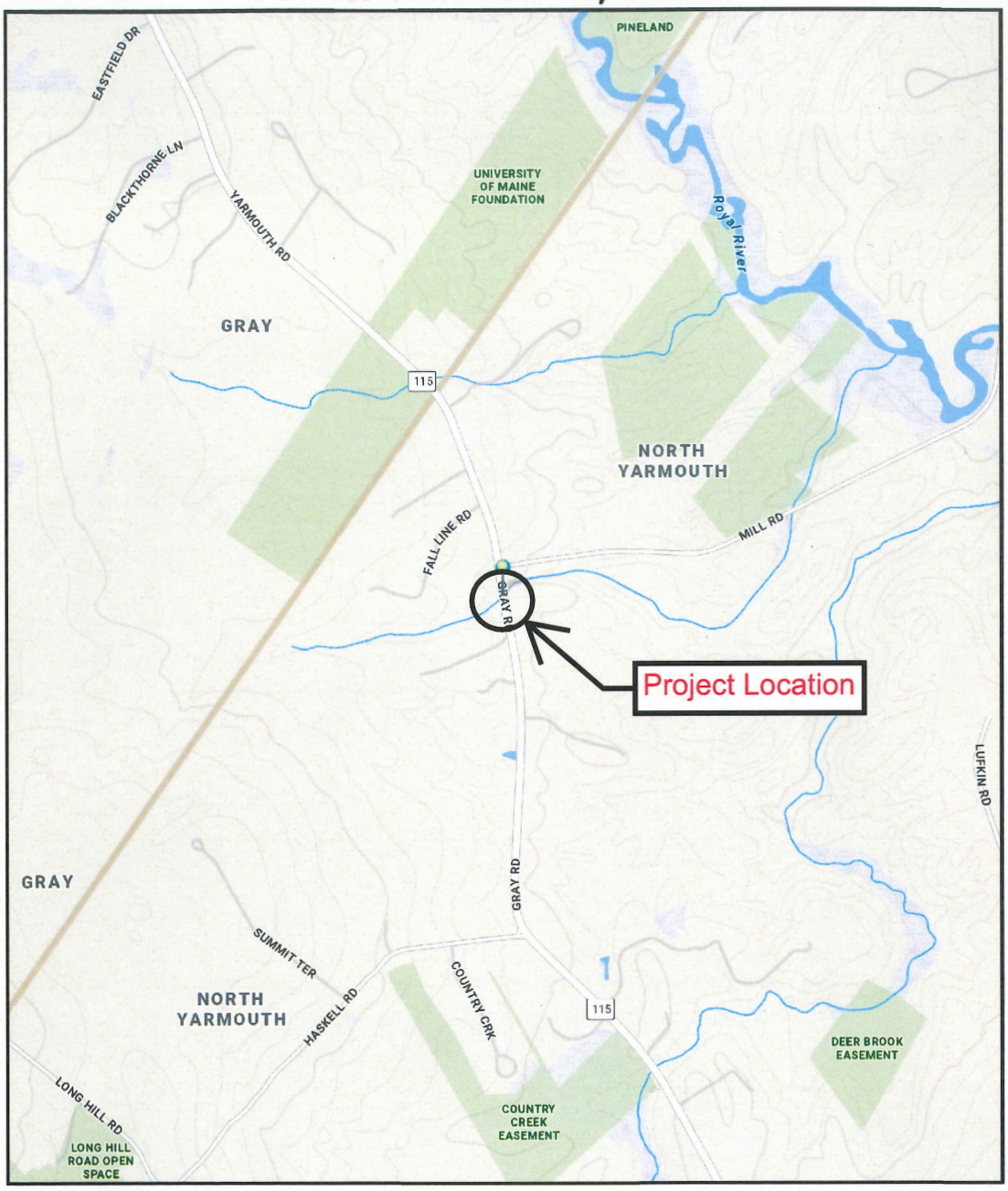
A claimant is defined as one having a direct contract with the Principal or with a Subcontractor of the Principal for labor, material or both, used or reasonably required for use in the performance of the contract.

Signed and sealed this ..... day of ...…….....…., 20 ... .

| | |
|---|---|
| WITNESS: | SIGNATURES: |
| | CONTRACTOR: |
| Signature……..... | .....…..... |
| Print Name Legibly .....…….. | Print Name Legibly ….....…..... |
| | SURETY: |
| Signature..... | ...….....…..... |
| Print Name Legibly ..... | Print Name Legibly ….....…..... |
| SURETY ADDRESS: | NAME OF LOCAL AGENCY: |
| ...….....…..... | ADDRESS ….....…..... |
| ..... | …….....…..... |
| TELEPHONE ..... | …….....…..... |

SAMPLE

# NORTH YARMOUTH, MAINE




The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch.

0.25 Miles

1 inch = 0.28 miles

Date: 3/17/2023
Time: 7:39:47 AM

| | | |
|---|---|---|
| SHEET NUMBER<br>1<br>OF 2 | NORTH YARMOUTH<br>ROUTE 115<br>LOCATION MAP | STATE OF MAINE<br>DEPARTMENT OF TRANSPORTATION<br>23693.00<br>WIN<br>23693.00 HIGHWAY PLANS |

**THIS DOCUMENT MUST BE CLEARLY POSTED AT ALL CONSTRUCTION SITES FUNDED IN PART WITH STATE FUNDS**

**State of Maine**
**Department of Labor**
**Bureau of Labor Standards**
**Augusta, Maine 04333-0045**
**Telephone (207) 623-7906**

**Wage Determination - In accordance with 26 MRS §1301 et. seq., this is a determination by the Bureau of Labor Standards, of the fair minimum wage rate to be paid to laborers and workers employed on the below titled project.**

## 2023 Fair Minimum Wage Rates
## Highway & Earth Cumberland County

| Occupational Title | Minimum Wage | Minimum Benefit | Total |
|---|---|---|---|
| Bulldozer Operator | $28.86 | $6.92 | $35.78 |
| Carpenter | $31.00 | $6.30 | $37.30 |
| Cement Masons And Concrete Finisher | $24.00 | $3.34 | $27.34 |
| Coating Painting And Spraying Machine Operators | $22.00 | $0.00 | $22.00 |
| Construction And Maintenance Painters | $23.00 | $1.02 | $24.02 |
| Construction Laborer | $23.00 | $1.16 | $24.16 |
| Control And Valve Installers And Repairers - Except Mechanical Door | $31.00 | $9.86 | $40.86 |
| Crane And Tower Operators | $32.63 | $8.06 | $40.69 |
| Crushing Grinding And Polishing Machine Operators | $25.51 | $7.55 | $33.06 |
| Electrical Power - Line Installer And Repairers | $40.16 | $10.82 | $50.98 |
| Electricians | $41.00 | $16.50 | $57.50 |
| Excavating And Loading Machine And Dragline Operators | $28.60 | $5.01 | $33.61 |
| Excavator Operator | $32.50 | $5.61 | $38.11 |
| Fence Erectors | $19.50 | $1.45 | $20.95 |
| Flaggers | $19.50 | $0.00 | $19.50 |
| Grader/Scraper Operator | $24.76 | $3.96 | $28.72 |
| Heavy And Tractor - Trailer Truck Drivers | $24.00 | $3.90 | $27.90 |
| Highway Maintenance Workers | $25.83 | $2.30 | $28.13 |
| Industrial Machinery Mechanics | $33.43 | $2.38 | $35.81 |
| Industrial Truck And Tractor Operators | $21.00 | $3.08 | $24.08 |
| Light Truck Or Delivery Services Drivers | $22.00 | $3.17 | $25.17 |
| Millwrights | $32.00 | $8.71 | $40.71 |
| Mixing And Blending Machine Operators | $25.51 | $13.80 | $39.31 |
| Mobile Heavy Equipment Mechanics - Except Engines | $26.39 | $4.23 | $30.62 |
| Operating Engineers And Other Equipment Operators | $26.01 | $7.17 | $33.18 |
| Paver Operator | $25.51 | $7.42 | $32.93 |
| Pile-Driver Operators | $30.96 | $6.86 | $37.82 |
| Pipelayers | $24.23 | $3.88 | $28.11 |
| Plumbers Pipe Fitters And Steamfitters | $31.97 | $3.93 | $35.90 |
| Reclaimer Operator | $25.51 | $10.78 | $36.29 |
| Reinforcing Iron And Rebar Workers | $29.75 | $10.87 | $40.62 |
| Screed/Wheelman | $28.00 | $3.96 | $31.96 |
| Structural Iron And Steel Workers | $26.93 | $8.12 | $35.05 |

**Welders are classified as the trade to which welding is incidental (e.g. welding structural steel is Structural Iron and Steel Worker)**

**Apprentices – The minimum wage rates for registered apprentices are the rates recognized in the sponsorship agreement for registered apprentices working in the pertinent classification.**

**For any other specific trade on this project not listed above, contact the Bureau of Labor Standards for further clarification.**

**Title 26 §1310 requires that a clearly legible statement of all fair minimum wage and benefits rates to be paid the several classes of laborers, workers and mechanics employed on the construction on the public work must be kept posted in a prominent and easily accessible place at the site by each contractor and subcontractor subject to sections 1304 to 1313.**

**Appeal – Any person affected by the determination of these rates may appeal to the Commissioner of Labor by filing a written notice with the Commissioner stating the specific grounds of the objection within ten (10) days from the filing of these rates.**

**A true copy**

**Attest:** Scott R. Cotnoir
**Scott R. Cotnoir**
**Wage & Hour Director**
**Bureau of Labor Standards**

**Expiration Date: 12-31-2023**

**Town:** North Yarmouth, Route 115
Lg. Culvert, Asset# **911957**
**Project: 023693.00**
**Date:** April 11, 2023

# SPECIAL PROVISIONS
# SECTION 104
# UTILITIES

## UTILITY COORDINATION

The Contractor has primary responsibility for coordinating their work with Utilities **after** contract award. The Contractor shall communicate directly with the Utilities regarding any utility work necessary to maintain the Contractor's schedule and prevent project construction delays. The Contractor shall notify the Resident of any issues.

**THE CONTRACTOR SHALL PLAN AND CONDUCT WORK ACCORDINGLY.**

## MEETING

A Preconstruction Utility Conference, as defined in Subsection 104.4.6 of the Standard Specifications **IS** required.

## GENERAL INFORMATION

These Special Provisions outline the arrangements that have been made by the Department for utility and/or railroad work to be undertaken in conjunction with this project. The following list identifies all known Utilities or Railroads having facilities presently located within the limits of this project or intending to install facilities, either prior to or during project construction.

Utilities have been notified and furnished with a Project Specification.

The Contractor shall give all Utilities **10 working days'** notice prior to beginning **ANY** project work.

| Utility / Railroad | Aerial | Subsurface | Contact | Phone |
|---|---|---|---|---|
| Central Maine Power Co. | X | | Frank Bayley<br>Mark Buxton | (207) 317-0782<br>(207) 233-6477 |
| Charter Communications, Inc. | X | | Dennis Heffernan | (207) 318-0213 |
| GoNetSpeed | X | | Jim Knight | (207) 590-5111 |

Temporary utility adjustments are **NOT** anticipated. If any unexpected utility relocations become necessary, they shall be scheduled in accordance with Section 104 of the Standard Specifications and shall be performed by the appropriate Utility Company in conjunction with the work by the Contractor. Should the Contractor choose to have any poles temporarily relocated, all work shall be done at the Contractor's request and expense, with no additional cost or schedule impacts to the Department.

All adjustments are to be made by the respective Utility/Railroad, unless otherwise specified herein.

Fire hydrants, if present, shall not be disturbed until all necessary work has been accomplished in order to ensure proper fire protection.

All clearing and removal of trees in areas where utilities are involved must be completed before the utilities are able to relocate their facilities.

***** Specific information regarding line voltages can be requested from* Central Maine Power Co.****

Utility working days are Monday through Friday. Times are estimated on the basis of a single crew for each Utility. Any times and dates mentioned are **estimates only** and are dependent upon favorable weather, working conditions, and freedom from emergencies.

## AERIAL

Aerial utility adjustments **ARE** anticipated for this project. Though unexpected, if additional utility relocations become necessary, they will be scheduled in compliance with Section 104 of the Standard Specifications and will be done by the Utilities after the Contractor has finished its work.

Aerial utilities will be relocated onto taller poles according to the pole list below to allow adequate access for the pipe replacement. Aerial utility lines are located near the culvert, and OSHA working clearances will need to be adhered to when using equipment around power lines. The Contractor will be required to work around this line configuration and shall plan to conduct their work accordingly.

Aerial Utilities require **10 working days' notice** prior to **any** operations involving work around their facilities.

| Utility | Pole Sets | New Wires / Cables | Transfer Wires / Cables | Remove Poles | Estimated No. of Working Days |
|---|---|---|---|---|---|
| Central Maine Power Company | *Completed* | | X | 3 | 2 |
| Charter Communications, Inc. | | *Completed* | X | | 1 |
| GoNetSpeed | | X | X | | 3 |
| | | | | | **Total: 6** |

### Central Maine Power Company (CMP)

CMP will be raising existing facilities to a higher location on newly placed 50 ft. poles, and re-tensioning said facilities in order to remove excessive sag from span. CMP requires **1** working day to complete its transfer work and **1 working day** to remove the old poles once all transfer work has been completed by remaining Utilities. CMP will require **10 working days' notice** prior to any operations involving the relocation of its facilities.

### Charter Communications, Inc.

Following CMP's transferring of its existing facilities, Charter will transfer its line to the new poles. Charter will require **1 working day** to complete its work, and **5 working days' notice** once CMP has finished relocating & re-tensioning its facilities.

**GoNetSpeed**

Following Charter's transferring of its existing facilities, GoNetSpeed will then transfer & install cable to the new poles. GoNetSpeed will require **3 working days** to complete its work, and **5 working days' notice** once Charter has finished relocating its facilities.

**SUBSURFACE**

There are **NO** subsurface utilities within this road project segment, therefore, subsurface utility adjustments are not anticipated in order to complete the scope of this project.

**MAINTAINING UTILITY LOCATION MARKINGS**

The Contractor will be responsible for maintaining any buried utility location markings following the initial locating by the appropriate utility or their designated representative.

**UTILITY SIGNING**

Any utility working within the construction limits of this project shall ensure that the traveling public is adequately protected at all times. All work areas shall be signed, lighted, and traffic flaggers employed as determined by field conditions. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration.

## SPECIAL PROVISION 105
## CONSTRUCTION AREA

**Construction Areas** located in the Town of North Yarmouth have been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

*The sections of highway under construction in Cumberland County:*

***Project 023693.00*** *is located on Route 115 approximately 0.03 miles south of the intersection with Mill Road.*

Per 29-A § 2382 (7) MRSA, the MDOT may "*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

*A. Must be procured from the municipal officers for a construction area within that municipality.*

*B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*

*(1) Withholding by the agency contracting the work of final payment under contract; or*

*(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*

*The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers.*

*C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*

*D. For construction areas, carries no fee and does not come within the scope of this section."*

The Municipal Officers for the Town of North Yarmouth agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the "Construction Area."

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

# SPECIAL PROVISION
## SECTION 105
## General Scope of Work
## (Environmental Requirements)

I. Work within stream ("In Stream Work," see MaineDOT Standard Specifications 101.2 Definitions) requires special conditions to minimize impacts. The following special conditions shall apply to this project, located in North Yarmouth, GPS coordinates N 43.861385, W 70.277217.

A. All areas of temporary waterway and wetland fill shall be restored to their original contour and character upon completion of the project. Temporary fill includes fill that received authorization through the Corps Permit # NAE-2023-00529, and as shown on the Impact Plan.

B. All areas of disturbed soil shall be mulched and seeded with an approved native or non-invasive herbaceous seed mix following construction and/or planted with native woody vegetation and trees appropriate during the first available planting season. In areas where there is little to no slop, and erosion and invasive species establishment is unlikely, the native woody vegetation on the site shall be allowed to regenerate naturally. See project plans for revegetation plan.

C. Heavy construction equipment shall travel only over non-erodible substrate (e.g., cobble, ledge, etc.) and when approved by the MaineDOT Environmental Field Contact.

D. No equipment, materials, or machinery shall be stored, cleaned, fueled, or repaired within any wetland or stream resource. All pumps and generators required for in-stream work shall be cleaned of external oil, grease, dirt, and mud such that turbid water does not drain to any wetland or stream. Any leaks of this equipment shall be fixed prior to entering streams or areas that drain directly to streams or wetlands. These activities shall occur more than 100 feet from any wetland or stream resource and shall follow the specifications of the Spill Prevention and Control Plan (SPCC), as required in Standard Specification 656.

E. If standing or flowing water is present at the above-identified In Stream pipe culvert, In Stream Work shall be conducted within a cofferdam constructed according to MaineDOT's Standard Specifications Section 511 and in adherence with the Contractor's approved "Soil Erosion and Water Pollution Control Plan" for this project.

F. No work shall be allowed that completely blocks a river, stream, or brook without providing downstream flow.

II. Approvals:

A. Temporary Soil Erosion and Water Pollution Control Plan (SEWPCP) and Spill Prevention and Control Plan (SPCC).

B. Permitted resource impacts, see Corps Permit #NAE-2023-00529.

| | Permanent (SF) | Temporary (SF) |
|---|---|---|
| **Wetland** | 1,000 | 525 |
| **Stream (RUS)** | 1,750 | 260 |

III. In Water Work Window

A. In water work window shall be conducted from June 1 though September 30. In water work window shall not be conducted from October 1 through May 31.

NOTE: Regulatory Review and Approval shall be required to modify the existing In Stream Work window. Requests for work window extensions shall be submitted to the MaineDOT Environmental Office. Approval of request for work window extensions shall not be guaranteed and may result in delays in construction schedule that shall be the sole responsibility of the contractor.

# SPECIAL PROVISION
## SECTION 105
## GENERAL SCOPE OF WORK
(Limitations of Operations)

The Contractor shall maintain a minimum of one 11-foot-wide lane of alternating traffic at all times.

Variable message signs shall be installed on Route 115 and Mill Road in advance of the work zone. Messages shall include notification of lane closures and temporary signals.

# SPECIAL PROVISION
# SECTION 105
## GENERAL SCOPE OF WORK
## (LIMITATIONS OF OPERATIONS)

1. Only one paving operation is allowed at one time, excluding hand placed paving, unless otherwise approved by Resident.

2. The Contractor shall plan operations so that the Resident will have sufficient advance notification to provide the necessary inspection and testing. Sufficient notification is considered 48 hours.

3. The Contractor shall provide the Resident with a 48-hour written notice before beginning night work. After receiving this notice, no work is allowed for 48 hours. Once work has been completed, the Contractor shall provide the same notice to return to day work.

4. The Contractor shall not schedule both day work and night work within the same 24-hour period without prior approval by the Resident and 48-hour notice.

5. Subsection 105.3 Traffic Control and Maintenance shall be amended by the addition of the following:

    a. 105.3.2 Detour Route Traffic shall be detoured on New Gloucester Road (Route 231), and Depot Road. Gray Road (Route 115), within the project limits, may be closed during construction as allowed per Special Provision 107 – Time.

# SPECIAL PROVISION
# SECTION 107 – TIME
**(Contract Completion Date)**
**(Commencement of Contract Time and Work)**
**(Supplemental Liquidated Damages)**

This Contract shall be completed within **45** continuous calendar days. The Contractor may begin work **July 8th, 2024** in accordance with Standard Specification 104.4.2 and upon approval of all required submittals. The Contract Completion Date will be no later than **October 5th, 2024.**

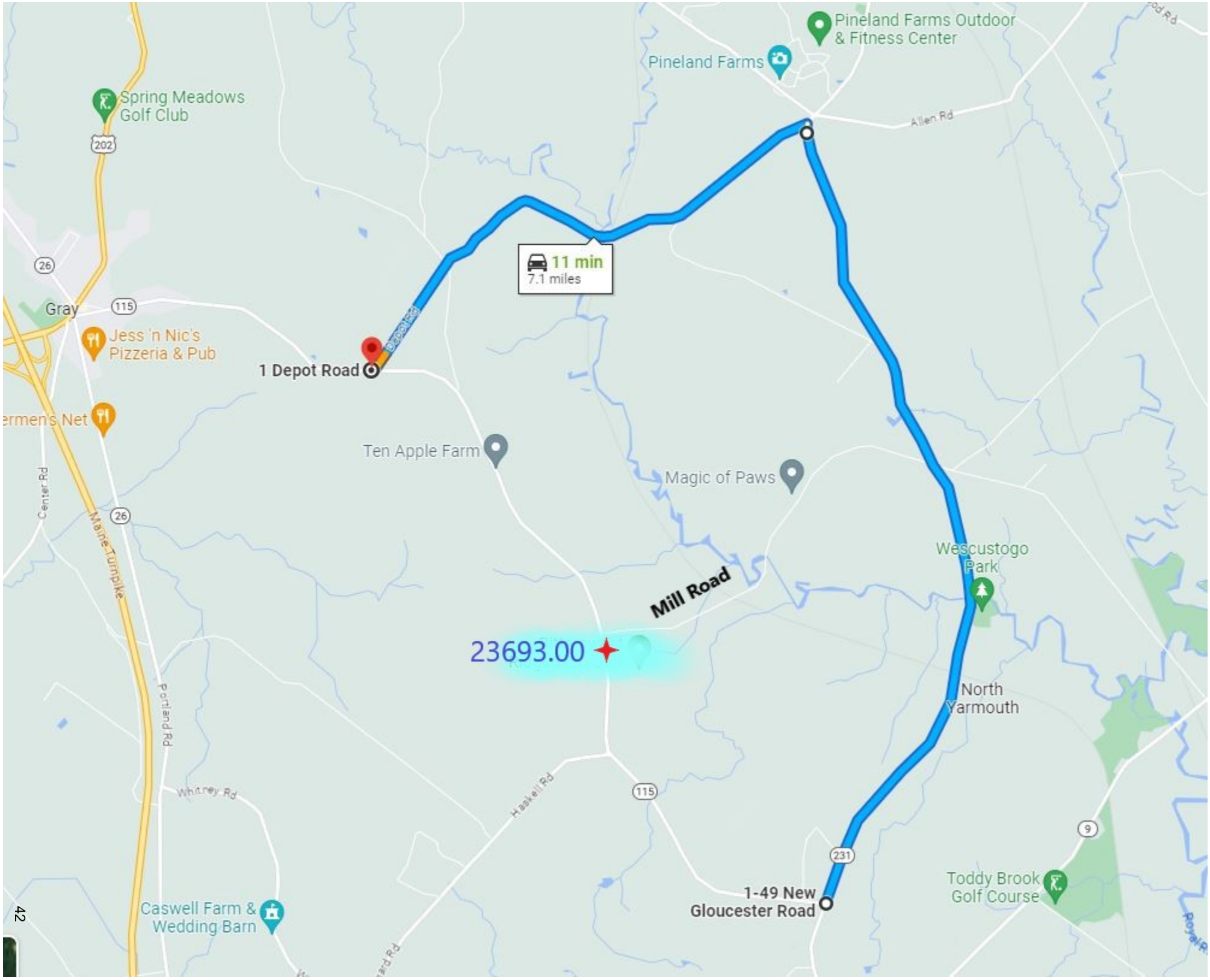
Subsection 107.2 Commencement of Contract Time and Work is amended by the addition of the following:

The Contractor shall plan and conduct their operations in such a manner that Gray Road within the project limits is closed to traffic for no more than twenty-one (21) consecutive Calendar Days. The closure period will be considered complete when at least two lanes of traffic are maintained during off work hours. The Resident will be the sole authority in determining when the closure period has started and ended.

Subsection 107.8 Supplemental Liquidated Damages is amended by the addition of the following:

The Contractor will be assessed Supplemental Liquidated Damages at the rate of five hundred dollars ($500.00) per Calendar Day that Gray Road is closed to traffic beyond twenty-one (21) consecutive Calendar Days.

The assessment of Supplemental Liquidated Damages will be in addition to Liquidated Damages specified in Section 107.7.2 of the Standard Specifications.


Pineland Farms Outdoor & Fitness Center
Pineland Farms
Spring Meadows Golf Club
Allen Rd
11 min
7.1 miles
Gray
Jess 'n Nic's Pizzeria & Pub
1 Depot Road
Ten Apple Farm
Magic of Paws
Wescustogo Park
Mill Road
23693.00
North Yarmouth
Center Rd
Maine Turnpike
Portland Rd
Whitney Rd
Haskell Rd
Caswell Farm & Wedding Barn
1-49 New Gloucester Road
Toddy Brook Golf Course

# SPECIAL PROVISION
# SECTION 107
# PROSECUTION AND PROGRESS
(Contract Time – Calendar Days)

This Contract shall be completed within **45** continuous calendar days. The Contractor may begin work **July 8th, 2024** in accordance with Standard Specification 104.4.2 and upon approval of all required submittals. The Contract Completion Date will be no later than **October 5th, 2024.**

At least 21 calendar days prior to the desired Begin Construction Date, the Contractor shall submit an **electronic copy of their signed request to begin work and the Begin Construction Date**. This signed request shall be sent read receipt through **email** with their **Schedule of Work**, in accordance with Standard Specification 107.4.2, to **John.McDonough@Maine.gov, Shawn.Smith@Maine.gov,** and **Scott.Bickford@Maine.gov**. The Contractor shall notify all utility contacts listed in the 104 Special Provision and provide the utility contacts the submitted schedule of work within 2 calendar days of the schedule of work submittal. **A penalty in the amount of $500/day will be assessed for each calendar day or partial calendar day beyond June 15th that the schedule of work is not received.** Upon receipt of the schedule of work, a pre-construction meeting will be scheduled. A Contract Modification will be executed to document the new Contract Completion Date based upon the Begin Construction Date. The modified Contract Completion Date shall not exceed the Contract Completion Date specified in this special provision.

The Contractor may request to adjust the submitted schedule of work and Begin Construction Date once after the initial submittal. The Department will allow adjustments in the Begin Construction Date of up to seven calendar days if the request is made at least 14 calendar days prior to the updated Begin Construction Date. This signed request shall be sent read receipt through **email** with their **Schedule of Work**, in accordance with Standard Specification 107.4.2, to **John.McDonough@Maine.gov, Shawn.Smith@Maine.gov,** and **Scott.Bickford@Maine.gov**. The Contractor shall notify all utility contacts listed in the 104 Special Provision and provide the utility contacts the updated schedule of work within 2 calendar days of the request to adjust the Begin Construction Date.

**North Yarmouth – Route 115**
**WIN 23693.00**
**Large Culvert (#911957) Replacement**
**Class B Waterbody**
**April 26, 2023**

# SPECIAL PROVISION
# SECTION 203
# EXCAVATION AND EMBANKMENT
# (Dredge Materials)

**Management and Disposal:** Dredge Material (See MaineDOT Standard Specifications § 101.2 Definitions) is regulated as a Special Waste.

In accordance with CMR 418, 500-cubic yards or less of Dredge Material Beneficially Used in area(s) adjacent to and draining into the dredged waterbody is exempt from Beneficial Use Permits. Work associated with the North Yarmouth, Route 115 – Large Culvert (#911957) Replacement initiative will require the excavation of select Dredge Material from an unnamed stream (Class B Waterbody). It is anticipated that approximately 204-cubic yards (CY) of dredge will be excavated. There will be onsite Beneficial Use for a portion of this Dredge Material, as directed by the Resident; the remaining Dredge Material shall be disposed of at an appropriately licensed facility.

The Contractor shall dispose of project Dredge Material that is not Beneficially Used at the site of generation, at a facility licensed by the Maine Department of Environmental Protection (MDEP) for management of Special Waste. The Contractor shall be responsible for making all necessary arrangements for dewatering and proper management of the Dredge Material, including any laboratory testing, in accordance with the facility's license. The Contractor shall provide documentation to the Resident demonstrating that Dredge Material was managed as specified. Submitted documentation shall consist of truck manifests, waybills, or related documentation acceptable to the Resident, and shall clearly document the management site location and quantity of Dredge Material.

It is acknowledged that excavation of Dredge for this work may include some boulders. The MDEP has determined that sound boulders (rock 12-inches or more in diameter), that are free of adhering sediment or other contaminants, shall be deemed as Inert Fill material and shall not be included in Dredge Material Quantities.

**Method of Measurement:** Dredge excavation shall be that quantity, removed from within the limits of the stream banks, which is not beneficially re-used on-site. Measurement will occur at the weigh scales of the disposal facility. Weigh slips shall be submitted to the Resident.

**Basis of Payment:** The accepted quantity of Dredge Material properly disposed of as Special Waste, will be paid for at the contract unit price bid for Disposal of Special Waste.

Payment shall be full compensation for dewatering, testing, stockpiling, loading, managing, transporting, disposal, and all associated fees.

Payment will be made under:

| Pay Item | | Pay Unit |
|---|---|---|
| 203.2318 | Disposal of Special Waste | Ton |

# SPECIAL PROVISION
## SECTION 203
## (Special Fill - Streambed Material)

203.01 Description This work shall consist of furnishing and placing stone and granular material inside of a culvert and upstream to form a nature-like streambed. The mixture is referred to as special fill.

203.02 Materials Special fill shall be obtained from earth borrow pits and may be available from existing stockpile or may require a blend of screenings (tailings) and other aggregates. Unwashed stone and stone with naturally fractured faces may be used. The final material shall be a dense well-graded mix of bank run materials that meet the requirements listed below.

Where applicable, suitable material excavated on-site within the limits of the stream channel in accordance with Special Provision Section 203, Excavation and Embankment - Dredge Materials, may be used to meet the mix requirements, or as filler material with the approval of the Resident.

Materials for special fill shall conform to the following requirements:

a. 12-inch Boulders and Cobbles - shall be a well graded mix of subangular to subrounded stones with a maximum size of 12 inches average dimension. Approximately 15 percent of the stones by volume shall have an average dimension greater than 6 inches and 50 percent greater than 3 inches.

b. Streambed Gravel - shall be well graded bank run or screened gravel similar to a Type D gravel (section 703.06), except that the part that passes a 3-inch sieve shall meet the grading requirements of the following table:

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves |
|---|---|
| ½ inch | 35 – 80 |
| ¼ inch | 25 – 65 |
| No. 40 | 5.0 – 30 |
| No. 200 | 2.0 – 8 |

c. Filler material - the purpose of Filler Material is to fill and seal the voids so that water ponds on the surface of the streambed. Filler Material shall consist of streambed gravel 203.02, dredge material, or other suitable material approved by the Resident.

d. Mix Proportions Special fill shall be mixed in the approximate proportions listed in the following table:

| 12-inch minus boulders and cobbles | Streambed Gravel | Minimum D50 (average) particle size of mix |
|---|---|---|
| 3 parts | 1 - 2 parts | 3 inches |

Mix proportions and material gradations are approximate and may be adjusted by the Resident to obtain a dense well-graded mix with enough stone for stability, and gravel and fines to fill voids and to keep water on the surface of the streambed. Special fill shall conform to the requirements at the time it is placed.

e. Testing and Inspection At least 10 working days prior to the start of stream channel construction the Contractor shall identify the source and proposed materials for inspection and shall furnish to the Resident a copy of gradation test results from a certified laboratory for the streambed gravel portion of the mix. The Department will obtain samples of the streambed gravel for Process Control prior to placement.

The grading of stone shall be determined by the Resident in accordance with the Standard Specifications, Section 610.032.d Inspection.

Acceptance will be based on the test results and visual inspection by the Resident.

203.03 Construction Requirements

1. Construct a channel with a streambed surface, banklines and rock features as shown on the plans and in accordance with Special Provision 610 – Stream Channel Rock and Special Provision 610 – Streambed Rock Features (rock bands and clusters). The Contractor shall construct a test section that includes banklines, one rock band and one rock cluster beginning at the downstream end of the culvert for review by the Resident.

2. Place special fill in two well-mixed lifts without pockets of either fine or coarse material. The banklines, rock features, and the second lift of special fill shall not be placed until the first lift of special fill has been approved by the Resident.

3. Special fill shall be placed by machine or by hand as necessary to achieve the specified shape and thickness. Larger stones may protrude above the average surface but shall be firmly embedded in the mix.

4. Special fill shall be machine tamped and thoroughly washed-in with water immediately after placement of each layer. After the initial washing-in, place additional special fill on soft areas of the streambed, tamp and wash-in until firm. Place filler material as needed to fill remaining voids. Wash-in until water remains on the surface with minimal infiltration. After washing-in, the minimum thickness of the special fill shall be as called for on the plans with an allowable surcharge of up 3 inches above the design grade.

5. Mechanical methods of compaction may be used with the approval of the Resident. If the Contractor uses mechanical methods the void-filling and washing-in requirements shall still apply.

6. Prior to cofferdam removal and exposure to natural flow conditions the streambed shall be thoroughly wetted and compacted with voids filled, and the surface reviewed and approved by the Resident.

203.04 Method of Measurement Special fill will be measured in place by the cubic yard.

203.05 Basis of Payment The accepted quantity of special fill will be paid for at the contract price per cubic yard complete in place. Payment shall be full compensation for furnishing all materials, equipment, and labor and washing-in with water.

| Pay Item | Pay Unit |
|---|---|
| 203.33 Special Fill – Streambed Material | CY |

# SECTION 401 - HOT MIX ASPHALT PAVEMENT

401.01 Description The Contractor shall furnish a uniformly blended, homogeneous mixture placed as one or more courses of Hot Mix Asphalt Pavement (HMA) on an approved base in accordance with the contract documents and in reasonably close conformity with the lines, grades, thickness, and typical cross sections shown on the plans or established by the Resident. The Department will accept this work under Quality Assurance provisions, in accordance with these specifications and the requirements of Section 106 – Quality, the provisions of AASHTO M 323 except where otherwise noted in sections 401 and 703 of these specifications, and the MaineDOT Policies and Procedures for HMA Sampling and Testing.

401.02 Materials Materials shall meet the requirements specified in Section 700 - Materials:

| | |
|---|---|
| Asphalt Cement | 702.01 |
| Aggregates for HMA Pavement | 703.07 |
| RAP for HMA Pavement | 703.08 |
| HMA Mixture Composition | 703.09 |

401.03 Composition of Mixtures The Contractor shall compose the Hot Mix Asphalt Pavement with aggregate, Performance Graded Asphalt Binder (PGAB), approved antistrip, warm mix additive, and/or mineral filler if required. HMA shall be designed and tested according to AASHTO R 35 and the volumetric criteria in Table 1. The Contractor shall size, uniformly grade, and combine the aggregate fractions in proportions that provide a mixture meeting the grading requirements of the Job Mix Formula (JMF). Unless otherwise noted in Special Provision 403 - Hot Mix Asphalt Pavement, the design, verification, Quality Control, and Acceptance tests for this mix will be performed at 65 gyrations. TABLE 1: VOLUMETRIC DESIGN CRITERIA

| **Design ESAL's (Millions)** | **Required Density (Percent of $G_{mm}$)** | | | **Voids in the Mineral Aggregate (VMA) (Minimum Percent)** | | | | | **Voids Filled with Binder (VFB) (Minimum %)** | **Fines/Eff. Binder Ratio** |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | **Nominal Maximum Aggregate Size (mm)** | | | | | | |
| | **$N_{initial}$** | **$N_{design}$** | **$N_{max}$** | **25.0** | **19.0** | **12.5** | **9.5** | **4.75** | | |
| < 3.0 | ≤90.5 | 96.0 | ≤98.0 | 13.0 | 14.0 | 15.0 | 16.0 | 16.0 | 65-80* | 0.6-1.2 |
| 3 to <10 | ≤89.0 | | | | | | | | | |
| ≥ 10 | | | | | | | | | | |

*For 9.5 mm nominal maximum aggregate size mixtures, the maximum VFB is 82. For 4.75 mm nominal maximum aggregate size mixtures, the maximum VFB is 84.

The Contractor shall submit a JMF to the Department for each mixture to be supplied. The JMF will be approved by the Department in accordance with the MaineDOT HMA Policies and Procedures for HMA Sampling and Testing Manual. At the time of JMF submittal, the Contractor shall identify and make available the stockpiles of all proposed aggregates at the plant site. There must be a minimum of 150 ton for coarse aggregate stockpiles and 75 ton for fine aggregate stockpiles before the JMF may be submitted. The Contractor shall provide aggregate samples to the Department unless otherwise required. The Contractor shall also make available to the Department the PGAB proposed for use in the mix in sufficient quantity to test the properties of the asphalt and to produce

samples for testing of the mixture. The first day's production shall be monitored, and the approval may be withdrawn if the mixture exhibits undesirable characteristics such as checking, shoving or displacement. The Contractor shall be allowed to submit aim changes for a JMF as outlined in the MaineDOT HMA Policies and Procedures for HMA Sampling and Testing Manual: Mix Design Approval Section.
The Contractor shall submit a new JMF for approval each time a change in material source or materials properties is proposed. The same approval process shall be followed. The cold feed percentage of any aggregate may be adjusted up to 10 percentage points from the amount listed on the JMF, however no aggregate listed on the JMF shall be eliminated. The cold feed percentage for RAP may be reduced up to 10 percentage points from the amount listed on the JMF and shall not exceed the percentage of RAP approved in the JMF or for the specific application under any circumstances.

401.031 Warm Mix Technology The Contractor may place Hot Mix Asphalt Pavement produced with an accepted WMA technology if approved by the Department. Methods or technologies shall generally be at the Contractors option, but will be limited to proven, Agency and Industry accepted practice. Mixture production, placement and volumetric testing details, including temperatures, shall be included in the project specific QCP, and submitted to the Department for approval prior to any work.

401.04 Temperature Requirements The temperature of the mixture shall conform to the tolerances in Table 2 as measured at the truck at the mixing plant and at the paver unless otherwise authorized by the Department.

TABLE 2: ALLOWABLE TEMPERATURE RANGES

| **PGAB Grade(s)** | **Temperature Range (°F)** |
|---|---|
| PG58-28 / PG64-28 | 275-325 |
| PG64E-28 / PG70E-28 | 285-335 |

401.05 Performance Graded Asphalt Binder The Contractor shall utilize either a PG58-28, PG64-28, PG64E-28, PG70E-28, or other grade as specified in the 403 Special Provision. The Contractor shall utilize a PG64-28 if no liquid grade is specified within the 403 Special Provision.

401.06 Weather and Seasonal Limitations The State is divided into two paving zones as follows:

a. Zone 1 Areas north of US Route 2 from Gilead to Bangor and north of Route 9 from Bangor to Calais.
b. Zone 2 Areas south of Zone 1 including the US Route 2 and Route 9 boundaries.

TABLE 3: SEASONAL AND TEMPERATURE LIMITATIONS

| Use | Minimum Ambient Air Temperature | Zone 1 Allowable Placement Dates | Zone 2 Allowable Placement Dates |
|---|---|---|---|
| Surface course (travelway & adjacent shoulders) less than 1 in. thick placed during conditions defined as "night work" | 50°F | June 1 to Saturday following September 1 | |
| Surface course (travelway & adjacent shoulders) less than 1 in. thick | 50°F | May 15 to Saturday following September 15 | |
| Travelway surface course greater than or equal to 1 in. thick | 50°F | May 1 to Saturday following October 1 | April 15 to Saturday following October 15 |
| HMA for surface course on bridge decks | 50°F | May 1 to Saturday following October 1 | April 15 to Saturday following October 15 |
| HMA for base or shim course on bridge decks | 50°F | April 15 to November 15 | |
| HMA for use other than travelway surface course | 40°F | April 15 to November 15 | |
| HMA for curb, driveways, sidewalks, islands, or other incidentals | 40°F | N/A | N/A |
| HMA produced with an approved WMA technology for base or shim course | 35°F | April 15 to November 15 | |

The ambient air temperature shall be determined by an approved thermometer placed in the shade at the paving location. Unless otherwise specified, the Contractor shall not place Hot Mix Asphalt Pavement on a wet or frozen surface regardless of the ambient air temperature. The Hot Mix Asphalt Pavement produced with an approved WMA technology shall meet the requirements of section 401.04 - Temperature Requirements, unless otherwise approved by the Department. For the purposes of this Section, the traveled way includes truck lanes, ramps, approach roads and auxiliary lanes.

401.07 Hot Mix Asphalt Plant

401.071 General Requirements HMA plants shall conform to AASHTO M 156, Standard Specification for Requirements for Mixing Plants for Hot-Mixed, Hot-Laid Bituminous Paving Mixtures with exception of Section 4.2.1, 4.2.2, 4.3.4, 4.3.5, and 4.12.2.

All HMA plants will be inspected annually by the Department prior to producing HMA for Department projects. The Contractor shall provide the Department at least 72 hours' notice that the plant is ready for inspection. The Contractor shall equip the plant with ladders and platforms that are accessible and safe to obtain samples of PGAB, aggregate and mix from the relevant tanks, collector belts and haul units. Silo storage time of mixtures shall not exceed 36 hours.

401.072 Stockpiles The Contractor shall provide sufficient space for stockpiles and maintain a minimum of supply for 2 days production of all aggregate products used in MaineDOT approved mix designs currently under production. A minimum stockpile supply of 100 ton (70 yards) shall be maintained at all times. The Contractor shall construct stockpiles to prevent intermingling and to

minimize segregation. All stockpiles used in MaineDOT mixes shall be identified with weatherproof signs at least 12" high and 24" wide, with reflective lettering at least 2" high.

401.073 Cold Feeds Cold Feed Bins will have bin dividers to keep aggregate products separated. Adequate means must be provided for obtaining samples of the combined flow of all Cold feed bins.

401.074 Dryer Dryer shall be capable of heating aggregate to required mixing temperature and shall be in good operation and condition. Dryer shall be subject to annual inspection prior to start-up. The Contractor shall dry and heat the aggregates for the HMA to the required temperature, adjusting flames to avoid damaging the aggregates. The Contractor shall provide the Department a minimum period of 72 hours to inspect the dryer and provide at least 24 hours' notice that the dryer is ready for inspection.

401.075 Asphalt Binder The plant shall include a heating system and insulation to maintain the asphalt binder at a uniform temperature for proper mixing and compaction. A thermometer shall be provided in the asphalt binder line. No direct flame may come in contact with tank. A sampling valve shall be provided in the circulation line downstream of any binder additive used unless otherwise approved by the Department. The Contractor shall drain down the asphalt as low as safely possible in any tank that will be switched to a new source or grade prior to adding the new PGAB.

401.076 Additives Additives (WMA, anti-strip, etc.) introduced into the binder at the HMA plant shall be introduced per the supplier's recommendations and shall be approved by the Department. The system for introducing additives shall be interlocked with the aggregate feed or weigh system to maintain correct proportions for all production rates and batch sizes. Additive introduction systems shall be controlled by a proportioning device to the amount required on the JMF plus or minus 0.1% of the target. Additive introduction systems shall
be interlocked with the plant and the recordation (batch tickets or drum recordation) shall display the additive and the weight and percentage added. A means for sampling the PG binder with additive introduced will be provided. The sampling point shall be after the additive is mixed with the PGAB before entering the drum or mixer unit.

401.077 Batch Plants

Hot Bins Hot bins shall provide uniform continuous operation and be in good working condition. The plant shall be able to provide samples of hot bins upon request. Overflow shall be provided for each hot bin. Hot bin gates shall close without leaking. Bin walls must prevent intermingling between bins. Each hot bin shall have low level indicators which will alert the operator when the bin is empty.

Mixer Unit Clearance between blades and liner shall be 1" maximum, unless the aggregate exceeds 1 ¼" then the clearance shall be 1 ½". The spray bar length shall be at least 75% of the mixer length. The mixer unit shall be a twin pug mill-type mixer capable of mixing continuously for at least 45 seconds after all materials have been introduced into the mixer. The blades in the mixer shall be capable of producing a homogenous mixture. If the mixer is not enclosed, it shall be equipped with an adjustable hood to prevent loss of dust by dispersion. The mixer unit shall be subject to annual inspection prior to removal of safety features and being readied for service. The Contractor shall provide the Department the opportunity to inspect the mixer unit prior to the annual inspection. The Contractor shall provide the Department a minimum period of 72 hours to inspect the mixer unit and provide at least 24 hours' notice that the mixer unit is ready for inspection.

Mineral Filler Mineral filler and fiber shall utilize separate bins and feed systems to store and proportion the required quantity into the mixture. The feed systems shall be accurate to no more than 10% of the required weight with a convenient and accurate means of calibration. Mineral filler and fiber shall be introduced in the weigh hopper and uniformly distributed prior to the injection of the asphalt binder.

Automation The HMA batch plant shall automatically batch, mix and discharges mixes. The batch plant shall accurately proportion the various materials in the proper order by weight. The entire batching and mixing cycle shall be continuous and shall not require any manual operations. The batch plant shall use auxiliary interlock circuits to trigger an audible alarm whenever an error exceeding the acceptable tolerance occurs. Along with the alarm, the printer shall print an asterisk on the delivery slip in the same row containing the out-of-tolerance weight. The automatic proportioning system shall be capable of consistently delivering material within the full range of batch sizes. When RAP is being used, the plant must be capable of automatically compensating for the moisture content of the RAP.

The HMA batch plant shall be operated within the following tolerances:

| | |
|---|---|
| Each aggregate component | +/- 1.5% cumulative, per bin |
| Mineral Filler | +/- 0.5% |
| Bituminous Material | +/- 0.1% |
| Zero return (aggregate) | +/- 0.5% |
| Zero Return (AC) | +/- 0.1% |
| Additives | +/- 0.1% |

Recordation All plants shall be equipped with an approved digital recording device. The printer shall mark any weight on the ticket that exceeds tolerance. The delivery slip shall contain information required under Section 108.1.3 - Provisions Relating to Certain Measurements, Mass and paragraphs a, b, and c of Section 401.078.

401.078 Drum Plants

Cold Feeds and Delivery System A scalper screen shall be used to remove oversize material. The accuracy of the belt scale shall be within +/- 1.0% of the actual weight being measured. The plant shall be capable of correcting for aggregate moisture. Mineral filler and fiber shall utilize separate bin(s) and feeder systems to store and proportion the required quantity into the mixture. The feed systems shall be accurate to no more than +/- 10% of the required weight with a convenient and accurate means of calibration. The plant shall be equipped with a single control to change all feed rates. Mineral filler and fiber shall be introduced such that dry mixing is accomplished no less than 18 inches prior to the injection of the asphalt binder. The Contractor shall ensure that the mineral filler does not become entrained in the exhaust stream of the dryer.

Binder System The flow of asphalt binder shall adjust automatically with dry aggregate weights. The Department will conduct an asphalt flow meter check annually and after each change of plant location. The flow meter check must be performed prior to producing mix for Department projects. The plant must be configured to provide a convenient means to check accuracy of the flow meter. The flow meter will be considered accurate if the measured weight is within 1% of actual weight.

Drum Mixer The plant shall be equipped with a diversion system where mix can be diverted at startup/shutdown and any time. The drum mixer shall be subject to annual inspection prior to removal of safety features and being readied for service. The Contractor shall provide the Department a minimum period of 72 hours to inspect the drum mixer while providing at least 72 hours' notice that the drum mixer is ready for inspection.

Recordation An approved automatic ticket printer system shall be used to print delivery slips. The requirements for delivery slips for payment of materials measured by weight, as given in the following Sections, shall be waived: 108.1.3 a., 108.1.3 b., 108.1.3 c., and 108.1.3 d. The automatic printed ticket will be considered as the Weight Certificate. The dry aggregate weights and binder flow shall be recorded as well as mineral filler and all binder additives. The recordation of materials shall be printed a minimum of every ten minutes while in production.

The requirements of Section 108.1.3 f. - Delivery Slips, shall be met by the delivery slip printed by the automatic system, which accompanies each truckload, except for the following changes:

a. The quantity information required shall be individual weights of each batch or total net weight of each truckload.
b. Signatures (legible initials acceptable) of Weighmaster (required only in the event of a malfunction as described in 401.074 c.).
c. The MaineDOT designation for the JMF.

401.079 Scales and Weight Checks Scales shall meeting the requirements of Section 108 - Payment. The scales shall be inspected and sealed by the State Sealer (or approved alternative) as often as the Department deems necessary to verify their accuracy. Plant scales shall be checked prior to the start of the paving season, and each time a plant is moved to a new location. Subsequent checks will be made as determined by the Resident. The Contractor will have at least ten 50 pound masses for scale testing at batch plants. At Contractor's option, the Contractor can use one single test weight that has been checked on sealed scales. This weight shall be 1,000 lbs. or greater. At least twice during each 5 days of production either of the following checks will be performed:

a. A loaded truck may be intercepted and weighed on a platform scale that has been sealed by the State Sealer of Weights and Measures within the past 12 months. The inspector will notify the producer to take corrective action on any discrepancy over 1.0%. The producer may continue to operate for 48 hours under the following conditions.

1. If the discrepancy does not exceed 1.5%; payment will still be governed by the printed ticket.
2. If the discrepancy exceeds 1.5%, the plant will be allowed to operate as long as payment is determined by truck platform scale net weight.

If, after 48 hours the discrepancy has not been addressed and reduced below 1.0%, then plant operations will cease. Plant operation may resume after the discrepancy has been brought within 1.0%.

b. Where platform scales are not readily available, a check will be made to verify the accuracy and sensitivity of each scale within the normal weighing range and to assure that the interlocking devices and automatic printer system are functioning properly. If platform scales are not readily

available, a weight with a known mass-verified and sealed annually by a licensed scale company, may be used by hanging weight from silo or surge hopper, at lower middle and upper third levels upon request to verify scale accuracy.

d. In the event of a malfunction of the automatic printer system, production may be continued without the use of platform truck scales for a period not to exceed the next two working days, providing total eights of each batch are recorded on weight tickets and certified by a Licensed Public Weighmaster.

401.08 Hauling Equipment Units hauling HMA shall have tight, clean, and smooth metal bodies, which have been thinly coated with a small amount of approved release agent to prevent the mixture from adhering to the bodies. Release agents that dissolve or strip asphalts, including diesel fuel, will not be allowed.

All mix haul units shall have a cover of water repellent material capable of heat retention, which completely covers the mixture. The cover shall be securely fastened on the truck, unless unloading. Haul units shall have an opening on both sides near the midpoint of the body, at least 12 in above the bed, which will accommodate a thermometer stem.

401.09 Pavers The Contractor shall use pavers meeting the requirements of this section unless otherwise authorized by the Department. Pavers shall meet the requirements of Table 4: Paver Requirements.

TABLE 4: PAVER REQUIREMENTS

| Use | Paver Requirement |
|---|---|
| Traveled Way & Auxiliary Lanes | Equipped with a 10 ft minimum main screed with activated extensions. The minimum tractor weight shall be 30,000 pounds. |
| | Equipped with automatic grade and slope controls that automatically adjust the screed and increase or decrease the layer thickness to compensate for irregularities in the preceding course. The controls shall maintain the proper transverse slope and be readily adjustable so that transitions and superelevated curves can be properly paved. The controls shall operate from a fixed or moving reference such as a grade wire or ski type device (floating beam) with a minimum length of 30 ft, a non-contact grade control with a minimum span of 24 ft, except that a 40 ft reference shall be used on interstate and divided highway projects. |
| All HMA Placement | Self-contained, self-propelled units of sufficient class and size to place Hot Mix Asphalt Pavement in full lane widths specified in the contract on the main line, shoulder, or similar construction. |
| | Equipped with a free-floating activated heated main screed with activated extensions. Pavers with extendible screeds shall have auger extensions and tunnel extenders as per the manufacturer's recommendations, a copy of which shall be available if requested. |
| | Equipped with a receiving hopper with sufficient capacity for a uniform spreading operation and a distribution system to place the mixture uniformly, without segregation in front of the screed. |
| | Operated in such a manner as to produce a visually uniform surface texture and a thickness within the requirements of Section 401.11 - Surface Tolerances. The screed assembly shall produce a finished surface of the required evenness and texture without tearing, shoving, or gouging the mixture. |

The Contractor shall have the paver at the project site sufficiently before the start of paving operations to be inspected and approved by the Department. The Contractor shall repair or replace any paver found worn or defective, either before or during placement, to the satisfaction of the Department. Pavers that produce an unevenly textured or non-uniform mat will be repaired or replaced before continuing to place HMA on MaineDOT projects. On a daily basis, the Contractor shall perform density testing across that mat as detailed in Section 401.191 Quality Control - Method A, B & C.

401.10 Rollers Rollers shall be static steel, pneumatic tire, oscillatory, or approved vibrator type. Rollers shall be in good mechanical condition, capable of starting and stopping smoothly, and be free from backlash when reversing direction. Rollers shall be equipped and operated in such a way as to prevent the picking up of hot mixed material by the roller drums or tires. Crushing of the aggregate or displacement of the HMA during rolling will not be permitted. Any HMA Pavement that becomes loose, broken, contaminated, shows an excess or deficiency of PGAB, or is in any other way defective shall be removed and replaced at no additional cost with fresh material which shall be immediately compacted to conform to the adjacent area.

The Contractor shall repair or replace any roller found to be worn or defective, either before or during placement, to the satisfaction of the Department. Rollers that produce grooved, unevenly textured or non-uniform mat will be repaired or replaced before continuing to place HMA. The type of rollers to be used and their relative position in the compaction sequence shall generally be the Contractor's option unless otherwise specified in the contract, provided specified density is attained and with the following requirements:

a. On variable-depth courses, the first lift of pavement over gravel, reclaimed pavement, on irregular or milled surfaces, or on bridges, at least one roller shall be 16 ton pneumatic-tired. Pneumatic-tired rollers shall be equipped with skirting to minimize the pickup of HMA materials from the paved surface. When required by the Resident, the roller shall be ballasted to 20 ton.
b. Compaction with a vibratory or steel wheel roller shall precede pneumatic-tired rolling, unless otherwise authorized by the Department.
c. Vibratory rollers shall not be operated in the vibratory mode on bridge decks.
d. Any method, which results in cracking or checking of the mat, will be discontinued and corrective action taken.
e. The use of an oscillating steel roller shall be required to compact all mixtures placed on bridge decks.

The maximum operating speed for a steel wheel or pneumatic roller shall not exceed the manufacturer's recommendations, a copy of which shall be available if requested.

401.11 Surface Tolerances The Department will check the following surface tolerances:

a.) Longitudinally: The pavement surface profile shall be free of deviations in excess of +/- ¼ inches from the required pavement surface profile grade. To verify the surface tolerance a straight plane shall be established using 16 foot straight edge or a taught string line placed parallel to the direction of travel and checked continuously across the width of the lane.
b.) Transversely: The pavement surface profile shall be free of deviations in excess of 0 inches below and ¼ inches above the required cross-sectional profile grade. To verify the surface tolerance a straight plane shall be established using a 10 foot straight edge or taught string line

placed perpendicular to the direction of travel and checked continuously along the length of the lane.

The Contractor shall correct defective areas by removing defective work and replacing it with new material as directed by the Department. The Contractor shall furnish a 10 foot straightedge for the Department's use.

401.12 Preparation of Existing Surface The Contractor shall thoroughly clean the surface upon which Hot Mix Asphalt Pavement is to be placed of all objectionable material. When the surface of the existing base or pavement is irregular, the Contractor shall bring it to uniform grade and cross section. All surfaces shall have a tack coat applied prior to placing any new HMA course. Tack coat shall conform to the requirements of Section 409 – Bituminous Tack Coat, Section 702 – Bituminous Material, and all applicable sections of the contract.

401.13 Spreading and Finishing On areas where irregularities or unavoidable obstacles make the use of mechanical spreading and finishing equipment impracticable, the Contractor shall spread, rake, and lute the HMA with hand tools to provide the required compacted thickness. Release agents that dissolve or strip asphalts, including diesel fuel, will not be allowed. On roadways with adjoining lanes carrying traffic, the Contractor shall place each course per the conditions in Table 5, unless otherwise noted by the Department in Section 403 - Hot Mix Asphalt Pavement.

TABLE 5: PLACEMENT CONDITIONS FOR ADJOINING LANES

| **Depth (at centerline)** | **Placement Conditions** |
|---|---|
| **Vertical Longitudinal Joint** | |
| ¾" and less (incl. shim) | The Contractor may place the HMA course over the full single travel lane width for each production day. |
| 1" to 1 ¼" | The Contractor may place the HMA course over the full single travel lane width for each production day and will be required to place a matching course of HMA over the adjacent section of travel lane before weekend or holiday suspension. |
| 1 ½" to 2" | The Contractor may place the HMA course over the full single travel lane width for each production day and will be required to place a matching course of HMA over the adjacent section of travel lane before the end of the following calendar day. |
| Greater than 2" | The Contractor shall place each course over the full width of the traveled way section being paved that day. |
| **Notched-Wedge Longitudinal Joint** | |
| 1 ½" to 2" | The Contractor may place the HMA course over the full single travel lane width for each production day and will be required to place a matching course of HMA over the adjacent section of travel lane before weekend or holiday suspension. A maximum unmatched centerline joint length of 0.5 miles will be permitted over the weekend. |
| Greater than 2" | The Contractor may place the HMA course over the full single travel lane width for each production day and will be required to place a matching course of HMA over the adjacent section of travel lane before the end of the following calendar day. |

The Contractor shall place the specified course over the full width of the mainline traveled way being paved, regardless of use, depth, or longitudinal joint type prior to Memorial Day, July 4th, Labor Day, paving suspensions exceeding three days, or other dates as specified by special provision.

The Contractor shall install additional warning signage that clearly defines the centerline elevation differential hazard. Unless otherwise addressed in the contract, the Contractor shall install additional centerline delineation such as a double application of raised pavement markers at 100 foot intervals, or temporary painted line. For any exposed vertical edge between the shoulder and traveled way, at a minimum, the use of temporary painted line, or RPMs placed along the edge of traveled way at 200 foot intervals is required. The Traffic Control Plan shall be amended to include this option and the additional requirements. All signs and traffic control devices will conform to Section 719.01, and Section 652, and will be installed prior to the work, at a maximum spacing of 0.50 mile for the entire length of effected roadway section. If this option is utilized, all additional signing, labor, traffic control devices, or incidentals will not be paid for directly, will be considered incidental to the appropriate 652 items.

401.14 Hot Mix Asphalt Placement on Bridge Decks Hot mix asphalt pavement placed on bridges shall also conform to Section 508.04 and the following requirements.

a. The minimum production and placement temperature for the Hot Mix Asphalt placed over membrane shall conform to the manufacturer's recommendations.
b. The bottom course shall be placed with an approved rubber mounted paver of such type and operated in such a manner that the membrane waterproofing will not be damaged in any way.
c. The top course shall not be placed until the bottom course has cooled sufficiently to provide stability.
d. The Contractor will not be required to cut sample cores from the compacted pavement on the bridge deck, unless otherwise directed by Special Provision.
e. After the top course has been placed, the shoulder areas shall be sealed 3 ft wide with two applications of an emulsified bituminous sealer meeting the requirements of Section 612.03 – Sealing and Section 702.12 - Emulsified Bituminous Sealing Compound. The first application shall be pre-mixed with fine, sharp sand, similar to mortar sand, as needed to fill all voids in the mix in the area being sealed. The second application may be applied without sand. The sealer shall be carried to the curb at the gutter line in sufficient quantity to leave a bead or fillet of material at the face of the curb. The area to be sealed shall be clean, dry and the surface shall be at ambient temperature. The furnishing and applying of the required quantity of sealer for the bridge shoulder areas shall be incidental to placing the hot mix asphalt pavement.
f. The area between the edge of the membrane and the vertical surface shall be completely sealed with hot-applied rubberized asphalt material, meeting the requirements of Type 4 crack seal; shall be applied to form a complete seal between the membrane and the vertical surface and shall extend up the vertical surface to within ½ inch of the top of the HMA wearing surface. This work shall be considered incidental to the contract pavement items unless 508 membrane items are included in the contract.

401.15 Compaction Immediately after the Hot Mix Asphalt Pavement has been spread, struck off, and any surface irregularities adjusted, the Contractor shall thoroughly and uniformly compact the HMA by rolling.

The Contractor shall roll the surface when the mixture is in the proper condition and when the rolling does not cause undue displacement, cracking, or shoving. The Contractor shall prevent adhesion of the HMA to the rollers or vibrating compactors without the use of fuel oil or other petroleum-based

release agents. Solvents designed to strip asphalt binders from aggregates will not be permitted as release agents on equipment, tools, or pavement surfaces.

The Contractor shall immediately correct any displacement occurring as a result of the reversing of the direction of a roller or from other causes to the satisfaction of the Department. Any operation other than placement of variable depth shim course that results in breakdown of the aggregate shall be discontinued. Any new pavement that shows obvious cracking, checking, or displacement shall be removed and replaced for the full lane width as directed by the Resident at no cost to the Department.

Along forms, curbs, headers, walls, and other places not accessible to the rollers, the Contractor shall thoroughly compact the HMA with mechanical vibrating compactors. The Contractor shall only use hand tamping in areas inaccessible to all other compaction equipment. On depressed areas, the Contractor may use a trench roller or cleated compression strips under a roller to transmit compression to the depressed area.

Any HMA that becomes unacceptable due to cooling, cracking, checking, segregation or deformation as a result of an interruption in mix delivery shall be removed and replaced with material that meets contract specifications at no cost to the Department.

For all items requiring pavement density testing, the Contractor shall cut 6-inch diameter cores at no additional cost to the Department by the end of the working day following paving. Cores shall be cut such that the nearest edge at least 9 inches from any joint. Pre-testing of the cores will not be allowed. If the Contractor and the Department mutually determine that a core is damaged, the Contractor shall cut new core(s) at the same offset and within 3 ft of the initial sample. The Contractor and the Department will mutually determine if underlying material is adhered to the core and if so will mark the core at the point where sawing is needed. The Department will place the cores in a secure container and the Contractor shall transport the cores to the designated MaineDOT lab. The cores will be saw cut by the Department to remove underlying layers. No recuts are allowed at a test location after the core has been tested.
On all sections of overlay with wearing courses designed to be 1 in or less in thickness, there shall be no pay adjustment for density otherwise noted in Section 403 - Hot Mix Asphalt Pavement. For overlays designed to be 1 in or less in thickness, density shall be obtained by the same rolling train and methods as used on mainline travelway surface courses with a pay adjustment for density, unless otherwise directed by the Department.

There shall be no pay adjustment for density on shoulders unless otherwise noted in Section 403 - Hot Mix Asphalt Pavement. Density for shoulders shall be obtained by the same rolling train and methods as used on mainline travelway, unless otherwise directed by the Department. Efforts to obtain optimum compaction will not be waived by the Department unless it is apparent during construction that local conditions make densification to this point detrimental to the finished pavement surface course.

401.16 Joints The Contractor shall construct wearing course transverse and longitudinal joints in such a manner that minimum tolerances shown in Section 401.11 - Surface Tolerances are met when measured with a straightedge. The paver screed shall maintain a uniform head of HMA during transverse and longitudinal joint construction. The HMA shall be free of segregation and meet temperature requirements outlined in Section 401.04. Transverse joints of the wearing course shall

be straight and neatly trimmed. The Contractor may form a vertical face exposing the full depth of the course by inserting a header, by breaking the bond with the underlying course, or by cutting back with hand tools. The Contractor shall apply a coating of emulsified asphalt immediately before paving all joints to the vertical face and 3 in of the adjacent portion of any pavement being overlaid except those formed by pavers operating in echelon. The Contractor shall use an approved spray apparatus designed for covering a narrow surface. The Department may approve application by a brush for small surfaces, or in the event of a malfunction of the spray apparatus, but for a period of not more than one working day.

Where pavement under this contract joins an existing pavement, or when the Department directs, the Contractor shall cut the existing pavement along a smooth line, producing a neat, even, vertical joint. The Department will not permit broken or raveled edges. The cost of all work necessary for the preparation of joints is incidental to related contract pay items. Longitudinal joints shall be generally straight to the line of travel and constructed in a manner that best ensure joint integrity. Methods or activities that prove detrimental to the construction of straight, sound longitudinal joints will be discontinued.

The Contractor may utilize an approved notched wedge joint device on all HMA layers 1 ½ inches in depth or greater. A notched wedge joint shall be constructed as shown in Figure 1 using a device that is attached to the paver screed and is capable of independently adjusting the top and bottom vertical notches.

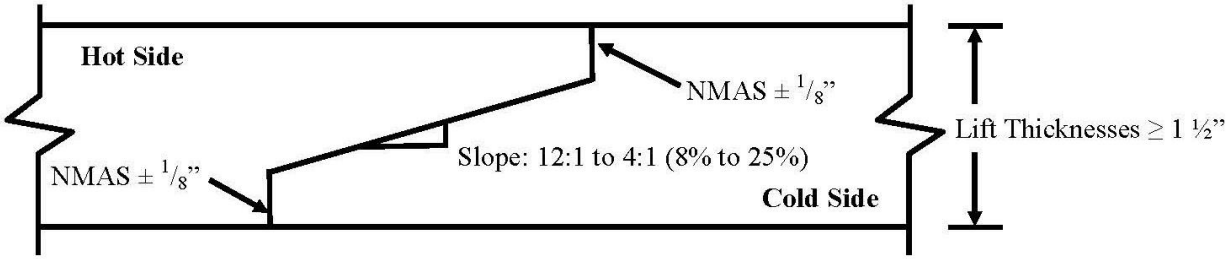



**FIGURE 1: Notched Wedge Joint**

Notes

1. An emulsified tack coat shall be applied to the vertical edges and the wedge surface so that the total rate is 0.05 G/SY plus the normal specified rate prior to placing the adjacent layer. The Contractor may elect to apply the emulsified tack coat in one or multiple passes.
2. Dimensions shown are compacted depths (after rolling is complete).

The Department reserves the right to have centerline cores cut by the Contractor's QC personnel for informational purposes to monitor the density along the joint. Informational cores at the centerline joint will be taken centered over the tapered part of the wedge joint.

Any notched wedge joint constructed areas that become cracked or broken shall be trimmed back to the limits affected prior to placing the adjoining lane. Any materials that become unbound or separated from the wedge or tapered joint section, or contaminated by materials determined by the Department as being detrimental to the construction of a sound construction joint, shall be removed by sweeping, compressed air and lance, or by hand tools as required. This work, if necessary, will not be paid for directly, but shall be considered incidental to the related contract items.

The Contractor shall apply a coating of emulsified asphalt on the vertical and tapered surface of the longitudinal centerline joint immediately before paving if the notched wedge joint device is used.

The total rate of application shall be 0.050 G/SY plus the normal specified tack coat rate. The Contractor shall use an approved spray apparatus designed for covering a narrow surface. The Department may approve application by a brush for small surfaces.

401.17 Hot Mix Asphalt Documentation The Contractor and the Department shall agree on the amount of Hot Mix Asphalt Pavement that has been placed each day. All delivery slips shall conform to the requirements of 401.078.

401.18 Prepave Meeting Prior to placing any mix, the Department and the Contractor shall hold a Pre-paving conference to discuss the paving schedule, source of mix, type and amount of equipment to be used, sequence of paving pattern, rate of mix supply, random sampling, project lots and sublots and traffic control. A copy of the density QC random numbers to be used on the project shall be provided to the Resident. The Departments' random numbers for Acceptance testing shall be generated and on file with the Resident and the Project Manager. All personnel of the Department and the Contractor who have significant information relevant to the paving items shall attend, including the responsible onsite paving supervisor for the Contractor. The Resident will prepare minutes of the conference and distribute them to all attendees. Any requests to revise the minutes must be made to the Resident within 7 Days of Receipt. These minutes will constitute the final record of the Pre-paving conference. On the first day of paving and whenever there is a change in the onsite paving foreman or paving inspector, the Department and the Contractor shall hold an informal onsite meeting to review the minutes of the Pre-paving conference, Project Specific QCP, Plans, Typicals, Special Provisions and communication process. This meeting shall be held prior to placing any mix. The onsite paving supervisor, QCT, Superintendent, Resident and/or paving inspector shall attend.

401.19 Contractor Quality Control – Method A, B, C & D
The Contractor shall operate in accordance with the approved Quality Control Plan (QCP) to assure a product meeting the contract requirements. The Contractor shall not begin paving operations until the Department approves the QCP in writing.

401.191 Quality Control The QCP shall meet the requirements of Section 106.6 - Acceptance and this Section. The QCP shall address any items that affect the quality of the Hot Mix Asphalt Pavement, and shall include the following personnel meeting these minimum requirements:

a. QCP Administrator - The QCP Administrator must be a full-time employee of or a consultant engaged by the Contractor or paving subcontractor. The QCP Administrator shall have full authority to institute any and all actions necessary for the successful operation of the QCP. The QCP Administrator (or their designee in the QCP Administrator's absence) shall be available to communicate with the Department at all times.

- For items accepted under Methods A and B, the QCP Administrator shall be certified as a Quality Assurance Technologist (QAT) by NETTCP.
- For items accepted under Methods C and D, the QCP Administrator shall be certified by NETTCP as a Quality Assurance Technologist (QAT), Plant Technician, or Paving Inspector.

b. Process Control Technician(s) (PCT) shall utilize test results and other quality control practices to assure the quality of aggregates and other mix components and control proportioning to meet the JMF(s). The PCT shall inspect all equipment used in mixing to assure it is operating

properly and that mixing conforms to the mix design(s) and other Contract requirements, and that delivery slips and plant recordation accurately reflects the mix being produced with all the required information. The QCP shall detail how these duties and responsibilities are to be accomplished and documented, and whether more than one PCT is required. The Plan shall include the criteria to be utilized by the PCT to correct or reject unsatisfactory materials. The PCT shall be certified as a Plant Technician by the NETTCP.

c. Quality Control Technician(s) (QCT) shall perform and utilize quality control tests at the job site to assure that delivered materials meet the requirements of the JMF(s). The QCT shall inspect all equipment utilized in transporting, laydown, and compacting to assure it is operating properly and that all laydown and compaction conform to the Contract requirements. The QCP shall detail how these duties and responsibilities are to be accomplished and documented, and whether more than one QCT is required. The QCP shall include the criteria utilized by the QCT to correct or reject unsatisfactory materials. The QCT shall be certified as a Paving Inspector by the NETTCP.

The QCP shall detail the coordination of the activities of the Plan Administrator, the PCT and the QCT. The Project Superintendent shall be named in the QCP, and the responsibilities for successful implementation of the QCP shall be outlined.

The QCP shall address any items that affect the quality of the Hot Mix Asphalt Pavement including, but not limited to, the following:

a. General Requirements:
    - Job Mix Formulas (JMFs)
    - Name of QCP Administrator, and certification number
    - Description of corrective action process
    - Disposition of defective material
    - A procedure to take immediate possession of acceptance samples once released by MaineDOT and deliver said samples to the designated acceptance laboratory.

b. Process Control Requirements: Each Hot Mix Asphalt plant shall have a Plant Specific Process Control Plan. At minimum the plan shall include:
    - Name of Plant Specific Process Control Technician(s) and certification number(s)
    - Hot mix asphalt plant details
    - Stockpile Management
    - Mixing & transportation
    - Silo management and details
    - A detailed description of RAP processing, stockpiling and introduction into the plant
    - PG Binder management:
        - Tanks and storage (including polymer modified binders if applicable)
        - Binder temperature
        - Sample points
        - Method to ensure mixture contains the specified binder grade
        - Additive introduction details if introduced at the plant
    - Testing and inspection plan for control of aggregates and RAP
    - Mix Testing and inspection plan

c. Quality Control Requirements – Method A & B
   - Name of Quality Control Technicians(s) and certification number(s)
   - Laydown operations
   - Longitudinal joint construction including the tacking of all joints.
   - Procedures for avoiding paving in inclement weather
   - Compaction of shoulders
   - Methods to ensure that segregation is minimized
   - Procedures to determine the maximum rolling and paving speeds based on best engineering practices and past experience in achieving acceptable pavement smoothness.
   - Sequence for paving around drainage structures, under guard rail, around curb, at bridges, intersections, drives and minor approaches to ensure proper compaction, finish, and drainage.
   - Type of release agent to be used on haul units, tools and rollers.

d. Quality Control Requirements – Method C and D
   - Name of QCP Administrator and certification number(s) as specified in Section 401.19.
   - Name of Process Control Technicians(s) and certification number(s).
   - Name of Quality Control Technicians(s) and certification number(s).
   - Anticipated Compaction Temperature Zones for each roller pass during placement.
   - Mix TMD to be used for density gauge setting for method spec density work
   - Procedures for avoiding paving in inclement weather.
   - Type of release agent to be used on haul units, tools and rollers.
   - A note stating that the use of petroleum-based fuel oils, such as diesel or kerosene, or asphalt stripping solvents will not be permitted.
   -

The Contractor shall also supply a Laydown Operation Plan that addresses sequence of work, layout of work, longitudinal joint construction, compaction of shoulders, methods to minimize segregation, and procedures to achieve acceptable pavement smoothness.

For each production day, a summary of each day's results, including a daily paving report, summarizing the mixture type, mixture temperature, equipment used, environmental conditions, and the number of roller passes, shall be recorded and signed by the QCT and presented to the Department's representative by 1 PM the following working day.

Unless otherwise noted in Section 403 - Hot Mix Asphalt Pavement, the Contractor shall submit a modified QC Plan detailing, how the mix is to be placed, what equipment is to be used, and what HMA plant is to be used for Items covered under the Plan. All mix designs (JMF) shall be approved and verified by MaineDOT prior to use.
A QCP, certified QC personnel, and a Prepave Meeting shall not be required for Item 403.209 - Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (sidewalks, drives, islands & incidentals) accepted under visual or Method D. An approved JMF shall be provided to the Resident prior to placement.

The Contractor shall certify the mix and the test results for each item by a Certificate of Compliance.

The Contractor shall have a testing lab at the plant site, equipped with all testing equipment necessary to complete the tests in Table 6. The Contractor shall generate QC sampling random numbers for each approved mix design. A copy of the random numbers shall be emailed to the QC.mainedot@maine.gov email address and remain on-file (in print) and be available for inspection at the QC laboratory. The Contractor shall sample, test, and evaluate Hot Mix Asphalt Pavement in accordance with the minimum frequencies per each approved mix design:

TABLE 6: MINIMUM QUALITY CONTROL FREQUENCIES

| **Test or Action** | **Frequency** | **Test Method** |
|---|---|---|
| Temperature of mix | 6 per day at street and plant | - |
| Temperature of mat | 4 per day | - |
| %TMD (In-Place Density - Surface) | 1 per 125 ton | AASHTO T 355 or AASHTO T 343 |
| %TMD (In-Place Density - Base) | 1 per 250 ton | AASHTO T 355 or AASHTO T 343 |
| Fines / Effective Binder | 1 per 500 ton | AASHTO T 312* |
| Gradation | 1 per 500 ton | AASHTO T 30 |
| PGAB Content | 1 per 500 ton | AASHTO T 164 or AASHTO T 308 |
| Voids at $N_{design}$ | 1 per 500 ton | AASHTO T 312* |
| VMA at $N_{design}$ | 1 per 500 ton | AASHTO T 312* |
| Rice Specific Gravity | 1 per 500 ton | AASHTO T 209 |
| Percent Fractured Particles | 1 per 5,000 ton | AASHTO T 335 |
| Flat and Elongated Particles | 1 Per 5,000 ton | ASTM D4791 |
| Fine Aggregate Angularity | 1 Per 5,000 ton | AASHTO T 304 |

*Method A and B only

The Contractor shall monitor plant production on each approved mix design using running average of three control charts as specified in Section 106 - Quality. Control limits shall be as noted in Table 7 below. The UCL and LCL, shall not exceed the allowable gradation control points for the particular type of mixture as outlined in Table 1 of Section 703.09.

TABLE 7: CONTROL LIMITS

| **Property** | **UCL and LCL** |
|---|---|
| Percent Passing 4.75 mm and larger sieves | Target +/- 4.0 |
| Percent Passing 2.36 mm sieve | Target +/- 2.5 |
| Percent Passing 0.075 mm sieve | Target +/- 1.0 |
| PGAB Content | Target +/- 0.25 |
| VMA at $N_{design}$ | LCL = LSL + 0.2 |
| Voids at $N_{design}$ | JMF Target +/- 1.2 |
| Theoretical Maximum Specific Gravity | JMF Target +/- 0.020 |

The Contractor shall submit all QC test and inspection reports and updated control charts to the Resident and QC.mainedot@maine.gov by email. The reports and updated control charts shall be signed by the appropriate technician and be submitted to the Department by 1:00 P.M. on the next working day, except when otherwise noted in the QCP and approved by the Department.

The Contractor shall also retain splits of the previous 5 QC tests, with QC results enclosed for random selection and testing by the Department. Test results of splits that do not meet the Dispute Resolution

Variance Limits in Table 18 shall trigger an investigation by the MaineDOT Independent Assurance Unit and may result in that lab losing NETTCP certification and the ability to request a dispute [Section 401.50 - Process for Dispute Resolution].

The Contractor shall make density test results, including randomly sampled densities, available to the Department onsite. Summaries of each day's results, including a daily paving report summarizing the mixture type, mixture temperature, equipment used, environmental conditions, and the number of roller passes, shall be recorded and signed by the QCT and provided to the QC.mainedot@maine.gov email address and Resident in writing by 1:00 p.m. the next working day. The Contractor shall fill all holes in the pavement resulting from cutting cores by the Contractor or the Department with a properly compacted, acceptable mixture no later than the following working day. Before filling, the Contractor shall carefully clean the holes and apply a coating of emulsified asphalt. The Contractor may only cut additional cores for verification of the densometer, at a rate not to exceed 3 per day or 2 per 1000 ton placed.

If the Contractor's control chart shows the process for a given mix design to be out of control (defined as a single point outside of the control limits on the running average of three chart) on any property listed in Table 7: Control Limits, the Contractor shall notify the Resident of all affected projects in writing of the corrective action by 1:00 PM the next working day. The written description shall detail what action is being taken by the Contractor to bring the property in question back within control limits. Subsequent quality control results are expected to demonstrate an improvement and regression towards the aim. The Department reserves the right to take action, to include cessation of production, in the case of repeated results outside the Table 7 control chart control limits.

On a daily basis, or whenever equipment type or sequence is modified, the Contractor shall perform density testing across the mat being placed, prior to being compacted by equipment at 12 in intervals. If the density values vary by more than 2.0% from the mean, the Contractor shall make adjustments to the screed until the inconsistencies are remedied. Failure to replace or repair defective placement equipment may result in a letter of suspension of work and notification of a quality control violation resulting in possible monetary penalties as governed by Section 106 – Quality.

The Contractor shall cease paving operations whenever one of the following occurs:

a. The quality level for density using all quality control tests for the current Lot is less than 60 PWL.
b. The Coarse Aggregate Angularity or Fine Aggregate Angularity value falls below the requirements of Section 703.07, Table 3: Aggregate Consensus Properties Criteria for the design traffic level.
c. The Flat and Elongated Particles value exceeds 10% by ASTM D4791.
d. There is any visible damage to the aggregate due to over-densification other than on variable depth shim courses.
e. The Contractor fails to follow the approved QCP.

The Contractor shall notify the Resident in writing as to the reason for shutdown, as well as the corrective action, by the end of the workday. Failure to do so will be treated as a second incident under 106.4.6 QCP Non-compliance. The Department will only allow the continuation of paving operations when it is satisfied the corrective action will result in an improvement in results. The Department may require the submittal of a passing verification sample to allow further production. The Department

retains the exclusive right, with the exception of the first day's production of a new JMF, to determine whether the resumption of production involves a significant change to the production process. If the Department so determines, then the current lot will be terminated, a pay factor established, and a new lot will begin.

The Contractor may utilize innovative equipment or techniques not addressed by the Contract documents to produce or monitor the production of the mix, subject to approval by the Department.

401.192 Quality Control for Method D, (sidewalks, drives, islands & incidentals) and visual acceptance items

A QCP, certified QC personnel, or Prepave Meeting shall not be required for Item 403.209 - Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (sidewalks, drives, islands & incidentals) accepted under visual or Method D. An approved JMF shall be provided to the Resident prior to placement.

401.20 Acceptance Method A & C These methods utilize Quality Level Analysis and pay factor specifications. For Hot Mix Asphalt Pavement designated for acceptance under Quality Assurance provisions, the Department will sample once per sublot on a statistically random basis, test, and evaluate in accordance with the Acceptance Properties as outlined in Table 8:

TABLE 8: ACCEPTANCE PROPERTIES – METHOD A & C

| **Properties** | **Point of Sampling** | **Test Method** |
|---|---|---|
| Gradation | Paver Hopper | AASHTO T 30 |
| PGAB Content | Paver Hopper | AASHTO T 308 |
| % TMD (In-Place Density) | Mat behind all Rollers | AASHTO T 269 |
| Voids at $N_{design}$ | Paver Hopper | AASHTO T 312 |
| VMA at $N_{design}$ | Paver Hopper | AASHTO T 312 |
| Fines to Effective Binder | Paver Hopper | AASHTO T 312 |
| VFB | Paver Hopper | AASHTO T 312 |

The Department will obtain samples of Hot Mix Asphalt Pavement in conformance with AASHTO R 97, Sampling Asphalt Mixtures, and the MaineDOT Policies and Procedures for HMA Sampling and Testing. The Contractor shall transport the samples in containers provided by the Department to the designated MaineDOT Laboratory within 48 hours except when otherwise noted in the project specific QCP or as directed by the Resident. Failure to deliver an acceptance sample to the designated acceptance laboratory will be considered the second incident under 106.4.6–QCP Non-Compliance.

Target values shall be as specified in the JMF. The Department will withhold reporting of the test results for the Acceptance sample until 7:00 AM, on the second working day of receipt of the sample, or after receipt of the Contractors results of the Acceptance sample split. Upon conclusion of each lot being evaluated under quality level analysis, where there is a minimum of four sublots, results shall be examined for statistical outliers, as stated in Section 106.7.2 - Statistical Outliers.

Lot sizes and sublot sizes shall be determined as outlined in Table 9.

TABLE 9: LOT AND SUBLOT SIZES – METHOD A & C

| Lot Size* | Entire production per item per contract up to 6000 ton |
|---|---|
| Maximum Sublot Size – Mix | 750 ton |
| Maximum Sublot Size – Density | Surface Layers – 250 ton<br>Base / Intermediate Layers – 500 ton |
| Minimum Number of Samples – Mix | Four |
| Minimum Number of Samples – Density | Five |

*Unless otherwise agreed upon at the Prepave Meeting

If there is less than one-half of a sublot remaining at the end, then it shall be combined with the previous sublot. If there is more than one-half sublot remaining at the end, then it shall constitute the last sublot

and shall be represented by test results. If it becomes apparent partway through a Lot that, due to an underrun, there will be insufficient mix quantity to obtain the minimum number of sublots needed, the Resident may adjust the size of the remaining sublots and select new sample locations based on the estimated quantity of material remaining in the Lot. Unanticipated over-runs of up to 1500 ton shall be rolled into the last lot. Cases where the lot is terminated prior to reaching completion shall be handled in accordance with Section 106.7.3 Early Termination of Lots. In cases where density incentive/disincentive provision apply, additional cores shall be taken to attain a minimum of three for the Lot.

Isolated Areas During the course of inspection, should it appear that there is an isolated area that is not representative of the lot based on a lack of observed compactive effort, excessive segregation, a change in process or any other questionable practice, that area may be isolated and tested separately. An area so isolated that has a calculated pay factor below 0.80 for Method A, based on three random tests shall be removed and replaced at the expense of the Contractor for the full lane width and a length not to be less than 150 ft.

TABLE 10: ACCEPTANCE LIMITS – METHOD A & C

| **Property** | **USL and LSL** | |
|---|---|---|
| | **Method A** | **Method C** |
| Percent Passing 4.75 mm and larger sieves | Target +/- 7% | Target +/- 7% |
| Percent Passing 2.36 mm to 1.18 mm sieves | Target +/- 4% | Target +/- 5% |
| Percent Passing 0.60 mm sieve | Target +/- 3% | Target +/- 4% |
| Percent Passing 0.30 mm to 0.075 mm sieve | Target +/- 2% | Target +/- 2% |
| PGAB Content | Target +/- 0.4% | Target +/- 0.4% |
| Voids at $N_{design}$ | 4.0% +/- 1.5% | N/A |
| Fines to Effective Binder | 0.9 +/- 0.3 | N/A |
| VMA at $N_{design}$ | LSL from Table 1 | N/A |
| VFB | Table 1 plus a 4% production tolerance for USL | N/A |
| % TMD (In-place Density) | 94.5% +/- 2.5% | 94.5% +/- 2.5% |

Cease Production The Contractor shall cease paving operations whenever one of the following occurs on a lot in progress:

TABLE 11: CEASE PRODUCTION – METHOD A & C

| Property | Percent Within Limits (PWL) | |
|---|---|---|
| | **Method A** | **Method C** |
| Percent Passing NMAS sieve* | <60 PWL | <60 PWL |
| Percent Passing 2.36 mm sieve* | | |
| Percent Passing 0.30 mm sieve* | | |
| Percent Passing 0.075 mm sieve* | | |
| PGAB Content | | |
| Voids at $N_{design}$ | | N/A |
| Fines to Effective Binder* | | |
| VMA at $N_{design}$ | | |
| VFB | | |
| % TMD (In-place Density) | | <60 PWL |

*Paving operations shall not be required to cease if the mean test value is equal to the LSL or USL and s = 0.

In cases where the Contractor is to cease paving operations based upon an Acceptance result or payfactor, the Contractor will submit a corrective action plan to the Department. The Department will only allow the continuation of paving operations when it is satisfied the corrective action will result in an improvement in results. The Department may require the submittal of a passing verification sample to allow further production.

401.201 Pay Adjustment - Method A & C The Department will use the following criteria for pay adjustment at the completion of the Lot using the pay adjustment factors under Section 106.7 - Quality Level Analysis:

Density Upon conclusion of each lot, density results shall be examined for statistical outliers as stated in Section 106.7.2. If the pay factor for Density falls below 0.80, all of the cores will be randomly re-cut by Sublot. A new pay factor will be calculated that combines all initial and retest results. If the resulting pay factor is below 0.80 , the entire Lot shall be removed and replaced with material meeting the specifications at no additional cost to the Department, except that the Department may, when it appears that there is a distinct pattern of defective material, isolate any defective material by investigating each mix sample sublot and require removal of defective mix sample sublots only, leaving any acceptable material in place if it is found to be free of defective material. Pay factors equal to or greater than the reject level will be paid accordingly.

Mix Properties The Department will determine a pay factor (PF) using the applicable Acceptance Limits. If all three pay factors for PGAB Content, VMA at $N_{design}$, and Voids at $N_{design}$ fall below 0.80 for Method A, then the composite pay factor for PGAB Content, VMA at $N_{design}$, and Voids at $N_{design}$ shall be 0.50.

The following variables will be used for pay adjustment:

PA = Pay Adjustment
Q = Quantity represented by PF in ton
P = Contract price per ton
PF = Pay Factor

The Department will determine a pay adjustment using Table 12: Pay Adjustment Calculations as follows:

TABLE 12: PAY ADJUSTMENT CALCULATIONS – METHOD A & C

| Acceptance Method | Mix Properties / Gradation | Density |
|---|---|---|
| Method A | PA = (Voids @ $N_d$ PF - 1.0)(Q)(P)x0.20 + (VMA @ $N_d$ - 1.0)(Q)(P)x0.20 + (PGAB Content PF- 1.0)(Q)(P)x0.10 | PA = (density PF- 1.0)(Q)(P)x0.50 |
| Method C | PA = (% Passing Nom. Max PF-1.0)(Q)(P)x0.05+(% passing 2.36 mm PF-1.0)(Q)(P)x0.05+(%passing 0.30 mm PF-1.0)(Q)(P)x0.05+(%passing 0.075 mm PF-1.0)(Q)(P)x0.10+(PGAB Content PF-1.0)(Q)(P)x0.25 | PA = (density PF- 1.0)(Q)(P)x0.50 |

In addition, for 9.5 mm NMAS mixtures the following pay adjustment shall also apply:

The average percent passing for the 0.075 mm sieve shall be evaluated for each Lot. If the average is greater than 6.5%, a pay adjustment according to Table 13 below shall apply in addition to the other pay adjustments for the given method of testing.

TABLE 13: 0.075 MM SIEVE PAY ADJUSTMENT

| Average Percent Passing 0.075 mm Sieve | Pay Adjustment |
|---|---|
| 6.6% - 7.0% | -5% |
| > 7.0% | -10% |

The Department shall notify the Contractor whenever the average of at least three samples in a given Lot is greater than 6.5%.

401.21 Acceptance Method B & D Unless otherwise stated in the 403 special provision, the Lot shall be the entire mix quantity per item per contract. The Department will sample once per sublot per pay item on a statistically random basis, test, and evaluate in accordance with the Acceptance Properties in Table 14. The Department will obtain samples of Hot Mix Asphalt Pavement in conformance with AASHTO R 97, Sampling Asphalt Mixtures, and the MaineDOT Policies and Procedures for HMA Sampling and Testing. The Contractor shall transport the samples in containers provided by the Department to the designated MaineDOT Laboratory within 48 hours except when otherwise noted in the project specific QCP or as directed by the Resident. Failure to deliver an acceptance sample to the designated acceptance laboratory will be considered the second incident under 106.4.6–QCP Non-Compliance. Target values shall be as specified in the JMF. The Department will withhold reporting of the test results for the Acceptance sample until 7:00 AM, on the second working day of receipt of the sample, or after receipt of the Contractors results of the Acceptance sample split.

TABLE 14: ACCEPTANCE PROPERTIES – METHOD B & D

| Properties | Point of Sampling | | Test Method |
|---|---|---|---|
| | Method B | Method D | |
| Gradation | Paver Hopper | Paver Hopper or Truck | AASHTO T 30 |
| PGAB Content | Paver Hopper | Paver Hopper or Truck | AASHTO T 308 |
| % TMD (In-Place Density) | Mat behind all Rollers | Mat behind all Rollers | AASHTO T 269 |
| Voids at $N_{design}$ | Paver Hopper | N/A | AASHTO T 312 |
| VMA at $N_{design}$ | Paver Hopper | N/A | AASHTO T 312 |
| Fines to Effective Binder | Paver Hopper | N/A | AASHTO T 312 |
| VFB | Paver Hopper | N/A | AASHTO T 312 |

TABLE 15: LOT AND SUBLOT SIZES – METHOD B & D

| Lot Size* | Entire mix quantity per item per contract | |
|---|---|---|
| Maximum Sublot Size – Mix | (Lot size ≤ 1000 tons) | (Lot size > 1000 tons) |
| | 250 ton | 750 ton |
| Sublot Size – Density | 125 ton (Max 5 Sublots) | 250 ton |

*General – Lot and Sublot size may be adjusted to accommodate the work scope and schedule, or as otherwise agreed upon at the Prepave Meeting

TABLE 16: ACCEPTANCE LIMITS – METHOD B & D

| Property | USL and LSL | |
|---|---|---|
| | Method B | Method D |
| Percent Passing 4.75 mm and larger | Target +/- 7% | Target +/- 7% |
| Percent Passing 2.36 mm sieve | Target +/- 5% | Target +/- 7% |
| Percent Passing 1.18 mm sieve | Target +/- 5% | Target +/- 5% |
| Percent Passing 0.60 mm sieve | Target +/- 4% | Target +/- 4% |
| Percent Passing 0.30 mm sieve | Target +/- 3% | Target +/- 3% |
| Percent Passing 0.075 mm sieve | Target +/- 3% | Target +/- 3% |
| PGAB Content | Target +/- 0.5% | Target +/- 0.5% |
| Voids at $N_{design}$ | 4.0% +/- 2.0% | N/A |
| Fines to Effective Binder | 0.9 +/- 0.3 | N/A |
| VMA at $N_{design}$ | LSL from Table 1 | N/A |
| VFB | Table 1 plus a 4% production tolerance for USL | N/A |
| % TMD (In-place Density) | 94.5% +/- 2.5% | LSL of 92.0% |

The Contractor shall cease paving operations whenever two consecutive Method B or D tests fall outside specification limits on the same property. The Contractor will submit a corrective action plan to the Department. The Department will only allow the continuation of paving operations when it is satisfied the corrective action will result in an improvement in results. The Department may require the submittal of a passing verification sample to allow further production.

401.211 Pay Adjustment - Method B & D For items accepted under Method B or D, if the mix is within the tolerances listed in Table 16, the Department will pay the contract unit price, otherwise pay adjustments as shown in Table 17 shall be applied to the quantity of mix represented by the test. The Contractor shall cut one 6 in core per sublot unless otherwise noted in Section 403 - Hot Mix Asphalt Pavement. If the density result is not within the specified limits the disincentive shall apply. If the sublot density is less than 88.5 percent or greater than 99.0 percent of the sublot TMD, two additional cores shall be cut at random locations determined by the Department. If either of the additional cores has a density less than 88.5 percent or greater than 99.0 percent of the sublot TMD, the sublot shall be removed and replaced at no cost to the Department; otherwise, the average of the three cores will be used to determine the sublot pay adjustment.

TABLE 17: PAY ADJUSTMENTS – METHOD B & D

| **Property** | **Method B** | | **Method D** | |
|---|---|---|---|---|
| Percent Passing 2.36 mm sieve | N/A | | -2.0% | |
| Percent Passing 0.30 mm sieve | N/A | | -1.0% | |
| Percent Passing 0.075 mm sieve | -2.0% | | -2.0% | |
| PGAB Content | -5.0% | | -5.0% | |
| Voids at $N_{design}$ | -3.0% | | N/A | |
| % TMD (In-place Density) | 91.5% - 91.9% or 97.1% - 97.5% | -5.0% | 91.5% - 91.9% | -5.0% |
| | 90.5% - 91.4% or 97.6% - 98.5% | -10.0% | 90.5% - 91.4% | -10.0% |
| | 89.5% - 90.4% or 98.6% - 99.0% | -20.0% | 89.5% - 90.4% | -20.0% |
| | 88.5% - 89.4% | -30.0% | 88.5% - 89.4% | -30.0% |
| | <88.5% or >99.0% | Reject | <88.5% or >99.0% | Reject |

401.30 Method of Measurement The Department will measure Hot Mix Asphalt Pavement by the ton in accordance with Section 108.1 - Measurement of Quantities for Payment.

401.40 Basis of Payment The Department will pay for the work, in place and accepted, in accordance with the applicable sections of this Section, for each type of HMA specified.

The Department will pay for the work specified in Section 401.12, for the HMA used, except that cleaning objectionable material from the pavement and furnishing and applying bituminous material to joints and contact surfaces is incidental. Payment for this work under the appropriate pay items shall be full compensation for all labor, equipment, materials, and incidentals necessary to meet all related contract requirements, including design of the JMF, implementation of the QCP, obtaining core samples, transporting cores and samples, filling core holes, applying emulsified asphalt to joints, and providing testing facilities and equipment. The Department will make a pay adjustment for quality as specified in Section 401.20 Acceptance Method A & B or 401.21 Acceptance Method C & D.

401.50 Process for Dispute Resolution At the time of Hot-Mix Asphalt sampling, the Department will obtain a split sample of each Acceptance test random sample for possible dispute resolution testing. The Contractor shall also obtain a split sample of the HMA at this same time. If the

Contractor wishes to retain the option of requesting dispute testing of the initial Acceptance sample, the Contractor will test their split of the Acceptance sample in accordance with applicable AASHTO procedure and accepted supplemental practice as described in the Department's HMA Sampling and Testing Policies and Procedures manual. The Contractor shall report their results to the Resident, with a copy to Contractor.mainedot@maine.gov by 7:00 AM, on the second working day from time of QA sampling, otherwise dispute resolution will not be initiated. The Department's dispute resolution split sample will be properly labeled and stored for a period of at least two weeks after it has been reported, or until the sample is tested. The properties eligible for dispute and the respective variances are shown in Table 18.

The Contractor may dispute the Department's Acceptance results and request that the dispute resolution split sample be tested by notifying the Department's Resident and QA Engineer in writing within two working days after the results of the Acceptance test are reported. The following shall be provided in the request:

- Acceptance sample reference number
- The specific test result(s) or property(ies) being disputed, and
- The complete, signed report of the Contractor's testing (In a lab certified by the NETTCP and MaineDOT) of their split of the Acceptance sample indicating that the variances in Table 18 for the specific test result(s) or property(ies) were exceeded.

TABLE 18: DISPUTE RESOLUTION VARIANCE LIMITS

| **Property** | **Method A & B** | **Method C & D*** | **Variance Limits** |
|---|---|---|---|
| PGAB Content | Yes | Yes | +/- 0.4% |
| $G_{mb}$ | Yes | No | +/- 0.030 |
| $G_{mm}$ | Yes | No | +/- 0.020 |
| Voids at $N_{design}$ | Only if $G_{mb}$ or $G_{mm}$ is not disputable | No | +/- 0.8% |
| VMA at $N_{design}$ | Only if $G_{mb}$ or $G_{mm}$ is not disputable | No | +/- 0.8% |
| Percent Passing 4.75 mm and larger sieves | No | Yes | +/- 4.0% |
| Percent Passing 2.36 mm to 0.60 mm sieves | No | Yes | +/- 3.0% |
| Percent Passing 0.30 mm to 0.15 mm sieves | No | Yes | +/- 2.0 % |
| 0.075 mm sieve | Only for 9.5 mm NMAS mixes | Yes | +/- 0.8% |

*****Disputes will not be allowed on Item 403.209

The value of any disputed result or property reported for the initial Acceptance sample shall stand if the value reported for the dispute resolution sample is not closer to the value the Contractor reported for their split sample than to the value reported for the initial Acceptance sample. If the value reported for the dispute resolution falls precisely half-way between the other two values the value reported for the dispute resolution will replace the original acceptance value. Otherwise, the value reported for the dispute resolution sample will replace the value reported for the initial Acceptance sample and will be used to re-calculate any other affected results or properties.

# SECTION 402 - PAVEMENT SMOOTHNESS

402.00 Smoothness Projects Projects to have their pavement smoothness analyzed in accordance with this Specification will be so noted in Special Provision 403 - Hot Mix Asphalt Pavement.

402.01 Pavement Smoothness The final pavement surface shall be evaluated for smoothness using a Class I or Class II profiler as defined by ASTM E950 (94). Smoothness measurements will be expressed in terms of the International Roughness Index (IRI) as defined by the World Bank, in units of inches/mile.

402.02 Lot Size Lot size for smoothness will be 3000 lane-feet. A sublot will consist of 50 lane-feet. Partial lots will be included in the previous lot if less than one-half the size of a normal lot. If equal to or greater than one-half the normal lot size, it will be tested as a separate lot.

402.03 Acceptance Testing The Department will conduct Acceptance testing following completion of the surface course. Sections to be excluded from testing include the following:

Bridge decks and joints (no smoothness measurements will be taken within 100 ft of bridge joints)
Acceleration and deceleration lanes
Shoulders and ramps
Side streets and roads
Within 100 ft of transverse joints at the beginning and end of the project
Within 100 ft of railroad crossings
Urban areas with speed limits of 30 mph or lower

Each lot shall have 2 measurements made in each wheel path. The average of the 4 measurements will determine the smoothness for that lot. The smoothness measurements will be statistically evaluated for pay factors as described in Subsection 106.7 - Quality Level Analysis, using the specification limits shown below.

TABLE 1: ACCEPTANCE LIMITS

| **Level** | **USL** |
|---|---|
| I | 55 in/mile |
| II | 65 in/mile |
| III | 75 in/mile |

Computation of Smoothness Pay Adjustment:

PA = (PF-1.0)(Q)(P)
where:
Q = Quantity of surface course in the Lot (excluding shoulders, side streets, bridge decks, ramps, acceleration and deceleration lanes)
PF = smoothness pay factor for the Lot
P = Contract unit price for surface pavement
PA = pay adjustment

402.04 Unacceptable Work In the event that any Lot is found to have a pay factor less than 0.80, the Contractor shall take whatever remedial action is required to correct the pavement surface in that Lot at no additional expense to the Department. Such remedial action may include but is not limited to removal and replacement of the unacceptable pavement. In the event remedial action is necessary, the Contractor shall submit a written plan to the Resident outlining the scope of the remedial work. The Resident must approve this plan before the remedial work can begin. Following remedial work, the Lot shall be retested, and will be subject to the specification limits listed above. The resulting pay factor, if within the acceptable range, will be used in the final pay adjustment. The Contractor shall pay the cost of retesting the pavement following corrective action.

Localized surface tolerance defects will be subject to the provisions outlined in Section 401.11 Surface Tolerances.

Payment will be made under:

| Pay Item | Pay Unit |
|---|---|
| 402.10 Incentive/Disincentive - Pavement Smoothness | Lump Sum |

## SECTION 403 - HOT MIX ASPHALT PAVEMENT

403.01 Description This work shall consist of constructing one or more courses of Hot Mix Asphalt pavement on an approved base in accordance with these specifications, and in reasonably close conformity with the lines, grades, thickness and typical cross sections shown on the plans or established. The HMA pavement shall be composed of a mixture of aggregate, filler if required, and asphalt material.

403.02 General The materials and their use shall conform to the requirements of Section 401 - Hot Mix Asphalt Pavement.

403.03 Construction The construction requirements shall be as specified in Section 401 - Hot Mix Asphalt Pavement.

403.04 Method of Measurement Hot mix asphalt pavement will be measured as specified in Section 401.21- Method of Measurement.

403.05 Basis of Payment The accepted quantities of hot mix asphalt pavement will be paid for at the contract unit price per ton for the mixtures, including hot mix asphalt material complete in place. Method A, Method B, Method C and Method D shall be used for acceptance as specified in Section 401 - Hot Mix Asphalt Pavements. (See Complementary Notes, Section 403 - Hot Mix Asphalt Pavement, for Method location).

Payment will be made under:

| Pay Item | | Pay Unit |
|---|---|---|
| 403.102 | Hot Mix Asphalt Pavement for Special Areas | Ton |
| 403.206 | Hot Mix Asphalt, 25 mm Nominal Maximum Size | Ton |
| 403.207 | Hot Mix Asphalt, 19.0 mm Nominal Maximum Size | Ton |
| 403.2071 | Hot Mix Asphalt, 19.0 mm Nominal Maximum Size (Polymer Modified) | Ton |
| 403.2072 | Asphalt Rich Hot Mix Asphalt, 19.0 mm Nominal Maximum Size (Asphalt Rich Base and Intermediate course) | Ton |
| 403.208 | Hot Mix Asphalt, 12.5 mm Nominal Maximum Size | Ton |
| 403.2081 | Hot Mix Asphalt - 12.5 mm Nominal Maximum Size (Polymer Modified) | Ton |
| 403.209 | Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (Sidewalks, Drives, Islands & Incidentals) | Ton |
| 403.210 | Hot Mix Asphalt, 9.5 mm Nominal Maximum Size | Ton |
| 403.2101 | Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (Polymer Modified) | Ton |
| 403.2104 | Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (Thin Lift Surface Treatment) | Ton |
| 403.211 | Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (Shimming) | Ton |
| 403.2111 | Hot Mix Asphalt, 9.5 mm Nominal Maximum Size (Shimming, Polymer Modified)) | Ton |
| 403.212 | Hot Mix Asphalt, 4.75 mm Nominal Maximum Size | Ton |
| 403.213 | Hot Mix Asphalt, 12.5 mm Nominal Maximum Size (Base and Intermediate Base course) | Ton |
| 403.2131 | Hot Mix Asphalt, 12.5 mm Nominal Maximum Size (Base and Intermediate Base course, Polymer Modified) | Ton |
| 403.2132 | Asphalt Rich Hot Mix Asphalt, 12.5 mm Nominal Maximum Size (Base and Intermediate Base course) | Ton |
| 403.214 | Hot Mix Asphalt, 4.75 Nominal Maximum Size (5/8” Surface Treatment) | Ton |

**SPECIAL PROVISION**
**SECTION 403**
**HOT MIX ASPHALT**

| Desc. Of Course | Grad Design. | Item Number | Total Thickness | No. Of Layers | Comp. Notes |
|---|---|---|---|---|---|
| **4" HMA Overlay Areas - Full Construction** | | | | | |
| **Travelway & Shoulders (As Indicated in Typicals)** | | | | | |
| Wearing | 12.5 mm | 403.208 | 1 ½" | 1 | 1,4,10,43 |
| Base | 12.5 mm | 403.213 | 2 ½" | 1 | 4,10,43 |
| **Drives, Misc. (As Directed)** | | | | | |
| Wearing | 12.5 mm | 403.208 | 3" | 2 | 1,4,11 |

## COMPLEMENTARY NOTES

1. The required PGAB for this mixture will meet a **PG 64-28** grading. All asphalt grades utilized on the travelway and shoulders shall be treated with an approved liquid anti-strip. PG binders shall be treated with a minimum 0.50 percent anti-strip by weight of asphalt binder used unless otherwise recommended by the anti-strip manufacturer. The PGAB and anti-strip blend shall meet the **PG 64-28** requirements. The Contractor shall provide supporting test data showing the PGAB and anti-strip blend meet the required criteria.
4. The aggregate qualities shall meet the design traffic level of 3 to <10 million ESALS for mix placed under this contract. The design, verification, Quality Control, and Acceptance tests for this mix will be performed at **65 gyrations**.
10. Section 106.6 Acceptance, (2) **Method D** as specified Section 401.21 - Quality Assurance Methods B and D.
11. The Department will accept or reject any HMA based on a **visual basis**, either prior to its use, during placement, or in its final disposition.
43. The contractor shall mill a stepped butt joint into the existing pavement at both the beginning and end joints for each pavement layer excluding the bottom base layer. For each layer, the stepped joint shall be cut to the depth and width of the pavement layer being placed and extend 5 feet beyond the immediate underlying layer**.** The **butt joint** for the overlying layer shall be **completed prior** to placing the adjacent layer**.** The Resident may extend this length as determined by the condition of the match point. No additional payment will be made for the milling of the butt joints but will instead be considered incidental to associated paving items.

Tack Coat

A tack coat of emulsified asphalt, RS-1, RS-1h, CRS-1 or CRS-1h, Item 409.15 shall be applied to any existing pavement at a rate of approximately 0.030 gal/yd², and on milled pavement approximately 0.05 gal/yd² prior to placing a new course. A fog coat of emulsified asphalt shall be applied between shim /base courses and surface course as well as to any bridge membrane prior to the placement of HMA layers at a rate not to exceed 0.030 gal/yd². Tack used will be **paid for at the contract unit price** for Item 409.15 Bituminous Tack Coat.

SPECIAL PROVISION
SECTION 603
PIPE CULVERTS AND STORM DRAINS

The provisions of Section 603 of the 2020 Standard Specifications with the following additions and modifications shall apply:

603.01 Description This work consists of design, supply, and installation of a steel structural pipe arch.

603.12 Basis of Payment

Payment will be made under:

| Pay Item | | Pay Unit |
|---|---|---|
| 603.4071 | 11’-5” X 7’-3” Steel Structural Pipe Arch – Polymer Coated | Linear Foot |

# SPECIAL PROVISION
## SECTION 610
## STREAMBED ROCK FEATURES – ROCK BANDS AND ROCK CLUSTERS

### 610.01 DESCRIPTION

This work shall consist of furnishing and placing large stones in the streambed inside and outside of a culvert to simulate naturally occurring features. For this project, these features consist of Rock Bands and Cobble Bars.

### 610.02 MATERIALS

Material for Streambed Rock Features shall consist of hard, sound durable rock that will not disintegrate by exposure to water or weather. Stone for Streambed Rock Features shall be subangular to subrounded and may be obtained by screening oversized rock from earth borrow pits or as fieldstone. Unwashed stone, and stone with naturally fractured faces will be allowed. Material from blasting or crushing operations will not be allowed unless approved by the Resident.

Stone for Rock Bands shall be a well graded mix of stone ranging from 15 inches to 24 inches with 50% by volume greater than 18 inches. Stone for Rock Clusters shall range from 4 inches to 15 inches with 50% by volume greater than 9 inches. The maximum allowable length to width ratio is 3:1.

The Contractor shall identify the source and proposed stones for inspection at least ten (10) working days prior to the start of the stream channel construction. The grading of stone shall be determined by the Resident by visual inspection in accordance with the Standard Specifications, Section 610.032.d Inspection.

### 610.04 CONSTRUCTION REQUIREMENTS

- Place stones individually to form rock bands in the location and with the shape and to the required grade as shown on the Plans or as directed by the Resident. Individual stones shall be rearranged by machine or handwork to the extent necessary to achieve the required shapes, slopes and elevations.
- Rock Bands extend across the full width of the channel and form a V-shape as viewed from above, pointing upstream. They extend through the full depth of the streambed Special Fill. The tops of individual rocks may protrude above the streambed; the gaps between the rocks should be at the general streambed grade. Rock Bands shall be seated on a bedding layer of Special Fill or other suitable granular material. Place and spread filler material around the stones and wash in with water to fill voids and prevent piping between stones in accordance with Special Provision, Section 203 – Special Fill.
- The larger stones (18 inches to 24 inches) should be used to form the front rank (as viewed looking up stream) of footer rocks as well as the rocks against the channel banks

and culvert walls. The smaller stones (15 inches to 21 inches) should be used in the rear rank of header stones.

610.03b CONSTRUCTION REQUIREMENTS – COBBLE BARS

- Stones for Rock Clusters shall be placed in a compact mass on top of the streambed Special Fill finished grade. They should extend from the banklines as shown on the plans and be angled so as to point upstream.
- Place and spread filler material around the stones and wash-in with water to fill voids and prevent piping between stones in accordance with Special Provision, Section 203 – Special Fill.

610.05 METHOD OF MEASUREMENT

Streambed Rock Features will be measured by the cubic yard, complete in place.

203.19 BASIS OF PAYMENT

The accepted quantity of Streambed Rock Features will be paid for at the contract unit price per cubic yard complete in place. Payment shall be full compensation for furnishing all materials, equipment, and labor and washing-in with water.

Payment will be made under:

| Pay Item | | Pay Unit |
|---|---|---|
| 610.212 | Streambed Rock Features | CY |

# SPECIAL PROVISION
## SECTION 610
## STREAM CHANNEL ROCK – VOID FILLED RIPRAP

### 610.01 DESCRIPTION

This work shall consist of furnishing and placing stone and aggregate inside of a culvert and along stream channel banks to form streambed features (banklines) from Void-Filled Riprap as part of constructing a nature like streambed.

### 610.02 MATERIALS

Material for Void-Filled Riprap shall consist of Plain Riprap; Streambed Gravel; and Filler Material. Materials shall conform to the following requirements:

Plain Riprap (RR): as described in Standard Specification 703.26

Streambed Gravel (SG): as described in Special Provision 203 – Special Fill

Filler Material (FM): as described in Special Provision 203 – Special Fill

### 610.03 TESTING AND INSPECTION

The grading of Plain Riprap shall be determined by the Resident by visual inspection in accordance with the Standard Specifications, Section 610.032.d Inspection. The grading of Streambed Gravel and Filler Material shall follow Special Provision 203 – Special Fill.

Void-Filled Riprap shall contain approximately 75% Plain Riprap and 25% Streambed Gravel. Void-Filled Riprap shall be mixed and placed so as to minimize segregation; it may be mixed in the proportions

(3 parts RR) : (1 part SG)

Mix proportions and material gradations shall be within the above limits or as otherwise approved by the Department's Environmental Office and the Resident. Acceptance will be based on the test results, and visual inspection by the Resident.

### 610.04 CONSTRUCTION REQUIREMENTS

Banklines shall be constructed as shown on the plans or as established.

- Place Banklines in two lifts of equal thickness.
- After Placement of each lift, seal voids by washing-in with Filler Material until water ponds on the surface.

- After sealing top lift, place 6-inches of Streambed Gravel (Special Provision 203) on surface. Wash in and finish with Filler Material as described previously until water ponds on the surface.

610.05 METHOD OF MEASUREMENT

Void-Filled Riprap will be measured in place by the cubic yard.

203.19 BASIS OF PAYMENT

The accepted quantity of Void-Filled Riprap will be paid for at the contract price per cubic yard.

Water and Filler Material added to the Stream Channel Rock to fill voids shall be considered incidental to the work.

Payment will be made under:

| Pay Item | | Pay Unit |
|---|---|---|
| 610.213 | Void-Filled Riprap | CY |

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SPECIAL PROVISION
SECTION 618 - SEEDING
(Seeding Hydromulch Medium)

Supplement SECTION 618 - SEEDING with the following:

618.01 Description: This work shall consist of furnishing and installing Seeding Method Number 2 Highway Mix per ***Standard Specifications*** with the substitution of Method 2 Seed and717.04 c Cellulose Fiber Mulch by 618.147 Proganics Biotic Soil Hydromulch Medium and Flexterra Hydromulch. An initial application of Biotic Soil Hydromulch Medium Proganics or equal shall be used as directed by the Resident, followed by two consecutive layers of seed following methodology for Flexible Growth Medium with Seed.

618.02 Materials: Special Seeding Compost Blanket shall consist of the application of Special Seed Mix, lime or liquid lime, humic acid soil conditioner and fertilizer to loamed areas as directed by the Resident Engineer. Material shall meet the requirements of the following Sections of Division 700 – Materials:

| | |
|---|---|
| Fertilizer | 717.01 |
| Humic Acid | 717.011 |
| Agricultural Lime Stone/Liquid Lime | 717.02 |
| Biotic Soil Hydromulch Medium | 717.05 |
| Proganics | |
| Flexterra | |

A dual application of Biotic Soil Hydromulch Medium such as Erosion Proganics Biotic Soil Conditioner or equal shall be used as directed by the Resident.

A. This section specifies the Hydraulically-applied Biotic Erosion Control HydroMulch ProGanics a blend of cross-linked, high-viscosity colloidal polysaccharide biopolymers, biochar, seaweed extract, humic acid, endomycorrhizae, beneficial bacteria and crimped, biodegradable interlocking fibers derived from regenerated plant sources are then added. The formulation will intimate bond with the soil surface allows for rapid germination and accelerated plant growth.

618.021 Delivery, Storage, and Handling Deliver materials and products in UV and weather-resistant factory-labeled packages. Store and handle in strict compliance with manufacturer's instructions and recommendations. Protect from damage, weather, excessive temperatures, and construction operations.

618.03 Rates of Application: shall be per ***Standard Specifications*** with the exception of Proganics Biotic Soil Hydromulch Medium which shall be applied at the rate of 2,500 lbs. per acre/60 lb per 1,000 sq. ft. [1 Unit], followed by dual applications of Flexterra with seed at the rate of 2,500 lbs per acre/ 80 lbs/unit.

618.04 Time of Initial Seeding: TRM seeding dates shall be April 15 to June 15 (Spring) or August 15 to October 15 (Fall).

For seeding with Biotic Soil Hydromulch Medium mix medium, and seed mix together with fertilizer and lime, and applied hydraulically in two applications from different angles for a final finished product.

Strictly comply with manufacturer's mixing and installation instructions and recommendations. A mechanically-agitated mixing device is recommended.

Use approved hydro-spraying machine with fan-type nozzle to achieve best soil coverage. Apply from opposing directions to ensure 100% surface coverage.

Apply in a 2-Step process as follows, to be completed in immediate succession such that the seed applied in Step 1 is not left unprotected, especially if precipitation is imminent:

- Step 1: apply fertilizer, lime, and 50% of seed with a small amount of Medium for visual metering;
- Step 2: mix balance of seed with Medium and apply to a finished product layer of 150 lb /Unit.

618.10 Maintenance and Acceptance Maintenance and acceptance of seeded areas shall be as set forth in Standard Specification Section 618.10.

618.11 Method of Measurement Seeding shall be measured for payment as set forth in standard specification Section 618.11.

618.12 Basis of Payment Seeding will be paid for at the contract unit price per unit (1,000 square feet) complete in place and accepted.

Payment will be made under:

| | Pay Item | Pay Unit |
|---|---|---|
| 618.146 | Seeding Hydromulch Growth Medium<br>Proganics<br>Flexterra | UNIT [1,000 sq.ft.] |

# SPECIAL PROVISIONS
# SECTION 618
# LANDSCAPE
# (Special Seed Mix Wetland Mix)

The following list provides a Special Seed Mix to be used in wetland restoration areas of this project as shown in the plans and as directed by the Resident Engineer. This mix shall Not include BSM, HGM, Method 2 seed, fertilizer, humic acid, or lime, but will receive proganics and HGM.

| | | | |
|---|---|---|---|
| 24 | % | Carex vulpinoidea | Fox Sedge |
| 20 | % | Elymus virginicus | Virginia Wild Rye |
| 10 | % | Carex lupulina | Hop Sedge |
| 10 | % | Carex lurida | Lurid Sedge |
| 10 | % | Carex scoparia | Blunt Broom Sedge |
| 4 | % | Sparganium eurycarpum | Giant Bur Reed |
| 4 | % | Verbena hastata | Blue Vervain |
| 3 | % | Juncus effusus | Soft Rush |
| 2 | % | Asclepias incarnata | Swamp Milkweed |
| 1.5 | % | Eupatorium perfoliatum | Boneset |
| 1.0 | % | Bidens cernua | Nodding Bur Marigold |
| 1.0 | % | Carex comosa | Cosmos Sedge |
| 1.0 | % | Carex crinita | Fringed Sedge |
| 1.0 | % | Carex stipata | Awl Sedge |
| 1.0 | % | Cinna arundinacea | Common Woodreed Sedge |
| 1.0 | % | Glyceria striata | Fowl Mannagrass |
| 1.0 | % | Iris versicolor | Blueflag |
| 1.0 | % | Onoclea sensabilis | Sensitive Fern |
| .8 | % | Solidago rugosa | Wrinkleleaf Goldenrod |
| .5 | % | Aster novae-anglaeae | New England Aster |
| .5 | % | Aster puniceus | Purplestem Aster |
| .5 | % | Aster umbellatus | Flat Topped White Aster |
| .3 | % | Calamagrostis canadensis | Canada Bluejoint |
| .3 | % | Carex stricta | Tussock Sedge |
| .3 | % | Mimules ringens | Square Stem Monkeyflower |
| .3 | % | Scirpus cyperinus | Woolgrass |

Seed with Cover Crop of Barnyard Grass (Echinochloa muricata) at the rate of 10 lb/acre or ¼ lb per Unit [1,000 sq. ft.]

| Pay Item | Pay Unit |
|---|---|
| 618.147 Wetland Seeding | UNIT [1,000 sq.ft.] |

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SPECIAL PROVISIONS
SECTION 621
LANDSCAPE
Plant Species Specification and Quantities List

The following list of items provides the estimated quantities for use on this project. The scientific name of the plant material is provided along with the common name in parenthesis.

The contractor shall follow ***Standard Specifications*** Rev. March, 2020 for landscape materials and installation procedures (sec. 621).

The Resident Engineer or ***MaineDOT*** Landscape Architect or designee will be available to inspect plant materials and inspect planting at that time.

A Two-Year Warranty guarantee will be incidental to plantings.

PLANT MATERIALS

| ITEM | Description | Unit | Quant. | Total |
|---|---|---|---|---|
| 621.026 | Evergreen Trees 3' – 4' Group C B&B/Cont. | Ea. | | 8 |
| | *Abies balsamea* (Balsam Fir) | | 8 | |
| 621.111 | SMALL DECIDUOUS TREE (3 FOOT – 4 FOOT) GROUP B | Ea. | | 8 |
| | *Amelanchier canadensis* (Shadblow) | | 8 | |
| 621.178 | Med. Decid. Tree 6' – 8' Group A Cont. | | | 10 |
| | *Acer rubrum* (Red Maple) | | 5 | |
| | *Acer saccharum* (Sugar Maple) | | 5 | |
| 621.179 | Med. Decid. Tree 6' – 8' Gr. B Cont. | | | 10 |
| | *Betula allegheniensis* (Yellow Birch) | | 5 | |
| | *Quercus rubra* (Northern Red Oak) | | 5 | |
| 621.184 | Med. Decic. Tree 8' – 10' Gr. A Cont. | | | 10 |
| | *Acer rubrum* (Red Maple) | | 5 | |
| | *Acer saccharum* (Sugar Maple) | | 5 | |
| 621.185 | Med. Decic. Tree 8' – 10' Gr. B Cont. | | | 6 |
| | *Betula allegheniensis* (Yellow Birch) | | 6 | |
| 621.195 | Med. Decid. Trees 1 ¾" – 2" Group A B&B/Cont. | Ea. | | 12 |
| | *Acer rubrum (Red Maple)* | | 12 | |
| 621.54 | Deciduous Shrub 18" – 24" Gr. A Cont. | | | 60 |
| | *Spiraea latifolia* (Meadowsweet) | Ea. | 12 | |
| | *Cornus amomum* (Gray Dogwood) | | 24 | |
| | *Cornus sericea* (Red-twig Dogwood) | Ea. | 24 | |
| 621.546 | Deciduous Shrub 2'– 3' Gr. A Cont. | | | 48 |
| | *Cornus sericea* (Red-twig Dogwood) | | 24 | |
| | *Myrica pensylvanica* (Northern Bayberry) | Ea. | 24 | |
| 621.71 | Herbaceous Perennials Gr. A 1 Gallon cont. | | | 120 |
| | *Matteucia struthiopteris* (Ostrich Fern) | | 60 | |
| | *Osmunda cinnamomea (Rostich Fern)* | | 60 | |

# SPECIAL PROVISION
# SECTION 652
# MAINTENANCE OF TRAFFIC

Approaches. Approach signing shall include the following signs at a minimum. Field conditions may warrant the use of additional signs as determined by the Resident.

Road Work Next X* Miles
Road Work 500 Feet (Ahead)
End Road Work

Work Areas. At each work site, signs and channelizing devices shall be used as directed by the Resident.

Signs include:

Road Work XXXX[1].
One Lane Road Ahead
Flagger Sign

Other typical signs include:

Be Prepared to Stop
Low Shoulder
Bump
Pavement Ends

The above lists of Approach signs and Work Area signs are representative of the contract requirements. Other sign legends may be required.

Unless otherwise defined in Special Provision 105/107 or submitted and approved in the Traffic Control Plan, the following shall apply:

- The Contractor shall conduct their operations in such a manner that the roadway will not be restricted to one lane for more than 2,500 feet at each work area and no more than 4,000 feet for paving, milling, and crack seal/repair work areas.
- Where more than one work area restricts traffic to one lane operation, these work areas shall be separated by at least 1 mile of two-way operation.

**Temporary Centerline** A temporary centerline shall be placed each day on all new pavement to be used by traffic. The temporary centerline, when specified of reflectorized traffic paint, shall conform to the standard marking patterns used for permanent markings. Failure to apply a temporary centerline daily will result in a Traffic Control Violation and suspension of paving operations until temporary markers are applied to all previously placed pavement.

[1] "Road Work Ahead" to be used in short duration operations and "Road Work xx feet" to be used in stationary operations as directed by the Resident.

SPECIAL PROVISION
SECTION 717
ROADSIDE IMPROVEMENT MATERIALS
(Seed)

717.03 Seed Revise this Sub Section by removing the material property tables for "Method #1 - Park Mixture" and "Method #2 - Roadside Mixture #2" and replace with the following:

**Seed Mixtures shall consist of seed proportioned percent by weight as follows:**

| **Method #1 – Park Mixture** | |
|---|---|
| **Specification** | **Property** |
| Turf Type Tall Fescue | 40% +/- 2% |
| 85/80 Kentucky Bluegrass | 25% +/-2% |
| Perennial Rye Grass | 20% +/-2% |
| Annual Ryegrass | 15% +/- 2% |
| | |
| | |
| | |

| **Method #2 – Roadside Mixture #2** | |
|---|---|
| **Specification** | **Property** |
| Turf Type Tall Fescue | 60% +/-2% |
| White Clover | 5% +/-2% |
| Perennial Rye Grass | 15% +/-2% |
| Annual Ryegrass | 20% +/-2% |
| | |
| | |
| | |

This special provision is temporary while supplies are limited and may be Modified to the Seed Mix in the March 2020 Standard Specification Book when supplies are available again.

March 20, 2023
Supersedes July 08, 2022

# 2020 STANDARD DETAIL UPDATES

Standard Details and Standard Detail updates are available at:
http://maine.gov/mdot/contractors/publications/standarddetail/

| Detail # | Description | Revision Date |
|---|---|---|
| 502(19) | Bridge Drains | 3/17/2023 |
| 502(15) | Bridge Drains | 3/17/2023 |
| 502(20) | Bridge Drains | 3/17/2023 |
| 502(23) | Bridge Drains | 3/17/2023 |
| 502(24) | Bridge Drains | 3/17/2023 |
| 502(25) | Bridge Drains | 3/17/2023 |
| 502(26) | Bridge Drains | 3/17/2023 |
| 504(07) | Diaphragm & Crossframe Notes | 3/17/2023 |
| 507(20) | Steel Approach Railing 3-Bar | 2/11/2021 |
| 507(21) | Steel Approach Railing 3-Bar | 2/11/2021 |
| 507(22) | Steel Approach Railing 3-Bar | 2/11/2021 |
| 507(23) | Steel Approach Railing 3-Bar | 2/11/2021 |
| 507(27) | Steel Approach Railing | 2/11/2021 |
| 526(01) | Portable Concrete Barrier | 1/14/2021 |
| 526(01A) | Portable Concrete Barrier | 1/14/2021 |
| 526(01B) | Portable Concrete Barrier | 1/14/2021 |
| 526(02) | Portable Concrete Barrier | 1/14/2021 |
| 526(02A) | Portable Concrete Barrier | 1/14/2021 |
| 526(03) | Portable Concrete Barrier | 1/14/2021 |
| 526(04) | Portable Concrete Barrier | 1/14/2021 |
| 526(04A) | Portable Concrete Barrier | 1/14/2021 |
| 526(04B) | Portable Concrete Barrier | 1/14/2021 |
| 526(05) | Permanent Concrete Barrier | 3/17/2023 |
| 526(21) | Permanent Concrete Barrier | 3/17/2023 |
| 526(22) | Concrete Transition Barrier | 3/17/2023 |
| 526(38) | Concrete Transition Barrier | 3/17/2023 |
| 526(39) | Texas Classic Rail | 3/17/2023 |
| 526(55) | Texas Classic Rail | 3/17/2023 |

| | | |
|---|---|---|
| 603(10) | Concrete Pipe Ties | 6/10/2021 |
| 605(01) | Underdrain | 7/8/2022 |
| 605(01) | Underdrain Notes | 7/8/2022 |
| 606(17) | Midway Splice Guardrail Transition | 6/10/2022 |
| 606(23) | Standard Bridge Transition – Type “1” | 2/11/2021 |
| 606(24) | Standard Bridge Transition – Type “1A” | 2/11/2021 |
| 608(02) | Detectable Warnings | 6/10/2021 |
| 609(09) | Precast Concrete Vertical Curb | 2/11/2021 |
| 627(07) | Crosswalk | 2/22/2022 |
| 627(08) | Crosswalk | 2/22/2022 |
| 643(11) | ATCC Cabinet | 12/14/2020 |
| 801(11) | Pedestrian Ramp Notes | 6/10/2021 |
| 801(12) | Pedestrian Ramp Requirements | 8/13/2021 |
| 801(13) | Ramp Length Table | 6/10/2021 |
| 801(14) | Parallel Pedestrian Ramp | 6/10/2021 |
| 801(15) | Perpendicular Pedestrian Ramp – Option 1 | 6/10/2021 |
| 801(16) | Parallel Pedestrian Ramp – Option 2A | 6/10/2021 |
| 801(17) | Perpendicular Pedestrian Ramp – Option 2A | 6/10/2021 |
| 801(18) | Parallel Pedestrian Ramp – Option 2B | 6/10/2021 |
| 801(19) | Perpendicular Pedestrian Ramp – Option 2B | 6/10/2021 |
| 801(20) | Parallel Pedestrian Ramp – Option 3 | 6/10/2021 |
| 801(21) | Perpendicular Pedestrian Ramp – Option 3 | 6/10/2021 |
| 801(22) | Side Street Pedestrian Ramp | 6/10/2021 |
| 801(23) | Parallel Pedestrian Ramp – Esplanade | 6/10/2021 |
| 801(24) | Perpendicular Pedestrian Ramp – Esplanade | 6/10/2021 |
| 801(25) | Island Crossings | 6/10/2021 |
| 801(26) | Blended Transition | 6/10/2021 |
| 801(27) | Pedestrian Ramp Adjacent to Driveway or Entrance | 6/10/2021 |
| 802(05) | Roadway Culvert End Slope Treatment | 1/03/2017 |

# SUPPLEMENTAL SPECIFICATIONS
**(Corrections, Additions, & Revisions to Standard Specifications – March 2020)**

## SECTION 101
## CONTRACT INTERPRETATION

101.2 Definitions

Construction Easement revise this definition by removing it in its entirety and replace with; **"A right acquired by the Department for a specific use of private property outside of the established Right-of-Way. Examples include but are not limited to Drainage Easements, Construction and Maintenance Easements, and Slope Easements. Construction Easement areas, including Temporary Construction Limits and Temporary Road Limits, outside of the Right-of-Way remain private property. No use other than to access and perform the specified work activity is permitted without written permission of the owner."**

Construction Limit Line Remove this definition in its entirety.

Holidays Amend this paragraph by adding "**Juneteenth**" between 'Memorial Day' and 'Independence Day'.

Plans Revise this paragraph by removing "**Standard Details, Supplemental Standard Details**" from the first sentence.

Project Limits Revise this definition by removing it in its entirety and replacing it with: **"Areas within the Right-of-Way, Construction Easements, or Temporary Construction Limits shown on the Plans or otherwise indicated in the Contract. If no Project Limits are indicated in the Contract, the Project Limits shall be determined by the Department. For a related Maine statute, see 23 MRSA § 653. "**

Right-Of-Way Revise this definition by removing it in its entirety and replacing it with: **"The area of land, property, or interest therein, acquired for or devoted to the Project or other purposes. Portions of the Right-of-Way may be used for storage of materials and equipment and the location of engineering facilities, subject to written approval by the Department."**

Amend this Section by adding the following two definitions (that replace Construction Limit Line);

**Temporary Construction Limits The area within which the Contractor may access and perform the Physical Work and outside of which Work may not be performed without written authorization by the property owner.**

**Temporary Road Limits The area within which the Contractor may construct and maintain a temporary detour for maintenance of traffic**.

## SECTION 102
## BIDDING

102.11 Bid Responsiveness Revise the paragraph that states
"The Bid is not signed by a duly authorized representative of the Bidder." So that it reads:

"**The Bid is not signed by a duly authorized representative of the Bidder.**
- **Properly submitted electronic bids meet this requirement.**
- **Paper bids must include at least one signed copy of the Contract Agreement Offer & Award form**."

## SECTION 103
## AWARD AND CONTRACTING

103.3.1 Qualification Requirement for Award Revise this subsection so that it reads:

"**103.3.1 Qualification Requirement for Award If the Notice to Contractors lists a Prequalification requirement, the Apparent Successful Bidder must successfully complete the Prequalification process as a condition of Award. The Apparent Successful Bidder who does not already hold an Annual Prequalification shall have 21 days to provide the Department with their Prequal documents or the Department may move on to the next low bidder."**

## SECTION 104
## GENERAL RIGHTS AND RESPONSIBILITIES

104.2.1 Furnishing of Right-of-Way Revise this subsection by removing it in its entirety and replace with the new subsection:

**"104.2.1 Furnishing of Property Rights The Department will secure all necessary rights to real property within the Project Limits shown on the Right-of-Way Plans that are provided with the Bid Documents. For related provisions, see Sections 104.3.2 – Furnishing of Other Property Rights, Licenses and Permits and 105.4.5 - Maintenance of Existing Structures. For related definitions, see Construction Easements and Right-of-Way."**

104.3.2 Furnishing of Other Property Rights, Licenses and Permits Revise this subsection by replacing "104.2.1 Furnishing of Right-of-Way" with "**104.2.1 Furnishing of Property Rights".**

# SECTION 105
# GENERAL SCOPE OF WORK

105.10.2 Requirements Applicable to All Contracts Under section A, number 2, in the first sentence of the first paragraph, revise this Section by replacing the word "handicap" in two places with the word "disability" so it now reads:

**"2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, State that all qualified applicants will receive consideration for employment without regard to race, color, sexual orientation, religious creed, sex, national origin, ancestry, age, physical disability, or mental disability."**

# SECTION 106
# QUALITY

106.6 Acceptance Revise this Subsection by replacing the paragraph beginning with "Acceptance of Hot Mix Asphalt Pavement will be based" with:

**"Acceptance of Hot Mix Asphalt Pavement will be based on Method A or C Statistical Acceptance, or Method B or D Acceptance as specified. The method of acceptance for each item is defined in Special Provision, Section 403, Hot Mix Asphalt Pavement. When items of Hot Mix Asphalt Pavement are not so designated, Method A will be utilized whenever there are more than 1000 tons per Hot Mix Asphalt Pavement item, and Method B will be utilized when there are less than or equal to 1000 tons per Hot Mix Asphalt Pavement item."**

Revise Subsection "B" by removing it and replacing it with:

**"B. Items not designated for Statistical Acceptance will utilize Method B or D Acceptance testing to validate the quality of the material incorporated into the Project. For material paid under Item 403.209 – Method D, or designated to be visually accepted, the Contractor shall provide the Department with a Certification Letter that indicates that the material supplied complies with the Specifications. Test results representative of the certified material shall be attached to the letter.**

**The Department will randomly sample and test the certified Material for properties noted in Table 1 of Section 502 - Structural Concrete or Table 14 of Section –401.21 Acceptance Method B & D. Material will be subject to rejection as noted in Structural Concrete Section 502.195 - Quality Assurance Method C Concrete or Hot Mix Asphalt, Section 401.2022 Pay Adjustment – Method B & D."**

106.7.1 Standard Deviation Method Revise 106.7.1, subsection H by removing the following from the first paragraph:

"Method B: PF = [70 + (Quality Level * 0.33)] * 0.01"

106.9.1 Warranty by Contractor Revise the third paragraph of this section so that it reads:

"**For a related provision regarding obligations regarding plantings, see section 621.36 – Maintenance Period.** "

## SECTION 107
## TIME

107.3.1 General Amend this paragraph by adding "**Juneteenth**" between 'Patriot's Day' and 'the Friday after Thanksgiving'.

## SECTION 108
## PAYMENT

108.3 Retainage Revise the third paragraph of this section so that it reads:

**"Upon Final Acceptance, and determination by the department that there are no claims either by or on the Contractor or Subcontractors; no over payments by the department; no LDs due; and no disincentives due, the Department will reduce Retent to 1% of the original Contract Award amount, or $100,000, whichever is less, as it deems desirable and prudent."**

108.4.1 Price Adjustment for Hot Mix Asphalt Revise the first paragraph of this section by replacing the first sentence with the following:

"**For each Contract, a price adjustment for performance graded binder will be made for the following pay items, when the total quantity of Hot Mix Asphalt included in these items is in excess of 500 tons, based on the estimated quantities of these items at the time of bid."**

Amend this section by adding "**Item 461.2101 Polymer Modified 9.5 mm**" to the list of Pay Items that are eligible for a price adjustment. Also add "**Item 461.2101 - 6.4%**" to the list of Asphalt percentages.

## SECTION 110
## INDEMNIFICATION, BONDING, AND INSURANCE

110.3.9 Administrative & General Provisions Amend this subsection by adding "**Automobile Liability**" under letter A) Additional Insured to the list of exceptions.

## SECTION 206
## STRUCTURAL EXCAVATION

206.01 Description – *Structural Earth Excavation, Below Grade* delete the entire sentence and replace with "**shall consist of the removal of excavation required for unknown or unanticipated subsurface condition. See 206.04 – Method of Measurement for pay limits**."

206.04 Method of Measurement – Drainage and Minor Structures Paragraph 1, sentence 2, delete the remainder of the sentence beginning with "….provided the maximum allowable…"And replace with: **"….in accordance with the following limits:"**

- **Vertical pay limits:**
  - **Below a plane parallel with and 12 inches below the bottom of the drainage or minor structure or**
  - **Below the excavation limits shown in the Bid Documents; whichever is greater.**

- **Horizontal pay limits – The maximum allowable horizontal dimensions shall not exceed those bounded by vertical surfaces 18 inches outside the base, or extreme limits of, the structure, and to the vertical neat lines of underdrain trenches, as shown in the Contract Documents.**

## SECTION 401
## HOT MIX ASPHALT PAVEMENT

401.19 Contractor Quality Control Amend this Section by adding the following to the end:
**"Failure to comply with the approved QCP will result in work suspension and pay reductions as outlined in Section 106.4.6. The Quality Control Plan Value shall be the total bid value for all items covered by the QCP as identified in Special Provision 403."**

## SECTION 501
## FOUNDATION PILES

501.05 Method of Measurement
c. Piles in Place Revise the third paragraph by replacing the "10" with "20" so that it reads:

Unused pile cutoffs **20** feet or more in length, except those required to accommodate the Contractor's construction method, as discussed herein, will remain the property of the Department and will be stored at a bridge maintenance yard nearest the project. Hauling and unloading of piles will be done by the Contractor or by the Department, depending upon availability of services.

## SECTION 502
## STRUCTURAL CONCRETE

502.09 Forms and Falsework Amend this subsection by adding the subsection title "**502.10 Placing Concrete**" after section "D" Removal of Forms and False work" and after the paragraph beginning with "2. Forms and False work, including blocking…". So that a new subsection starts and reads:

"**502.10 Placing Concrete**

A. **General Concrete shall not be placed until forms** …."

502.1701 Quality Control, Method A and B Revise this Section so that the first paragraph and the first sentence of the second paragraph read:

"**502.17 Quality Control The Contractor shall control the quality of the concrete through testing, inspection, and practices which shall be described in the QCP, sufficient to assure a product meeting the Contract requirements. The QCP shall meet the requirements of Section 106, Quality, and this specification. No work under this item shall proceed until the QCP is submitted to and approved by the Department. Failure to comply with the approved QCP will result in work suspension and pay reductions as outlined in Section 106.4.6. The Quality Control Plan Value shall be the total bid value for all cast-in-place items covered by the QCP, using the P value listed in Special Provision 502. If no P value is listed, a value of $350, or bid value per cubic yard, whichever is less, shall be used.**

**502.1701 Quality Control, Method A and B The QCP shall address all elements that affect the quality of the structural concrete including, but not limited to, the following:** "

Section 502.1701, Quality Control, Revise Table 4 of this Subsection by removing it in its entirety and replacing it with:

TABLE 4
METHOD A & B MINIMUM QUALITY CONTROL TESTING REQUIREMENTS *

| TEST | TEST METHOD | SAMPLING LOCATION | FREQUENCY |
|---|---|---|---|
| Gradation | AASHTO T-27 & T-11 | Stockpile | One set per proposed grading before production. One set every 100 $yd^3$ (Min. 1 set per month) |
| Organic Impurities | AASHTO T-21 | Stockpile | **Once per fine aggregate per year **** |
| % Absorption | AASHTO T-84 & T-85 | Stockpile | Once per aggregate per year |
| Specific Gravity | AASHTO T-84 & T-85 | Stockpile | Once per aggregate per year |
| Total Moisture in Aggregate | AASHTO T-255 | Stockpile | One set per day's production |
| Free Water and Aggregate Wt. | N/A | | One per day's production |
| % Entrained Air | AASHTO T-152 | On Project | On first two loads and every third load thereafter provided consistent results are achieved |
| Compressive Strength | AASHTO T-22 | On Project | One set per sublot |
| Compressive Strength | AASHTO T-22 @ 7days | On Project | One set per sublot |

* Additional QC testing will be required any time a process change occurs during a placement, including changes in type or dosage of admixture. Additional testing shall include, but is not limited to, entrained air testing.

**** If the color produced is a laboratory designation Plate III, then the fine aggregate shall be tested once per month.**

502.18, Method of Measurement, Revise Subsection 'F' by removing the word 'transverse' so that it reads: "**Saw cut grooving of concrete wearing surfaces, complete and accepted, will be measured for payment as one lump sum**."

502.19, Basis of Payment, Revise the third paragraph by removing the word 'transverse' so that it reads: "**Saw cut grooving of concrete wearing surfaces will be paid for at the Contract Lump Sum Price, which shall be payment for furnishing all materials, labor, and equipment, including depth gauges and all incidentals, to satisfactorily complete the work."**
(Also see 535.24 and 535.25 for related changes)

## SECTION 503
## REINFORCING STEEL

Section 503.07 Splicing Revise this section by removing the table and following footnote and replacing them with:

| Minimum Lap Splice Length (inches) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Bar Size | | | | | | | | |
| Bar Type | #3 | #4 | #5 | #6 | #7 | #8 | #9 | #10 | #11 |
| Plain or Galvanized | 16 | 20 | 24 | 29 | 38 | 47 | 59 | 72 | 85 |
| Epoxy or Dual Coated | 17 | 24 | 36 | 43 | 56 | 71 | 88 | 107 | 128 |
| Stainless | 19 | 24 | 30 | 36 | 47 | 59 | 73 | 89 | 107 |
| Low-carbon Chromium | 24 | 32 | 39 | 47 | 63 | 78 | 97 | 119 | 142 |

"**The minimum lap splice lengths in the table above are based on the parameters below. When any of these parameters are altered, appropriate minimum lap splice lengths will be as shown on the Plans.**

- **Normal weight concrete**
- **Minimum 28-day concrete compressive strength from 4,000 psi to 10,000 psi**
- **Class B tension lap splice**
- **Minimum center-to-center spacing between bars of 6 inches**
- **Minimum clear cover of 2 inches**
- **Nominal reinforcing steel yield strengths**
  - **Low-carbon Chromium = 100 ksi**
  - **Stainless = 75 ksi**
  - **All others = 60 ksi**
- **Reinforcement with yield strengths greater than 75 ksi shall have beam transverse**

**reinforcement and column ties provided over the required lap splice length in accordancewith the current edition of the AASHTO LRFD Bridge Design Specifications**

**When lap splices are placed horizontally in an element where the concrete depth below the splice will be 12 inches, or more, the indicated lap splice lengths shall be multiplied by a factor of 1.3."**

## SECTION 506
## SHOP APPLIED PROTECTIVE COATING – STEEL

506.13 Surface Preparation Amend this section by adding this paragraph to the end:

"**Steel shall meet the requirements of SSPC SP8 Pickling prior to being immersed in the zinc tanks. Verification of the surface preparation shall be included in the QC documentation**."

## SECTION 523
## BEARINGS

523.051 Protective Coating Revise this subsection by removing the paragraph beginning with "Anchor rods shall be galvanized…" and replacing with:

"**Anchor rods shall be galvanized. When anchor rods are designated to secure bare unpainted steel or painted steel, a dielectric coating (epoxy or bituminous type coatings are acceptable) shall be applied to the anchor rod and/or adjacent steel to prevent contact between galvanized surfaces and painted or unpainted steel."**

523.22 Fabrication Amend this subsection by adding the following: "**Elastomeric Bearings shall be fabricated in accordance with AASHTO M251."**

## SECTION 526
## CONCRETE BARRIER

Amend this section by deleting it in its entirety and replacing it with:

"**526.01 Description This work shall consist of the furnishing, constructing, erecting, setting, resetting, and removal of concrete barrier and associated elements in accordance with these specifications, the Standard Details, and the lines and grades shown on the Plans or established by the Resident.**

**The types of concrete barrier are designated as follows:**

**Portable Concrete Barrier Type I Double faced removable barrier in accordance with the Standard Details.**

**Permanent Concrete Barrier Type II Double faced barrier as shown on the Plans.**

**Permanent Concrete Barrier Type IIIa** **Single faced barrier 32 inches high in accordance with the Standard Details or as shown on the Plans.**
**Permanent Concrete Barrier Type IIIb** **Single faced barrier 42 inches high in accordance with the Standard Details or as shown on the Plans.**

**Permanent Concrete Transition Barrier** **Barrier of various heights joining steel bridge rail to steel guardrail in accordance with the Standard Details or as shown on the Plans.**

**Permanent Texas Classic Rail Barrier** **Traffic rail or sidewalk rail, in accordance with the Standard Details or as shown on the Plans.**

**526.02 Materials**

**a. Concrete** **Concrete for barriers, both permanent and portable, shall have a design strength of 5,000 psi.**

**For cast-in-place barrier: The concrete shall be Class LP, in accordance with Standard Specification Section 502, Structural Concrete.**

**For precast barrier: The concrete shall meet the requirements of Standard Specification 712.061, Structural Precast Concrete Units, except that the stripping strength for precast barriers is 4,000 psi.**
**b. Reinforcing Steel** **Reinforcing steel shall meet the requirements of Section 503, Reinforcing Steel.**

**c. Structural Steel** **Plates and barrier connections shall meet the requirements specified in Standard Specification 504 - Structural Steel and shall be hot dip galvanized after fabrication in accordance with Standard Specification 506, Shop Applied Protective Coating – Steel**

**d. Bolts** **Bolts shall meet the requirements specified in Section 713.02, High Strength Bolts.**

**e. Connecting Pins for Portable Concrete Barrier** **Portable concrete barriers must be connected using a 1- inch diameter pin. The connecting pin must be smooth, not deformed, i.e., reinforcing bar may not be used, and shall meet the strength requirements of ASTM A449 steel. Materials with greater strength may be used with the approval of the Department.**

**f. Anchor Pins for Portable Concrete Barrier** **Anchoring to concrete or asphalt will be required when specified on the Plans. When required, portable concrete barriers must be anchored using a 1 ½ - inch diameter anchor pin. The anchor pin must be smooth, not deformed, i.e., reinforcing bar may not be used, and shall meet the strength requirements of ASTM A36 steel. Materials with greater strength may be used with the approval of the Department.**

**g. Device Crashworthiness MaineDOT is transitioning to MASH2016 criteria for Portable Concrete Barrier on the following schedule:**

**New Portable Concrete Barrier shall be crash tested and/or evaluated to MASH2016 criteria.**

**Current Portable Concrete Barrier in useful serviceable condition that is successfully tested to NCHRP Report 350 or MASH2009 criteria may be utilized through December 31, 2029.**

**Other current Portable Concrete Barrier that is deemed acceptable by the Department may be utilized on projects off the National Highway System through December 31, 2024.**

**526.03 Construction Requirements**

**Cast-in-place barriers shall be fabricated in accordance with Standard Specification Section 502, Structural Concrete. Precast barriers shall be fabricated in accordance with Standard Specification 534, Precast Structural Concrete.**

**Concrete finish for permanent barrier shall be rubbed as defined in Standard Specification Section 502, Structural Concrete, 502.13 D2 or an approved equal.**

**Portable concrete barrier shall be generally free from fins and porous areas and shall present a neat and uniform appearance.**

**Permanent barrier shall have a protective coating applied in accordance with Standard Specification Section 515, Protective Coating for Concrete Surfaces.**

**Reflective delineators for concrete median barrier shall meet the requirements of Special Provision 645, Highway Signing.**

**Preformed Joint Filler shall meet the requirements specified in Subsection 705.01, Preformed Expansion Joint Filler.**

**Permissible dimensional tolerances for all concrete barriers shall be as follows:**

**a. Cross-sectional dimensions shall not vary from design dimensions by more than ¼ inch. The vertical centerline shall not be out of plumb by more than ¼ inch.**

**b. Longitudinal dimensions shall not vary from the design dimensions by more than ¼ inch per 10 feet of barrier section and shall not exceed ¾ inches per section.**

**c. Location of anchoring holes shall not vary by more than ½ inch from the dimensions shown in the concrete barrier details on the Plans.**

**d. Surface straightness shall not vary more than ¼ inch under a 10-foot straightedge.**

**e. The barrier shall have no significant cracking. Significant cracking is defined as fractures or cracks passing through the section, or any continuous crack extending for a length of 12 inches or more, regardless of position in the section.**

**526.04 Method of Measurement Permanent Concrete Barrier Type II, IIIa, IIIb, Texas Classic Rail, and Precast Median Barrier will be measured for payment by lump sum, complete in place.**

**Portable concrete barrier, both anchored and unanchored will be measured for payment by lump sum. Lump sum measurement will include verification of the installation and removal of all portable concrete at the completion of the Contractor's operations.**

**The Contractor shall replace sections of portable concrete barrier, including anchored barrier damaged by the traveling public when directed by the Resident. Replacement sections will be measured for payment in accordance with Standard Specification 109.7, Equitable Adjustments to Compensation and Time.**

**Transition barrier will be measured by each, complete in place.**

**526.05 Basis of Payment The accepted quantities of Concrete Barrier Type II, IIIa, IIIb, Texas Classic Rail, and Precast Median Barrier will be paid for at the Contract lump sum price for the type specified, complete in place.**

**The accepted quantities of Portable Concrete Barrier Type I, both anchored and unanchored will be paid for at the Contract lump sum price. Such payment shall be full compensation for furnishing all materials, assembling, moving, resetting, transporting, temporarily storing, removing barrier, furnishing new parts as necessary, and all incidentals necessary to complete the work.**

**Portable barrier shall become the property of the Contractor upon completion of the use of the barrier on the project and shall be removed from the project site by the Contractor.**

**Transition barrier will be paid for at the Contract price each, complete in place.**

**The accepted quantity of all types of concrete barrier, whether portable or permanent, will be paid for at the lump sum or per each price, as applicable, which payment shall be full compensation for all materials, including reinforcing steel, protective coating, reflective delineators, steel plates and hardware, equipment, labor and incidentals required, as necessary, to complete the work.**

**Payment will be made under:**

| | Pay Item | Pay Unit |
|---|---|---|
| **526.301** | **Portable Concrete Barrier, Type I** | **Lump Sum** |
| **526.304** | **Portable Concrete Barrier, Anchored Type I** | **Lump Sum** |
| **526.312** | **Permanent Concrete Barrier Type II** | **Lump Sum** |
| **526.321** | **Permanent Concrete Barrier Type IIIa** | **Lump Sum** |
| **526.323** | **Texas Classic Rail** | **Lump Sum** |
| **526.331** | **Permanent Concrete Barrier Type IIIb** | **Lump Sum** |
| **526.34** | **Permanent Concrete Transition Barrier** | **Each** |
| **526.502** | **Precast Concrete Median Barrier** | **Lump Sum**" |

## SECTION 527
## ENERGY ABSORBING UNIT

527.02 Materials Amend this section by deleting it in its entirety and replacing it with:

"**MaineDOT is transitioning to MASH2016 criteria for Work Zone Traffic Control Devices on the following schedule:**

**Portable Crash Cushions will be crash tested and/or evaluated to MASH2016 criteria by January 1, 2030. Current Category 3 devices in useful serviceable condition that are successfully tested to NCHRP Report 350 or MASH2009 criteria may be utilized through December 31, 2029.**

**Work Zone Crash Cushions shall be selected from the Department's Qualified Products List of Crash Cushions/Impact Attenuators or approved equal**."

## SECTION 535
## PRECAST, PRESTRESSED CONCRETE SUPERSTRUCTURE

535.24, Installation of Slabs, Beams, and Girders Revise the 5th paragraph by replacing "6.0 and 9.0" to "5.0 and 8.0" so it reads: **"Ready mixed grout shall achieve a design compressive strength of 6,000 psi at 28 days, have an entrained air content of between 5.0 and 8.0 percent, be non-shrink, flowable, and contain a non-shrink additive listed on the Department QPL for expansive cements."**

535.25, Installation of Precast/Prestressed Deck Panels Revise the 2nd paragraph by replacing "6.0 and 9.0" to "5.0 and 8.0" so it reads: **"Ready mixed grout shall achieve a design compressive strength of 6,000 psi at 28 days, have an entrained air content of between 5.0 and 8.0 percent, be non-shrink, flowable, and contain a non-shrink additive listed on the Department QPL for expansive cements."**

# SECTION 606
# GUARDRAIL

Amend this section by replacing it with the following:

606.01 Description This work shall consist of furnishing and installing guardrail components in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or as established. Guardrail is designated as:

31" W-Beam Guardrail - Mid-Way Splice
Galvanized steel w-beam, 8" wood or composite offset blocks, galvanized steel posts
Thrie Beam
Galvanized steel thrie beam, 8" wood or composite offset blocks, galvanized steel posts

Median guardrail shall consist of two beams of the above types, mounted on single posts.

Bridge mounted guardrail shall consist of furnishing all labor, materials, and equipment necessary to install guardrail as shown on the plans. This work shall also include drilling for and installation of offset blocks if specified, and incidental hardware necessary for satisfactory completion of the work.

Remove and Reset and Remove, Modify, and Reset guardrail shall consist of removing the existing designated guardrail and resetting in a new location as shown on the plans or directed by the Resident. Remove, Modify, and Reset guardrail and Modify guardrail include the following guardrail modifications: Removing plate washers at all posts, except at anchorage assemblies as noted on the Standard Details, adding offset blocks, and other modifications as listed in the Construction Notes or General Notes. Modifications shall conform to the guardrail Standard Details.

Bridge Connection shall consist of the installation and attachment of beam guardrail to the existing bridge. This work shall consist of constructing a concrete end post or modifying an existing end post as required, furnishing, and installing a terminal connector, necessary hardware, and incidentals required to complete the work as shown on the plans. Bridge Transition shall consist of a bridge connection and furnishing and installing guardrail components as shown in the Standard Details.

606.02 Materials Materials shall meet the requirements specified in the following Sections of Division 700 - Materials:

| | |
|---|---|
| Timber Preservative | 708.05 |
| Metal Beam Rail | 710.04 |
| Guardrail Posts | 710.07 |
| Guardrail Hardware | 710.08 |

Guardrail components shall meet the applicable standards of "A Guide to Standardized Highway Barrier Hardware" prepared and approved by the AASHTO-AGC-ARTBA Joint Cooperative Committee, Task Force 13 Report.

Posts for underdrain delineators shall be "U" channel steel, 8 ft long, 2 ½ lb/ft minimum and have 3/8-inch round holes, 1-inch center to center for a minimum distance of 2 ft from the top of the post.

Reflectorized Flexible Guardrail Markers shall be mounted on all guardrails. A marker shall be mounted onto guardrail posts at the flared guardrail terminal end point and tangent point, both at the leading and trailing ends of each run of guardrail. The marker's flexible posts shall be gray with either silver-white or yellow reflectors (to match the edge line striping) at the tangents, red at leading ends, and green at trailing ends. Whenever the guardrail terminal is not flared, markers will only be required at the terminal end point. These shall be red or green as appropriate. Markers shall be installed on the protected side of guardrail posts unless otherwise approved by the Resident. Reflectorized flexible guardrail markers shall be from the Department's Qualified Products List of Delineators. The marker shall be gray, flexible, durable, and of a non-discoloring material to which 3-inch by 9-inch reflectors shall be applied, and capable of recovering from repeated impacts and meeting MASH 16 requirements. Reflective material shall meet the requirements of Section 719.01 for ASTM D 4956 Type III reflective sheeting. The marker shall be secured to the guardrail post with two fasteners, as shown in the Standard Details.

Reflectorized beam guardrail reflectors shall be mounted on all "w" beam guardrail and shall be either the "butterfly" type or linear delineation system panels. "Butterfly" or linear delineation panels shall be installed at approximately 62.5 foot intervals on tangents (after every tenth post) and 31.25 feet on curves (after every fifth post), and shall be centered on the guardrail beam. On Divided highways, the left-hand delineators shall be yellow and the right-hand delineators shall be silver/ white. On two-way directional highways, the right-hand side will have silver / white reflectors and no reflectorized delineator used on the left. Delineators shall have reflective sheeting that meets or exceeds the requirements of Section 719.01.

"Butterfly" reflectors shall be fabricated from high-impact, ultraviolet & weather resistant thermoplastic. Aluminum, galvanized metal or other materials shall not be used. Reflective sheeting will be applied to only one side of the delineator facing the direction of traffic and shall be centered vertically on the guardrail beam as shown in the Standard Detail 606(7).

Linear delineation system panels shall be 1.5 inches wide by approximately 11 inches nominal length, with a minimum of 5 raised lateral ridges spaced at approximately 2.25 inches. The height of each ridge shall be 0.34 inches with a 45 degree profile and a 0.28 inches radius at the top. Sheeting shall be laminated to thin gauge aluminum with a pre-applied adhesive tape on the back. Panels shall not be installed over seams or bolt heads and shall be centered horizontally on the guardrail beam; linear delineation panels shall be attached to only one guardrail beam. The guardrail beam surface shall be cleaned and prepared according to the manufacturer's instructions. Air temperature and guardrail surface temperature must be a minimum of 50 degrees F (10 C) with rising temperature at the time of installation.

Exact locations of the either the "butterfly" type or the linear delineation panels shall be approved by the Resident prior to installation.

Single wood post shall be of cedar, white oak, or tamarack, well-seasoned, straight, and sound and have been cut from live trees. The outer and inner bark shall be removed, and all knots trimmed flush with the surface of the post. Posts shall be uniform taper and free of kinks and bends.

Single steel post shall conform to the requirements of Section 710.07 b.

Single steel pipe post shall be galvanized, seamless steel pipe conforming to the requirements of ASTM A120, Schedule No. 40, Standard Weight.

Acceptable multiple mailbox assemblies shall be listed on the Department's Qualified Products List and shall be MASH 16 tested and approved.

Flared and Tangent w-beam guardrail terminals and guardrail offset blocks shall be from the Department's Qualified Products List. Flared terminals shall be installed with a 4 ft offset as shown in the Manufacturer's installation instructions.

Anchorage assemblies used to anchor trailing ends, radius guardrail, or other ends not exposed to traffic shall meet the applicable standards of "A Guide to Standardized Highway Barrier Hardware" prepared and approved by the AASHTO-AGC-ARTBA Joint Cooperative Committee, Task Force 13 Report, Drawing SEW02a.

Existing materials damaged or lost during adjusting, removing and resetting, or removing, modifying, and resetting, shall be replaced by the Contractor without additional compensation. Existing guardrail posts and guardrail beams found to be unfit for reuse shall be replaced when directed by the Resident.

606.03 Posts Posts for guardrail shall be set plumb in holes or they may be driven if suitable driving equipment is used to prevent battering and distorting the post. When posts are driven through pavement, the damaged area around the post shall be repaired with approved bituminous patching. Damage to lighting and signal conduit and conductors shall be repaired by the Contractor.

When set in holes, posts shall be on a stable foundation and the space around the posts, backfilled in layers with suitable material, thoroughly tamped.

The reflectorized flexible guardrail markers shall be set plumb with the reflective surface facing the oncoming traffic. Markers shall be installed on the protected side of guardrail posts. Markers, which become bent or otherwise damaged, shall be removed and replaced with new markers.

Single wood posts shall be set plumb in holes and backfilled in layers with suitable material, thoroughly tamped. The Resident will designate the elevation and shape of the top. The posts, that are not pressure treated, shall be painted two coats of good quality oil base exterior house paint.

Single steel posts shall be set plumb in holes as specified for single wood posts or they may be driven if suitable driving equipment is used to prevent battering and distorting the post.

Additional bolt holes required in existing posts shall be drilled or punched, but the size of the holes shall not exceed the dimensions given in the Standard Details. Metal around the holes shall be

thoroughly cleaned and painted with two coats of approved aluminum rust resistant paint. Holes shall not be burned.

606.04 Rails Brackets and fittings shall be placed and fastened as shown on the plans. Rail beams shall be erected and aligned to provide a smooth, continuous barrier. Beams shall be lapped with the exposed end away from approaching traffic.

End assemblies shall be installed as shown on the plans and shall be securely attached to the rail section and end post.

All bolts shall be of sufficient length to extend beyond the nuts but not more than ½ inch. Nuts shall be drawn tight.

Additional bolt holes required in existing beams shall be drilled or punched, but the size of the holes shall not exceed the dimensions given in the Standard Details. Metal around the holes shall be thoroughly cleaned and painted with two coats of approved aluminum rust resistant paint. Holes shall not be burned.

606.045 Offset Blocks The same offset block material is to be provided for the entire project unless otherwise specified.

606.05 Shoulder Widening At designated locations the existing shoulder of the roadway shall be widened as shown on the plans. All grading, paving, seeding, and other necessary work shall be in accordance with the Specifications for the type work being done.

606.06 Mail Box Post Single wood post shall be installed at the designated location for the support of the mailbox. The multiple mailbox assemblies shall be installed at the designated location in accordance with the Standard Details and as recommended by the Manufacturer. Attachment of the mailbox to the post will be the responsibility of the home or business owner.

606.07 Abraded Surfaces All galvanized surfaces of new guardrail and posts, which have been abraded so that the base metal is exposed, and the threaded portions of all fittings and fasteners and cut ends of bolts shall be cleaned and painted with two coats of approved rust resistant paint.

606.08 Method of Measurement Guardrail will be measured by the linear foot from center to center of end posts along the gradient of the rail except where end connections are made to masonry or steel structures, in which case measurement will be as shown on the plans. When connected to radius rail, measurement will be to the end of the last tangent beam.

Guardrail terminal, reflectorized flexible guardrail marker, terminal end, anchorage assembly, bridge transition, bridge connection, multiple mailbox post, and single post will be measured by each unit of the kind specified and installed.

Widened shoulder will be measured as a unit of grading within the limits shown on the plans.

Excavation in solid rock for placement of posts will be paid under force account unless otherwise indicated in the Bid Documents.

Reflectorized beam guardrail reflectors ("butterfly" type or linear delineation system panels) when identified by pay item, will be measured for payment by each.

606.09 Basis of Payment The accepted quantities of guardrail will be paid for at the contract unit price per linear foot for the type specified, complete in place. Reflectorized beam guardrail ("butterfly"-type) delineators will not be paid for directly but will be considered incidental to guardrail items. Reflectorized flexible guardrail marker, terminal end, anchorage assembly, bridge transition, bridge connection, multiple mailbox post, and single post will be paid for at the contract unit price each for the kind specified complete in place.
Guardrail terminals will be paid for at the contract price each, complete in place which price shall be full payment for furnishing and installing all components including the terminal section, posts, offset blocks, "w" beam, cable foundation posts, plates and for all incidentals necessary to complete the installation within the limits as shown on the Standard Details or the Manufacturer's installation instructions. Pay limits for a flared terminal will be 37.5 feet. Pay limits for a tangent terminal will be 50 feet. Each guardrail terminal will be clearly marked with the Manufacturer's name and model number to facilitate any future needed repair. Such payment shall also be full compensation for furnishing all material, excavating, backfilling holes, assembling, and all incidentals necessary to complete the work, except that for excavation for posts or anchorages in solid ledge rock, payment will be made under 109.7.5 – Force Account. Type III Retroreflective Adhesive Sheeting shall be applied to the approach buffer end sections and sized to substantially cover the end section. On all roadways, the ends shall be marked with alternating black and retroreflective yellow stripes. The stripes shall be 3 in wide and sloped down at an angle of 45 degrees toward the side on which traffic is to pass the end section. Guardrail terminals shall also include a set of installation drawings supplied to the Resident.

Anchorages to bridge end posts will be part of the bridge work. Connections thereto will be considered included in the unit bid price for guardrail.

Guardrail to be placed on a radius of curvature of 150 ft or less will be paid for under the designated radius pay item for the type guardrail being placed.

Widened shoulder will be paid for at the contract unit price each complete in place and will be full compensation for furnishing and placing, grading and compaction of aggregate subbase and any required fill material.

Adjust guardrail will be paid for at the contract unit price per linear foot and will be full compensation for adjusting to grade. Payment shall also include adjusting guardrail terminals where required.

Modify guardrail will be paid for at the contract unit price per linear foot and will be full compensation for furnishing and installing offset blocks, additional posts, and other specified modifications; removing, modifying, installing, and adjusting to grade existing posts and beams; removing plate washers and backup plates, and all incidentals necessary to complete the work. Payment shall also include removing and resetting guardrail terminals where required.

Remove and Reset guardrail will be paid for at the contract unit price per linear foot and will be full compensation for removing, transporting, storing, reassembling all parts, necessary cutting, furnishing new parts when necessary, reinstalling at the new location, and all other incidentals necessary to complete the work. Payment shall also include removing and resetting guardrail terminals when required.

Remove, Modify, and Reset guardrail will be paid for at the contract unit price per foot and will be full compensation for the requirements listed in Modify guardrail and Remove and Reset guardrail.

Bridge Connections will be paid for at the contract unit price each. Payment shall include, attaching the connection to the endpost including furnishing and placing concrete and reinforcing steel necessary to construct new endposts if required, furnishing and installing the terminal connector, and all miscellaneous hardware, labor, equipment, and incidentals necessary to complete the work.

Bridge Transitions will be paid for at the contract unit price each. Payment shall include furnishing and installing the thrie beam or "w"-beam terminal connector, doubled beam section, and transition section, where called for, posts, hardware, precast concrete transition curb, and any other necessary materials and labor, including the bridge connection as stated in the previous paragraph.

No payment will be made for guardrail removed, but not reset and all costs for such removal shall be considered incidental to the various contract pay items.

Reflectorized beam guardrail reflectors ( "butterfly" type and the linear delineation panels ) will not be paid for directly but will be considered incidental to all new guardrail items. The Contractor shall furnish and install either the "butterfly" type or linear delineation panels, at its discretion, for new guardrail items.

Reflectorized beam guardrail reflectors ( either "butterfly" type or linear delineation system panels) will be paid for under the applicable pay items for installation in conjunction with Adjust, Modify, Remove and Reset, Remove Modify and Reset guardrail items. The accepted quantity of "butterfly" type or linear delineation system panels will be paid for at the contract unit price each for all work and materials furnished to install, complete in place, including all incidentals necessary to complete the work.

Payment will be made under:

| Pay Item | | Pay Unit |
|---|---|---|
| 606.1301 | 31" W-Beam Guardrail - Mid-Way Splice – Single Faced | Linear Foot |
| 606.1302 | 31" W-Beam Guardrail - Mid-Way Splice – Double Faced | Linear Foot |
| 606.1303 | 31" W-Beam Guardrail - Mid-Way Splice, 15' Radius and Less | Linear Foot |
| 606.1304 | 31" W-Beam Guardrail - Mid-Way Splice, Over 15' Radius | Linear Foot |
| 606.1305 | 31" W-Beam Guardrail - Mid-Way Splice Flared Terminal | Each |
| 606.1306 | 31" W-Beam Guardrail - Mid-Way Splice Tangent Terminal | Each |
| 606.1307 | Bridge Transition (Asymmetrical) – Type IA | Each |

| | | |
|---|---|---|
| 606.1721 | Bridge Transition - Type I | Each |
| 606.1722 | Bridge Transition - Type II | Each |
| 606.1731 | Bridge Connection - Type I | Each |
| 606.1732 | Bridge Connection - Type II | Each |
| 606.178 | Guardrail Beam | Linear Foot |
| 606.25 | Terminal Connector | Each |
| 606.257 | Terminal Connector - Thrie Beam | Each |
| 606.259 | Anchorage Assembly | Each |
| 606.265 | Terminal End-Single Rail - Galvanized Steel | Each |
| 606.266 | Terminal End-Single Rail - Corrosion Resistant Steel | Each |
| 606.275 | Terminal End-Double Rail - Galvanized Steel | Each |
| 606.276 | Terminal End-Double Rail - Corrosion Resistant Steel | Each |
| 606.352 | Reflectorized Beam Guardrail Delineators (“Butterfly” type) | Each |
| 606.3521 | Linear Delineation System Panel | Each |
| 606.353 | Reflectorized Flexible Guardrail Marker | Each |
| 606.354 | Remove and Reset Reflectorized Flexible Guardrail Marker | Each |
| 606.356 | Underdrain Delineator Post | Each |
| 606.358 | Guardrail, Modify | Linear Foot |
| 606.362 | Guardrail, Adjust | Linear Foot |
| 606.365 | Guardrail, Remove, Modify, and Reset | Linear Foot |
| 606.366 | Guardrail, Remove and Reset | Linear Foot |
| 606.367 | Replace Unusable Existing Guardrail Posts | Each |
| 606.3671 | Replace Unusable Offset Blocks | Each |
| 606.47 | Single Wood Post | Each |
| 606.48 | Single Galvanized Steel Post | Each |
| 606.50 | Single Steel Pipe Post | Each |
| 606.51 | Multiple Mailbox Support | Each |
| 606.568 | Guardrail, Modify - Double Rail | Linear Foot |
| 606.63 | Thrie Beam Rail Beam | Linear Foot |
| 606.64 | Guardrail Thrie Beam - Double Rail | Linear Foot |
| 606.65 | Guardrail Thrie Beam - Single Rail | Linear Foot |
| 606.66 | Terminal End Thrie Beam | Each |
| 606.70 | Transition Section - Thrie Beam | Each |
| 606.71 | Guardrail Thrie Beam - 15 ft radius and less | Linear Foot |
| 606.72 | Guardrail Thrie Beam - over 15 ft radius | Linear Foot |
| 606.73 | Guardrail Thrie Beam - Single Rail Bridge Mounted | Linear Foot |
| 606.74 | Guardrail - Single Rail Bridge Mounted | Linear Foot |
| 606.753 | Widen Shoulder for Low Volume Guardrail End | Each |
| 606.754 | Widen Shoulder for Flared Guardrail Terminal | Each |
| 606.78 | Low Volume Guardrail End | Each |
| 606.80 | Buried-in-Slope Guardrail End | Each |

## SECTION 608
## SIDEWALKS

Section 608.022Detectable Warning Materials Standard Revise this section by removing the last sentence of this section beginning with "Concrete…" and replacing it with "**Concrete shall meet the requirements of Section 608.021, Sidewalk Materials, of this specification or may be a prepackaged concrete mix from the Department's Qualified Products List (QPL).**"

## SECTION 609
## CURB

609.02 Materials Revise the paragraph beginning "The Contractor shall submit a concrete mix…" so that it reads:

"**The Contractor shall submit a concrete mix design for the Portland Cement Concrete to the Resident, with a minimum designed compressive strength of 3000 psi concrete fill**."
.

609.03 Vertical Stone Curb, Terminal Section and Transition Sections and Portland Cement Concrete Curb, Terminal Sections and Transition Sections Revise this section by underlining the section number and title so that it reads in the spec book as:

"**609.03 Vertical Stone Curb, Terminal Section and Transition Sections and Portland Cement Concrete Curb, Terminal Sections and Transition Sections**"

Revise the last paragraph beginning with "The Contractor may elect…" so that it reads:

**"The Contractor may elect to substitute concrete to backfill Stone Curbing or Stone Edging at their option. If the concrete backfill** option is elected, the Concrete Fill shall **meet the requirements of 609.02. The Contractor shall submit a concrete design for the Portland Cement Concrete, with a minimum designated compressive strength of 3000 PSI meeting the requirements of Class S or Class Fill Concrete. The Contractor may elect to choose a Prepackaged Concrete Mix from the Department's Qualified Products list (QPL). Concrete backfill shall be completed in conformance with a Department supplied concrete backfill detail."**

## SECTION 610
## STONE FILL, RIPRAP, STONE BLANKET, AND STONE DITCH PROTECTION

610.02 Materials Amend this subsection by adding the following to the end of the material list:
"**Stone Ditch Protection 703.29"**

## SECTION 618
## SEEDING

618.08 Mulching Revise this Section so that the third sentence reads: "Mulch for Seeding Method Number 1 shall only be cellulous fiber mulch Section 619.04 **(b)** or straw mulch Section 619.04 (**a**)."

## SECTION 619
## MULCH

619.03 General Amend this Section by adding the following sentence to the end: **"Straw mulch shall be used in all wetland areas."**

## SECTION 626
## FOUNDATIONS, CONDUIT, AND JUNCTION BOXES FOR HIGHWAY SIGNING, LIGHTING, AND SIGNALS

Section 626.021 Miscellaneous Materials Revise this section by removing the fourth paragraph beginning with " All Concrete for concrete encasement…" and replace it with "**All concrete for concrete encasement of conduit shall be Class S or Class Fill concrete in accordance with the applicable requirements of Section 502 – Structural Concrete, or a Prepackaged Concrete Mix from the Department's Qualified Products List (QPL).**"

**Section 626.031Conduit** Revise the fifth paragraph beginning with "After the trench has been…" by removing the last sentence beginning with "Where concrete encasement…" and replacing it with **"Where concrete encasement is required around the conduit, the concrete shall meet Class S, Class Fill in accordance with the applicable requirements of Section 502 – Structural Concrete, or a Prepackaged Concrete Mix from the Department's Qualified Products List (QPL)."**

626.034 Concrete Foundations Revise this Section by changing '626.037' to '**626.036**' in the Second Paragraph which begins with "Foundations shall consist of cast-in-place…".

Revise the 10th paragraph beginning with "Before placing concrete, the required elbows…" by removing "…**in accordance with Standard Specification 633**."

626.036 Precast Foundations Revise the last sentence of paragraph one so that it reads: "**Construction of precast foundations shall conform to the Standard Details and all requirements of 712.061**."

## SECTION 627
## PAVEMENT MARKINGS

627.06 Application Revise this subsection by replacing the paragraph beginning with " On other final pavement markings…" with the following:
**"On other final pavement markings and on curb, where the paint is applied by hand painting or spraying, application shall be one uniform covering coat at least 16 mils thick. Before the paint has dried, the glass beads shall be applied by a pressure system that will force the glass beads onto the undried paint as uniformly as possible.**

**Painted lines and markings shall be applied in accordance with the manufacturer's published recommendations. These recommendations will be supplied to the Resident prior to installation."**

Revise this subsection by replacing the paragraph beginning with " If the final reflectivety values are less…" with the following:

**The final reflectivity will be acceptable if 90 percent or more of the painted pavement lines and markings meet the specified minimum value. If less than 90 percent of the painted pavement lines and markings meet the specified minimum final reflectivity values, the Contractor shall repaint those areas not meeting required reflectivity at no cost to the Department.**

**If, after repainting, analysis of the final reflectivity values results in the need for a second repainting, the Contractor will submit in writing a plan of action to meet the reflectivity minimums prior to continuing any work. Once the plan has been reviewed and approved by the Department, the Contractor shall reapply at no cost to the Department.**

## SECTION 637
## DUST CONTROL

**Revise this section by removing it in its entirety.**

## SECTION 643
## TRAFFIC SIGNALS

643.021 Materials Amend this subsection by adding the following at the end:

"**MaineDOT is transitioning to MASH2016 criteria for Work Zone Traffic Control Devices on the following schedule:**

**Temporary Traffic Control Signals will be crash tested and/or evaluated to MASH2016 criteria by January 1, 2030. Current Category 4 devices in useful serviceable condition that are successfully tested to NCHRP Report 350 or MASH2009 criteria may be utilized through December 31, 2029**."

643.023 Traffic Signal Structures Remove the third paragraph and replace it with the following:

"**Traffic signal support structures shall be classified as Fatigue Category III if they are located on roads with a speed limit of 35 mph or less, Fatigue Category II if they are located on roads with a speed limit of greater than 35 mph, and Fatigue Category I if noted on the Contract Plans. Fatigue Importance Factors shall be as specified in Table 11.6-1 (Fatigue Importance Factors). Fatigue analyses are not required for span-wire (strain) pole traffic signal support structures with heights of 55 feet or less unless required by the current edition of AASHTO "LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals".**

643.09 Service Connection Revise this subsection by removing the paragraph that begins with "Traffic signal services shall have…".

And by removing the paragraphs beginning with " A service ground rod shall be installed…" and "A total of 4, 10' service…" and replace them with "**A total of 4, 10' service ground rods shall be installed and properly connected together on the outside of the cabinet foundation. One ground rod shall be located at each corner and shall be either flush or slightly below finished grade. The connection between the ground rod and the ground wire shall be an exothermic connection such as a Cadweld. The ground wire from the interconnected ground rods shall be routed through a conduit in the foundation and into the base of the cabinet**".

## SECTION 645
## HIGHWAY SIGNING

Section 645.023 Sign Support Structures. Under letter "c.", revise the fifth paragraph beginning with "In addition to the required details…" by removing the words "**and foundation**" from the 5th sentence.

Section 645.08 Method of Measurement. Revise the second paragraph beginning with "Bridge-type, cantilever and…" by removing the words "**including the foundation**" .

Section 645.09 Basis of Payment. Revise the third paragraph beginning with "The accepted bridge-type, cantilever and…" by removing the word "**foundation**" from the second sentence. Add the following sentence to the end of the paragraph "**Conduits, Junction Boxes, and Foundations will be paid for under Section 626.**"

# SECTION 652
# MAINTENANCE OF TRAFFIC

**652.2.5 Portable Changeable Message Sign** Revise the fifth paragraph so it reads:

**"The control system shall include a display screen upon which messages can be reviewed before being displayed on the message sign. The control system shall be capable of maintaining memory when power is unavailable. Messages must be changeable with either a portable electronic device like a notebook computer or an on-board keypad. The controller shall have the capability to store a minimum of 200 user-defined and 200 pre-programmed messages. Controller and battery compartments shall be enclosed in lockable, weather-tight boxes. The cabinet shall be locked at all times that the Contractor is not actively changing the message. The Contractor shall change the password for the controller prior to stationing the PCMS and shall provide the password to the Resident. The password shall be unique per PCMS and secure and shall not be written anywhere in, on, around, or stored in the PCMS."**

Amend this Section by adding the following new subsection:

"**652.2.6 Device Crashworthiness MaineDOT is transitioning to MASH2016 criteria for Work Zone Traffic Control Devices on the following schedule:**

**Category 1 (Cones, Drums, Tubular Markers, Flexible Delineators, and similar devices that have little chance if causing windshield penetration, tire damage, or other significant effect on the control or trajectory of a vehicle) – All Category 1 devices will be manufacturer self-certified as MASH2016 by January 1, 2025. Current Category 1 devices in useful serviceable condition that are not self-certified as MASH2016 compliant may be utilized through December 31, 2024.**

**Category 2 (Barricades, Portable Sign Supports, Category 1 devices with attachments, and similar devices that are not expected to produce significant vehicular velocity change but may be otherwise hazardous) – All Category 2 devices will be crash tested and/or evaluated to MASH2016 criteria by January 1, 2025. Current Category 2 devices in useful serviceable condition that are successfully tested to NCHRP Report 350 or MASH2009 criteria may be utilized through December 31, 2024.**

**Category 3 (Portable Concrete Barrier, Portable Crash Cushions, Truck Mounted Attenuators, Category 2 devices weighing more than 100 pounds, and similar devices that are expected to produce significant vehicular velocity change or other harmful reactions) – All Category 3 devices will be crash tested and/or evaluated to MASH2016 criteria by January 1, 2030. Current Category 3 devices in useful serviceable condition that are successfully tested to NCHRP Report 350 or MASH2009 criteria may be utilized through December 31, 2029. (See Standard Specification 526 for additional Portable Concrete Barrier information).**

**Category 4 (Trailer Mounted Devices: Arrow Boards, Temporary Traffic Control Signals, Area Lighting, Portable Changeable Message Sign, and other similar devices.) – All Category 4 devices will be crash tested and/or evaluated to MASH2016 criteria by January 1, 2030. Current Category 4 devices in useful serviceable condition that are successfully tested to NCHRP Report 350 or MASH2009 criteria may be utilized through December 31, 2029**."

652.3.3 Submittal of Traffic Control Plan Amend this section by adding:

**"n. A security plan for any PCMS shall be included. The Contractor shall provide a plan for secure access to the PCMS and protection from unauthorized users. The plan shall have details on securing the cabinets via a lock and password from unauthorized users, password changing protocols, and where the access information will be kept so it can be used in the event of emergency. The Contractor shall not Identify or store passwords in the TCP."**

652.4 Flaggers Revise the first paragraph of this section so that it reads:

**"The Contractor shall furnish flaggers as required by the TCP or as otherwise specified by the Resident. All flaggers must have successfully completed a flagger test approved by the Department and administered by a Department-approved Flagger-Certifier who is employing that flagger. All flaggers must carry an official certification card with them while flagging that has been issued by their employer."**

## SECTION 681
## PRECAST AGGREGATE-FILLED, CONCRETE BLOCK GRAVITY WALL

681.08 Basis of Payment Amend this section by adding the Item Number "**681.10**' in front of the item "Precast Aggregate-Filled Concrete Block Gravity Wall" at the end of the section.

## SECTION 701
## STRUCTURAL CONCRETE RELATED MATERIAL

701.01 Portland Cement and Portland Pozzolan Cement Amend the first sentence of Paragraph 3 by adding "**or Type 1L Portland Limestone cement**" so that it reads:
"**A Type IP (MS) Portland-pozzolan cement (blended hydraulic cement with moderate sulfate resistance) or Type 1L Portland Limestone cement meeting the requirements of AASHTO M 240, may be used instead of Type II or where Type I Portland cement, meeting the requirements of AASHTO M 85, is allowed**."

## SECTION 703
## AGGREGATES

Add the following to Section 703 - Aggregates

703.01 Fine Aggregate for Concrete Fine aggregate for concrete shall consist of natural sand or, when approved by the Resident, other inert materials with similar characteristics or combinations thereof, having strong, durable particles. Fine aggregate from different sources of supply shall not be mixed or stored in the same pile nor used alternately in the same class of construction or mix without permission of the Resident.

All fine aggregate shall be free from injurious amounts of organic impurities. Should the fine aggregate, when subjected to the colorimetric test for organic impurities, AASHTO T 21, produce a

color darker than the reference standard color solution (laboratory designation Plate III), the fine aggregate shall be rejected.

Fine aggregate shall have a sand equivalent value of not less than 75 when tested in accordance with AASHTO T 176.
Fine aggregate sources shall meet the Alkali Silica Reactivity (ASR) requirements of Section 703.0201.

The fineness modulus shall not be less than 2.26 or more than 3.14. If this value is exceeded, the fine aggregate will be rejected unless suitable adjustments are made in proportions of coarse and fine aggregate. The fineness modulus of fine aggregate shall be determined by adding the cumulative percentages of material by weight retained on the following sieves: Nos. 4, 8, 16, 30, 50, 100 and dividing by 100.

Fine aggregate, from an individual source when tested for absorption as specified in AASHTO T 84, shall show an absorption of not more than 2.3 percent.

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves |
|---|---|
| ⅜ inch | 100 |
| No. 4 | 95-100 |
| No. 8 | 80-100 |
| No. 16 | 50-85 |
| No. 30 | 25-60 |
| No. 50 | 10-30 |
| No. 100 | 2-10 |
| No. 200 | 0-5.0 |

703.02 Coarse Aggregate for Concrete Coarse aggregate for concrete shall consist of crushed stone or gravel having hard, strong, durable pieces, free from adherent coatings and of which the composite blend retained on the ⅜ inch sieve shall contain no more than 15 percent, by weight of flat and elongated particles when performed in accordance with test method ASTM D 4791, Flat Particles, Elongated Particles, or Flat and Elongated Particles in Coarse Aggregate, using a dimensional ratio of 1:5.

The coarse aggregate from an individual source shall have an absorption no greater than 2.0 percent by weight determined in accordance with AASHTO T 85 modified for weight of sample.

The composite blend shall have a Micro-Deval value of 18.0 percent or less as determined by AASHTO T 327 or not exceed 40 percent loss as determined by AASHTO T 96.

Coarse aggregate sources shall meet the Alkali Silica Reactivity (ASR) requirements of Section 703.0201.

Coarse aggregate shall conform to the requirements of the following table for the size or sizes designated and shall be well graded between the limits specified.

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves | | | |
|---|---|---|---|---|
| Grading | A | AA | S | LATEX |
| Aggregate Size | 1 inch | ¾ inch | 1½ inch | ½ inch |
| 2 inch | | | 100 | |
| 1½ inch | 100 | | 95-100 | |
| 1 inch | 95-100 | 100 | - | |
| ¾ inch | - | 90-100 | 35-70 | 100 |
| ½ inch | 25-60 | - | - | 90-100 |
| ⅜ inch | - | 20-55 | 10-30 | 40-70 |
| No. 4 | 0-10 | 0-10 | 0-5 | 0-15 |
| No. 8 | 0-5 | 0-5 | - | 0-5 |
| No. 16 | - | - | - | - |
| No. 50 | - | - | - | - |
| No. 200 | 0 - 1.5 | 0 - 1.5 | 0 - 1.5 | 0 - 1.5 |

703.0201 Alkali Silica Reactive Aggregates All coarse and fine aggregates proposed for use in concrete shall be tested for Alkali Silica Reactivity (ASR) potential under AASHTO T 303 (ASTM C 1260), Accelerated Detection of Potentially Deleterious Expansion of Mortar Bars Due to Alkali-Silica Reaction, prior to being accepted for use. Acceptance will be based on testing performed by an accredited independent lab submitted to the Department. Aggregate submittals will be required on a 5-year cycle, unless the source or character of the aggregate in question has changed within 5 years from the last test date.

As per AASHTO T 303 (ASTM C 1260): Use of a particular coarse or fine aggregate will be allowed with no restrictions when the mortar bars made with this aggregate expand less than or equal to 0.10 percent at 30 days from casting. Use of a particular coarse or fine aggregate will be classified as potentially reactive when the mortar bars made with this aggregate expand greater than 0.10 percent at 30 days from casting. Use of this aggregate will only be allowed with the use of cement-pozzolan blends and/or chemical admixtures that result in mortar bar expansion of less than 0.10 percent at 30 days from casting as tested under ASTM C 1567.

Acceptable pozzolans and chemical admixtures that may be used when an aggregate is classified as potentially reactive include, but are not limited to the following:

a. Class F Coal Fly Ash meeting the requirements of AASHTO M 295
b. Ground Granulated Blast Furnace Slag (Grade 100 or 120) meeting the requirements of AASHTO M 302
c. Densified Silica Fume meeting the requirements of AASHTO M 307
d. Lithium-based admixtures
e. Metakaolin

Pozzolans or chemical admixtures required to offset the effects of potentially reactive aggregates will be incorporated into the concrete at no additional cost to the Department.

703.05 Aggregate for Sand Leveling Aggregate for sand leveling shall be sand of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The aggregate shall meet the grading requirements of the following table.

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves |
|---|---|
| ⅜ inch | 85-100 |
| No. 200 | 0-5.0 |

703.06 Aggregate for Base and Subbase The following shall apply to Sections (a.) and (c.) below. The material shall have a Micro-Deval value of 25.0 or less as determined by AASHTO T 327. If the Micro- Deval value exceeds 25.0, the Washington State Degradation DOT Test Method T113, Method of Test for Determination of Degradation Value (January 2009 version) shall be performed, except that the test shall be performed on the portion of the sample that passes the ½ in sieve and is retained on the No. 10 sieve. If the material has a Washington Degradation value of less than 15, the material shall be rejected.
The material used in Section (b.) below shall have a Micro-Deval value of 25.0 or less as determined by AASHTO T 327. If the Micro-Deval value exceeds 25.0 the material may be used if it does not exceed 25 percent loss on AASHTO T 96, Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine.

Recycled Asphalt Pavement (RAP) shall not be used for or blended with aggregate base or subbase.

a. Aggregate for base, Type A and B shall be crushed ledge or crushed gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch sieve shall meet the grading requirements of the following table:

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves | |
|---|---|---|
| | Type A | Type B |
| ½ inch | 45-70 | 35-75 |
| ¼ inch | 30-55 | 25-60 |
| No. 40 | 0-20 | 0-25 |
| No. 200 | 0-6.0 | 0-6.0 |

At least 50 percent by weight of the material retained on the No. 4 sieve shall have at least one fractured face as tested by AASHTO T 335.

Type A aggregate for base shall only contain particles of rock that will pass the 2 inch square mesh sieve.

Type B aggregate for base shall only contain particles of rock that will pass the 4 inch square mesh sieve.

b. Aggregate for base, Type C shall be crushed ledge or crushed gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The material shall meet the grading requirements of the following table:

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves |
|---|---|
| | Type C |
| 4 inches | 100 |
| 3 inches | 90-100 |
| 2 inches | 75-100 |
| 1 inch | 50-80 |
| ½ inch | 30-60 |
| No. 4 | 15-40 |
| No. 200 | 0-6.0 |

At least 50 percent by weight of the material coarser than the No. 4 sieve shall have at least one fractured face as tested by AASHTO T 335.

c. Aggregate for subbase shall be sand or gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch sieve shall meet the grading requirements of the following table:

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves | |
|---|---|---|
| | Type D | Type E |
| ½ in | 35-80 | |
| ¼ inch | 25-65 | 25-100 |
| No. 40 | 0-30 | 0-50 |
| No. 200 | 0-7.0 | 0-7.0 |

Type D aggregate for subbase gravel may contain up to 50 percent by weight Recycled Concrete Aggregate (RCA). When RCA is used, the portion of the resulting blend of gravel and RCA retained on a ½" square mesh sieve shall contain a total of no more than 5 percent by weight of other recycled materials such as brick, concrete masonry block, or asphalt pavement as determined by visual inspection.

RCA shall be substantially free of wood, metal, plaster, and gypsum board as defined in Note 9 in Section 7.4 of AASHTO M 319. RCA shall also be free of all substances that fall under the category of solid waste or hazardous materials.

Aggregate for subbase shall not contain particles of rock which will not pass the 6 inch square mesh sieve.

703.08 Recycled Asphalt Pavement Recycled asphalt pavement shall consist of salvaged asphalt materials from milled pavements or production waste that has been processed before use to meet the requirements of the job mix formula. It shall be free of winter sand, granular fill, construction debris, or other materials not generally considered asphalt pavement.

703.081 RAP for Asphalt Pavement Recycled Asphalt Pavement (RAP) may be introduced into hot-mix asphalt pavement at percentages approved by the Department according to the MaineDOT Policies and Procedures for HMA Sampling and Testing.

If approved by the Department, the Contractor shall provide documentation stating the source, test results for average residual asphalt content, and stockpile gradations showing RAP materials have been sized to meet the maximum aggregate size requirements of each mix designation. The Department will obtain samples for verification and approval prior to its use.

The maximum allowable percent of RAP shall be determined by the asphalt content, the percent passing the 0.075 mm sieve, the ratio between the percent passing the 0.075 mm sieve and the asphalt content, and Coarse Micro-Deval loss values as tested by the Department.

The maximum percentage of RAP allowable shall be the lowest percentage as determined according to Table 4 below:

| Classification | Maximum RAP Percentage Allowed | Asphalt content standard deviation | Percent passing 0.075 mm sieve standard deviation | Percent passing 0.075 mm sieve / asphalt content ratio | Residual aggregate M-D loss value |
|---|---|---|---|---|---|
| **Class III** | **10%** | **≤ 1.0** | **N/A** | **≤ 4.0** | **≤ 18** |
| **Class II** | **20%** | **≤ 0.5** | **≤ 1.0** | **≤ 2.8** | |
| **Class I** | **30%** | **≤ 0.3** | **≤ 0.5** | **≤ 1.8** | |

Table 4: Maximum Percent RAP According to Test Results

The Department will monitor RAP asphalt content and gradation during production by testing samples from the stockpile at approximately 15,000 T intervals (in terms of mix production). The allowable variance limits (from the numerical average values used for mix designs) for this testing are determined based upon the maximum allowable RAP percentage and are shown below in Table 5.

Table 5: RAP Verification Limits

| Classification | Asphalt content (compared to aim) | Percent passing 0.075 mm sieve (compared to aim) |
|---|---|---|
| Class III | ± 1.5 | ± 2.0 |
| Class II | ± 1.0 | ± 1.5 |
| Class I | ± 0.5 | ± 0.7 |

For specification purposes, RAP will be categorized as follows:

Class III – A maximum of 10.0 percent of Class III RAP may be used in any base, intermediate base, surface, or shim mixture. A maximum of 20.0 percent of Class III RAP may be used in hand-placed mixes for item 403.209.

Class II – A maximum of 20.0 percent Class II RAP in any base, binder, surface, or shim course.

Class I – A maximum of 20.0 percent Class I RAP may be used in any base, intermediate base, surface, or shim mixture without requiring a change to the specified asphalt binder. A maximum of 30.0 percent Class I RAP may be used in in any base or intermediate base mixture provided that a PG 58-28 or PG 58-34 asphalt binder is used. A maximum of 30.0 percent Class I RAP may be used in any surface or shim mixture provided that PG 58-34 asphalt binder is used. Mixtures exceeding 20.0 percent Class I RAP must be evaluated and approved by the Department.

The Contractor may use up to two different RAP sources in any one mix design. The total RAP percentage of the mix shall not exceed the maximum allowed for the highest classification RAP source used (i.e. if a Class I & Class III used, total RAP must not exceed 30.0%). The blended RAP material must meet all the requirements of the classification for which the RAP is entered (i.e. 10% Class III with 20% Class I, blend must meet Class I criteria). The Department may take belt cuts of the blended RAP to verify the material meets these requirements. If the Contractor elects to use more than one RAP source in a design, the Contractor shall provide an acceptable point of sampling blended RAP material from the feed belt.

In the event that RAP source or properties change, the Contractor shall notify the Department of the change and submit new documentation stating the new source or properties a minimum of 72 hours prior to the change to allow for obtaining new samples and approval.

## SECTION 709
## REINFORCING STEEL AND WELDED STEEL WIRE FABRIC

709.01 Reinforcing Steel Remove the second paragraph of Section 709.01 of the standard specification beginning with "Low-Carbon, Chromium,…" and replace with the following:

**" Low-carbon, chromium, reinforcing steel shall be deformed bars conforming to the requirements of ASTM A1035. Bars shall be Grade 100 and alloy Type CS unless otherwise specified on the Plans. "**

## SECTION 710
## FENCE AND GUARDRAIL

710.06 Fence Posts and Braces Revise the first Paragraph so that it reads:

"Wood posts shall be of cedar, white oak, or tamarack or other AWPA approved species, of the diameter or section and length shown on the plans."

Remove the fourth paragraph which starts " That portion of wood posts…".

Revise the paragraph beginning with "Braces shall be of spruce, eastern hemlock … so that it now reads:

"Braces shall be of spruce, eastern hemlock, Norway pine, pitch pine, or tamarack timbers or other AWPA approved species, or spruce, cedar, tamarack or other AWPA approved species round posts of sufficient length to make a diagonal brace between adjacent posts. All wood posts and braces shall be pressure-treated in accordance with AASHTO M 133 and AWPA U1, UC4A Commodity Specification B: Posts. "

710.07 Guardrail Posts Revise this section so that the first sentence of section a. reads:

"a. Wood posts shall be of Norway pine, southern yellow pine, pitch pine, Douglas fir, red pine, white pine, or eastern hemlock or other AWPA approved species."

Revise the next paragraph so that it reads:

Wood posts and offset brackets shall be preservative treated in accordance with the requirements of AASHTO M 133 and AWPA U1, UC4A Commodity Specification B: Posts.

710.08 Guardrail Hardware Revise this subsection by replacing "**AASHTO M 298**" with "**ASTM B695**"

# SECTION 712
# MISCELLANEOUS HIGHWAY MATERIAL

712.061 Structural Precast Units Amend this section by adding the following sentence to the end of the first paragraph of the Construction subsection:

**"Facilities certified by NPCA or PCI shall provide to the Fabrication Engineer a copy of their annual audit to include deficiency reports and corrective actions."**

Revise this section by changing the letter "b" of ASTM C1611 of the Concrete Testing subsection so that it reads:

"**b. Air content shall be 5.0% to 8.0%**."

# SECTION 713
# STRUCTURAL STEEL AND RELATED MATERIAL

**Section 713.02 High Strength Bolts**
Revise the second sentence of this subsection so that it reads "**Nuts shall meet the requirement ofASTM A563**". Revise the third sentence of this subsection so that it reads "**Circular and beveled washers shall conform to the requirement of ASTM F436**".

# SECTION 718
# TRAFFIC SIGNALS MATERIAL

718.03 Signal Mounting Amend the paragraph beginning with "All trunions, brackets and…" by adding "**For polycarbonate signal heads with more than 3 sections or requiring mounting extensions greater than 12 inches in length, reinforcing plates shall be used to reinforce the housings at the point of attachment.**" to the end of the paragraph.

718.08 Controller Cabinet Revise this subsection by replacing the paragraph beginning with "The cabinet shall be supplied with LED light panels…" on or about page 7-66 with "**The cabinet shall be supplied with white LED light panels which shall automatically illuminate via a door open switch whenever one of the four main cabinet doors are opened for the ground mount cabinet or two main doors for the side of pole cabinet. The ground mounted cabinet shall contain four LED light panels per side totaling eight panels for the cabinet; one panel each at the top and bottom portion of the front side and back side on the Control side and Power/Auxiliary side of the cabinet. Each light panel shall produce a minimum of 250 lumens for a total minimum lumen output of 2000 lumens with all eight panels illuminated. The minimum output per side would be 1000 lumens. The LED panels shall be protected by a clear shatterproof shield. The side of pole mounted cabinet shall contain four light panels; one at the top of the rack assembly and one at the bottom rack assembly on each side of the cabinet.**

**A second door open status switch per door shall activate a controller input to log a report event that one of the doors was opened. All door open status switches shall be connected to the same controller input. For the ground mount cabinet, there shall be two switches on each of the four main doors. For the side-of-pole mount cabinet, there shall be two switches on each of the two main doors**."

Revise this subsection by replacing the paragraph beginning with "The cabinet shall be supplied with a generator panel …" on or about page 7-68 with:

**"The cabinet shall be supplied with a generator panel. The generator panel shall consist of a manual transfer switch and a twist-lock connector for generator hookup. The transfer switch knob and twist-lock connector shall be located inside a stainless steel enclosure with a separate lockable door accessed with a Corbin #2 key. The unit shall be mounted on the left, exterior of the control side wall of the ground mount cabinet a minimum of 36" above the surrounding grade and on the lower left side of the pole mounted cabinet. The generator transfer switch shall be a Reliance C30A1N Signa Series or approved equal. "**

Revise this subsection by removing the following from the paragraph beginning with "The ground mounted cabinet shall be supplied and installed with an electric service meter socket trim and electrical service disconnect switch …" on or about page 7-69: **"(removed: thus preventing that space from being used either by equipment supplied as part of the project, or future equipment that would be installed in the rack system. Joe indicated that he would add this language to the detail so it is covered.)".**

Revise this subsection by replacing the following in the paragraph beginning with "The Contractor shall reconfigure the default user name…" on or around page 7-70; "MaineDOT IT" with "**MaineDOT Traffic Division**".

In the paragraph beginning with "Tests shall be conducted by the contractor…" on or around page 7-73, amend this subsection by removing **"in the state of Maine and"** after "The facility shall be".

Amend this Section by adding the following subsection:

**718.13 Field Monitoring Unit (FMU)** This item of work shall conform to this specification. This item shall consist of furnishing and installing a Field Monitoring Unit (FMU) and software, as well as all needed accessories required for a full and complete installation, including but not limited to power adapters, Ethernet cables, and interface cables, as described herein.

Where applicable, communications from MaineDOT's cloud-based Central Management System (CMS) to the on-street traffic signal controllers shall be made through fiber optic interconnect cable connected back to existing internet connections and/or the Field Monitoring Unit (FMU). The Contractor shall furnish and install all materials necessary for a complete and operational fiber optic interconnection to all project intersections as shown on the plans. All connections to the CMS cloud-based system shall be via a secure VPN network.

The FMU shall be the only remote connection device used by isolated intersections to connect to the cloud-based system. All connections shall be encrypted VPN tunnels. The Contractor shall coordinate all configuration settings with MaineDOT IT and the Engineer.

The FMU central web based interface shall be a separate element from the CMS.

MATERIALS: The materials for this work shall conform to the following requirements:

1. The work under this item specifies the requirements for the FMU. The FMU shall operate independent of the brand/type of intersection controller deployed in the ATC traffic cabinet.

2. The FMU shall conform to the following requirements:
    2.1 The FMU shall function correctly between -34 degrees C and +74 degrees C.
    2.2 The FMU shall be provided with appropriately rated connectors that allows the FMU to be exchanged by unplugging connectors, without tools.
    2.3 The FMU shall monitor and log all ATC Controller and ATC cabinet faults and or alarms.
    2.4 The FMU shall be wired directly to the ATC cabinet.
    2.5 The FMU shall have an internal cellular modem running at 4G LTE.
        2.5.1 The Cellular modem shall be designed to be replaced / upgraded to 5G service when available.
    2.6 The FMU shall incorporate an integrated GPS and cell modem.
    2.7 The configuration of the FMU shall be accomplished by accessing the internal web server with a browser. It shall be possible to configure the FMU without any special software.
    2.8 The FMU shall be powered via a standard 120V input power.
    2.9 The FMU shall allow for the routing of the controller configuration packets to and from the controller (either by Ethernet or serial communications) for any type of controller utilized by the MaineDOT. In this way it shall be possible to configure the controller and utilize the controller specific software to interrogate the controller, and the FMU shall provide the communications pipe which allows this to be accomplished.
    2.10 The FMU shall, within the size limitations above, include a battery and battery charging/monitoring circuit, to allow the FMU to function correctly even when all power to the intersection has failed. The battery shall continue to power the FMU for a minimum of 5 hours after all power has failed to the intersection.

2.11 The FMU shall incorporate an integrated GPS which will allow the FMU to geo-locate itself on the FMU management software map, without configuration.

2.12 The FMU shall operate without requiring a static IP address. The only configuration required at the FMU is to enter the URL of where the FMU management software is hosted.

2.13 In the event that the cell service is interrupted or is not available, the FMU shall store any events that occur in internal memory and forward these events automatically to the FMU management software when the cell service is restored. In this way, a complete record of events at the device can be maintained even if cell service is interrupted for a period. The system will store 5000 events.

2.14 The FMU shall utilize HTTP and HTTPS protocols, and XML data structures, for communication with the FMU management software. In this way the data will be open for future expansion and competition. The use of secret proprietary protocols is not permitted.

2.15 The FMU shall include Ethernet communications via an Ethernet Port with RJ45 connector.

2.16 The FMU shall include weather proof antennas.

3. **Map Display FMU Management Software**

3.1 The FMU shall include a scrollable, zoomable map display, with the intersections and other monitored devices shown as representative icons on the map. The map shall include the ability to see the intersections using Google Streetview.

3.2 The alarm status of the intersection shall be clearly indicated on the icon on the map, so that the user can see at a glance which intersections are in alarm.

3.3 The map display shall also include a list of intersections, with the number and priority of alarms indicated on the list. Intersections in high priority alarm shall be moved to the top of the list, followed by medium priority, low priority and then finally by intersections not in alarm.

3.4 The icons shall change to be able to clearly indicate if an intersection is offline.

3.5 Clicking on the icon on the map shall expose a box with the current parameters of the intersection shown.

3.6 The default map display position and zoom shall be configurable by user, so that the user's view will default to show the intersections that the user is responsible for managing.

3.7 The map view shall have the ability to show Google traffic overlays on the map.

4. **Intersection Detail Display FMU Management Software**

4.1 It shall be possible to drill down, either from the map icon or from the list, to a device level detail for the intersection, which as a minimum shall display the following parameters:

4.1.1 The alarm status, with priority indicated, and a text description of the alarm (if an alarm is present for this device).

4.1.2 The time since the last communication with the device

4.1.3 The following parameters (real time now values, minimum for the day values, maximum for the day values, and average for the day values)

4.1.3.1 The AC mains voltage (value)

4.1.3.2 The battery back-up voltage (value)

4.1.3.3 The cabinet temperature (value)

4.1.3.4 The cabinet humidity (value)

4.1.3.5 The presence of AC power (OK or Fail)

4.1.3.6 The flashing status of the intersection (OK or Flashing)

4.1.3.7 Stop Time status (OK or Stop Time Active)

4.1.3.8 The cabinet door status (Open or Closed)

4.1.3.9 The intersection fan status (Fan On or Fan off)

4.1.4 It shall be possible to view graphs of each of the value parameters in graphical form, over the recent two-week period. This includes real time graphs of:

4.1.4.1 The AC mains voltage

4.1.4.2 The battery back-up voltage

4.1.4.3 The cabinet temperature

4.1.4.4 The cabinet humidity

5. **Diagnostics and Log Display FMU Management Software**

5.1 From the device level detail within the FMU management software, it shall be possible to drill down to get the raw data; the error logs; and the communications logs to allow a technician to fault-find problems.

5.2 It shall be possible to filter the logs by Device; by Device Type and/or by Group as well as between dates.

5.3 It shall be possible to print these selected logs to a local printer or a PDF file.

5.4 It shall be possible to export these logs to Excel on the local computer for further analysis.

6. **Alarms FMU Management Software**

6.1 The FMU management software shall have a comprehensive alarm generation capability

6.2 It shall be possible to configure alarms to be generated on any parameter becoming out of tolerance, including analog values, digital values and enumerated values.

6.3 Alarms shall be configurable to be of Low, High or Critical Priority.

6.4 The alarm priority shall be displayed throughout the FMU management software, on all displays, using color codes such as red-critical; yellow – high; and amber-low to indicate the priority of the alarm.

6.5 The current active alarms shall be accessible for view via an expandable window, to see which alarms are active and when the alarm occurred. The highest priority alarms shall rise to the top of the list.

7. **Alerts FMU Management Software**

7.1 The FMU management software shall have comprehensive alerting capability, to enable the response personnel to be notified when an abnormal situation has occurred.

7.2 It shall be possible to configure alerts to one or more personnel for each alarm. This will cause, as selected, an SMS and/or an email to be sent to the person when an alarm occurs.

7.3 The alert shall be configurable to optionally send via email and/or via SMS a message when an alarm clears.

7.4 The intention is that the FMU management software provides the alerts to the user in near real time. The SMS and email shall be issued within 30 seconds of the occurrence of event which results in an alert being issued.

8. **Hosting and Connectivity and Service FMU / FMU Management Software**

8.1 The contractor shall supply the FMU with the FMU manufacturers 10 year options for Connectivity and Service, as part of the purchase price. The Connectivity and Service agreement shall include at a minimum:

8.1.1 Cellular Connectivity

8.1.2 No cellular overage charges

8.1.3 Extended warranty on the hardware for the period of the Connectivity and Service Agreement

8.1.4 Over-the-air software updates

8.1.5 Over-the-air security updates

8.1.6 Future Connected Vehicles Service

## SECTION 720
## STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINAIRES AND TRAFFIC SIGNALS

720.12 Wood Sign Posts Revise the first sentence so that it reads:

Wood sign posts shall be rectangular, straight and sound timber, cut from live growing native spruce, red pine, hemlock, cedar trees or other AWPA approved species, free from loose knots or other structurally weakening defects of importance, such as shake or holes or heart rot.

Revise the third paragraph that starts with “When pressure treated…” so that it reads:

All sign posts shall be pressure-treated in accordance with AASHTO M 133 and AWPA Standard U1, UC4A, Commodity Specification A: Sawn Products.

# APPENDIX A

To

2022 Title VI Implementation Plan

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The ***Maine Department of Transportation*** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the ***Federal Highway Administration (FHWA),*** is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C.§ 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

> ***"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the FHWA."***

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted ***Highway Program:***

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all ***Federal-Aid Highway Program activities*** and, in adapted form, in all proposals for negotiated agreements regardless of fundingsource:

> "The ***Maine Department of Transportation,*** in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix C and G of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix E of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix D and Appendix F of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the ***Maine Department of Transportation*** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the ***FHWA and USDOT*** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the ***FHWA and USDOT***. You must keep records, reports, and submit the material for review upon request to ***FHWA and USDOT***, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

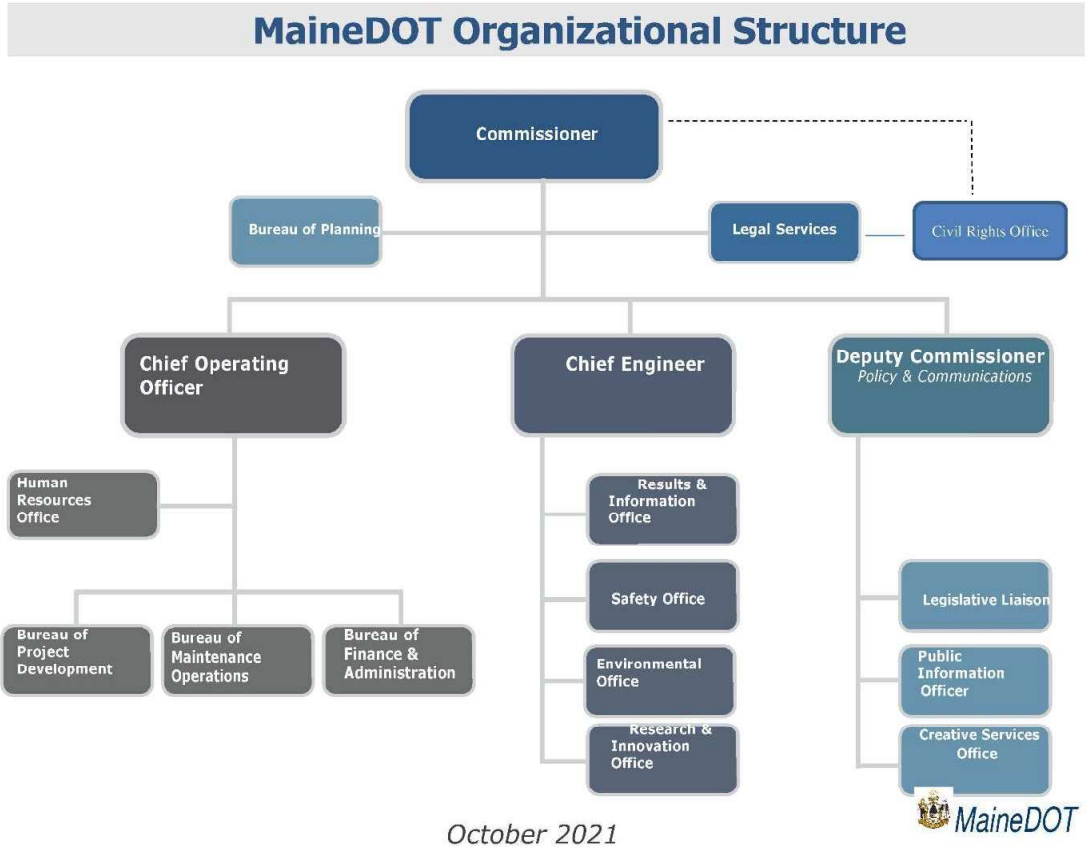
The ***Maine Department of Transportation*** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the ***Federal Aid Highway Program***. This ASSURANCE is binding on ***Maine,*** other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the ***Federal Aid Highway Program***. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**MAINE DEPARTMENT OF TRANSPORTATION**
(***Name of Recipient***)

by _____
**Bruce A. Van Note, Commissioner**

DATED Sept. 13, 2021

# APPENDIX B


MaineDOT Organizational Structure
Commissioner
Bureau of Planning
Legal Services
Civil Rights Office
Chief Operating Officer
Chief Engineer
Deputy Commissioner
Policy & Communications
Human Resources Office
Bureau of Project Development
Bureau of Maintenance Operations
Bureau of Finance & Administration
Results & Information Office
Safety Office
Environmental Office
Research & Innovation Office
Legislative Liaison
Public Information Officer
Creative Services Office
October 2021
MaineDOT

# APPENDIX C

Performance Requirements

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FWHA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto, The

contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

# APPENDIX D

## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Maine Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with 23 IJ.S. Code 5 107, the Regulations for the Administration of the Federal Aid Highway Program, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. S 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Maine Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Maine Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Maine Department of Transportation, its successors and assigns.

The Maine Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed l,] [and] * (2) that the Maine Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, US. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [i and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

# APPENDIX E

## CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Maine Department of Transportation pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

    1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, Maine Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. *

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Maine Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Maine Department of Transportation and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

# APPENDIX F

## CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Maine Department of Transportation pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the Maine Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *

C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, the Maine Department of Transportation will there upon revert to and vest in and become the absolute property of the Maine Department of Transportation and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause IS necessary to make clear the purpose of Title VI.)

# APPENDIX G

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 5 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.Ce 5 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 5 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. S 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 5 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC 5 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. 55 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. 5 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

# APPENDIX H

## FEDERAL HIGHWAY ADMINISTRATION CIVIL RIGHTS ASSURANCE

The Maine Department of Transportation HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color or national origin will be subjected to discrimination in the level and quality of transportation services and transportation-related benefits.

2. The Maine Department of Transportation will compile, maintain, and submit in a timely manner Title VI information required in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.

3. The Maine Department of Transportation will make it known to the public that those person or persons alleging discrimination on the basis of race, color or national origin as it relates to the provision of transportation services and transportation-related benefits may file a complaint with the Federal Highway Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below is authorized to sign this assurance on behalf of the grant applicant or recipient.

DATE: 7/23/21

Bruce A. Van Note, Commissioner
Maine Department of Transportation

# APPENDIX I

## TITLE VI/NONDISCRIMINATION POLICY STATEMENT

The Commissioner of the Maine Department of Transportation (MaineDOT) is ultimately responsible for and committed to the effective implementation of the Title VI Program to achieve compliance with Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all Federal programs and activities. Understanding that the Commissioner will not be performing any day-to-day implementation duties, the MaineDOT conducts its Title VI/Environmental Justice Program in a team approach by involving personnel from all program areas, with guidance from the Title VI Coordinator. Responsibility for the day to day administration of the Program will be delegated to the Title VI Program Coordinator who is currently the Director of the Civil Rights Office. The Title VI Program Coordinator has been delegated sufficient authority and responsibility to effectively carry out her duties.

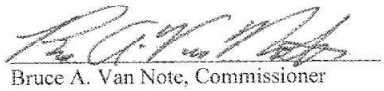
The Title VI Program Coordinator ensures MaineDOT's compliance with Title VI/Environmental Justice implementing regulations. Bureau Directors are responsible for Program implementation in their Bureaus and shall identify and delegate Title VI/Nondiscrimination Federal Program Area Liaisons to perform the routine data collection/data analysis and process reviews.

Inquiries concerning the MaineDOT's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice may be directed to:

Maine Department of Transportation
# 16 State House Station
Augusta, Maine 04333-1116
Telephone (207) 624-3066 | TTY users Dial Relay: 711
sherry.tompkins@maine.gov

MaineDOT is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the public-at-large is afforded access to all of our programs and services whether those programs and activities are federally funded or not.

This Policy Statement will be circulated throughout the MaineDOT, made available to the public, and be included by reference in all contracts, agreements, programs and services administered by the Department of Transportation.



Date: 7/23/21

Bruce A. Van Note, Commissioner

## APPENDIX J

# SAMPLE QUESTIONS FOR PROGRAM AREA REVIEWS

**Bureau of Planning**

- What measures do you take to ensure that a cross-section of people representative of the populations affected by the Department's projects, including identifying and proactively reaching out to various and diverse social, economic and ethnic groups, participate in the Department's Public Involvement Process?
- How do you ensure that appropriate accommodations are made for persons with Limited English Proficiency (LEP) (persons who have difficulty speaking, reading, writing and/or understanding English)? Were interpreters available when needed to assist with LEP needs?
- How do you collect and analyze statistical data on race, color and national origin of populations in all areas impacted by the Department's programs or services?

**Bureau of Project Development**

**Property Office**

- What mechanisms are used to identify what communities (minority, LEP) are represented in the negotiation phase of property acquisition?
- How do you ensure that Property Office staff who have direct contact with persons affected by the Department's acquisition of property needed for projects, including compliance with the Uniform Relocation Act of 1970?
- Have you received any complaints related to discrimination on the basis of race, color or national origin? How many and how did you process them?

**Multimodal Program**

- How do you ensure that Local Public Agencies (LPA) provide the Department with signed Title VI assurances (Form 1050.2A), including Appendices A and K, annually?
- How do you ensure that LPAs include in their subcontracts FHWA Form 1273 and Title VI Assurances, including Appendices A and K?
- Have you received any complaints related to discrimination on the basis of race, color or national origin? How many and how did you process them?
- How do ensure that public meetings and notices related to LPA projects comply with Title VI?

**Bureau of Maintenance and Operations**

- How do you ensure that the Bureau's activities comply with Title VI requirements of nondiscrimination on the basis of race, color or national origin?
- Have you received any complaints related to discrimination on the basis of race, color or national origin? How many and how did you handle them?

# APPENDIX K

Subrecipient Reviewed: _____ Date(s) of Desk Audit _____

Reviewer(s) _____

- ☐ Title VI/Nondiscrimination Policy Statement
- ☐ Title VI/Nondiscrimination Assurances
- ☐ Name and position of Title VI/Nondiscrimination Coordinator
- ☐ Title VI/Nondiscrimination Plan
- ☐ Procedures for processing external discrimination complaints
- ☐ A list of external discrimination complaints and lawsuits
- ☐ Any Accommodations for Limited English Proficient Persons
- ☐ Addressing Environmental Justice in minority populations and low-income populations
- ☐ Ensuring nondiscrimination in the public participation process
- ☐ Collecting and analyzing data to ensure nondiscrimination in programs and activities
- ☐ Process for ensuring that solicitations for bid/requests for proposals contain the Title VI/Nondiscrimination Assurance paragraph
- ☐ Process for ensuring subcontracts contain the appropriate contract provisions and language from the Title VI Assurances
- ☐ Process for Ensuring nondiscrimination in the award of contracts
- ☐ Developing a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report

APPENDIX L

# SUB-RECIPIENT TITLE VI COMPLIANCE ASSESSMENT TOOL

23 Code of Federal Regulations (CFR) Part 200.9 (b)(7) requires that the Maine Department of Transportation (MaineDOT) conduct periodic reviews of cities, planning agencies and other recipients of federal-aid highway funds, including locally public agencies, to ensure that they are complying with Title VI of the Civil Rights Act of 1964. Title VI states that "no person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally-funded program, policy or activity on the basis of race, color or national origin."

MaineDOT has developed this assessment as a means of determining sub-recipient compliance; helping sub-recipients understand their Title VI responsibilities; and assisting MaineDOT in planning future training and technical assistance.

This assessment is part of MaineDOT's Title VI review process and has been designed to take only a few minutes of your time. Please fax (207-624-3021) or mail (16 State House Station, Augusta, ME 04333-0016) the completed questionnaire with attachments to: Sherry Tompkins, Director of Civil Rights, no later than August 30, 2021

Questions or concerns may be emailed to: sherry.tompkins@maine.gov or you may reach Sherry by phone at (207) 624-3066.

## Baseline Questionnaire

1. Name of your Agency: _____

2. Number of full-time and part-time employees: F/T _____ P/T _____

3. Has your agency provided written Title VI Assurances to MaineDOT? If not, please attach a copy. _____

4. Does your agency physically include the Civil Right Special Provisions (FHWA-Form 1273) in all contracts and ensure that they are included in all sub-contracts, including third-tier contracts? _____
_____

5. Who is the Title VI contract person for your agency? _____.
Does this person accept complaints from the public? _____ If not, who does?_____.
Please include title, email and telephone number for each person listed. _____
_____

6. In the past three years, has your agency been named in a discrimination complaint or lawsuit? _____. If so, when and what was the nature of the complaint or lawsuit and the outcome. _____

_____

_____

_____

7. Does your agency have a written discrimination complaint process? If so, please attach a copy. _____

8. Has your agency made the public aware of the right to file a complaint? _____ If so, by what mechanism _____

_____. Please attach a copy.

9. Does your agency provide free translation services for persons with Limited English Proficiency (LEP)? _____. Please explain _____

_____

_____

_____

10. In the past twelve (12) months, what has your agency done to receive and consider input from all citizen groups, especially minority, low income, disabled and transit-dependent? Please describe, if applicable. _____

_____

_____

_____

11. Does your agency have a method to collect racial and ethnic data on citizens impacted by your projects? _____. If so, please describe. _____

_____

_____

_____

12. Does your agency include the required Disadvantaged Business Enterprise (DBE) assurance language at 49 CFR 26.13(a) and (b) verbatim in all financial agreements, contracts and sub-contracts? (Please see DBE Assurance language below.) _____

**********

**§26.13 What assurances must recipients and contractors make?**

(a) Each financial assistance agreement you sign with DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE program, as required, by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S. C. 3801 et seq.).

(b) Each contract you sign with a contractor (and each sub-contract the prime contractor signs with a sub-contract) must include the following assurance:

The contractor, sub recipient or sub-contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contactor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

**********

13. Does your agency monitor DBEs on construction projects to ensure they are performing a commercially useful function (CUF)? _____. If so, where is this documented? _____.
If a DBE is not performing a CUF, what actions for steps have you taken? _____

_____

_____

Who do you notify? _____

14. Do you have any questions regarding this assessment or Title VI? _____ Please include them here along with your email address and/or phone number and a MaineDOT representative will respond. _____

15. Would your agency like Title VI training or other Civil Rights technical assistance from MaineDOT? _____. If yes, please explain. _____

Does your agency have teleconferencing ability? _____

16. Please provide the name, title and contact information of the person who completed this baseline assessment. _____

17. Provide an annual report on Title VI accomplishments for the previous year and goals for the next year. _____

## APPENDIX M

**Maine Department of Transportation**
**External Discrimination Complaint Form**

**(Title VI/Nondiscrimination and ADA/Section 504 Complaints)**

| | | |
|---|---|---|
| **Name** | **Phone** | **Name of Person(s) That Discriminated Against You** |
| **Address** | **Location and Position of Person (If Known)** | |
| **City, State, Zip** | **City, State, Zip** | |
| **Agency involved** | | **Date of Alleged Incident** |
| **Discrimination Because of:** ☐ Race ☐ Color ☐ National Origin ☐ Sex ☐ Age ☐ Disability | | **What Remedy are you requesting?** |
| **Explain As Briefly And Clearly As Possible What Happened And How You Were Discriminated Against. Indicate Who Was Involved. Be Sure To Include How Other Persons Were Treated Differently Than You. Also Attach Any Written Material Pertaining To Your Case.** | | |
| **Signature** | **Date** | |

## Please Mail Complaint to:

**Maine Department of Transportation**
**Civil Rights Office**
**# 16 State House Station**
**Augusta, Maine 04333-0016**
**Or Call (207) 624- 3066 or TYY Relay 711**

APPENDIX N

MaineDOT

*Integrity • Competence • Service*

# NON-DISCRIMINATION/TITLE VI POSTER

**Title VI and Nondiscrimination Commitment to all USDOT funded programs:**
Pursuant to Title VI of the Civil Rights Act of 1964 and related laws and regulations, MaineDOT will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age or disability.

**Complaint Procedures:**
MaineDOT has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with MaineDOT. Any such complaint must be in writing and filed with the MaineDOT Title VI Coordinator within one hundred eighty (180) calendar days following the date of the alleged discriminatory occurrence. For more information, please contact the MaineDOT's Title VI Coordinator.

**ADA/504 Statement:**
Pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations, MaineDOT will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. MaineDOT will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access MaineDOT facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, MaineDOT asks that requests be made at least five (5) calendar days prior to the need for accommodation. Questions, concerns, comments or requests for accommodation should be made to MaineDOT's ADA Coordinator.

Services are provided free without charge for individuals with special needs with disabilities. Any fees will be paid by the recipient or subrecipient. The public will have access to translators, "I Speak Cards", TTY/TDD services and vital documents translated when requested.

**MaineDOT Title VI**

Sherry Y. Tompkins, Director
Civil Rights Office
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333
Office Phone: (207) 624-3066
Cell Phone: (207) 592-0686
TYY: Users Dial MAINE RELAY 711

## *Call Us with Questions*

If you believe that you have been discriminated against because of your race, color, national origin, sex, age, disability or income level, or because you have difficulty with the English language, call us at 207-624-3056. MaineDOT's Civil Rights Office will explain the process for filing a complaint. Complaint forms are on our website.

**mainedot.gov/civilrights/title-vi**

**Language translation services available upon request.**

Services de traduction de langue disponibles sur demande.

Servicios de traducción disponibles bajo petición.

要求提供的 语言翻译服务。

Lugha ya tafsiri huduma inapatikana juu ya ombi.
Ladenan panarjamahan Basa aya kana paménta.

خدمات الترجمة اللغة متاحة عند الطلب

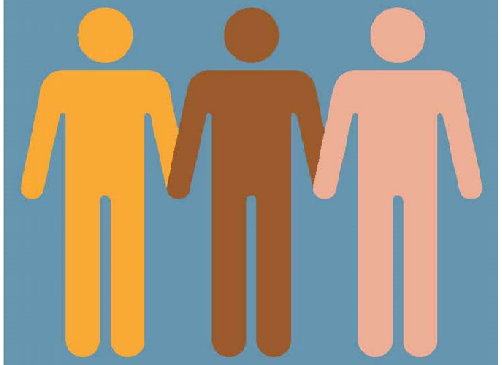
Có các dịch vụ phiên dịch khi quý vị yêu cầu.

MaineDOT

**Maine Department of Transportation**
**Civil Rights Office**
16 State House Station
Augusta, Maine 04333-0016
Phone: 207-624-3056
TTY Users Dial Maine Relay 711

mainedot.gov

# Know YOUR Rights



MaineDOT
Civil Rights Office

# TITLE VI PROGRAM *of the Civil Rights Act*

MaineDOT's mission is to provide the people of Maine with a safe, efficient and effective transportation system. Our work is intended to serve the transportation needs of all people in Maine, regardless of race, color, national origin, sex, age, disability, income level or limited English proficiency.

MaineDOT is committed to assuring that none of its activities or programs encourage discrimination. We manage our programs without regard to race, color, national origin, sex, age, disability, income level, or the ability to speak or understand English.



MaineDOT will not allow discrimination by a MaineDOT employee or by recipients of federal-aid funds such as cities, counties, contractors, or planning agencies. MaineDOT prohibits all discriminatory practices which may result in:

- Unfair denial of any service, financial aid or benefit provided by the federally funded program;
- Different standards or requirements for participation in programs;
- Segregation or separate treatment within our programs;
- Differences in the quality, quantity or way in which a benefit is provided;
- Discrimination in any activities in a facility built with federal funds.

To ensure compliance with Title VI, and other related laws, MaineDOT:

- Avoids or reduces harmful health and environmental impacts which programs or activities might have on minority and low-income populations;
- Ensures the full and fair participation by all communities in its decision-making process;
- Prevents the denial, reduction or delay of benefits for minority and low-income populations;
- Provides language interpreters to people who have difficulty understanding English.

## *How to File a Complaint*

If you believe you have been discriminated against, you will need to file a written complaint. The complaint must be submitted within 180 days of the alleged discrimination. The complaint form is on our website for you to download.

***Be prepared to fill in:***

- Your name, address and phone number;
- The name and address of the organization you believe discriminated against you;
- Details of the alleged discrimination and any other relevant information; and
- The names of anyone we could contact regarding the alleged discrimination.

***Once you have filled in the form, mail it to us:***

**MaineDOT Civil Rights Office**

16 State House Station
Augusta, Maine 04333-0016

207-624-3056

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

ENVIRONMENTAL OFFICE
MAINE DEPT. OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333
kristen.chamberlain@maine.gov

**CORPS PERMIT #** NAE-2023-00529
**CORPS GPs** 22
**STATE ID#**

**DESCRIPTION OF WORK:**
Maine DOT proposes to replace an existing twin 36 inch culvert crossing with an 11 foot 5 inch by 7 foot 3 inch steel pipe arch and relocate a portion of the stream flowing through a ditch. Total impacts include 1,755 square feet of permanent and 260 square feet of temporary impacts to an unnamed stream and 1,000 square feet of permanent and 525 square feet of temporary impacts to wetlands. The work will take place where an unnamed tributary to the Royal River crosses under Route 115 in North Yarmouth, Maine and to be constructed as shown on the attached plans titled "Route 115" and "IMPACT PLAN" each on 1 sheet and not dated and "NORTH YARMOUTH ROUTE 115" on 15 sheets and not dated.

DOT WIN: 25393.00

***See Special and General Conditions attached.***

**LAT/LONG COORDINATES:** 43.861385º °N -70.277217º °W **USGS QUAD:** Cumberland Center

**I. CORPS DETERMINATION:**
Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. **Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permits (GPs) which can be found at:** https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GPs, including the GPs conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GPs requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GPs (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GPs on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.**

**II. STATE ACTIONS: PENDING [ X ], ISSUED [ ], DENIED [ ] DATE**

APPLICATION TYPE: PBR:___, TIER 1:_____, TIER 2 :_____, TIER 3:_____, LURC: _____ DMR LEASE: _____ NA: _X___

**III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: 3/16/23 LEVEL OF REVIEW: SELF-VERIFICATION:___ PRE-CONSTRUCTION NOTIFICATION: X
AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10_____, 404___X____ 10/404_____, 103_____
EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

**FEDERAL RESOURCE AGENCY OBJECTIONS:** EPA_NO__, USF&WS_NO__, NMFS_NO__

If you have any questions on this matter, please contact my staff at 978-318-8676 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

**RICHARD KRISTOFF**
**SENIOR PROJECT MANAGER**
**MAINE PROJECT OFFICE**

**FRANK J. DEL GIUDICE**
**CHIEF, PERMITS & ENFORCEMENT BRANCH**
**REGULATORY DIVISION**

US Army Corps
of Engineers ®
New England District

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR**
**DEPARTMENT OF THE ARMY**
**MAINE GENERAL PERMITS 22**
**PERMIT NO. NAE-2023-00529**

**GENERAL CONDITIONS**

**3. Other Permits.** Permittees shall obtain other Federal, State, or local authorizations as required by law. Permittees are responsible for applying for and obtaining all required State of Maine or local approvals including a Flood Hazard Development Permit issued by the town/city. Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, may still be eligible for authorization under these GPs.

**23. Soil Erosion, Sediment, and Turbidity Controls.**

a. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextile silt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion; of collecting sediment, suspended and floating materials; and of filtering fine sediment.

b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland.

c. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

**26. Temporary Fill.**

a. Temporary fills, including but not limited to construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.

b. All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill shall be placed in a manner that will prevent it from being eroded by expected high flows.

c. Unconfined temporary fill authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).

d. Appropriate measures shall be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.

e. Construction debris and/or deteriorated materials shall not be placed or otherwise located in waters of the U.S.

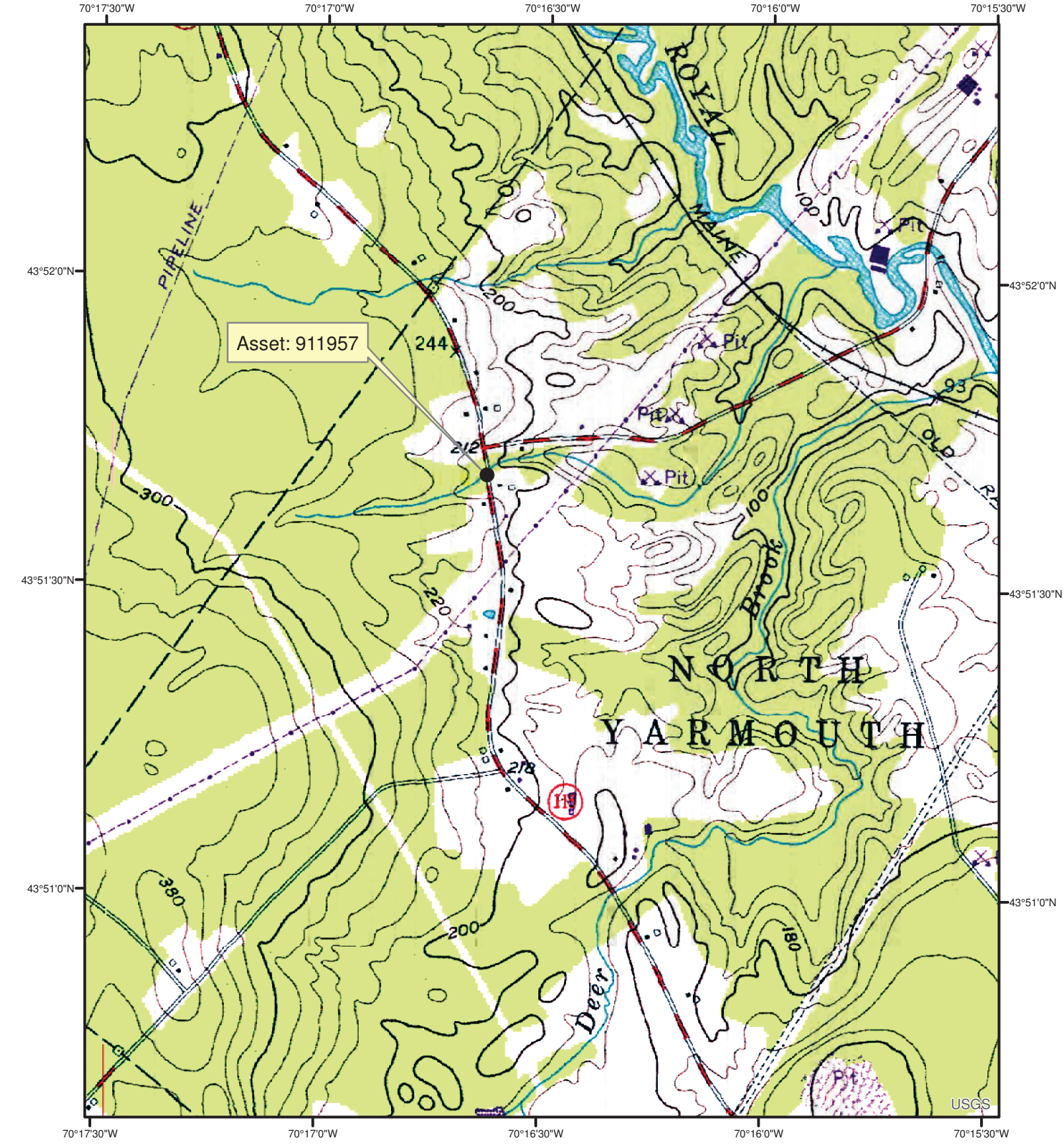
**33. Permit(s)/Authorization Letter On-Site.** The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization.

**34. Inspections.** The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. **These forms are attached after the plans.**

## SPECIAL CONDITIONS

1. In water work shall be conducted from June 1 through September 30.

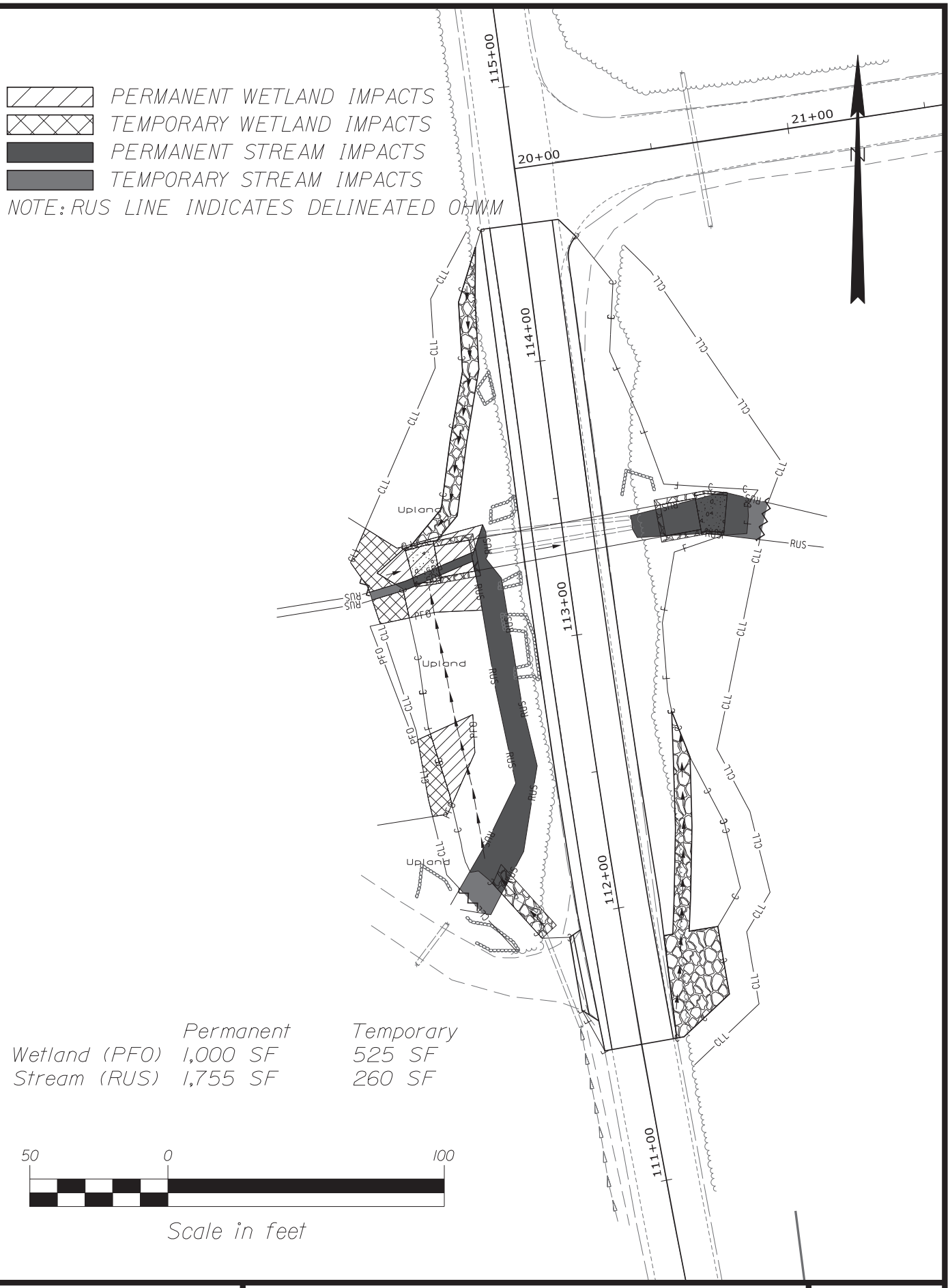
2. This project shall be performed in accordance with erosion control measures conforming with the latest versions of the *State of Maine Department of Transportation Standard Specifications for Highways and Bridges* and the *Department of Transportation's Best Management Practices for Erosion and Sediment Control*.




Route 115
WIN:23693.00
North Yarmouth, ME (Cumberland County)
Cumberland Center, ME USGS 24k Topo Map
Lat: 43.861385, Long: -70.277217

N
W E
S

0 0.075 0.15 0.3 Miles




| | Permanent | Temporary |
|---|---|---|
| Wetland (PFO) | 1,000 SF | 525 SF |
| Stream (RUS) | 1,755 SF | 260 SF |

| | | |
|---|---|---|
| STATE OF MAINE<br>DEPARTMENT OF TRANSPORTATION | ROUTE 115 NO. YARMOUTH<br>CUMBERLAND COUNTY | SHEET NUMBER<br>1<br>OF 1 |
| WIN# 23693.00 | IMPACT PLANS | |

US Army Corps of Engineers ®
New England District

(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

# COMPLIANCE CERTIFICATION FORM

**Corps of Engineers Permit No:** NAE-2023-00529

**Name of Permittee**: Maine Dept. of Transportation

**Permit Issuance Date**: March 29, 2023

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

**********
* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy & Technical Support Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *
**********

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

**I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.**

| | |
|---|---|
| Signature of Permittee | Date |
| Printed Name | Date of Work Completion |
| (  ) Telephone Number | (  ) Telephone Number |

US Army Corps of Engineers ®
New England District

**GENERAL PERMIT**
**WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before work begins)

**EMAIL TO:** Richard.C.Kristoff@usace.army.mil

-or-

**MAIL TO:** Richard Kristoff
U.S. Army Corps of Engineers, Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

A Corps of Engineers Permit (No. NAE-2023-00529) was issued to the Maine Dept. of Transportation. The permit authorized the permittee to replace an existing twin 36 inch culvert crossing with an 11 foot 5 inch by 7 foot 3 inch steel pipe arch and relocate a portion of the stream flowing through a ditch. The work will take place where an unnamed tributary to the Royal River crosses under Route 115 in North Yarmouth, Maine.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

_____

_____

Business Address: _____

_____

_____

Telephone: (____) _____ (____) _____

Proposed Work Dates: Start: _____

Finish: _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

*FOR USE BY THE CORPS OF ENGINEERS*

Project Manager: Kristoff Submittals Required: No

Inspection Recommendation: _____

# STATE OF MAINE
# DEPARTMENT OF TRANSPORTATION

## PLAN LEGEND

| | | | |
|---|---|---|---|
| Town, County, State | | Catch Basins | Existing ■ Proposed |
| Property Lines | | Manholes | Existing ● Proposed |
| R/W Lines-Existing | | Proposed Underdrain | |
| R/W Lines-Proposed | | Proposed Ditch | |
| Culvert-Existing | | Existing Ditch | |
| Culvert Proposed | | Utility Poles | Existing ♦ Proposed |
| Curbing | Existing / Proposed | Fire Hydrants | Existing ◈ Proposed |
| Type 1 | | Existing Water Line | |
| Type 3 | | Existing San. Sewer | |
| Type 5 | | Existing San. Sewer Manhole | |
| Outline of Bodies of Water | | Guardrail-Existing | |
| Exposed Bedrock | | Guardrail-Proposed | |
| Buildings | | Guardrail-Cable, Other | |
| Trees | Conifer ✱ Deciduous | Centerline-Existing | |
| Tree Line | | Centerline-Proposed | 10+00 |
| Clearing Limit Line | | Travelway-Existing | |
| Railroad | | Travelway-Proposed | |

Boring ✣ HB-XXX-###
Pavement Core ● PC-#
Test Pit ▣ TP-XXX-###

Probe ◔ P-#.#X
#.# = Depth
X = W (Weathered Rock)
R (Refusal)
NR (No Refusal)

# NORTH YARMOUTH

## CUMBERLAND COUNTY

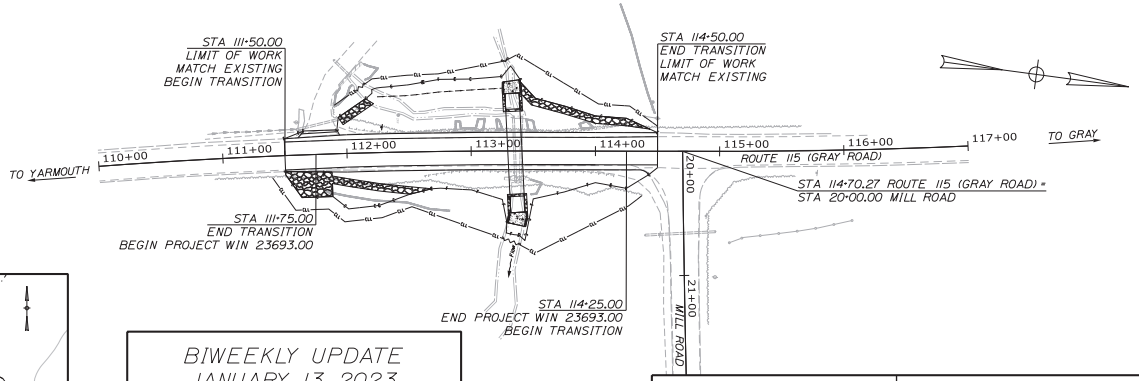
ROUTE 115
MAPLE HILL BRIDGE

## STATE PROJECT NO. 23693.00

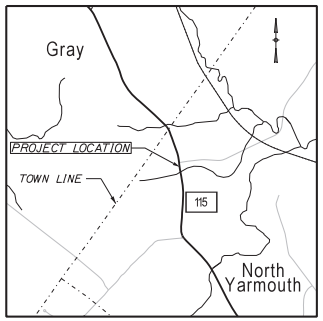
PROJECT LENGTH : 0.05 MILES
BRIDGE NO. 6639

## INDEX OF SHEETS


| Description | Sheet No. |
|---|---|
| Title Sheet | 1 |
| Typical Sections | 2 |
| Estimated Quantities and General Notes | 3 |
| Special Details - Culvert | 4-5 |
| Special Details - Stream Realignment | 6-7 |
| Boring Plans | 8 |
| Plan/Profile | 9 |
| Cross Sections | 10-16 |
| Right of Way Map | 17 |


BIWEEKLY UPDATE
JANUARY 13, 2023




LOCATION MAP
0.5 0 0.5 1
Scale in Miles

## TRAFFIC DATA

| | ROUTE 115 |
|---|---|
| Current (2022) AADT | 3170 |
| Future (2034) AADT | 3410 |
| Future (2042) AADT | 3540 |
| DHV - % of AADT | 11% |
| Design Hour Volume | 389 |
| % Heavy Trucks (AADT) | 8% |
| % Heavy Trucks (DHV) | 3% |
| Directional Distribution (DHV) | 53% |
| 18 kip Equivalent P 2.0 | 123 |
| 18 kip Equivalent P 2.5 | 117 |
| Design Speed (mph) | 40 |
| Functional Class | Major Collector |
| Highway Corridor Priority | 3 |

LAYOUT SCALE
50 0 50 100
Scale of Feet

| | |
|---|---|
| PROJECT LOCATION | The project is located in the Town of North Yarmouth along Route 115, approximately 0.03 miles south of the intersection with Mill Road. |
| PROGRAM AREA | Highway Program |
| SCOPE OF WORK | Large Culvert Replacement |

WIN 23693.00

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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
APPROVED
DATE
COMMISSIONER:
CHIEF ENGINEER:

PROJECT INFORMATION

| | | | |
|---|---|---|---|
| PROGRAM | HIGHWAY | SIGNATURE | |
| PROJECT MANAGER | L. HAMILTON | | |
| DESIGNER | D. ETTINGER | P.E. NUMBER | |
| CONSULTANT | GORRILL PALMER | | |
| PROJECT RESIDENT | | DATE | |
| CONTRACTOR | | | |
| PROJECT COMPLETION DATE | | | |

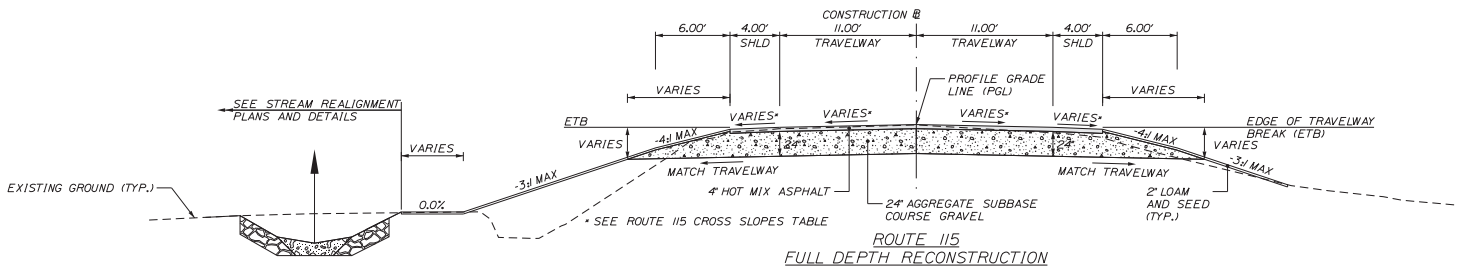
NORTH YARMOUTH
ROUTE 115

TITLE SHEET

SHEET NUMBER
1
OF 17

Filename: ...\00\Highway\001_Title.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023
U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\001_Title.dgn

SHLD = SHOULDER




ROUTE 115
FULL DEPTH RECONSTRUCTION
AND STREAM RELOCATION

| AGGREGATE SUBBASE COURSE GRAVEL | | |
|---|---|---|
| LEFT SHOULDER | 11 FT. TRAVEL LANES | RIGHT SHOULDER |
| A.S.C.G = VARIES CY/100LF | A.S.C.G = 163 CY/100LF | A.S.C.G = VARIES CY/100LF |
| STATION TO STATION | STATION TO STATION | STATION TO STATION |
| 111+75 TO 114+25 LT. | 111+75 TO 114+25 | 111+75 TO 114+25 RT. |

| ROUTE 115 CROSS SLOPES TABLE | | | | |
|---|---|---|---|---|
| LEFT SHOULDER | LEFT TRAVELWAY | STATION | RIGHT TRAVELWAY | RIGHT SHOULDER |
| MATCH EXISTING | | | | |
| -9.9% | -3.5% | 111+50 | -6.6% | -9.1% |
| -7.9% | -3.0% | 111+75 | -5.4% | -7.4% |
| -5.9% | -3.0% | 112+00 | -4.2% | -5.7% |
| -4.0% | -3.0% | 112+25 | -3.0% | -4.0% |
| | | TO | | |
| -4.0% | -3.0% | 114+00 | -3.0% | -4.0% |
| -5.1% | -3.0% | 114+25 | -4.1% | -5.0% |
| -6.3% | -2.4% | 114+50 | -5.1% | -6.2% |
| MATCH EXISTING | | | | |

NOTES:

1. THE PAVEMENT, BASE AND SUBBASE DEPTHS AS SHOWN ON THE PLANS ARE INTENDED TO BE NOMINAL.
2. WHEN SUPERELEVATION EXCEEDS THE SLOPE OF THE LOW SIDE SHOULDER, THE LOW SIDE SHOULDERS PAVEMENT SHALL HAVE THE SAME CROSS SLOPE AS THE TRAVELWAY.
3. CROWNS FOR BOTH NORMAL AND SUPERELEVATION SECTIONS FOR ALL COURSES OF SUBBASE AND PAVEMENT SHALL BE STRAIGHT.
4. THE GRAVEL QUANTITY IS BASED ON A 2" LOAM OR DIRTY BORROW DEPTH.
5. THE ALGEBRAIC DIFFERENCE BETWEEN SHOULDER AND TRAVELWAY CROSS SLOPES "ROLLOVER" SHALL NOT EXCEED 8%.
6. THE STATIONING SHOWN UNDER EACH TYPICAL IS APPROXIMATE.

NOT TO SCALE

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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | D. LITTLEFIELD | T. WARREN | 07/23 |
| CHECKED-REVIEWED | D. LITTLEFIELD | | 07/23 |
| DESIGN2-DETAILED2 | - | - | SIGNATURE |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | P.E. NUMBER |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | DATE |
| FIELD CHANGES | - | - | - |

NORTH YARMOUTH
ROUTE 115

TYPICAL SECTIONS

SHEET NUMBER
2
OF 17

Filename: ...\00\Highway\002_Typ01.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\002_Typ01.dgn

| ESTIMATED QUANTITIES | | | |
|---|---|---|---|
| ITEM NO. | DESCRIPTION | QUANTITY | UNIT |
| 203.20 | COMMON EXCAVATION | 910 | CY |
| 203.25 | GRANULAR BORROW | 230 | CY |
| 203.33 | SPECIAL FILL | 105 | CY |
| 304.10 | AGGREGATE SUBBASE COURSE - GRAVEL | 840 | CY |
| 403.208 | HOT MIX ASPHALT, 12.5 mm NOMINAL MAXIMUM SIZE | 83 | T |
| 403.209 | HOT MIX ASPHALT, 9.5 mm NOMINAL MAXIMUM SIZE (SIDEWALKS, DRIVES, ISLANDS & INCIDENTALS) | 2 | T |
| 403.213 | HOT MIX ASPHALT, 12.5 mm NOMINAL MAXIMUM SIZE (BASE AND INTERMEDIATE BASE COURSE) | 138 | T |
| 409.15 | BITUMINOUS TACK COAT, APPLIED | 31 | G |
| * 511.07 | COFFERDAM; UPSTREAM #1 | 1 | LS |
| * 511.07 | COFFERDAM; UPSTREAM #2 | 1 | LS |
| * 511.07 | COFFERDAM; DOWNSTREAM | 1 | LS |
| 526.301 | TEMPORARY CONCRETE BARRIER, TYPE 1 (460 LF) | 1 | LS |
| 527.34 | WORK ZONE CRASH CUSHIONS | 4 | UN |
| 603.407X | 11'-5" x 7'-3" STEEL STRUCTURAL PIPE ARCH - POLYMER COATED | 96 | LF |
| 610.08 | PLAIN RIPRAP | 200 | CY |
| 610.212 | STREAMBED ROCK FEATURES | 12 | CY |
| 610.213 | VOID FILLED RIPRAP | 70 | CY |
| 615.07 | LOAM | 62 | CY |
| 618.14 | SEEDING METHOD NUMBER 2 | 11 | UN |
| 619.12 | MULCH | 11 | UN |
| 620.58 | EROSION CONTROL GEOTEXTILE | 240 | SY |
| 627.733 | 4" WHITE OR YELLOW PAINTED PAVEMENT MARKING LINE | 900 | LF |
| * 629.05 | HAND LABOR, STRAIGHT TIME | 10 | HR |
| * 631.10 | AIR COMPRESSOR (INCLUDING OPERATOR) | 10 | HR |
| * 631.11 | AIR TOOL (INCLUDING OPERATOR) | 10 | HR |
| * 631.12 | ALL PURPOSE EXCAVATOR (INCLUDING OPERATOR) | 10 | HR |
| * 631.172 | TRUCK - LARGE (INCLUDING OPERATOR) | 10 | HR |
| * 631.18 | CHAIN SAW RENTAL (INCLUDING OPERATOR) | 10 | HR |
| * 631.32 | CULVERT CLEANER (INCLUDING OPERATORS) | 10 | HR |
| * 639.19 | FIELD OFFICE, TYPE B | 1 | EA |
| 643.72 | TEMPORARY TRAFFIC SIGNAL | 1 | LS |
| 652.312 | TYPE III BARICADES | 4 | EA |
| * 652.33 | DRUM | 50 | EA |
| * 652.34 | CONE | 50 | EA |
| * 652.35 | CONSTRUCTION SIGNS | 300 | SF |
| * 652.36 | MAINTENANCE OF TRAFFIC CONTROL DEVICES | 45 | CD |
| * 652.38 | FLAGGERS | 375 | HR |
| 652.41 | PORTABLE-CHANGEABLE MESSAGE SIGN | 3 | EA |
| 652.61 | STAGED CONSTRUCTION AND TRAFFIC CONTROL | 1 | LS |
| * 656.75 | TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL | 1 | LS |
| * 659.10 | MOBILIZATION | 1 | LS |

* UNDETERMINED LOCATIONS

## GENERAL NOTES

1. PAVEMENT THICKNESSES SHOWN ON THE TYPICAL SECTIONS ARE INTENDED TO BE NOMINAL.
2. CLEARING LIMITS SHALL BE 10 FEET BEYOND AND PARALLEL TO THE CONSTRUCTION SLOPE LINES OR AS SHOWN ON THE PLANS UNLESS OTHERWISE AUTHORIZED BY THE RESIDENT.
3. ALL CLEARING SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT AND NO SEPARATE PAYMENT WILL BE MADE. THE ACTUAL LINES FOR CLEARING SHALL BE ESTABLISHED IN THE FIELD BY THE CONTRACTOR AS INDICATED ON THE PLANS AND APPROVED BY THE RESIDENT.
4. THE CLEARING AND SELECTIVE CLEARING AND THINNING LINES SHOWN ON THE PLANS ARE FOR ESTIMATING PURPOSES ONLY. THE ACTUAL LINES FOR CLEARING AND THINNING SHALL BE ESTABLISHED IN THE FIELD BY THE CONTRACTOR AND APPROVED BY THE RESIDENT.
5. GRUBBING IN FILL AREAS HAS BEEN SHOWN ON THE CROSS SECTIONS AND THE QUANTITIES NOTED. THESE LIMITS ARE APPROXIMATE AND HAVE BEEN USED FOR ESTIMATING PURPOSES ONLY. ACTUAL GRUBBING LIMITS MAY VARY BASED ON FIELD CONDITIONS AS DIRECTED BY THE RESIDENT.
6. THE CONTRACTOR SHALL PLAN AND CONDUCT WORK SO THAT UPON COMPLETION OF THE PROJECT THERE IS NO DROP-OFF FROM THE EDGE OF THE SHOULDER PAVEMENT.
7. ALL WASTE MATERIAL NOT USED ON THE PROJECT SHALL BE DISPOSED OF OFF THE PROJECT IN ACCEPTABLE WASTE AREAS REVIEWED BY THE RESIDENT. GRADING, SEEDING AND MULCHING OF WASTE AREAS SHALL BE CONSIDERED INCIDENTAL.
8. REQUIRED DITCH PROTECTION SHOWN ON THE PLANS OR IN THE CONSTRUCTION NOTES IS FOR ESTIMATING PURPOSES ONLY. THE ACTUAL TYPE AND LOCATION OF DITCH PROTECTION MAY BE ALTERED BY THE RESIDENT.
9. GRANULAR BORROW USED TO BACKFILL MUCK EXCAVATION OR IN LOW WET AREAS TO 1 FOOT ABOVE WATER LEVEL OR OLD GROUND SHALL MEET REQUIREMENTS FOR GRANULAR BORROW MATERIAL FOR UNDERWATER BACKFILL AS SPECIFIED IN STANDARD SPECIFICATIONS ITEM 703.19, GRANULAR BORROW.
10. EXISTING INSLOPES IN PROPOSED FILL AREAS SHALL BE BENCHED BY EXCAVATING STEPS OF SUFFICIENT WIDTH TO PERMIT PLACING AND COMPACTING THE FILL MATERIAL ALONG WITH THE MATERIAL REMOVED.
11. WHEN SUPERELEVATION EXCEEDS THE SLOPE OF THE LOW-SIDE SHOULDER, THE LOW-SIDE SHOULDER WILL HAVE SAME SLOPE AS THE TRAVELWAY.
12. GRAVEL ENTRANCES SHALL BE CONSTRUCTED WITH 14 INCHES OF AGGREGATE SUBBASE COURSE GRAVEL OR 11 INCHES OF AGGREGATE SUBBASE COURSE GRAVEL AND 3 INCHES OF UNTREATED AGGREGATE SURFACE COURSE UNLESS OTHERWISE NOTED IN THE PLANS OR DIRECTED BY THE RESIDENT.
13. A 3-FOOT PAVED LIP SHALL BE PLACED AT ALL UNPAVED ENTRANCES UNLESS OTHERWISE NOTED IN THE PLANS OR DIRECTED BY THE RESIDENT.
14. CROSS SLOPES FOR NORMAL AND SUPERELEVATED SECTIONS WILL BE STRAIGHT UNLESS OTHERWISE DIRECTED BY THE DEPARTMENT.
15. THE ALGEBRAIC DIFFERENCE BETWEEN TRAVELWAY AND SHOULDER CROSS SLOPE SHALL NOT EXCEED 8 PERCENT.
16. PRIOR TO SURFACE PAVING, EXISTING CULVERTS TO REMAIN SHALL BE CLEANED AS DIRECTED BY THE RESIDENT. PAYMENT WILL BE MADE UNDER STANDARD SPECIFICATION ITEM 631.31, CULVERT CLEANER (INCLUDING OPERATOR).
17. NO EXISTING DRAINAGE SHALL BE ABANDONED, REMOVED OR PLUGGED WITHOUT PRIOR APPROVAL OF THE RESIDENT.
18. INLETS AND OUTLETS OF ALL CULVERTS SHALL BE RIPRAPPED UNLESS OTHERWISE NOTED ON THE PLANS OR DIRECTED BY THE RESIDENT.
19. ALL EXISTING GUARDRAIL REMOVED AND NOT REUSED ON THE PROJECT WILL BECOME THE PROPERTY OF THE CONTRACTOR. REMOVAL AND DISPOSAL OF EXISTING GUARDRAIL SHALL BE INCIDENTAL TO ITEM 203.20 - COMMON EXCAVATION.
20. LOAM HAS BEEN ESTIMATED FOR DISTURBED LAWN AREAS. ACTUAL PLACEMENT OF THE LOAM SHALL BE AS NOTED ON THE PLANS OR DESIGNATED BY THE RESIDENT.
21. UNLESS OTHERWISE NOTED SEEDING METHOD NO. 1 SHALL BE UTILIZED ON ALL LAWNS AND DEVELOPED AREAS; SEEDING METHOD NO. 2 SHALL BE UTILIZED ON ALL OTHER AREAS.
22. LOAM SHALL BE PLACED TO A NOMINAL DEPTH OF 4 INCHES IN LAWN AREAS AND 2 INCHES IN ALL OTHER AREAS UNLESS OTHERWISE NOTED OR DIRECTED.
23. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING MAILBOXES TO ENSURE THAT THE MAIL WILL BE DELIVERABLE. PAYMENT FOR THIS WORK WILL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
24. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING OPERATIONAL BUSINESS DIRECTIONAL SIGNS (OBDS) TO ENSURE THAT THEY ARE VISIBLE TO THE TRAVELING PUBLIC. PAYMENT FOR THIS WORK WILL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
25. ANY DAMAGE TO THE SLOPES CAUSED BY THE CONTRACTOR'S EQUIPMENT, PERSONNEL, OR OPERATION SHALL BE REPAIRED TO THE SATISFACTION OF THE RESIDENT. ALL WORK, EQUIPMENT, AND MATERIALS REQUIRED TO MAKE REPAIRS SHALL BE AT THE CONTRACTOR'S EXPENSE.
26. GEOTECHNICAL INFORMATION FURNISHED OR REFERRED TO IN THE BID DOCUMENTS IS FOR THE USE OF THE BIDDERS. NO ASSURANCE IS GIVEN THAT THE INFORMATION OR INTERPRETATIONS WILL BE REPRESENTATIVE OF THE ACTUAL SUBSURFACE CONDITIONS THROUGHOUT THE CONSTRUCTION SITE. MAINEDOT WILL NOT BE RESPONSIBLE FOR ANY INTERPRETATIONS OR CONCLUSIONS DRAWN FROM THE GEOTECHNICAL INFORMATION. THE BORING LOGS PROVIDED IN THE BID DOCUMENTS (IF ANY) PRESENT FACTUAL AND INTERPRETIVE SUBSURFACE INFORMATION COLLECTED AT DISCRETE LOCATIONS. DATA PROVIDED MAY NOT BE REPRESENTATIVE OF THE SUBSURFACE CONDITIONS BETWEEN BORING LOCATIONS.
27. AREAS ON THE PROJECT REQUIRING FILL WILL COME FROM SUITABLE SITES SUCH AS EXCAVATION, DITCH AND INSLOPE OR EQUIPMENT RENTAL AREAS.
28. ESTIMATED QUANTITIES FOR REQUIRED STRUCTURAL EARTH EXCAVATION, DRAINAGE AND MINOR STRUCTURES ARE INFORMATIONAL ONLY AND REPRESENT THE APPROXIMATE MINIMUM QUANTITY REQUIRED TO INSTALL DRAINAGE STRUCTURES. ADDITIONAL EXCAVATION FOR THE CONTRACTOR'S CONVENIENCE OR TO COMPLY WITH BACKSLOPING REQUIREMENTS WILL NOT BE PAID FOR DIRECTLY BUT WILL BE CONSIDERED INCIDENTAL TO THE RELATED DRAINAGE ITEMS.
29. NO SEPARATE PAYMENT FOR SUPERINTENDENT OR FOREMAN WILL BE MADE FOR THE SUPERVISION OF EQUIPMENT AND LAYOUT OF WORK BEING PAID FOR UNDER THE EQUIPMENT RENTAL ITEMS.
30. "UNDETERMINED LOCATIONS" SHALL BE DETERMINED BY THE RESIDENT.
31. FINAL STRIPING FOR THE PROJECT SHALL BE DONE BY THE CONTRACTOR PER THE STRIPING LAYOUT IN THE CONTRACT DOCUMENTS OR AS PROVIDED BY THE DEPARTMENT. PAYMENT SHALL BE MADE UNDER APPROPRIATE CONTRACT ITEMS.
32. THE CONTRACTOR WILL PLACE APPROPRIATELY-MARKED STAKES AT THE FOLLOWING LOCATIONS ON THE PROJECT: STRIPING PATTERN CHANGES, CROSS-SLOPE CHANGES, AND EVERY 500 FEET FOR STATIONING. THE CONTRACTOR WILL PAINT EVERY FULL STATION (100 FEET) ON THE EXISTING ROADWAY AND WILL TRANSFER THE PAINTED STATIONING THROUGH ALL INTERMEDIATE LIFTS (NOT SURFACE). APPROPRIATELY-SIZED STRIPING PATTERN CHANGES WILL BE PAINTED ON SURFACE. STATIONING CONTROL MUST BE PLACED BEFORE WORK CAN COMMENCE. CROSS-SLOPE AND STRIPING CHANGE CONTROLS MUST BE PLACED BEFORE PAVING CAN COMMENCE.
33. ALL WORK SHALL BE DONE IN ACCORDANCE WITH MAINE DEPARTMENT OF TRANSPORTATION BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL (LATEST EDITION).
34. ALL INSLOPE AND DITCHES IN CUT AREAS SHALL BE GRADED AS SHOWN ON THE TYPICALS OR FLATTER, OR AS DIRECTED BY THE RESIDENT.
35. DRIVEWAY FILL SIDE SLOPES SHALL BE THE SAME AS THE FILL SIDE SLOPES WITHOUT GUARDRAIL UNLESS OTHERWISE NOTED ON THE PLANS.
36. RELOCATION OF EXISTING ROADSIDE SIGNS SHALL BE INCIDENTAL TO ITEM 203.20 COMMON EXCAVATION.
37. REMOVAL OF THE EXISTING CMP CULVERTS SHALL BE CONSIDERED INCIDENTAL TO ITEM 203.20 COMMON EXCAVATION.

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| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN DETAILED | T. WARREN | T. WARREN | 07/23 |
| DESIGN CHECKED | D. ETTINGER | D. ETTINGER | 07/23 |
| DESIGN2 DETAILED2 | - | - | - |
| DESIGN3 DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

DATE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

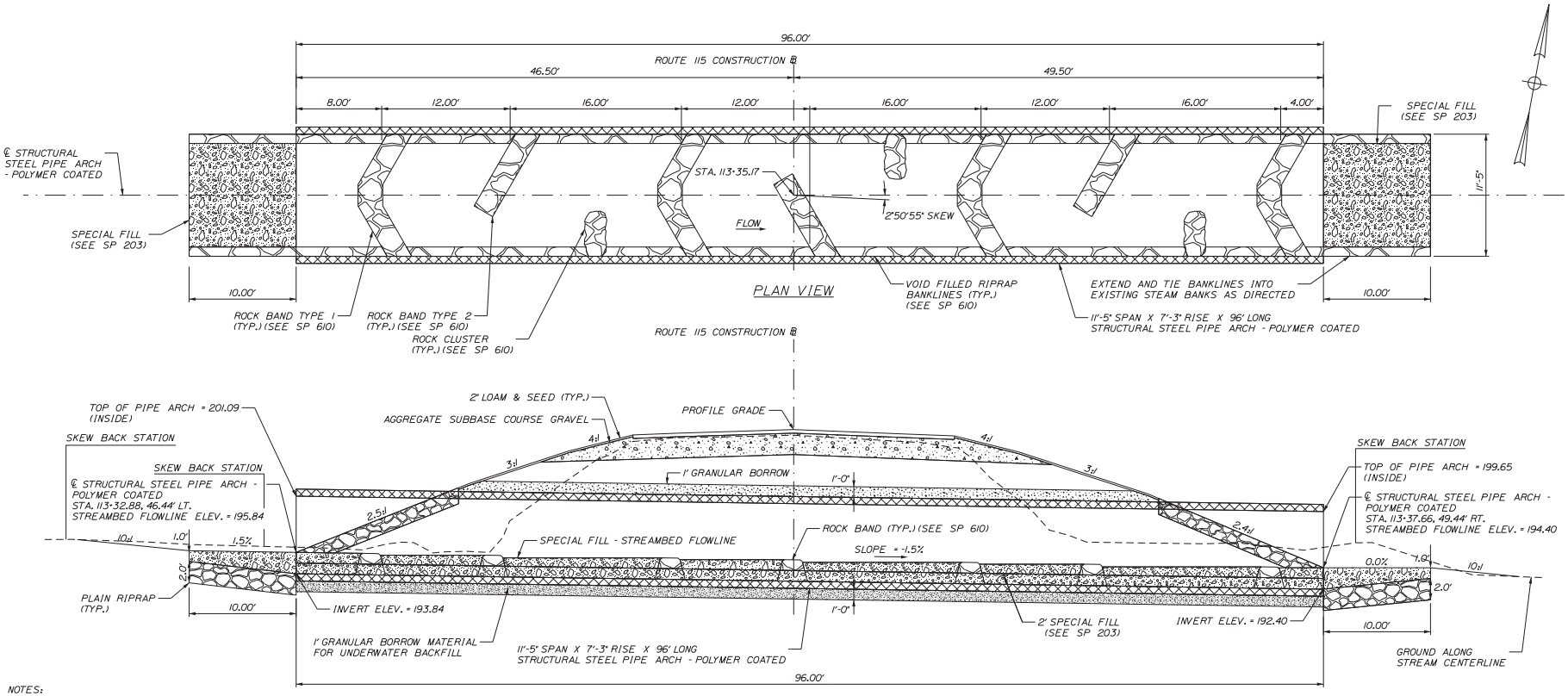
HIGHWAY PLANS

NORTH YARMOUTH
ROUTE 115

ESTIMATED QUANTITIES
& GENERAL NOTES

SHEET NUMBER
3
OF 17

Filename: ...\003_EstQuant&GenNotes.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023
U:\3571-North Yarmouth Route 115 Culvert\2 - CAD\00\Highway\003_EstQuant&GenNotes.dgn




NOTES:

1. THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED SHALL BE BEDDED ON A 1-FOOT LAYER OF COMPACTED GRANULAR BORROW MATERIAL MEETING THE REQUIREMENTS FOR UNDERWATER BACKFILL.
2. COFFERDAMS ARE TO BE PLACED AT BOTH THE DOWNSTREAM AND UPSTREAM ENDS OF THE CULVERT TO ALLOW CONSTRUCTION OF THE CULVERT IN THE DRY.
3. RIPRAP WILL BE USED TO INSLOPE AROUND THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED ENDS AT BOTH THE INLET AND OUTLET. SEE PLAN AND PROFILE FOR LOCATIONS.
4. INLET AND OUTLET GRADING SHALL BE COORDINATED WITH THE MAINEDOT HYDROLOGY SECTION. THE CONTRACTOR SHALL GIVE THE RESIDENT A MINIMUM OF 48 HOURS NOTICE BEFORE INLET OR OUTLET GRADING MAY BEGIN. ROCK EXCAVATION, RIPRAP, AND SPECIAL FILL WILL BE PAID FOR UNDER THE APPROPRIATE ITEMS.
5. THE STEEL THICKNESS OF THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED SHALL BE XXXX"
6. CONSTRUCTION, HANDLING, AND ASSEMBLY OF THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED SHALL BE IN ACCORDANCE WITH STANDARD SPECIFICATION 603 AND THE MANUFACTURERS SPECIFICATIONS AS APPLICABLE.

NOT TO SCALE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00

HIGHWAY PLANS

| | | | | | |
|---|---|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE | | |
| DESIGN-DETAILED | D. LEVASSEUR | T. WARREN | 01/23 | SIGNATURE | |
| DESIGN-DETAILED | D. LEVASSEUR | D. LEVASSEUR | 01/23 | | |
| DESIGN-DETAILED | - | - | - | P.E. NUMBER | |
| REVISIONS 1 | - | - | - | | |
| REVISIONS 2 | - | - | - | | |
| REVISIONS 3 | - | - | - | DATE | |
| REVISIONS 4 | - | - | - | | |
| FIELD CHANGES | - | - | - | | |

NORTH YARMOUTH
ROUTE 115

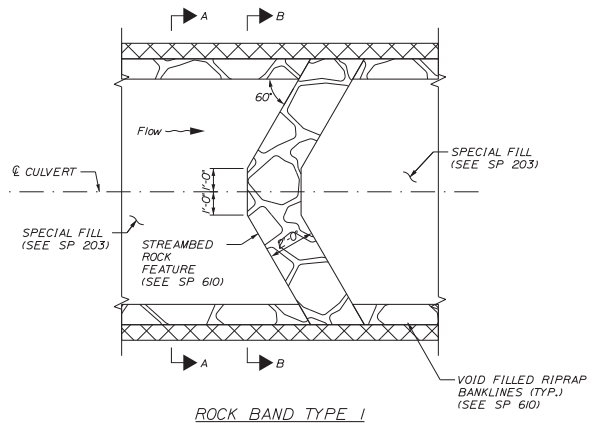
SPECIAL DETAILS

SHEET NUMBER 4 OF 17

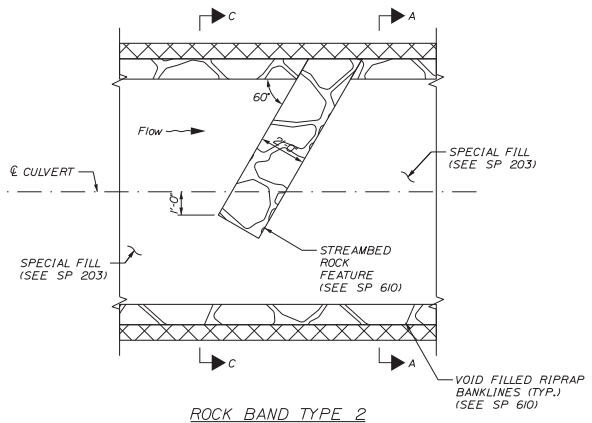
GORRILL PALMER
Relationships. Responsiveness. Results.
www.gorrillpalmer.com
207.772.2515

Filename: ...\Highway\004_CulvertDetail.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

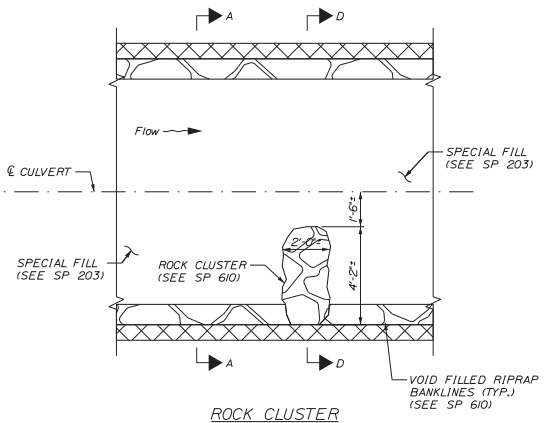
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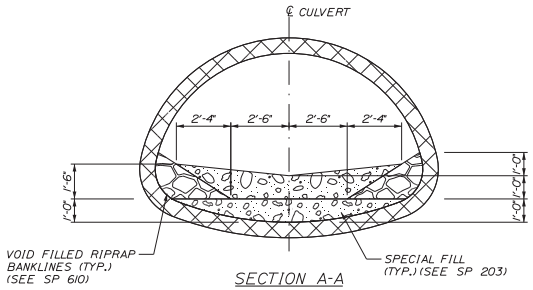

ROCK BAND TYPE 1
DETAIL



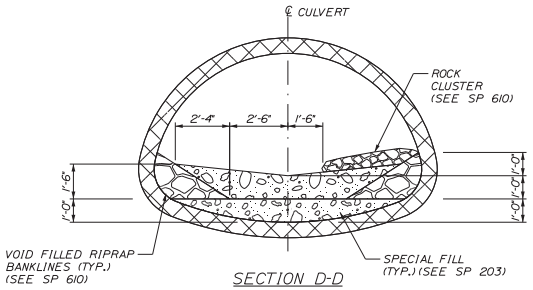

ROCK BAND TYPE 2
DETAIL



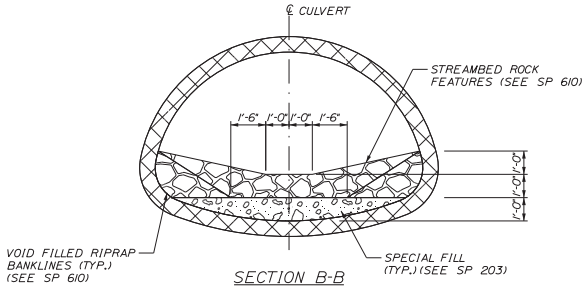

ROCK CLUSTER
DETAIL



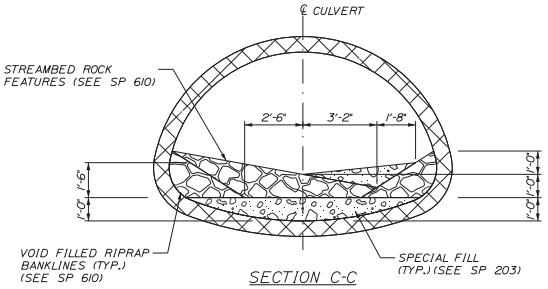

SECTION A-A
TYPICAL STREAM




SECTION D-D
TYPICAL STREAM
WITH ROCK CLUSTER




SECTION B-B
ROCK BAND TYPE 1




SECTION C-C
ROCK BAND TYPE 2

NOT TO SCALE

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207.772.2515

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN DETAILED | T. WARREN | T. WARREN | 07/23 |
| CHECKED/ACCEPTED | D. LITTLEFIELD | | 07/23 |
| DESIGN2 DETAILED2 | - | - | - |
| DESIGN3 DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

DATE

NORTH YARMOUTH
ROUTE 115

SPECIAL DETAILS 2

SHEET NUMBER

5

OF 17

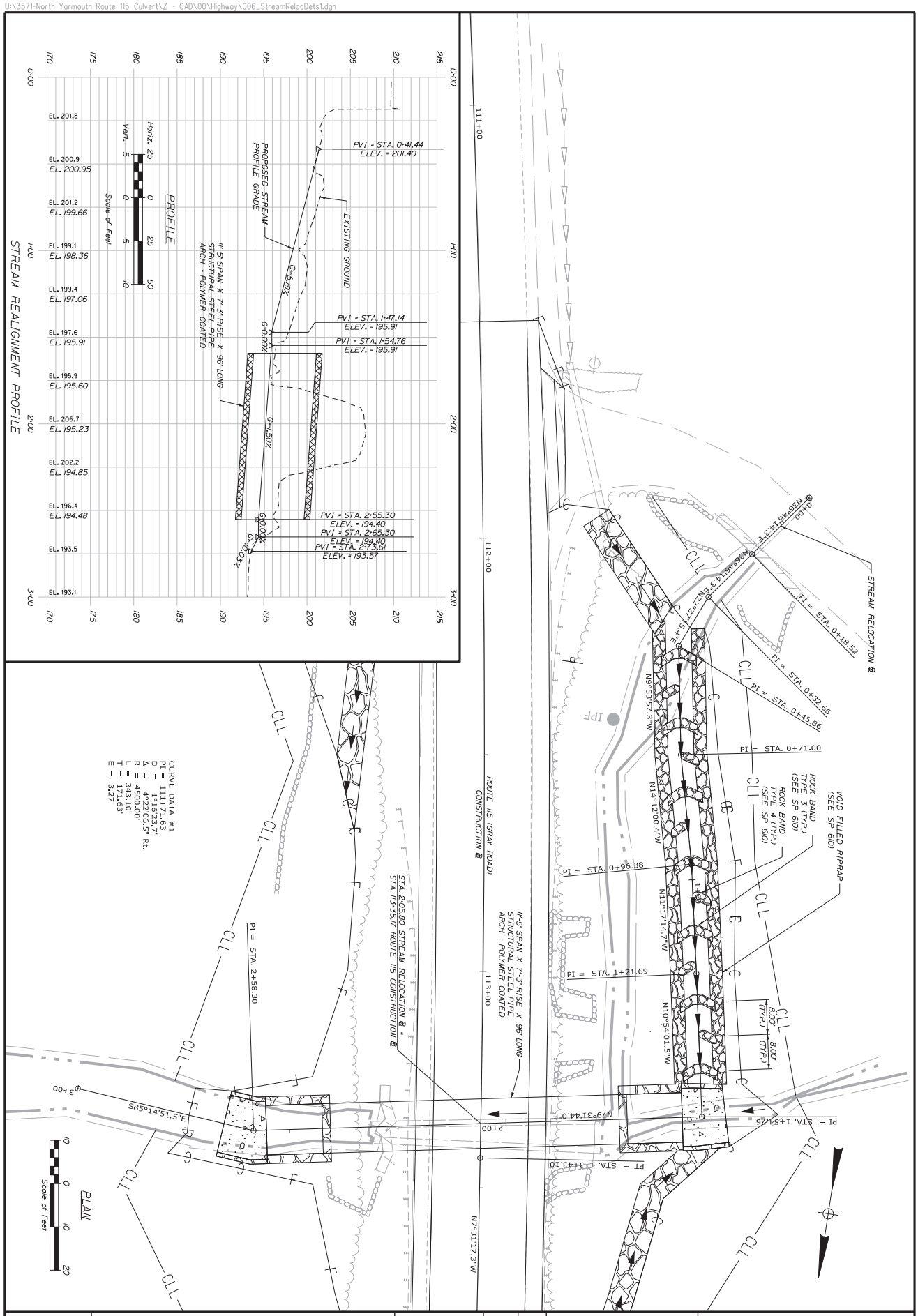
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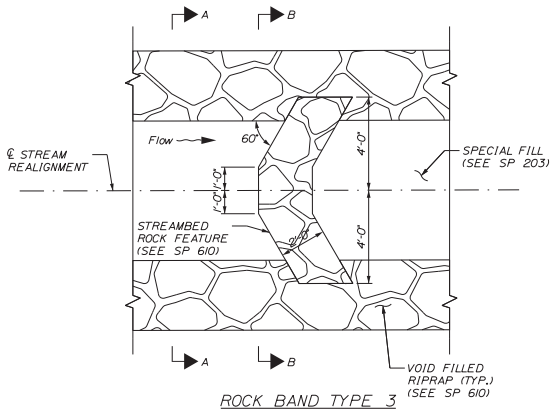
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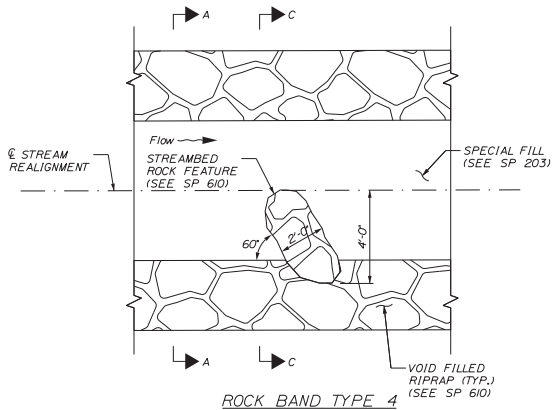


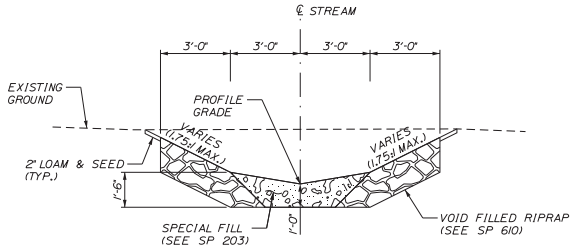

| | | | |
|---|---|---|---|
| SHEET NUMBER 6 OF 17 | NORTH YARMOUTH ROUTE 115 SPECIAL DETAILS - STREAM REALIGNMENT | PROJ. MANAGER: L. HAMILTON; DESIGN-DETAILED: T.LANDRY; CHECKED-REVIEWED: D. ETTINGER; DESIGN2-DETAILED2: -; DESIGN3-DETAILED3: -; REVISIONS 1: -; REVISIONS 2: -; REVISIONS 3: -; REVISIONS 4: -; FIELD CHANGES: - | BY: T. WARREN; DATE: 01\23; 01\23; SIGNATURE; P.E. NUMBER; DATE |
| | | | STATE OF MAINE DEPARTMENT OF TRANSPORTATION; WIN 23693.00 HIGHWAY PLANS |



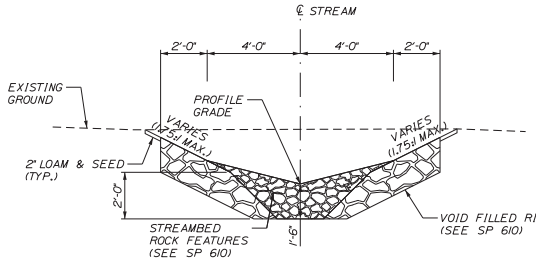

ROCK BAND TYPE 3 DETAIL



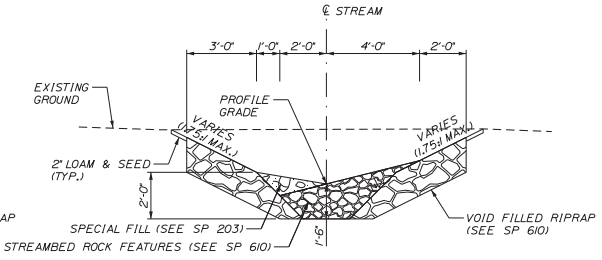

ROCK BAND TYPE 4 DETAIL




SECTION A-A
STREAM REALIGNMENT




SECTION B-B
ROCK BAND TYPE 3




SECTION C-C
ROCK BAND TYPE 4

NOT TO SCALE

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207.772.2515

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN DETAILED | T. HENRY | T. WARREN | 07/23 |
| DRAWN / CHECKED | D. LITTLEFIELD | | 07/23 |
| DESIGN2 DETAILED2 | - | - | - |
| DESIGN3 DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

DATE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00
HIGHWAY PLANS

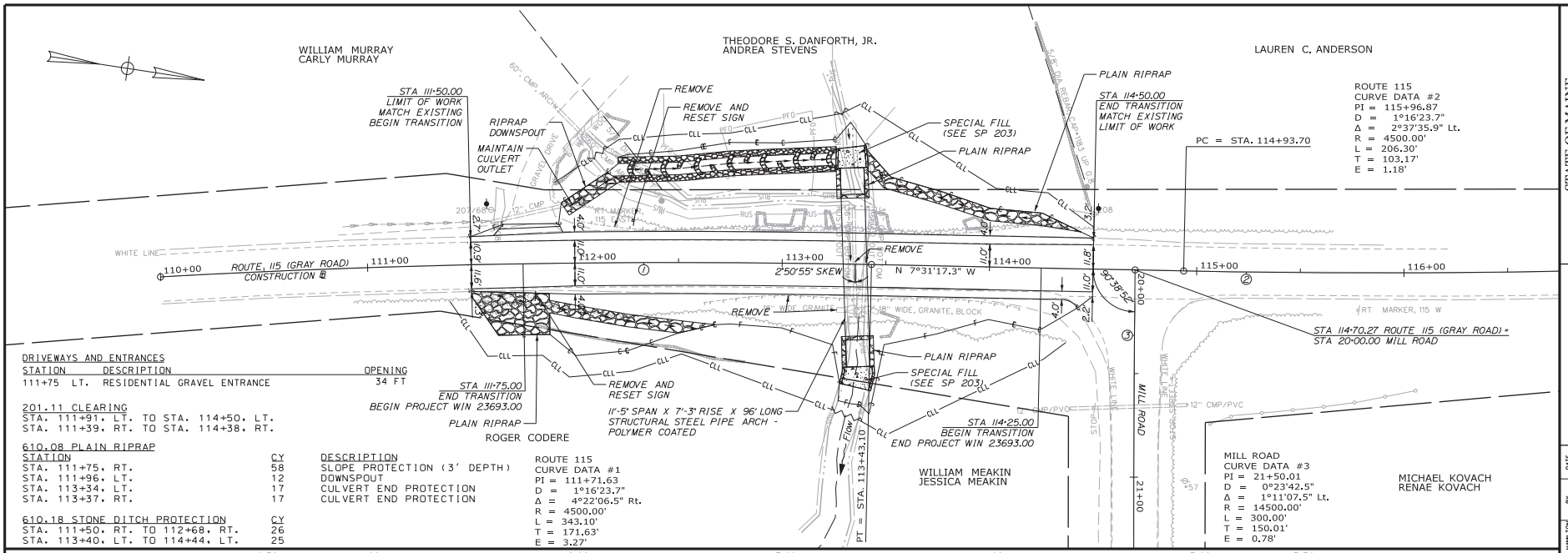
NORTH YARMOUTH
ROUTE 115

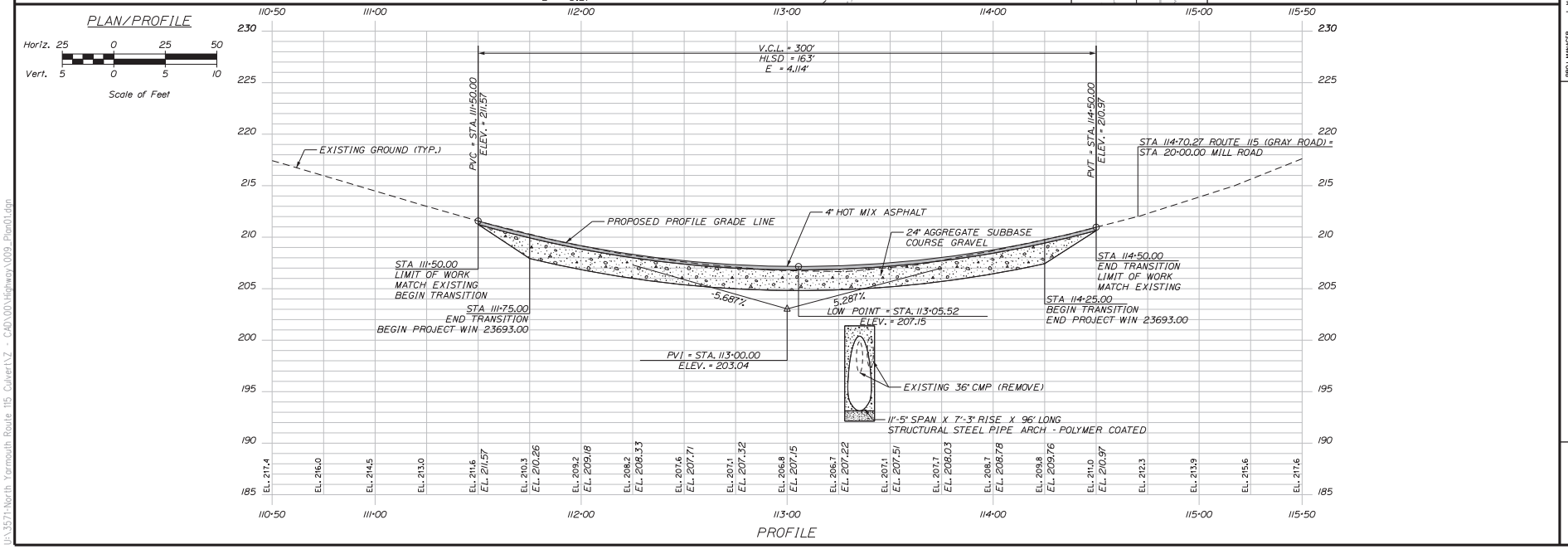
SPECIAL DETAILS -
STREAM REALIGNMENT

SHEET NUMBER
7
OF 17

Filename: ...\007_StreamRelocDets2.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

U:\3571-North Yarmouth Route 115 Culvert\2 - CAD\00\Highway\007_StreamRelocDets2.dgn




STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

HIGHWAY PLANS

| | L.HAMILTON | BY | DATE | SIGNATURE |
|---|---|---|---|---|
| PROJ. MANAGER | | | | |
| DESIGN-DETAILED | T.HENRY | T. WARREN | 07/23 | |
| DESIGN-DETAILED2 | D.LITWICZ | " | " | P.E. NUMBER |
| DESIGN3-DETAILED3 | " | " | " | |
| REVISIONS 1 | " | " | " | |
| REVISIONS 2 | " | " | " | |
| REVISIONS 3 | " | " | " | DATE |
| REVISIONS 4 | " | " | " | |
| FIELD CHANGES | " | " | " | |

NORTH YARMOUTH
ROUTE 115

PLAN/PROFILE

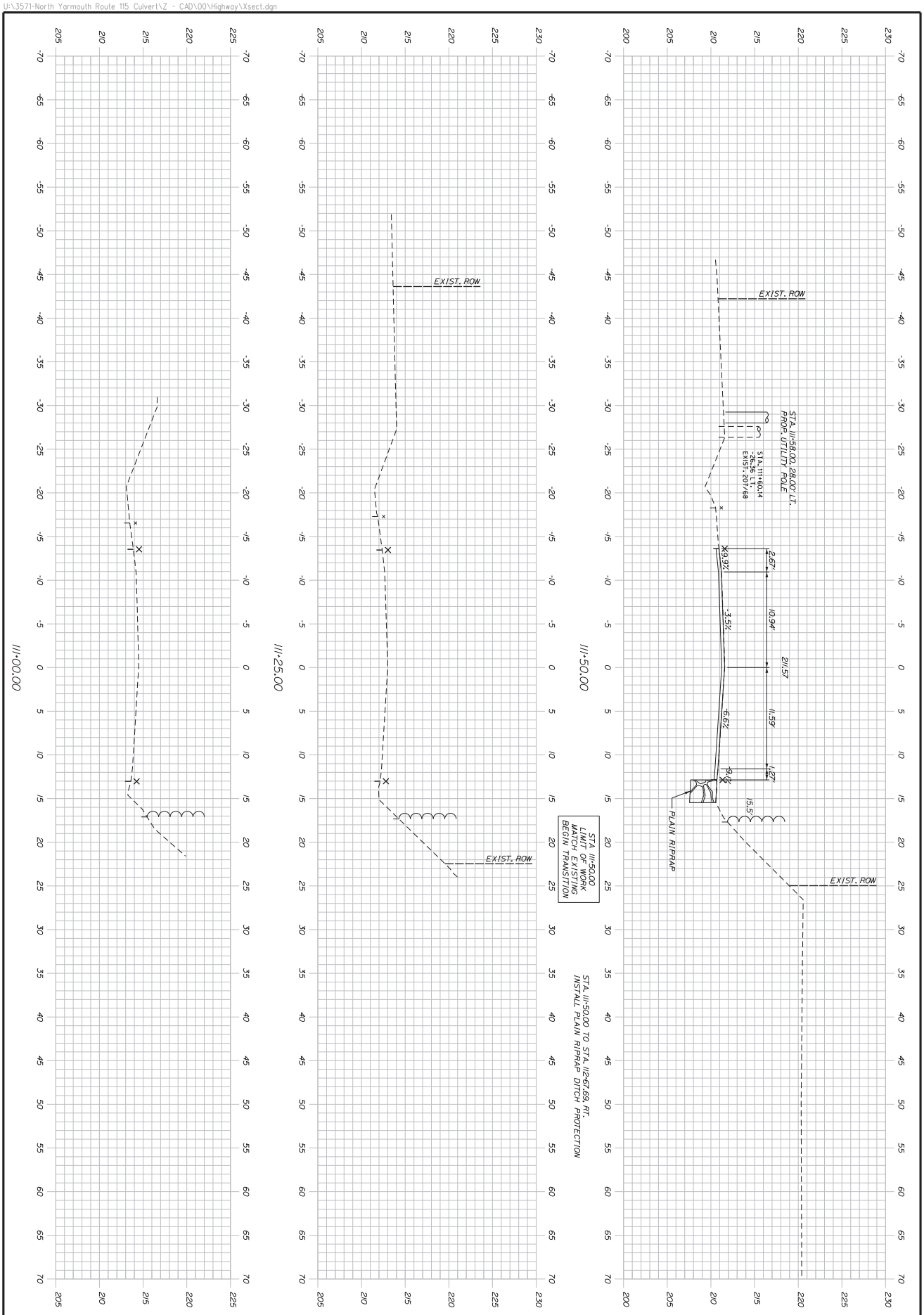
SHEET NUMBER
9
OF 17

Filename: ...\00\Highway\009_Plan01.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

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Filename: ...\Z - CAD\00\Highway\Xsect.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\Xsect.dgn




| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T.LANDRY | T. WARREN | 01\23 |
| CHECKED-REVIEWED | D. ETTINGER | | 01\23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | | - |
| REVISIONS 2 | - | | - |
| REVISIONS 3 | - | | - |
| REVISIONS 4 | - | | - |
| FIELD CHANGES | | | - |

SIGNATURE

P.E. NUMBER

DATE

SHEET NUMBER 10 OF 17

# NORTH YARMOUTH ROUTE 115

## CROSS SECTIONS

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00 HIGHWAY PLANS

Sta. 111+00.00 to Sta. 111+50.00

# CROSS SECTIONS

## NORTH YARMOUTH
## ROUTE 115

SHEET NUMBER 11 OF 17

Sta. 111+75.00 to Sta. 112+25.00

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T.LANDRY | T. WARREN | 01\23 |
| CHECKED-REVIEWED | D. LITTLEFIELD | | 01\23 |
| DESIGN3-DETAILED3 | - | - | - |
| DESIGN2-DETAILED2 | - | | - |
| REVISIONS 1 | - | | - |
| REVISIONS 2 | - | | - |
| REVISIONS 3 | - | | - |
| REVISIONS 4 | - | | - |
| FIELD CHANGES | - | | - |

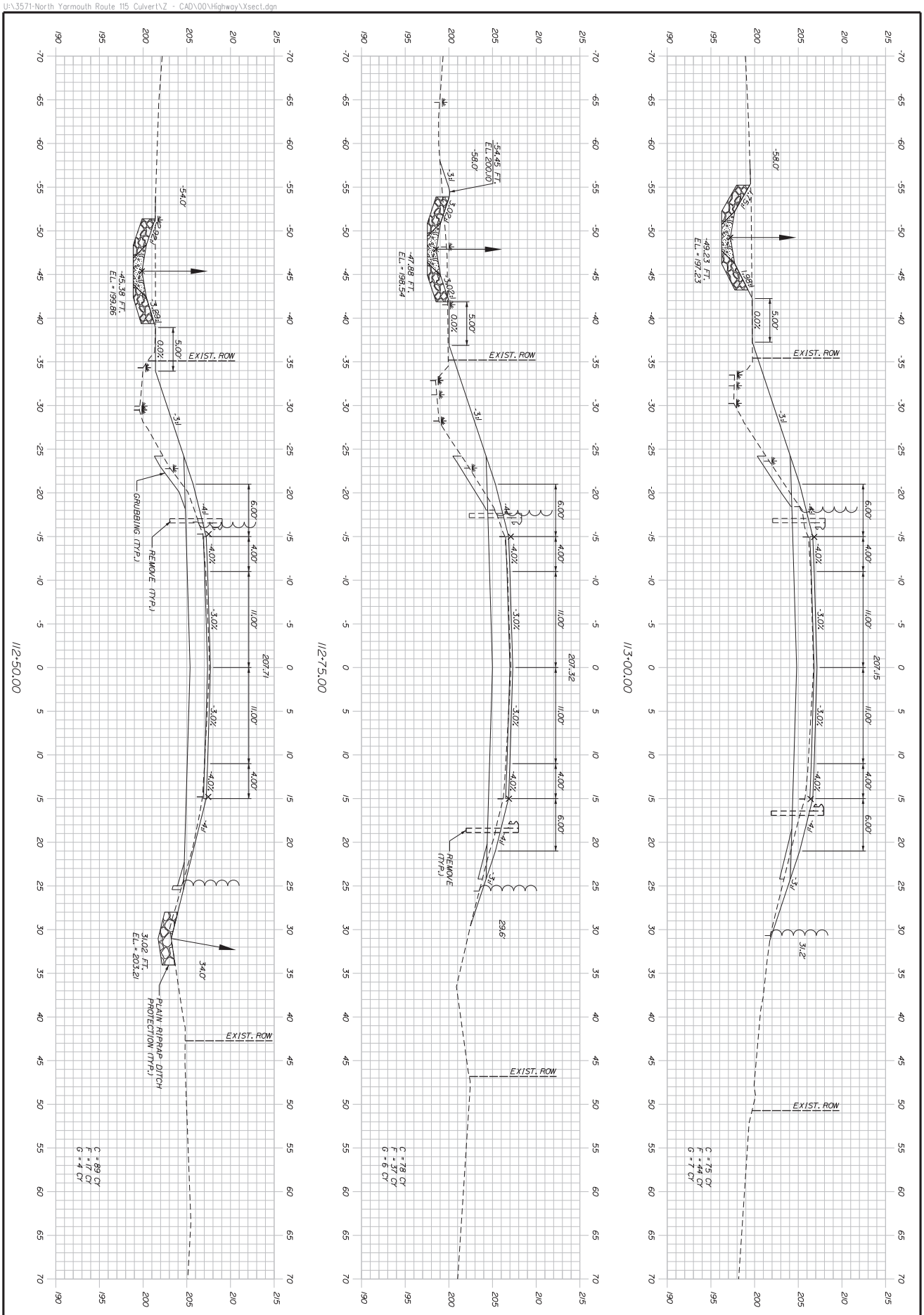
SIGNATURE — DATE

P.E. NUMBER

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00

HIGHWAY PLANS




Sta. 112+50.00 to Sta. 113+00.00

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T.LANDRY | T. WARREN | 01\23 |
| CHECKED-REVIEWED | D. ETTINGER | | 01\23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | | - |
| REVISIONS 2 | - | | - |
| REVISIONS 3 | - | | - |
| REVISIONS 4 | - | | - |
| FIELD CHANGES | | | - |

SIGNATURE

P.E. NUMBER

DATE

SHEET NUMBER 12 OF 17

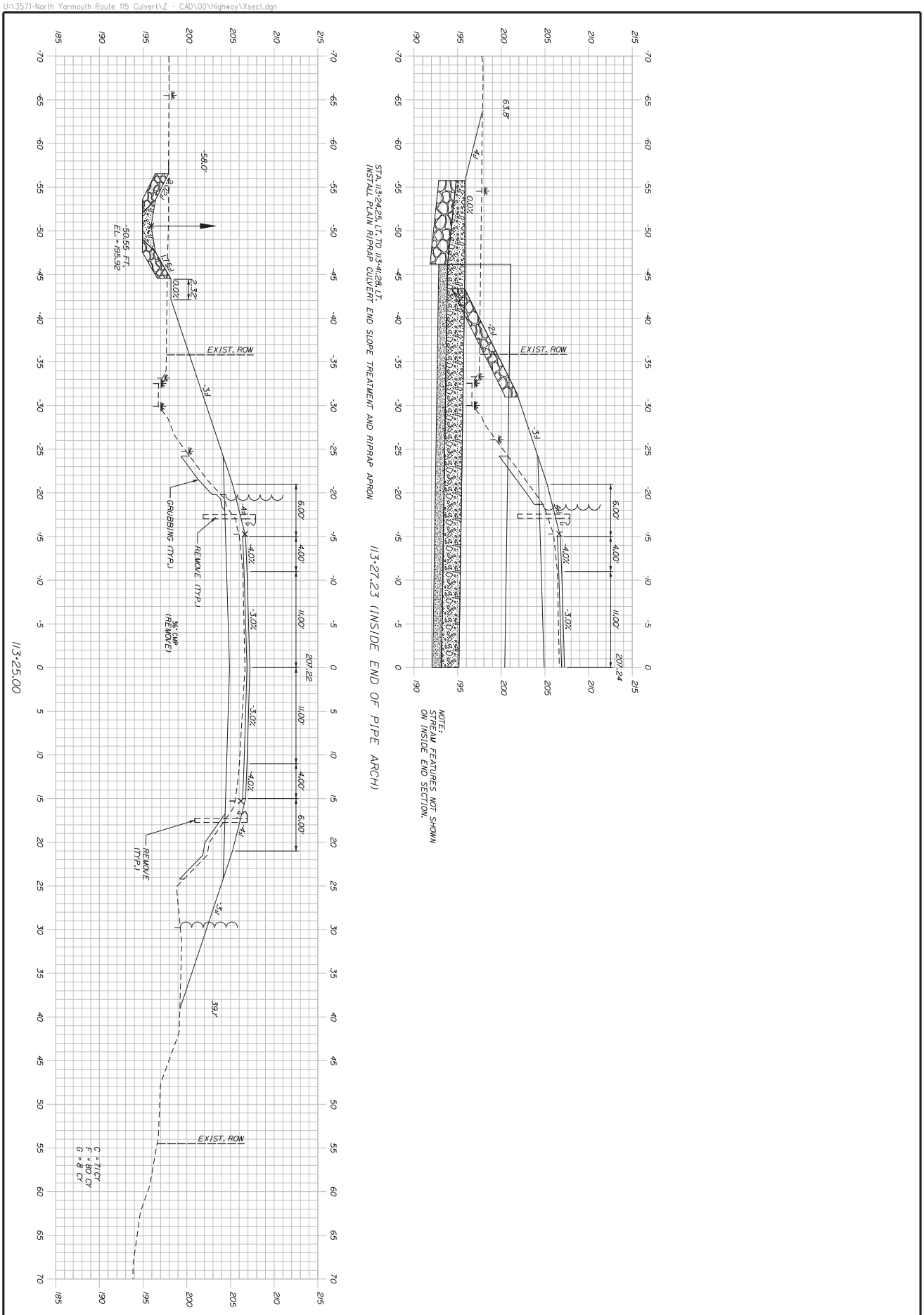
# NORTH YARMOUTH ROUTE 115

## CROSS SECTIONS

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00

HIGHWAY PLANS

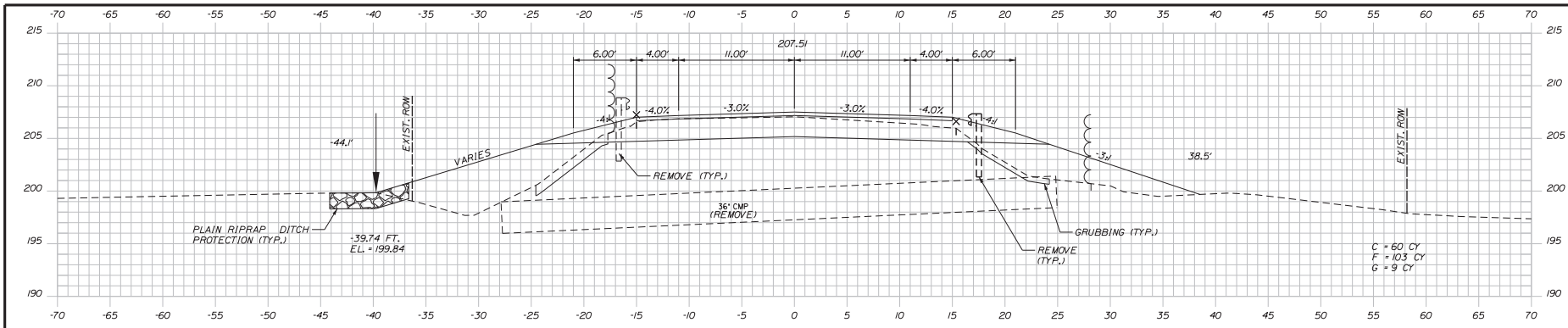



Sta. 113+25.00 to Sta. 113+27.23

| | | | |
|---|---|---|---|
| SHEET NUMBER 13 OF 17 | NORTH YARMOUTH ROUTE 115<br>CROSS SECTIONS | PROJ. MANAGER: L. HAMILTON; DESIGN-DETAILED: T.LANDRY; BY: T. WARREN; DATE: 01\23<br>CHECKED-REVIEWED: D. ETTINGER; DATE: 01\23<br>DESIGN2-DETAILED2; DESIGN3-DETAILED3; REVISIONS 1–4; FIELD CHANGES | SIGNATURE<br>P.E. NUMBER<br>DATE |

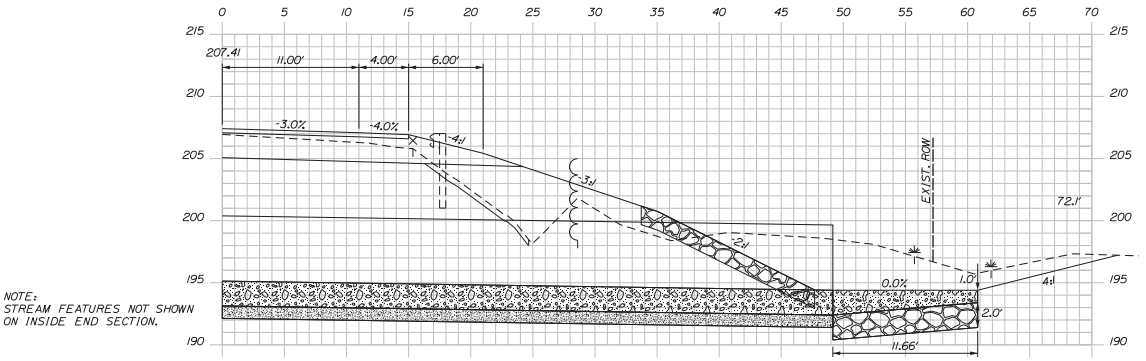
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00 HIGHWAY PLANS



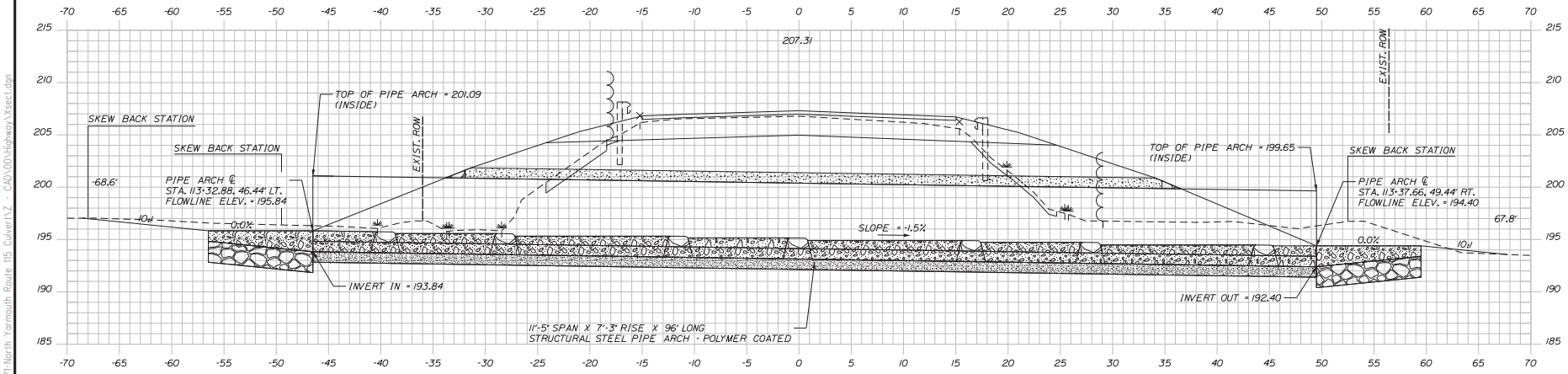

STA. 113+40.34 TO STA. 114+43.94 LT.
INSTALL PLAIN RIPRAP DITCH PROTECTION

113+50.00




NOTE:
STREAM FEATURES NOT SHOWN ON INSIDE END SECTION.

113+43.43 (INSIDE END OF PIPE ARCH)




STA. 113+32.88, 46.44' LT. TO 113+37.66, 49.44' RT.
INSTALL 11'-5" SPAN X 7'-3" RISE X 96' LONG STRUCTURAL STEEL PIPE ARCH - POLYMER COATED

113+35.17 (2° 50' 55" SKEW)

STA. 113+29.11, RT. TO 113+45.63, RT.
INSTALL PLAIN RIPRAP CULVERT END SLOPE TREATMENT AND RIPRAP APRON

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T. HENRY | T. WARREN | 01/23 |
| QUANTITIES-PREPD | Q. LITTLEFIELD | | 01/23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

DATE

NORTH YARMOUTH
ROUTE 115

CROSS SECTIONS

SHEET NUMBER
14
OF 17

Filename: ...\Z - CAD\00\Highway\Xsect.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

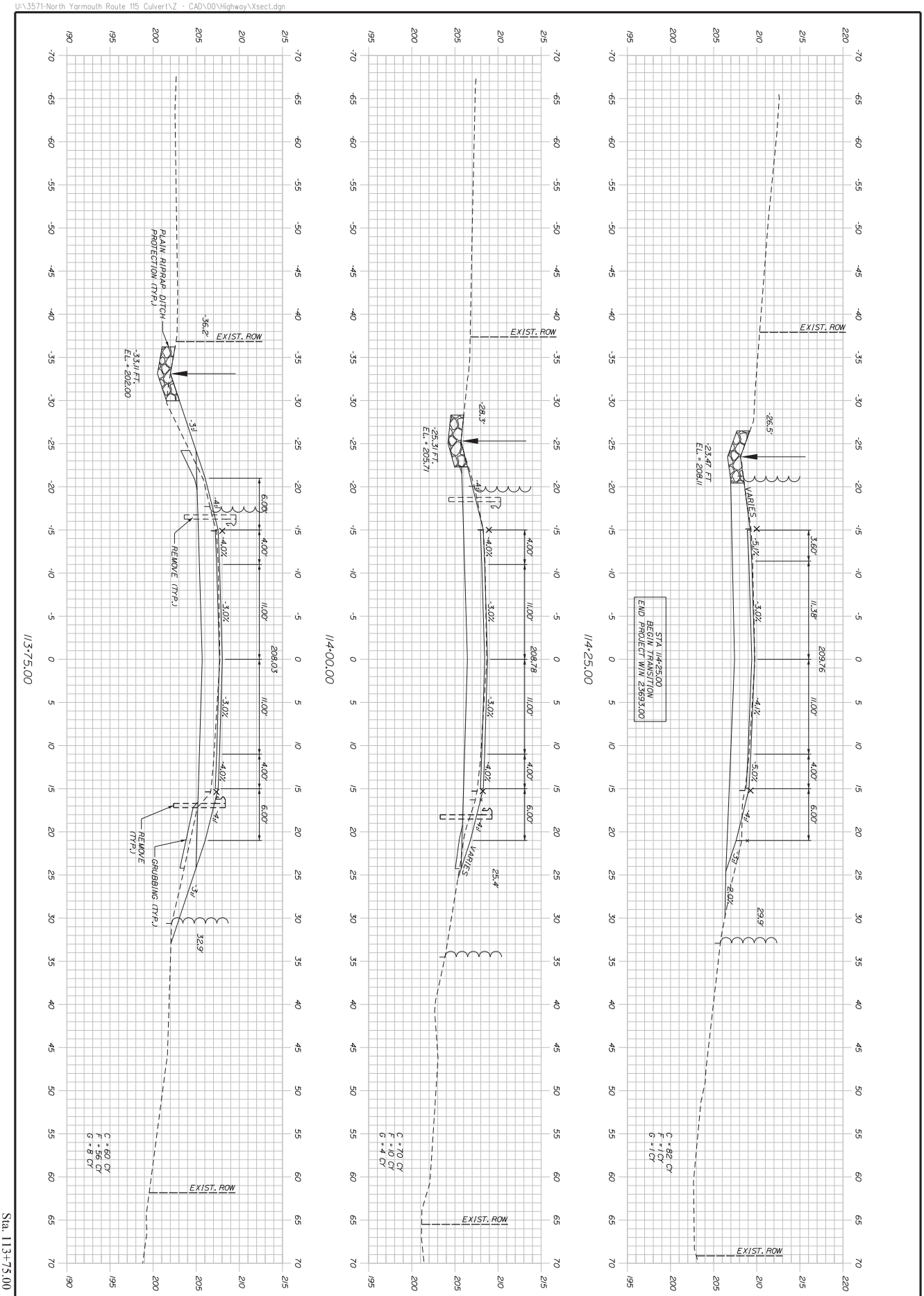
U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\Xsect.dgn



Sta. 113+35.17 to Sta. 113+50.00

Filename: ...\Z - CAD\00\Highway\Xsect.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\Xsect.dgn




| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T.LANDRY | T. WARREN | 01\23 |
| CHECKED-REVIEWED | D. ETTINGER | | 01\23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | | - |
| REVISIONS 2 | - | | - |
| REVISIONS 3 | - | | - |
| REVISIONS 4 | - | | - |
| FIELD CHANGES | | | - |

SIGNATURE

P.E. NUMBER

DATE

SHEET NUMBER 15 OF 17

# NORTH YARMOUTH ROUTE 115

## CROSS SECTIONS

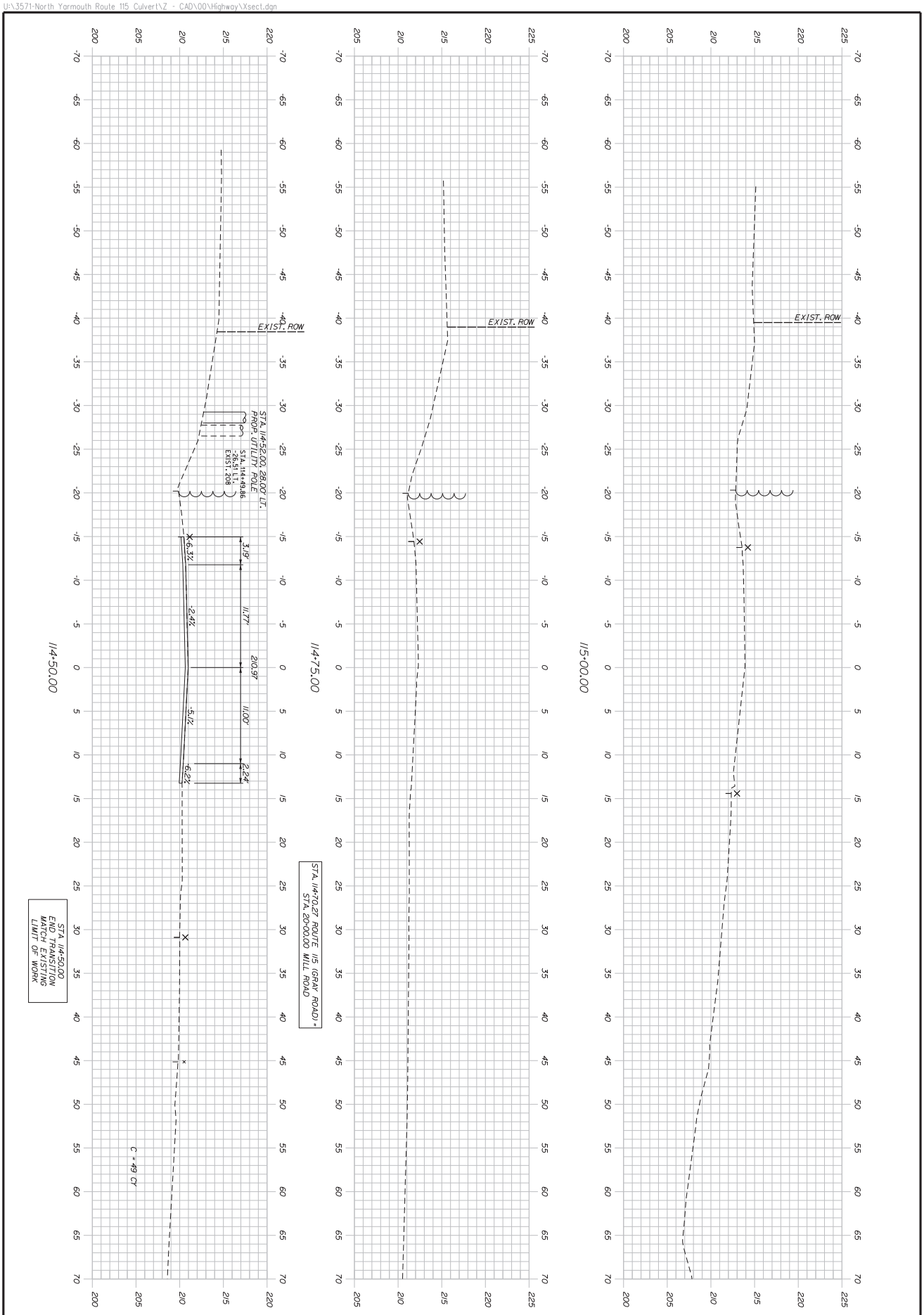
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00 HIGHWAY PLANS

Sta. 113+75.00 to Sta. 114+25.00

Filename: ...\Z - CAD\00\Highway\Xsect.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\Xsect.dgn




| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T.LANDRY | T. WARREN | 01\23 |
| CHECKED-REVIEWED | D. ETTINGER | | 01\23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | | - |
| REVISIONS 2 | - | | - |
| REVISIONS 3 | - | | - |
| REVISIONS 4 | - | | - |
| FIELD CHANGES | | | - |

SHEET NUMBER 16 OF 17

# NORTH YARMOUTH ROUTE 115

## CROSS SECTIONS

SIGNATURE

P.E. NUMBER

DATE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN 23693.00 HIGHWAY PLANS

Sta. 114+50.00 to Sta. 115+00.00

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

# PERMIT BY RULE NOTIFICATION FORM

(For use with DEP Regulation, Natural Resources Protection Act - Permit by Rule Standards, Chapter 305)

| APPLICANT INFORMATION (Owner) | | AGENT INFORMATION (If Applying on Behalf of Owner) | |
|---|---|---|---|
| Name: | Maine Department of Transportation | Name: | Kristen Chamberlain |
| Mailing Address: | 16 State House Station | Mailing Address: | 16 State House Station |
| Mailing Address: | | Mailing Address: | |
| Town/State/Zip: | Augusta, ME 04333 | Town/State/Zip: | Augusta, ME 04333 |
| Daytime Phone #: | Ext: | Daytime Phone #: | (207) 557-5089 Ext: |
| Email Address: | | Email Address: | kristen.chamberlain@maine.gov |

**PROJECT INFORMATION**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Part of a larger project? (check 1): | ☐ Yes ☒ No | After the Fact? (check 1): | ☐ Yes ☒ No | Project involves work below mean low water? (check 1): | ☐ Yes ☒ No | Name of waterbody: | unnamed trib to Royal River |
| Project Town: | North Yarmouth | | Town Email Address: | Bscipione@northyarmouth.org | | Map and Lot Number: | |
| Brief Project Description: | Relocate a portion of an unnamed tributary to the Royal River currently flowing through a highway ditch further away from the roadway. Will be completed with culvert replacement exempt under 480-Q2d. | | | | | | |
| Project Location & Brief Directions to Site: | Route 115 in North Yarmouth, approximately 0.05 miles south of Mill Road. | | | | | | |

**PERMIT BY RULE (PBR) SECTIONS (Check at least one):** I am filing notice of my intent to carry out work that meets the requirements for Permit-by-Rule (PBR) under DEP Rules, Chapter 305. I and my agent(s), if any, have read and will comply with all of the standards in the Sections checked below.

- ☐ **Sec. (2) Act. Adj. to Prot. Natural Res.**
- ☐ **Sec. (3) Intake Pipes**
- ☐ **Sec. (4) Replacement of Structures**
- ☐ **Sec. (6) Movement of Rocks or Veg.**
- ☐ **Sec. (7) Outfall Pipes**
- ☐ **Sec. (8) Shoreline Stabilization**
- ☐ **Sec. (9) Utility Crossing**
- ☐ **Sec. (10) Stream Crossing**
- ☒ **Sec. (11) State Transportation Facilities**
- ☐ **Sec. (12) Restoration of Natural Areas**
- ☐ **Sec. (13) F&W Creat./Water Qual. Improv.**
- ☐ **Sec. (15) Public Boat Ramps**
- ☐ **Sec. (16) Coastal Sand Dune Projects**
- ☐ **Sec. (16-A) Beach Nourishment**
- ☐ **Sec. (17) Transfer/Permit Extension**
- ☐ **Sec. (18) Maintenance Dredging**
- ☐ **Sec. (19) Act. Near SVP Habitat**
- ☐ **Sec. (20) Act. Near Waterfowl/Bird Habitat**

**NOTE: Municipal permits also *may* be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.**

**NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE**

- ☒ ***Attach*** **all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.**
- ☒ ***Attach*** **a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).**
- ☐ ***Attach*** ***Proof of Legal Name*** **if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's *registration information* (available at http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x). Individuals and municipalities are not required to provide any proof of identity.**

**FEE:** Pay by credit card at the Payment Portal. The Permit-by-Rule fee may be found here https://www.maine.gov/dep/feeschedule.pdf and is currently $288. State agency-internal billing please.

- ☐ ***Attach*** **payment confirmation from the Payment Portal when filing this notification form.**

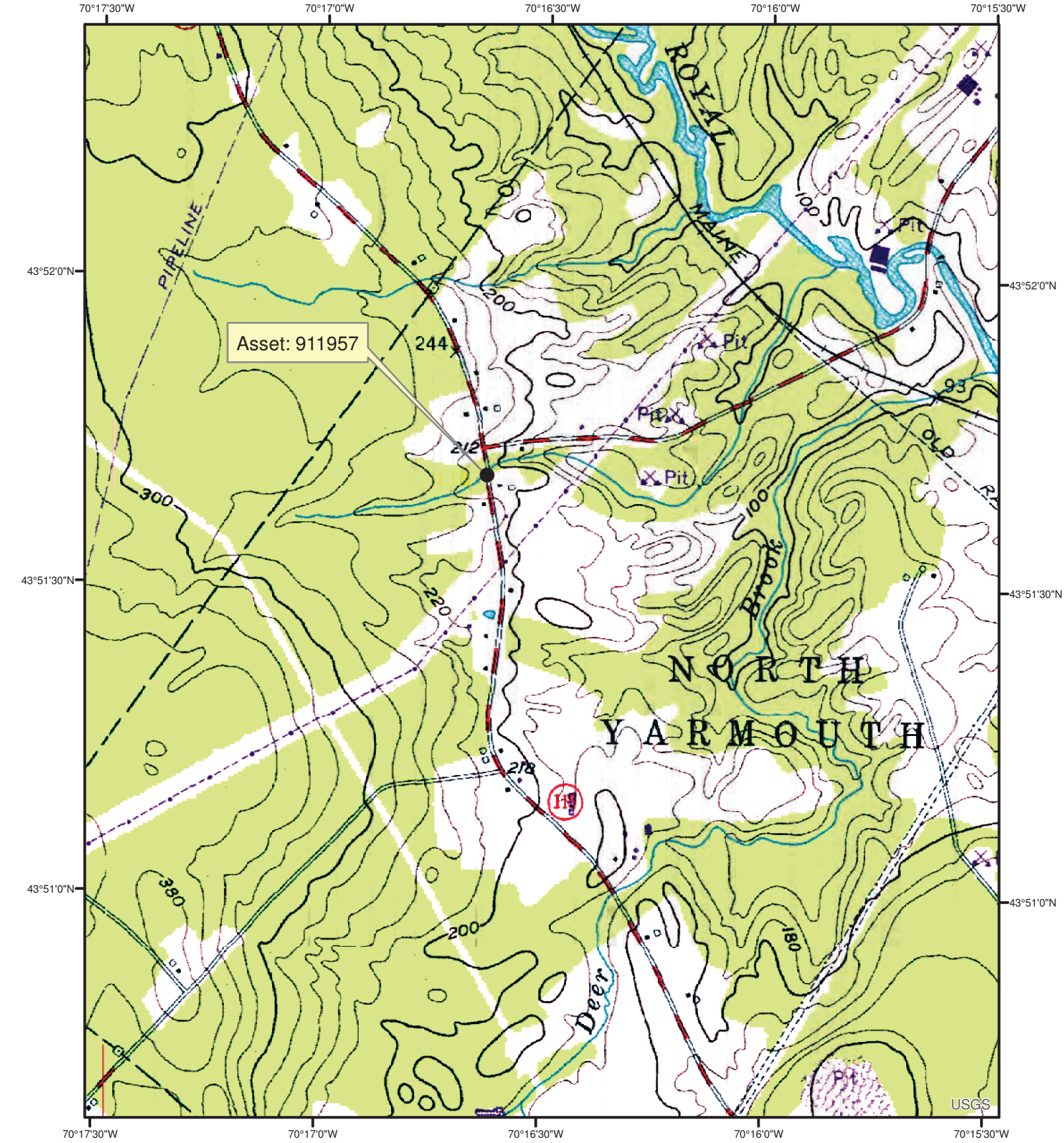
**Signature & Certification:**

- I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules.
- I understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, *unless the Department approves or denies the PBR prior to that date.*

**By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.**

| Signature of Agent or Applicant (may be typed): | Kristen Chamberlain | Date: | 4/5/23 |
|---|---|---|---|

***Keep a copy as a record of permit.*** Email this completed form with attachments to DEP at: DEP.PBRNotification@maine.gov. DEP will send a copy to the Town Office as evidence of DEP's receipt of notification. No further authorization will be issued by DEP after receipt of notice. A PBR is valid for two years, except Section 4, "Replacement of Structures," are valid for three years. **Work carried out in violation of the Natural Resources Protection Act or any provision in Chapter 305 is subject to enforcement.**




Route 115
WIN:23693.00
North Yarmouth, ME (Cumberland County)
Cumberland Center, ME USGS 24k Topo Map
Lat: 43.861385, Long: -70.277217

N
W E
S

0 0.075 0.15 0.3 Miles

## Chamberlain, Kristen

**From:** Perry, John
**Sent:** Tuesday, March 28, 2023 1:25 PM
**To:** Chamberlain, Kristen
**Subject:** RE: RE_ WIN 23693.00 MDIFW Review Request_ North Yarmouth Large Culvert.pdf

Hi Kristen,

We're good with opening the window up on June 1 at this site, so June 1 through September 30

Thanks,

John

**John Perry**
**Environmental Review Coordinator**
Maine Department of Inland Fisheries and Wildlife
353 Water Street, 41 SHS
Augusta, Maine 04333-0041
Cell (207) 446-5145
www.mefishwildlife.com

*Correspondence to and from this office is considered a public record and may be subject to a request under the Maine Freedom of Access Act. Information that you wish to keep confidential should not be included in email correspondence.*

---

**From:** Chamberlain, Kristen <Kristen.Chamberlain@maine.gov>
**Sent:** Monday, March 20, 2023 9:00 AM
**To:** Perry, John <John.Perry@maine.gov>
**Subject:** FW: RE_ WIN 23693.00 MDIFW Review Request_ North Yarmouth Large Culvert.pdf

Oops. I meant to attach the Corps application.

---

**From:** Chamberlain, Kristen
**Sent:** Monday, March 20, 2023 8:58 AM
**To:** Perry, John <John.Perry@maine.gov>
**Subject:** RE_ WIN 23693.00 MDIFW Review Request_ North Yarmouth Large Culvert.pdf

Hi John-
The attached comments are the latest I can find in the file for the large culvert project on Gray Rd/Route 115 in North Yarmouth. We will be filing a PBR for the stream adjustment that ties in just

downstream of the driveway culvert. The culvert crossing itself meets the DEP exemption. I don't see any discussion in the files about work window. We'd like open?

Thanks,
Kristen

| | |
|---|---|
| **From:** | Arbo, Audie |
| **To:** | Perry, John |
| **Cc:** | Latt, Leslie A; Ham, Eric; Kalejs, Nicholas; Hebson, Charles |
| **Subject:** | RE: WIN 23693.00 MDIFW Review Request_ North Yarmouth Large Culvert |
| **Date:** | Monday, June 01, 2020 9:41:07 AM |
| **Attachments:** | image001.png |

Thank you for your response.

Audie Arbo
Regional Highway/Maintenance Team Leader
MaineDOT Environmental Office
16 State House Station
Augusta, Maine 04333
Phone: (207) 590-4632

**From:** Perry, John <John.Perry@maine.gov>
**Sent:** Monday, June 01, 2020 9:38 AM
**To:** Arbo, Audie <Audie.Arbo@maine.gov>
**Cc:** Latt, Leslie A <Leslie.A.Latt@maine.gov>; Ham, Eric <Eric.Ham@maine.gov>; Kalejs, Nicholas <Nicholas.Kalejs@maine.gov>; Hebson, Charles <Charles.Hebson@maine.gov>
**Subject:** RE: WIN 23693.00 MDIFW Review Request_ North Yarmouth Large Culvert

Hi Audie,

Based on the existing site conditions at this location, per our discussions we recommend #1: 1.0 x BFW culvert (11'5" Span x 7'3" Rise CMPA (Corrugated Metal Pipe Arch) with streambed.

Also, during the course of the meeting it was mentioned that providing fish passage under the highway would "self-mitigate" for the imapcts resulting from the stream realignment. While this is a question for the regulatory agencies, IFW doesn't believe this would be the case as providing fish passage is a requirement of the culvert replacement scope, regardless of whether the stream needed realignment or not. If mitigation/compensation is ultimately required for the stream realignment, our preferred mitigation is to explore restoring passage at the driveway culvert upstream, if possible.

Thanks, and let us know if you need additional information.

John

**John Perry**
**Environmental Review Coordinator**
Maine Department of Inland Fisheries and Wildlife
284 State Street, 41 SHS
Augusta, Maine 04333-0041
Tel (207) 287-5254; Cell (207) 446-5145

Fax (207) 287-6395
www.mefishwildlife.com

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---

**From:** Arbo, Audie <Audie.Arbo@maine.gov>
**Sent:** Thursday, May 07, 2020 1:52 PM
**To:** Perry, John <John.Perry@maine.gov>
**Cc:** Latt, Leslie A <Leslie.A.Latt@maine.gov>; Ham, Eric <Eric.Ham@maine.gov>
**Subject:** WIN 23693.00 MDIFW Review Request_ North Yarmouth Large Culvert

John,
As per our TEAMS conversation in April, attached is a review request for what the ENV office has determined be the best course of action in this difficult spot.

Hope this finds you well.
Audie Arbo
Regional Highway/Maintenance Team Leader
MaineDOT Environmental Office
16 State House Station
Augusta, Maine 04333
Phone: (207) 590-4632

## Tetreau, Danielle

**From:** Kalejs, Nicholas
**Sent:** Wednesday, July 31, 2019 3:37 PM
**To:** Sweitzer, Justin L
**Cc:** Perry, John; Arbo, Audie; Pellerin, James
**Subject:** RE: Additional Region A  Upcoming Culvert Replacement Projects
**Attachments:** Maine DOT Culvert Replacement Projects_Summer2019.docx

Justin-

Please see the attached for our comments regarding the culvert replacement projects. Thanks

Nick

---

**From:** Sweitzer, Justin L
**Sent:** Friday, July 26, 2019 9:07 AM
**To:** Pellerin, James <James.Pellerin@maine.gov>; Kalejs, Nicholas <Nicholas.Kalejs@maine.gov>
**Cc:** Perry, John <John.Perry@maine.gov>; Arbo, Audie <Audie.Arbo@maine.gov>
**Subject:** FW: Additional Region A Upcoming Culvert Replacement Projects

Hi All – I just wanted to come back around on these sites and the Casco site I sent in a separate email.  We are having our kickoff meeting for these project next week, and it would be great if we could give the region your feedback at that meeting. Any information you can provide for any of these sites would be greatly appreciated!

Regards,
Justin

**Justin Sweitzer, PWS, AWB ®**
*Biologist*
Maine DOT – Environmental Office
16 State House Station
Augusta, ME 04333
Cell: 207-441-0651

---

**From:** Sweitzer, Justin L
**Sent:** Wednesday, July 10, 2019 11:03 AM
**To:** Pellerin, James <James.Pellerin@maine.gov>; Kalejs, Nicholas <Nicholas.Kalejs@maine.gov>
**Cc:** Perry, John <John.Perry@maine.gov>; Arbo, Audie <Audie.Arbo@maine.gov>
**Subject:** Additional Region A Upcoming Culvert Replacement Projects

Hi James – We have 5 additional large culverts in your region that hit the work plan this year. Chances are none of these will be replaced before 2021, but I figured I'd get the ball rolling on them. As with Casco, any fisheries information you can provide, or suggestions for structure types/sizing would be appreciated. Coordinates are included for each.  Let me know if you would like site location maps or a kmz file.

**Waterboro_24281.00**

- 43.560713, -70.703784
- Hamilton Branch, Tributary to Shaker Brook

- This is a perennial stream with sand and fine substrate, with lesser amounts of gravel, cobble, and boulder. The calculated BFW is 13.29 feet. A single BFW measurement of 12.5' was measured in the field. Additional field measurements were not collected due to the presence of multiple channels, overbank flow, and deep water. The stream was historically altered (straightened, ditch, etc.). The existing structure is an 8' span x 4.5' rise open bottom arch (metal/concrete). Wetlands are extensive upstream and downstream of the crossing.
- Suggest replacing with 1.2 BFW structure with streambed material
- Mapped small whorled pogonia but no habitat present (No Effect)
- Within Emerald Ash Borer Quarantine Area
- Within Hemlock Woolly Adelgid Quarantine Area

**Dayton_23551.00**

- 43.543665, -70.547547
- Unnamed Tributary to Saco River
- This is a perennial stream with fine substrate and lesser amounts of sand, cobble, boulder. The average measured BFW is 9.0'. The existing structure is a 5.0' diameter CMP inlet and 4.6' span x 6.0' rise dry stacked stone box culvert outlet. The large scour pool (17'W x 30'L) at the outlet suggests the current structure is significantly undersized. The surrounding landscape is heavily altered and consists primarily of agricultural fields with numerous wet ditch lines. The stream is an alluvial stream with highly mobile substrates. The channel upstream and downstream of the crossing is significantly incised. The outlet drop is likely partially due to headcutting of the channel up to the structure. There were no fish present at the time of the survey. The stream likely provides limited habitat for cool to warm water species.
- Suggest replacing with 1.0 BFW structure, lengthened to removed skew at inlet end if possible.
- Mapped as essential fish habitat for ATS, but no habitat present (No effect)
- Mapped small whorled pogonia but no habitat present (No effect)
- Within Emerald Ash Borer Quarantine Area
- Within Hemlock Woolly Adelgid Quarantine Area

**Berwick_23529.00**

- 43.285643, -70.829605
- Worster Brook, Tributary to Salmon Falls River
- This is a perennial stream with cobble/boulder substrate, and lesser amounts of sand and gravel. The average measured BFW is 11.5'. The existing structure is a 7.5' span x 6.0' rise steel pipe arch (inlet and outlet) and concrete box culvert (center). Mathews Mill Pond and its associated dam are present approximately 550' upstream of the crossing. The dam at the outlet of the mill pond is impassable to most if not all fish. The section of stream in the vicinity of the crossing has been straightened in the past, and the culvert is currently aligned with the stream. A small stream enters the right bank of Worster brook immediately upstream of the crossing, and may need to be realigned if the inlet is lengthened. Wetlands were also mapped upstream and downstream of the crossing. Fish were not observed at the time of the stream survey, but cool water species are likely present.
- A road killed wood turtle, a state species of special concern, was observed near the outlet. The new structure should be designed to allow for terrestrial wildlife passage. Fencing may be an option at this site.
- Suggest replacing with a 1.2 BFW structure to provide terrestrial wildlife passage. Fisheries are less of a concern here due to the presence of Mathews Mill Pond upstream. A 1.0 BFW structure and secondary terrestrial wildlife structures may be an alternative, though likely wouldn't represent a cost savings.
- Within Emerald Ash Borer Quarantine Area
- Within Hemlock Woolly Adelgid Quarantine Area

**Westbrook_24275.00**

- 43.739526, -70.350064

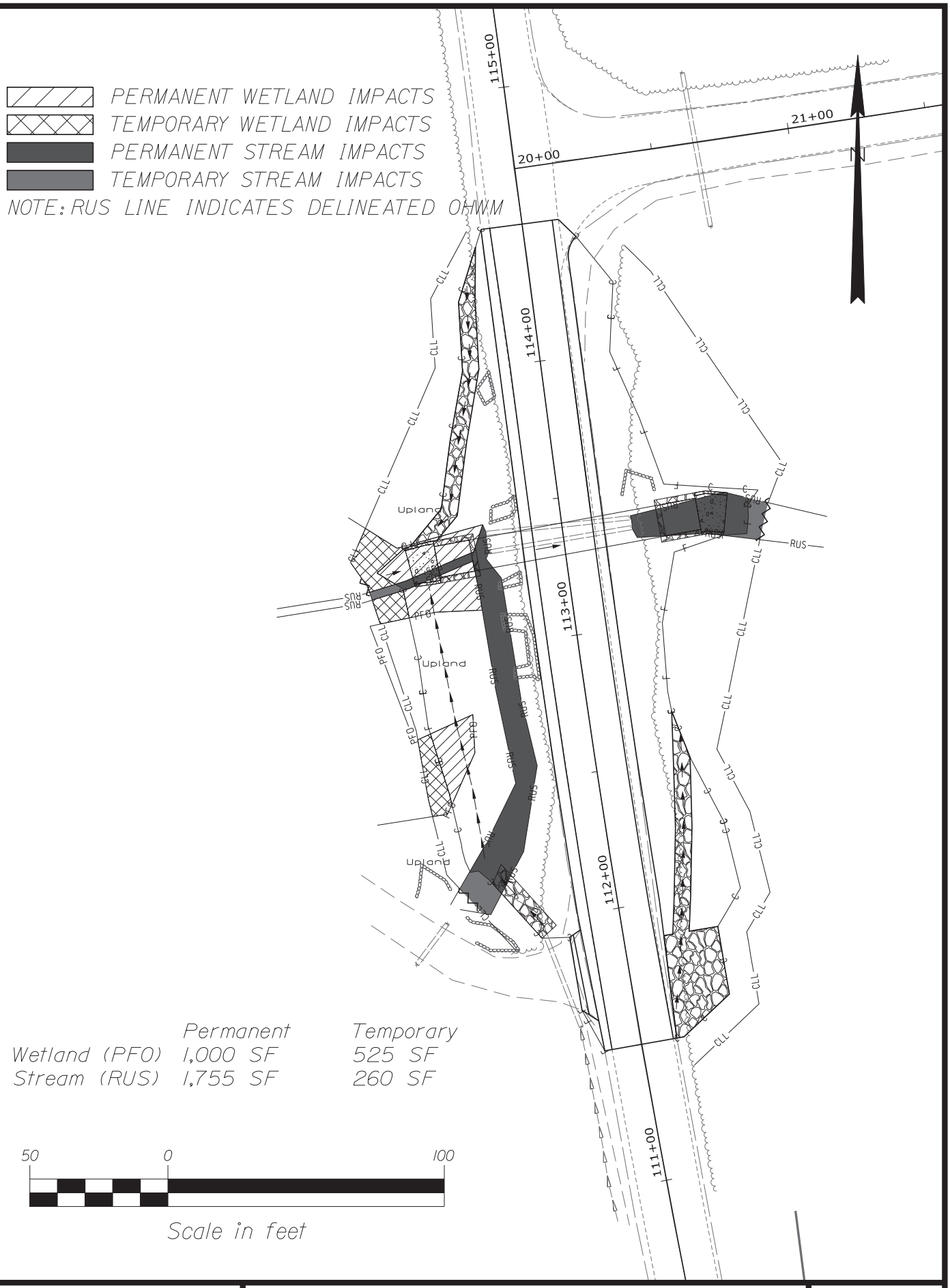
- Unnamed Tributary to Mill Brook, a tributary to the Presumpscot River
- This is a perennial stream with sand and cobble substrate with lesser amounts of gravel and boulder. The average measured BFW is 6.0'. The existing structure is a 4' diameter CMP (inlet) and 3' span x 2.5' rise concrete box (outlet). The cold water temps (11.4°C) observed in the stream suggest the stream supports cold water species. There were no fish observed at the time of the initial assessment, and due to the heavily altered nature of the stream, fish would be more likely to be present in Mill Brook, approximately 150' yards downstream of the crossing. Structure located 60' upstream may be a complete barrier to fish and aquatic organism passage.
- Depth of road fill will provide a construction constraint. Fill approximately 15' deep.
- Suggest replacing with an 8' CMP or RCP with streambed material
- Mapped as essential fish habitat for ATS
- Within Hemlock Woolly Adelgid Quarantine Area

**North Yarmouth_23693.00**

- 43.861709, -70.277276
- Unnamed Tributary to Royal River
- This is a perennial stream with sand, gravel, cobble substrate. The average measured BFW is 11.5'. The existing structure is dual 30" CMPs. There were no fish observed at the time of the assessment, but based on temps taken (11.5°C), the stream could support cool to coldwater species, including brook trout. Wetlands were mapped upstream of the crossing
- Suggest replacing with a 1.2 BFW structure with HCD.
- Within Hemlock Woolly Adelgid Quarantine Area

Thank you,
Justin

**Justin Sweitzer, PWS, AWB ®**
*Biologist*
Maine DOT – Environmental Office
16 State House Station
Augusta, ME 04333
Cell: 207-441-0651




| | Permanent | Temporary |
|---|---|---|
| Wetland (PFO) | 1,000 SF | 525 SF |
| Stream (RUS) | 1,755 SF | 260 SF |

| | | |
|---|---|---|
| STATE OF MAINE<br>DEPARTMENT OF TRANSPORTATION | ROUTE 115 NO. YARMOUTH<br>CUMBERLAND COUNTY | SHEET NUMBER<br>1<br>OF 1 |
| WIN# 23693.00 | IMPACT PLANS | |

# STATE OF MAINE
# DEPARTMENT OF TRANSPORTATION

## PLAN LEGEND

| | | | |
|---|---|---|---|
| Town, County, State | | Catch Basins | Existing ■ Proposed |
| Property Lines | | Manholes | Existing ● Proposed |
| R/W Lines-Existing | | Proposed Underdrain | |
| R/W Lines-Proposed | | Proposed Ditch | |
| Culvert-Existing | | Existing Ditch | |
| Culvert Proposed | | Utility Poles | Existing ♦ Proposed |
| Curbing | Existing / Proposed | Fire Hydrants | Existing ◈ Proposed |
| Type 1 | | Existing Water Line | |
| Type 3 | | Existing San. Sewer | |
| Type 5 | | Existing San. Sewer Manhole | |
| Outline of Bodies of Water | | Guardrail-Existing | |
| Exposed Bedrock | | Guardrail-Proposed | |
| Buildings | | Guardrail-Cable, Other | |
| Trees | Conifer ✱ Deciduous | Centerline-Existing | |
| Tree Line | | Centerline-Proposed | 10+00 |
| Clearing Limit Line | | Travelway-Existing | |
| Railroad | | Travelway-Proposed | |

Boring HB-XXX-###
Pavement Core ● PC-#
Test Pit TP-XXX-###

Probe P-#.#X
#.# = Depth
X = W (Weathered Rock)
R (Refusal)
NR (No Refusal)

# NORTH YARMOUTH

## CUMBERLAND COUNTY

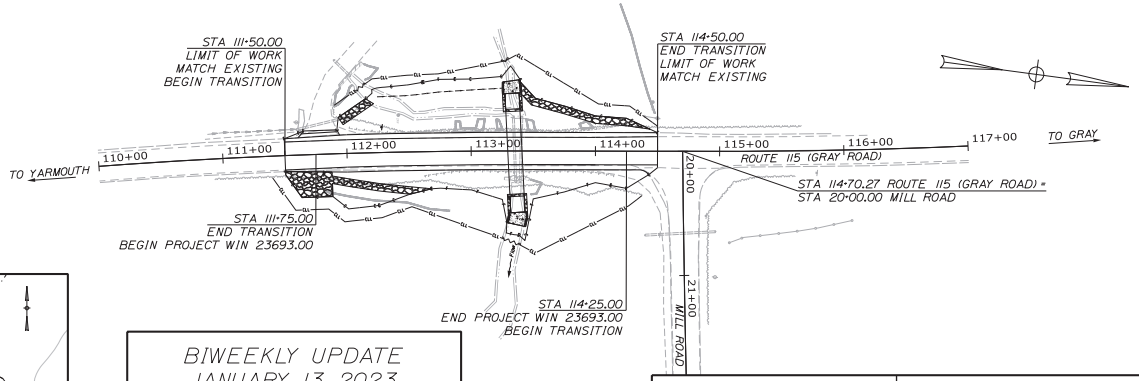
ROUTE 115
MAPLE HILL BRIDGE

## STATE PROJECT NO. 23693.00

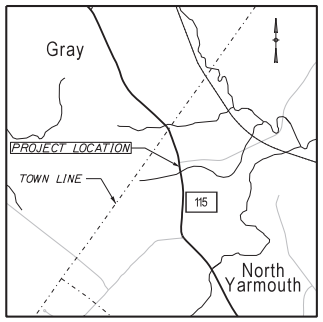
PROJECT LENGTH : 0.05 MILES
BRIDGE NO. 6639

## INDEX OF SHEETS


| Description | Sheet No. |
|---|---|
| Title Sheet | 1 |
| Typical Sections | 2 |
| Estimated Quantities and General Notes | 3 |
| Special Details - Culvert | 4-5 |
| Special Details - Stream Realignment | 6-7 |
| Boring Plans | 8 |
| Plan/Profile | 9 |
| Cross Sections | 10-16 |
| Right of Way Map | 17 |


BIWEEKLY UPDATE
JANUARY 13, 2023




LOCATION MAP
0.5 0 0.5 1
Scale in Miles

## TRAFFIC DATA

| | ROUTE 115 |
|---|---|
| Current (2022) AADT | 3170 |
| Future (2034) AADT | 3410 |
| Future (2042) AADT | 3540 |
| DHV - % of AADT | 11% |
| Design Hour Volume | 389 |
| % Heavy Trucks (AADT) | 8% |
| % Heavy Trucks (DHV) | 3% |
| Directional Distribution (DHV) | 53% |
| 18 kip Equivalent P 2.0 | 123 |
| 18 kip Equivalent P 2.5 | 117 |
| Design Speed (mph) | 40 |
| Functional Class | Major Collector |
| Highway Corridor Priority | 3 |

LAYOUT SCALE
50 0 50 100
Scale of Feet

| | |
|---|---|
| PROJECT LOCATION | The project is located in the Town of North Yarmouth along Route 115, approximately 0.03 miles south of the intersection with Mill Road. |
| PROGRAM AREA | Highway Program |
| SCOPE OF WORK | Large Culvert Replacement |

WIN 23693.00

GORRILL PALMER
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207.772.2515

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
APPROVED
DATE
COMMISSIONER:
CHIEF ENGINEER:

PROJECT INFORMATION

| | | | |
|---|---|---|---|
| PROGRAM | HIGHWAY | SIGNATURE | |
| PROJECT MANAGER | L. HAMILTON | | |
| DESIGNER | D. ETTINGER | P.E. NUMBER | |
| CONSULTANT | GORRILL PALMER | | |
| PROJECT RESIDENT | | DATE | |
| CONTRACTOR | | | |
| PROJECT COMPLETION DATE | | | |

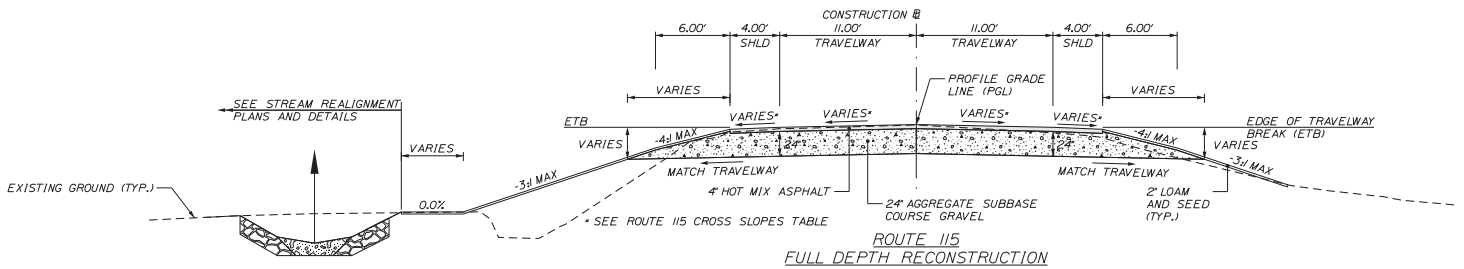
NORTH YARMOUTH
ROUTE 115

TITLE SHEET

SHEET NUMBER
1
OF 17

Filename: ...\00\Highway\001_Title.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023
U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\001_Title.dgn

SHLD = SHOULDER




## ROUTE 115
## FULL DEPTH RECONSTRUCTION AND STREAM RELOCATION

| AGGREGATE SUBBASE COURSE GRAVEL | | |
|---|---|---|
| LEFT SHOULDER | 11 FT. TRAVEL LANES | RIGHT SHOULDER |
| A.S.C.G = VARIES CY/100LF | A.S.C.G = 163 CY/100LF | A.S.C.G = VARIES CY/100LF |
| STATION TO STATION | STATION TO STATION | STATION TO STATION |
| 111+75 TO 114+25 LT. | 111+75 TO 114+25 | 111+75 TO 114+25 RT. |

| ROUTE 115 CROSS SLOPES TABLE | | | | |
|---|---|---|---|---|
| LEFT SHOULDER | LEFT TRAVELWAY | STATION | RIGHT TRAVELWAY | RIGHT SHOULDER |
| MATCH EXISTING | | | | |
| -9.9% | -3.5% | 111+50 | -6.6% | -9.1% |
| -7.9% | -3.0% | 111+75 | -5.4% | -7.4% |
| -5.9% | -3.0% | 112+00 | -4.2% | -5.7% |
| -4.0% | -3.0% | 112+25 | -3.0% | -4.0% |
| | | TO | | |
| -4.0% | -3.0% | 114+00 | -3.0% | -4.0% |
| -5.1% | -3.0% | 114+25 | -4.1% | -5.0% |
| -6.3% | -2.4% | 114+50 | -5.1% | -6.2% |
| MATCH EXISTING | | | | |

NOTES:

1. THE PAVEMENT, BASE AND SUBBASE DEPTHS AS SHOWN ON THE PLANS ARE INTENDED TO BE NOMINAL.
2. WHEN SUPERELEVATION EXCEEDS THE SLOPE OF THE LOW SIDE SHOULDER, THE LOW SIDE SHOULDERS PAVEMENT SHALL HAVE THE SAME CROSS SLOPE AS THE TRAVELWAY.
3. CROWNS FOR BOTH NORMAL AND SUPERELEVATION SECTIONS FOR ALL COURSES OF SUBBASE AND PAVEMENT SHALL BE STRAIGHT.
4. THE GRAVEL QUANTITY IS BASED ON A 2" LOAM OR DIRTY BORROW DEPTH.
5. THE ALGEBRAIC DIFFERENCE BETWEEN SHOULDER AND TRAVELWAY CROSS SLOPES "ROLLOVER" SHALL NOT EXCEED 8%.
6. THE STATIONING SHOWN UNDER EACH TYPICAL IS APPROXIMATE.

NOT TO SCALE

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207.772.2515

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

HIGHWAY PLANS

| | | | | |
|---|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE | |
| DESIGN-DETAILED | D. LEMAY | T. WARREN | 07/23 | |
| CHECKED-RECOMMD | D. LITTLEFIELD | | 07/23 | SIGNATURE |
| DESIGN2-DETAILED2 | - | - | - | |
| DESIGN3-DETAILED3 | - | - | - | P.E. NUMBER |
| REVISIONS 1 | - | - | - | |
| REVISIONS 2 | - | - | - | |
| REVISIONS 3 | - | - | - | |
| REVISIONS 4 | - | - | - | DATE |
| FIELD CHANGES | - | - | - | |

NORTH YARMOUTH
ROUTE 115

TYPICAL SECTIONS

SHEET NUMBER
2
OF 17

Filename: ...\00\Highway\002_Typ01.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

U:\3571-North Yarmouth Route 115 Culvert\Z - CAD\00\Highway\002_Typ01.dgn

| ESTIMATED QUANTITIES | | | |
|---|---|---|---|
| ITEM NO. | DESCRIPTION | QUANTITY | UNIT |
| 203.20 | COMMON EXCAVATION | 910 | CY |
| 203.25 | GRANULAR BORROW | 230 | CY |
| 203.33 | SPECIAL FILL | 105 | CY |
| 304.10 | AGGREGATE SUBBASE COURSE - GRAVEL | 840 | CY |
| 403.208 | HOT MIX ASPHALT, 12.5 mm NOMINAL MAXIMUM SIZE | 83 | T |
| 403.209 | HOT MIX ASPHALT, 9.5 mm NOMINAL MAXIMUM SIZE (SIDEWALKS, DRIVES, ISLANDS & INCIDENTALS) | 2 | T |
| 403.213 | HOT MIX ASPHALT, 12.5 mm NOMINAL MAXIMUM SIZE (BASE AND INTERMEDIATE BASE COURSE) | 138 | T |
| 409.15 | BITUMINOUS TACK COAT, APPLIED | 31 | G |
| * 511.07 | COFFERDAM; UPSTREAM #1 | 1 | LS |
| * 511.07 | COFFERDAM; UPSTREAM #2 | 1 | LS |
| * 511.07 | COFFERDAM; DOWNSTREAM | 1 | LS |
| 526.301 | TEMPORARY CONCRETE BARRIER, TYPE 1 (460 LF) | 1 | LS |
| 527.34 | WORK ZONE CRASH CUSHIONS | 4 | UN |
| 603.407X | 11'-5" x 7'-3" STEEL STRUCTURAL PIPE ARCH - POLYMER COATED | 96 | LF |
| 610.08 | PLAIN RIPRAP | 200 | CY |
| 610.212 | STREAMBED ROCK FEATURES | 12 | CY |
| 610.213 | VOID FILLED RIPRAP | 70 | CY |
| 615.07 | LOAM | 62 | CY |
| 618.14 | SEEDING METHOD NUMBER 2 | 11 | UN |
| 619.12 | MULCH | 11 | UN |
| 620.58 | EROSION CONTROL GEOTEXTILE | 240 | SY |
| 627.733 | 4" WHITE OR YELLOW PAINTED PAVEMENT MARKING LINE | 900 | LF |
| * 629.05 | HAND LABOR, STRAIGHT TIME | 10 | HR |
| * 631.10 | AIR COMPRESSOR (INCLUDING OPERATOR) | 10 | HR |
| * 631.11 | AIR TOOL (INCLUDING OPERATOR) | 10 | HR |
| * 631.12 | ALL PURPOSE EXCAVATOR (INCLUDING OPERATOR) | 10 | HR |
| * 631.172 | TRUCK - LARGE (INCLUDING OPERATOR) | 10 | HR |
| * 631.18 | CHAIN SAW RENTAL (INCLUDING OPERATOR) | 10 | HR |
| * 631.32 | CULVERT CLEANER (INCLUDING OPERATORS) | 10 | HR |
| * 639.19 | FIELD OFFICE, TYPE B | 1 | EA |
| 643.72 | TEMPORARY TRAFFIC SIGNAL | 1 | LS |
| 652.312 | TYPE III BARICADES | 4 | EA |
| * 652.33 | DRUM | 50 | EA |
| * 652.34 | CONE | 50 | EA |
| * 652.35 | CONSTRUCTION SIGNS | 300 | SF |
| * 652.36 | MAINTENANCE OF TRAFFIC CONTROL DEVICES | 45 | CD |
| * 652.38 | FLAGGERS | 375 | HR |
| 652.41 | PORTABLE-CHANGEABLE MESSAGE SIGN | 3 | EA |
| 652.61 | STAGED CONSTRUCTION AND TRAFFIC CONTROL | 1 | LS |
| * 656.75 | TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL | 1 | LS |
| * 659.10 | MOBILIZATION | 1 | LS |

* UNDETERMINED LOCATIONS

## GENERAL NOTES

1. PAVEMENT THICKNESSES SHOWN ON THE TYPICAL SECTIONS ARE INTENDED TO BE NOMINAL.
2. CLEARING LIMITS SHALL BE 10 FEET BEYOND AND PARALLEL TO THE CONSTRUCTION SLOPE LINES OR AS SHOWN ON THE PLANS UNLESS OTHERWISE AUTHORIZED BY THE RESIDENT.
3. ALL CLEARING SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT AND NO SEPARATE PAYMENT WILL BE MADE. THE ACTUAL LINES FOR CLEARING SHALL BE ESTABLISHED IN THE FIELD BY THE CONTRACTOR AS INDICATED ON THE PLANS AND APPROVED BY THE RESIDENT.
4. THE CLEARING AND SELECTIVE CLEARING AND THINNING LINES SHOWN ON THE PLANS ARE FOR ESTIMATING PURPOSES ONLY. THE ACTUAL LINES FOR CLEARING AND THINNING SHALL BE ESTABLISHED IN THE FIELD BY THE CONTRACTOR AND APPROVED BY THE RESIDENT.
5. GRUBBING IN FILL AREAS HAS BEEN SHOWN ON THE CROSS SECTIONS AND THE QUANTITIES NOTED. THESE LIMITS ARE APPROXIMATE AND HAVE BEEN USED FOR ESTIMATING PURPOSES ONLY. ACTUAL GRUBBING LIMITS MAY VARY BASED ON FIELD CONDITIONS AS DIRECTED BY THE RESIDENT.
6. THE CONTRACTOR SHALL PLAN AND CONDUCT WORK SO THAT UPON COMPLETION OF THE PROJECT THERE IS NO DROP-OFF FROM THE EDGE OF THE SHOULDER PAVEMENT.
7. ALL WASTE MATERIAL NOT USED ON THE PROJECT SHALL BE DISPOSED OF OFF THE PROJECT IN ACCEPTABLE WASTE AREAS REVIEWED BY THE RESIDENT. GRADING, SEEDING AND MULCHING OF WASTE AREAS SHALL BE CONSIDERED INCIDENTAL.
8. REQUIRED DITCH PROTECTION SHOWN ON THE PLANS OR IN THE CONSTRUCTION NOTES IS FOR ESTIMATING PURPOSES ONLY. THE ACTUAL TYPE AND LOCATION OF DITCH PROTECTION MAY BE ALTERED BY THE RESIDENT.
9. GRANULAR BORROW USED TO BACKFILL MUCK EXCAVATION OR IN LOW WET AREAS TO 1 FOOT ABOVE WATER LEVEL OR OLD GROUND SHALL MEET REQUIREMENTS FOR GRANULAR BORROW MATERIAL FOR UNDERWATER BACKFILL AS SPECIFIED IN STANDARD SPECIFICATIONS ITEM 703.19, GRANULAR BORROW.
10. EXISTING INSLOPES IN PROPOSED FILL AREAS SHALL BE BENCHED BY EXCAVATING STEPS OF SUFFICIENT WIDTH TO PERMIT PLACING AND COMPACTING THE FILL MATERIAL ALONG WITH THE MATERIAL REMOVED.
11. WHEN SUPERELEVATION EXCEEDS THE SLOPE OF THE LOW-SIDE SHOULDER, THE LOW-SIDE SHOULDER WILL HAVE SAME SLOPE AS THE TRAVELWAY.
12. GRAVEL ENTRANCES SHALL BE CONSTRUCTED WITH 14 INCHES OF AGGREGATE SUBBASE COURSE GRAVEL OR 11 INCHES OF AGGREGATE SUBBASE COURSE GRAVEL AND 3 INCHES OF UNTREATED AGGREGATE SURFACE COURSE UNLESS OTHERWISE NOTED IN THE PLANS OR DIRECTED BY THE RESIDENT.
13. A 3-FOOT PAVED LIP SHALL BE PLACED AT ALL UNPAVED ENTRANCES UNLESS OTHERWISE NOTED IN THE PLANS OR DIRECTED BY THE RESIDENT.
14. CROSS SLOPES FOR NORMAL AND SUPERELEVATED SECTIONS WILL BE STRAIGHT UNLESS OTHERWISE DIRECTED BY THE DEPARTMENT.
15. THE ALGEBRAIC DIFFERENCE BETWEEN TRAVELWAY AND SHOULDER CROSS SLOPE SHALL NOT EXCEED 8 PERCENT.
16. PRIOR TO SURFACE PAVING, EXISTING CULVERTS TO REMAIN SHALL BE CLEANED AS DIRECTED BY THE RESIDENT. PAYMENT WILL BE MADE UNDER STANDARD SPECIFICATION ITEM 631.31, CULVERT CLEANER (INCLUDING OPERATOR).
17. NO EXISTING DRAINAGE SHALL BE ABANDONED, REMOVED OR PLUGGED WITHOUT PRIOR APPROVAL OF THE RESIDENT.
18. INLETS AND OUTLETS OF ALL CULVERTS SHALL BE RIPRAPPED UNLESS OTHERWISE NOTED ON THE PLANS OR DIRECTED BY THE RESIDENT.
19. ALL EXISTING GUARDRAIL REMOVED AND NOT REUSED ON THE PROJECT WILL BECOME THE PROPERTY OF THE CONTRACTOR. REMOVAL AND DISPOSAL OF EXISTING GUARDRAIL SHALL BE INCIDENTAL TO ITEM 203.20 - COMMON EXCAVATION.
20. LOAM HAS BEEN ESTIMATED FOR DISTURBED LAWN AREAS. ACTUAL PLACEMENT OF THE LOAM SHALL BE AS NOTED ON THE PLANS OR DESIGNATED BY THE RESIDENT.
21. UNLESS OTHERWISE NOTED SEEDING METHOD NO. 1 SHALL BE UTILIZED ON ALL LAWNS AND DEVELOPED AREAS; SEEDING METHOD NO. 2 SHALL BE UTILIZED ON ALL OTHER AREAS.
22. LOAM SHALL BE PLACED TO A NOMINAL DEPTH OF 4 INCHES IN LAWN AREAS AND 2 INCHES IN ALL OTHER AREAS UNLESS OTHERWISE NOTED OR DIRECTED.
23. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING MAILBOXES TO ENSURE THAT THE MAIL WILL BE DELIVERABLE. PAYMENT FOR THIS WORK WILL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
24. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING OPERATIONAL BUSINESS DIRECTIONAL SIGNS (OBDS) TO ENSURE THAT THEY ARE VISIBLE TO THE TRAVELING PUBLIC. PAYMENT FOR THIS WORK WILL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
25. ANY DAMAGE TO THE SLOPES CAUSED BY THE CONTRACTOR'S EQUIPMENT, PERSONNEL, OR OPERATION SHALL BE REPAIRED TO THE SATISFACTION OF THE RESIDENT. ALL WORK, EQUIPMENT, AND MATERIALS REQUIRED TO MAKE REPAIRS SHALL BE AT THE CONTRACTOR'S EXPENSE.
26. GEOTECHNICAL INFORMATION FURNISHED OR REFERRED TO IN THE BID DOCUMENTS IS FOR THE USE OF THE BIDDERS. NO ASSURANCE IS GIVEN THAT THE INFORMATION OR INTERPRETATIONS WILL BE REPRESENTATIVE OF THE ACTUAL SUBSURFACE CONDITIONS THROUGHOUT THE CONSTRUCTION SITE. MAINEDOT WILL NOT BE RESPONSIBLE FOR ANY INTERPRETATIONS OR CONCLUSIONS DRAWN FROM THE GEOTECHNICAL INFORMATION. THE BORING LOGS PROVIDED IN THE BID DOCUMENTS (IF ANY) PRESENT FACTUAL AND INTERPRETIVE SUBSURFACE INFORMATION COLLECTED AT DISCRETE LOCATIONS. DATA PROVIDED MAY NOT BE REPRESENTATIVE OF THE SUBSURFACE CONDITIONS BETWEEN BORING LOCATIONS.
27. AREAS ON THE PROJECT REQUIRING FILL WILL COME FROM SUITABLE SITES SUCH AS EXCAVATION, DITCH AND INSLOPE OR EQUIPMENT RENTAL AREAS.
28. ESTIMATED QUANTITIES FOR REQUIRED STRUCTURAL EARTH EXCAVATION, DRAINAGE AND MINOR STRUCTURES ARE INFORMATIONAL ONLY AND REPRESENT THE APPROXIMATE MINIMUM QUANTITY REQUIRED TO INSTALL DRAINAGE STRUCTURES. ADDITIONAL EXCAVATION FOR THE CONTRACTOR'S CONVENIENCE OR TO COMPLY WITH BACKSLOPING REQUIREMENTS WILL NOT BE PAID FOR DIRECTLY BUT WILL BE CONSIDERED INCIDENTAL TO THE RELATED DRAINAGE ITEMS.
29. NO SEPARATE PAYMENT FOR SUPERINTENDENT OR FOREMAN WILL BE MADE FOR THE SUPERVISION OF EQUIPMENT AND LAYOUT OF WORK BEING PAID FOR UNDER THE EQUIPMENT RENTAL ITEMS.
30. "UNDETERMINED LOCATIONS" SHALL BE DETERMINED BY THE RESIDENT.
31. FINAL STRIPING FOR THE PROJECT SHALL BE DONE BY THE CONTRACTOR PER THE STRIPING LAYOUT IN THE CONTRACT DOCUMENTS OR AS PROVIDED BY THE DEPARTMENT. PAYMENT SHALL BE MADE UNDER APPROPRIATE CONTRACT ITEMS.
32. THE CONTRACTOR WILL PLACE APPROPRIATELY-MARKED STAKES AT THE FOLLOWING LOCATIONS ON THE PROJECT: STRIPING PATTERN CHANGES, CROSS-SLOPE CHANGES, AND EVERY 500 FEET FOR STATIONING. THE CONTRACTOR WILL PAINT EVERY FULL STATION (100 FEET) ON THE EXISTING ROADWAY AND WILL TRANSFER THE PAINTED STATIONING THROUGH ALL INTERMEDIATE LIFTS (NOT SURFACE). APPROPRIATELY-SIZED STRIPING PATTERN CHANGES WILL BE PAINTED ON SURFACE. STATIONING CONTROL MUST BE PLACED BEFORE WORK CAN COMMENCE. CROSS-SLOPE AND STRIPING CHANGE CONTROLS MUST BE PLACED BEFORE PAVING CAN COMMENCE.
33. ALL WORK SHALL BE DONE IN ACCORDANCE WITH MAINE DEPARTMENT OF TRANSPORTATION BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL (LATEST EDITION).
34. ALL INSLOPE AND DITCHES IN CUT AREAS SHALL BE GRADED AS SHOWN ON THE TYPICALS OR FLATTER, OR AS DIRECTED BY THE RESIDENT.
35. DRIVEWAY FILL SIDE SLOPES SHALL BE THE SAME AS THE FILL SIDE SLOPES WITHOUT GUARDRAIL UNLESS OTHERWISE NOTED ON THE PLANS.
36. RELOCATION OF EXISTING ROADSIDE SIGNS SHALL BE INCIDENTAL TO ITEM 203.20 COMMON EXCAVATION.
37. REMOVAL OF THE EXISTING CMP CULVERTS SHALL BE CONSIDERED INCIDENTAL TO ITEM 203.20 COMMON EXCAVATION.

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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

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23693.00
HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T. WARREN | T. WARREN | 07/23 |
| DESIGN-CHECKED | D. ETTINGER | D. ETTINGER | 07/23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

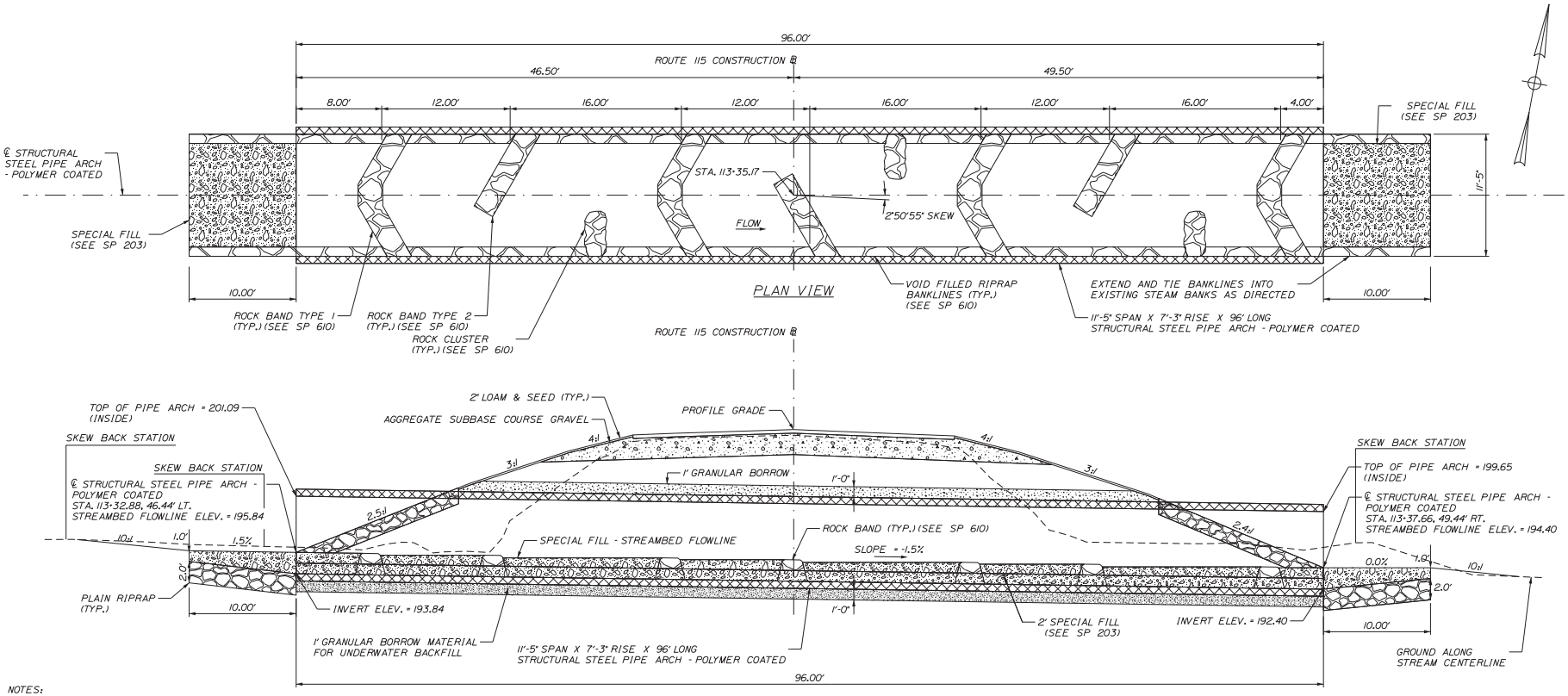
DATE

NORTH YARMOUTH
ROUTE 115

ESTIMATED QUANTITIES
& GENERAL NOTES

SHEET NUMBER
3
OF 17

Filename: ...\003_EstQuant&GenNotes.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023
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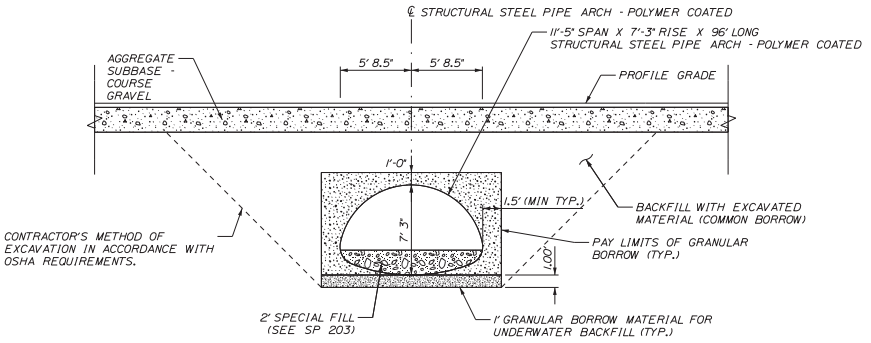

PLAN VIEW




TRANSVERSE SECTION (ALONG CULVERT CENTERLINE)

NOTES:

1. THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED SHALL BE BEDDED ON A 1-FOOT LAYER OF COMPACTED GRANULAR BORROW MATERIAL MEETING THE REQUIREMENTS FOR UNDERWATER BACKFILL.
2. COFFERDAMS ARE TO BE PLACED AT BOTH THE DOWNSTREAM AND UPSTREAM ENDS OF THE CULVERT TO ALLOW CONSTRUCTION OF THE CULVERT IN THE DRY.
3. RIPRAP WILL BE USED TO INSLOPE AROUND THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED ENDS AT BOTH THE INLET AND OUTLET. SEE PLAN AND PROFILE FOR LOCATIONS.
4. INLET AND OUTLET GRADING SHALL BE COORDINATED WITH THE MAINEDOT HYDROLOGY SECTION. THE CONTRACTOR SHALL GIVE THE RESIDENT A MINIMUM OF 48 HOURS NOTICE BEFORE INLET OR OUTLET GRADING MAY BEGIN. ROCK EXCAVATION, RIPRAP, AND SPECIAL FILL WILL BE PAID FOR UNDER THE APPROPRIATE ITEMS.
5. THE STEEL THICKNESS OF THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED SHALL BE XXXX"
6. CONSTRUCTION, HANDLING, AND ASSEMBLY OF THE STRUCTURAL STEEL PIPE ARCH - POLYMER COATED SHALL BE IN ACCORDANCE WITH STANDARD SPECIFICATION 603 AND THE MANUFACTURERS SPECIFICATIONS AS APPLICABLE.




TYPICAL SECTION

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WIN 23693.00 HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN DETAILED | T. LAVERY | T. WARREN | 01/23 |
| DESIGN CHECKED | D. LITTLEFIELD | | 01/23 |
| DESIGN2 DETAILED2 | - | - | - |
| DESIGN2 DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

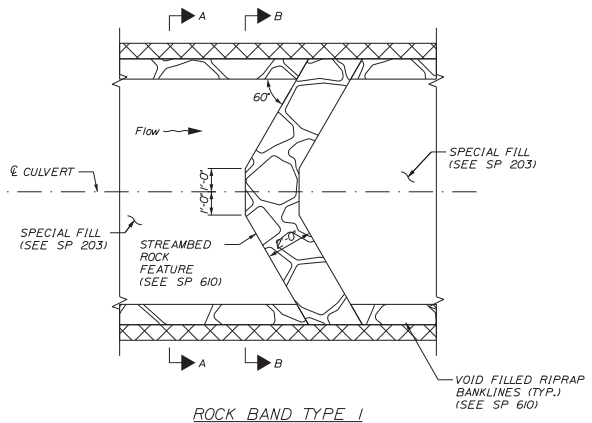
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P.E. NUMBER
DATE

NORTH YARMOUTH
ROUTE 115

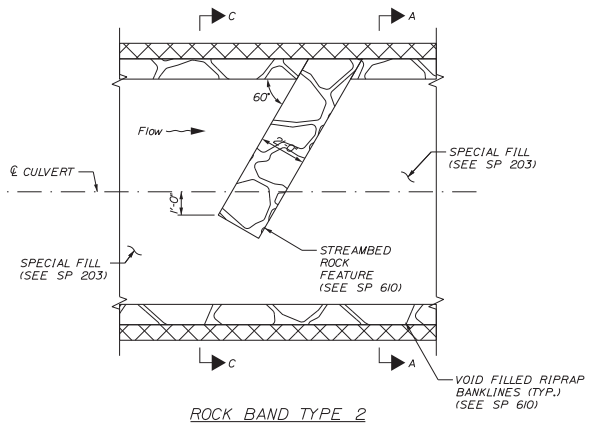
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SHEET NUMBER
4
OF 17

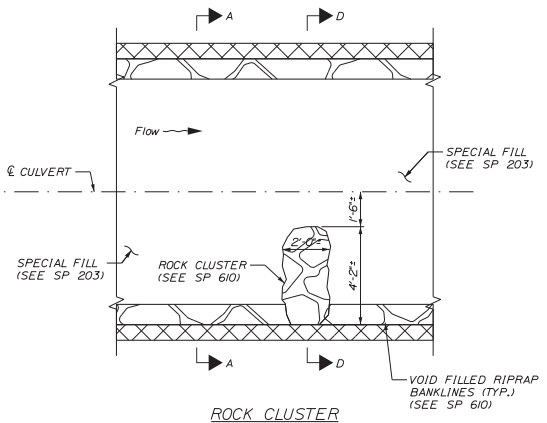
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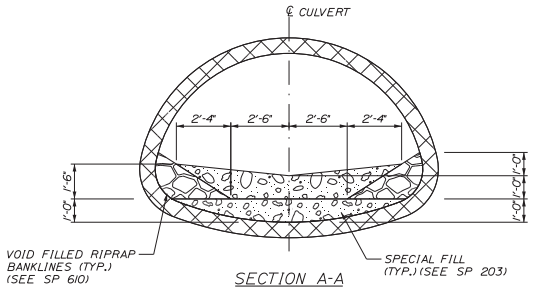

ROCK BAND TYPE 1
DETAIL



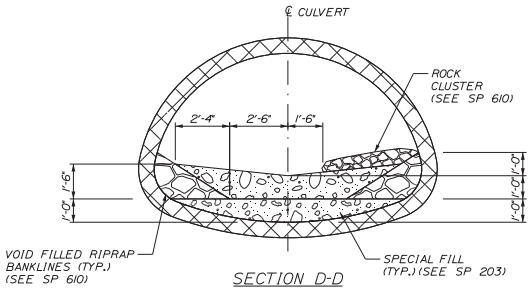

ROCK BAND TYPE 2
DETAIL



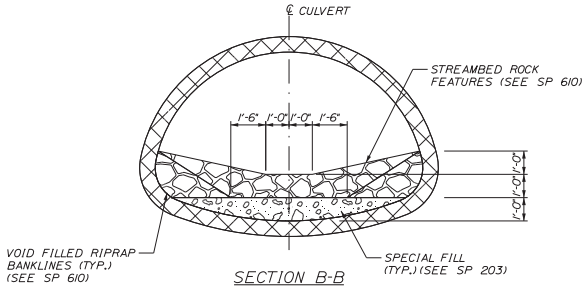

ROCK CLUSTER
DETAIL



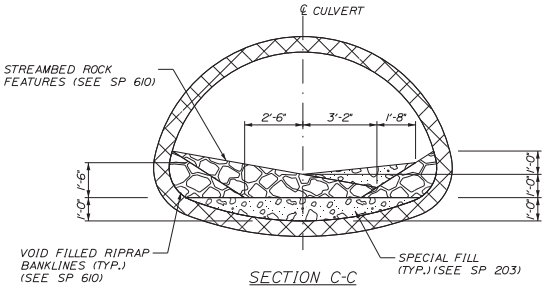

SECTION A-A
TYPICAL STREAM




SECTION D-D
TYPICAL STREAM
WITH ROCK CLUSTER




SECTION B-B
ROCK BAND TYPE 1




SECTION C-C
ROCK BAND TYPE 2

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HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN DETAILED | T. MARRY | T. WARREN | 07/23 |
| CHECKED/ACCEPTED | D. LITTLEFIELD | | 07/23 |
| DESIGN2 DETAILED2 | - | - | - |
| DESIGN3 DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

DATE

NORTH YARMOUTH
ROUTE 115

SPECIAL DETAILS 2

SHEET NUMBER
5
OF 17

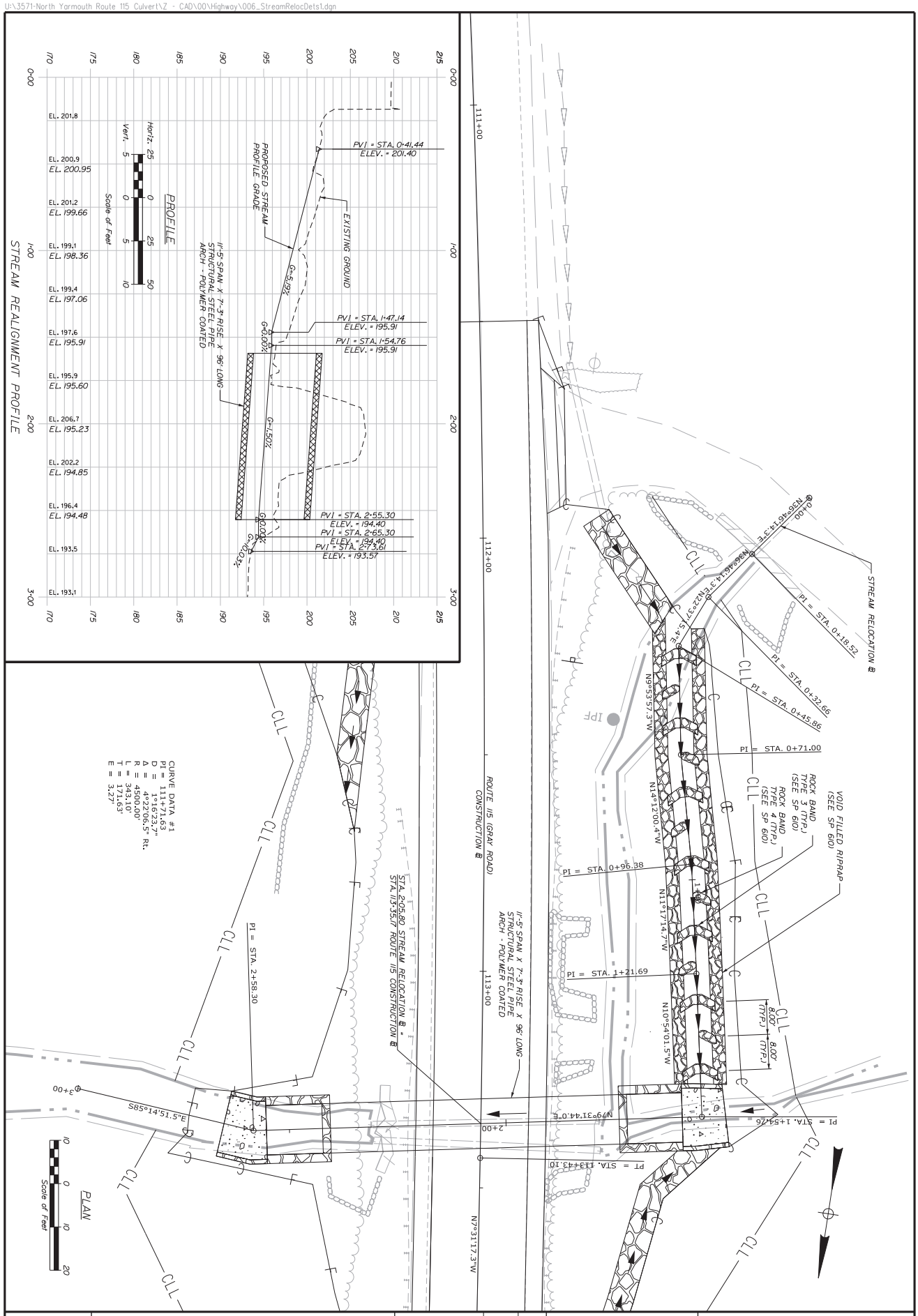
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Filename: ...\006_StreamRelocDets1.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

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| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN-DETAILED | T. LANDRY | T. WARREN | 01\23 |
| CHECKED-REVIEWED | D. ETTINGER | | 01\23 |
| DESIGN2-DETAILED2 | - | - | - |
| DESIGN3-DETAILED3 | - | - | - |
| REVISIONS 1 | - | | - |
| REVISIONS 2 | - | | - |
| REVISIONS 3 | - | | - |
| REVISIONS 4 | - | | - |
| FIELD CHANGES | | | - |

SIGNATURE

P.E. NUMBER

DATE

# NORTH YARMOUTH ROUTE 115

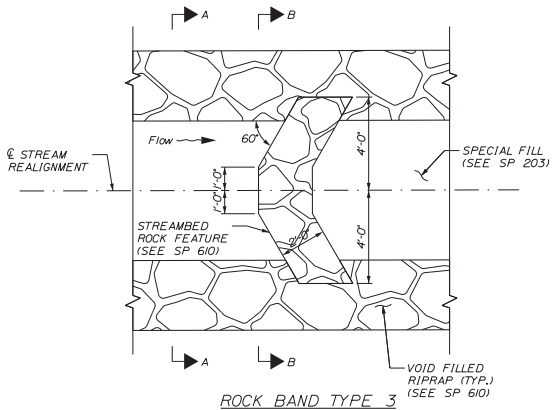
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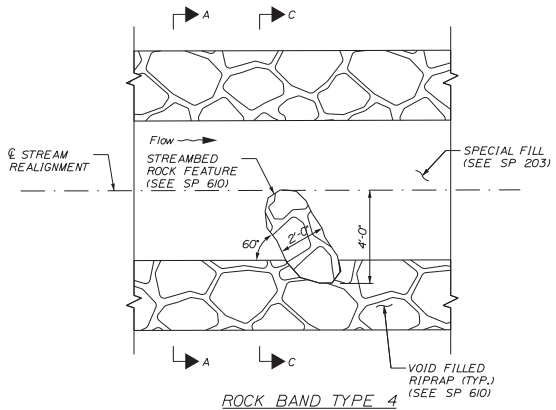
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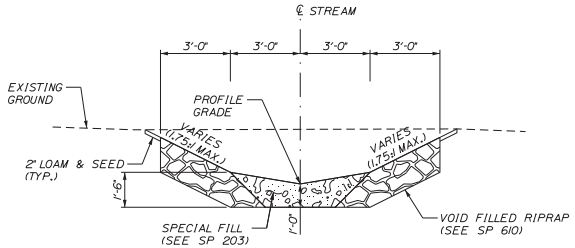
HIGHWAY PLANS



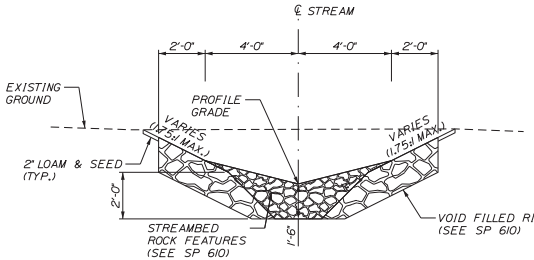

ROCK BAND TYPE 3 DETAIL



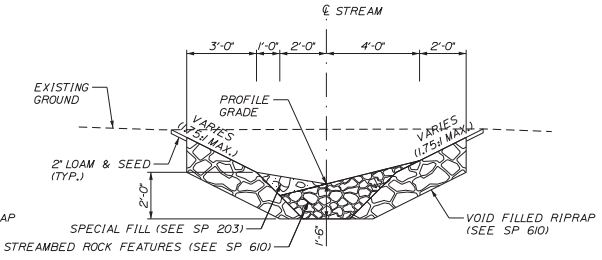

ROCK BAND TYPE 4 DETAIL




SECTION A-A
STREAM REALIGNMENT




SECTION B-B
ROCK BAND TYPE 3




SECTION C-C
ROCK BAND TYPE 4

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HIGHWAY PLANS

| | | | |
|---|---|---|---|
| PROJ. MANAGER | L. HAMILTON | BY | DATE |
| DESIGN DETAILED | T. HENRY | T. WARREN | 07/23 |
| CHECKED/APPROVED | D. LITTLEFIELD | | 07/23 |
| DESIGN2 DETAILED2 | - | - | - |
| DESIGN3 DETAILED3 | - | - | - |
| REVISIONS 1 | - | - | - |
| REVISIONS 2 | - | - | - |
| REVISIONS 3 | - | - | - |
| REVISIONS 4 | - | - | - |
| FIELD CHANGES | - | - | - |

SIGNATURE

P.E. NUMBER

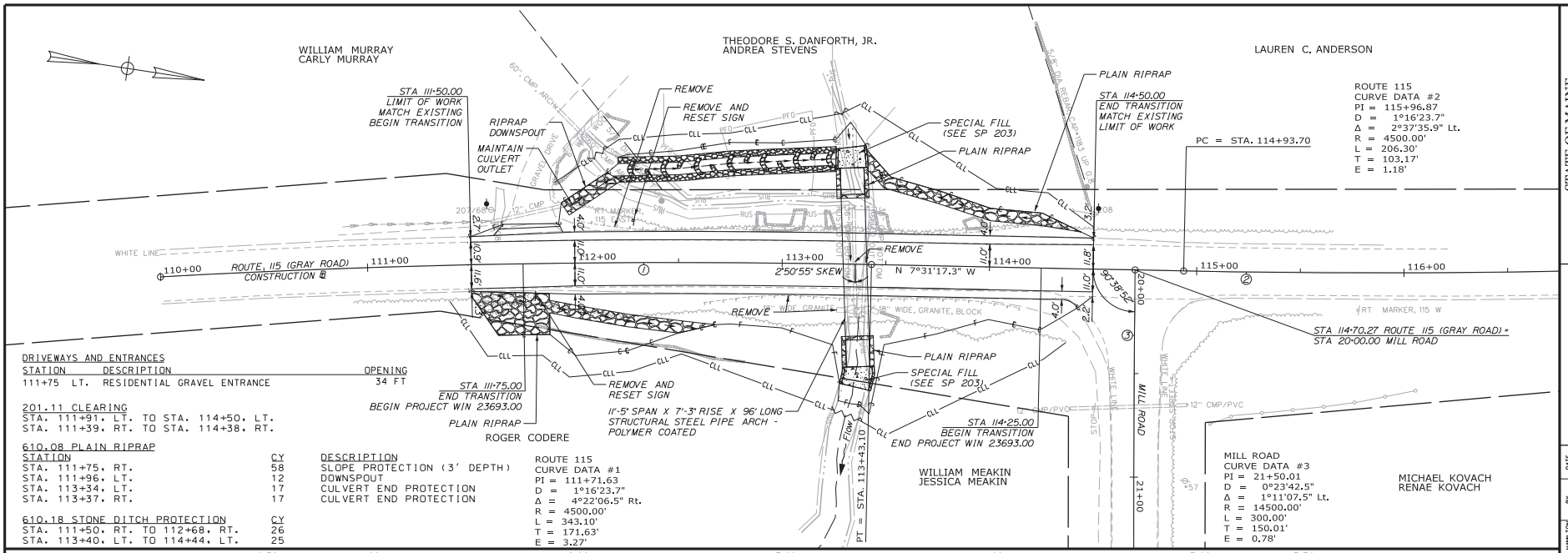
DATE

NORTH YARMOUTH
ROUTE 115
SPECIAL DETAILS - STREAM REALIGNMENT

SHEET NUMBER
7
OF 17

Filename: ...\007_StreamRelocDets2.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

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DRIVEWAYS AND ENTRANCES

| STATION | DESCRIPTION | OPENING |
|---|---|---|
| 111+75 LT. | RESIDENTIAL GRAVEL ENTRANCE | 34 FT |

201.11 CLEARING
STA. 111+91, LT. TO STA. 114+50, LT.
STA. 111+39, RT. TO STA. 114+38, RT.

610.08 PLAIN RIPRAP

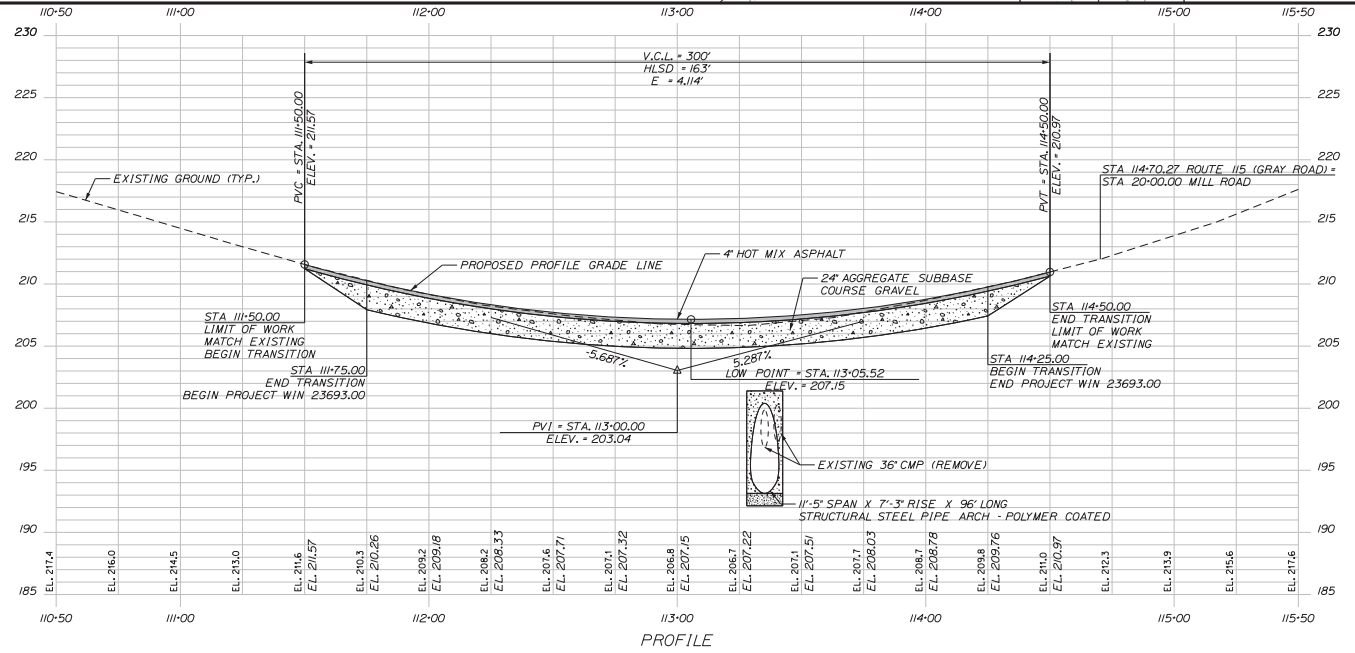
| STATION | CY | DESCRIPTION |
|---|---|---|
| STA. 111+75, RT. | 58 | SLOPE PROTECTION (3' DEPTH) |
| STA. 111+96, LT. | 12 | DOWNSPOUT |
| STA. 113+34, LT. | 17 | CULVERT END PROTECTION |
| STA. 113+37, RT. | 17 | CULVERT END PROTECTION |

610.18 STONE DITCH PROTECTION

| STATION | CY |
|---|---|
| STA. 111+50, RT. TO 112+68, RT. | 26 |
| STA. 113+40, LT. TO 114+44, LT. | 25 |

PLAN/PROFILE

Horiz. 25 0 25 50
Vert. 5 0 5 10
Scale of Feet




PROFILE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

WIN
23693.00

HIGHWAY PLANS

| | L.HAMILTON | BY | DATE | SIGNATURE |
|---|---|---|---|---|
| PROJ. MANAGER | | | | |
| DESIGN-DETAILED | T.HURST | T. WARREN | 07/23 | |
| DESIGN-DETAILED | D.LITWICZ | " | " | P.E. NUMBER |
| DESIGN2-DETAILED2 | " | " | " | |
| DESIGN3-DETAILED3 | " | " | " | |
| REVISIONS 1 | " | " | " | |
| REVISIONS 2 | " | " | " | DATE |
| REVISIONS 3 | " | " | " | |
| REVISIONS 4 | " | " | " | |
| FIELD CHANGES | " | " | " | |

NORTH YARMOUTH
ROUTE 115

PLAN/PROFILE

SHEET NUMBER
9
OF 17

Filename: ...\00\Highway\009_Plan01.dgn Division: HIGHWAY Username: Mike.Cundiff Date:1/13/2023

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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
X
WIN
023693.00
NORTH YARMOUTH
ROUTE 115 (Culvert)
Proposed Revegetation / Planting
SHEET NUMBER
X
OF
DESIGN-DETAILED
Kent Cooper
CHECKED-RECMED
DESIGN2-DETAILED2
RE/VISIONS 1
RE/VISIONS 2
RE/VISIONS 3
RE/VISIONS 4
FIELD CHANGES
SIGNATURE
P.E. NUMBER
DATE
YARMOUTH - CULVERT RTE. 115
PROPOSED REVEGETATION / PLANTING
NATIVE TREES AND SHRUBS, FERNS
NATIVE GRASSES, SEDGES, POLLINATORS
TREES +- 12' OC 54 TREES
SHRUBS +- 10' OC 84 SHRUBS
STREAM RELOCATION / WETLAND PLANTING
6,800 SQ. FT. WETLAND PLANTING
7,800 SQ. FT. SHRUBS, SEEDING INCL. CLEAR ZONE
PROPOSED PLANTING
RED MAPLES
BALSAM FIR
RED OAK
YELLOW BIRCH
SHADBLOW
RED TWIG DOGWOOD
WINTERBERRY
ROYAL FERN
CINNAMON FERN
PROGANICS SOIL MEDIUM
FLEXTERRA HYDROSEED THROUGHOUT
GRID NORTH
MAINE 2000 WEST ZONE
P.L.
5/8" DIA REBAR CAP#1183 UP 0.8'
208
114+00
113+00
112+00
N 7°31'17.3" W
18" WIDE GRANITE BLOCK
18" WIDE GRANITE
36" CMP, BOTTOM RUSTED OUT
36" CMP, BOTTOM RUSTED OUT
FLOW
SEED AND SHRUB THROUGHOUT
RTE. 115 EAST
TAF
CLF
60" CMP ARCH
GRAVEL DRIVE
12" CMP
DELINEATOR
BRICK ARCH KENNEL

Applicant: General Public, State of Maine

Effective Date: October 14, 2020
Expiration Date: October 14, 2025

**DEPARTMENT OF THE ARMY**
**GERNERAL PERMITS FOR**
**THE STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues 23 General Permits (GPs), listed below, for activities subject to Corps jurisdiction in waters of the United States within the boundaries of the State of Maine including tribal lands, and in adjacent ocean waters to the seaward limit of the outer continental shelf. These GPs are issued in accordance with Corps regulations at 33 CFR 320 – 332 and specifically 33 CFR 325.2(e)(2). These GPs will protect the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative adverse environmental effects.


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## I. CORPS JURISDICTION

**1.** Permits are required from the Corps for the following work:

a. The construction of any structure in, over, or under any navigable water of the U.S. (see 33 CFR 328), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322);

b. The discharge of dredged or fill material and certain discharges associated with excavation into waters of the U.S. including wetlands. The Corps regulates these activities under Section 404 of the Clean Water Act (see 33 CFR 323); and

c. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (see 33 CFR 324).

**2.** Related laws: Section 408 of the Rivers and Harbors Act of 1899, Section 401 of the Clean Water Act, Section 402 of the Clean Water Act, Section 307(c) of the Coastal Zone Management Act of 1972, Section 106 of the National Historic Preservation Act of 1966, Section 7 of the Endangered Species Act, the Fish and Wildlife Coordination Act of 1956, the Magnuson-Stevens Fishery Conservation and Management Act, Section 302 of the Marine Protection, Research and Sanctuaries Act of 1972, and Section 7(a) of the Wild and Scenic Rivers Act.

## II. GENERAL CRITERIA

**1.** In order for activities to qualify for these General Permits (GPs), they shall meet the GPs terms and eligibility criteria on pages 1-4, all applicable general conditions (GCs) in Section IV, and terms of the Maine General Permits in Section V. Any activity not specifically listed may still be eligible for authorization under these GPs; prospective permittees are advised to contact the Corps for specific eligibility determination.

**2.** Under these GPs, activities may qualify for the following:

- **SELF-VERIFICATION (SV)**: Notification to the Corps is required at least two weeks before work commences; the Corps will acknowledge receipt and GP eligibility of the SV activity in writing.
- **PRE-CONSTRUCTION NOTIFICATION (PCN)**: Notification to and written verification from the Corps is required. *No work under PCN may proceed until written verification from the Corps is received.*

The thresholds for activities eligible for SV and PCN are defined in the general conditions in Section IV and Maine General Permits in Section V.

**3.** Prospective permittees shall review:

a. Section I to determine if the activity requires Corps authorization.

b. Sections III , IV, and V to determine if the activity is eligible for authorization under these GPs, and specifically whether it is eligible for SV, or whether a PCN is required.

**4.** Prospective permittees are encouraged to contact the Corps with questions at any time (U.S. Army Corps of Engineers, Maine Project Office, 442 Civic Center Drive, Suite 350, Augusta, Maine 04330, ph. 207-623-8367). Pre-application meetings, whether arranged by the Corps or requested by a prospective permittee, are encouraged to facilitate the review of projects. Pre-application meetings and/or site visits help streamline the authorization process by alerting the prospective permittee to potentially time-consuming factors that are likely to arise during the evaluation of their project (e.g. avoidance, minimization and compensatory mitigation requirements, historic properties, endangered species, essential fish habitat, vernal pools, and dredging of contaminated sediments).

**5.** Permittees shall ensure compliance with all applicable GCs in Section IV and GPs in Section V. Non-compliance with these GPs and GCs may subject the permittee to criminal, civil, or administrative criminal penalties, and/or an ordered restoration, and/or the permit may be modified, suspended or revoked by the Corps.

## III. PROCEDURES

**1.** State Approvals. Applicants are responsible for applying for and obtaining any required state or local approvals. Federal and state jurisdiction and review criteria may differ in some instances. State permits may be required for specific projects regardless of the GP category.

In order for authorizations under these GPs to be valid, when any of the following state approvals or statutorily-required reviews is also required, the approvals shall be obtained prior to the commencement of work in Corps jurisdiction:

- Maine Department of Environmental Protection (DEP): Natural Resources Protection Act (NRPA) permit, including permit-by-rule (PBR) and general permit authorizations; Site Location of Development Act permit; Maine Waterway Development and Conservation Act permit; and Maine Hazardous Waste, Septage, and Solid Waste Management Act license.
- Maine Department of Agriculture, Conservation and Forestry: Land Use Planning Commission (LUPC) permit.
- Maine Department of Marine Resources: Aquaculture Leases and Licenses.
- Maine Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, Submerged Lands: Submerged Lands Lease.

**2.** How to Obtain/Apply for Corps Authorization.

a. **Self-Verification (SV)**: Prospective permittees shall confirm that the activity meets all the applicable terms and conditions of SV. Consultation with the Corps and/or other relevant federal and state agencies may be necessary to ensure compliance with the applicable general conditions (GCs) and related federal laws such as the National Historic Preservation Act (GC 15), the Endangered Species Act (GC 16), the Magnuson-Stevens Fishery Conservation and Management Act (GC 17), and the Wild and Scenic Rivers Act (GC 13). Activities that are eligible for SV are authorized under these GPs provided the prospective permittee has:

i. Confirmed that the activity meets all applicable terms and conditions of SV.

ii. Provided notifications to the State Historic Preservation Officer (SHPO) (the SHPO in the State of Maine is the Maine Historic Preservation Commission, or MHPC) and all five federally-recognized tribes in the State of Maine (Tribal Historic Preservation Officers, or THPOs) listed in Section VIII before submitting the SV to the Corps in order to be reviewed for the presence of historic, archeological, architectural, or tribal resources in the action area that the activity may affect (see GC 15). Prospective permittees are not required to wait for a response to their notifications before submitting the SV to the Corps.

iii. At least two weeks before work is to commence, submitted to the Corps a Self-Verification Notification Form (SVNF, page 36) with all of the following attachments: location map, project plans, and an Official Species List of federally threatened and endangered species that may occur in the activity's action area and the email address of the person who generated the list (see GC 16).

***NOTE: A copy of a state permit application form may be an acceptable surrogate for the SVNF itself; however, the applicant shall not rely on the state permitting agency to provide the Corps a copy of their state permit application.***

b. **Pre-Construction Notification (PCN)**: Notification to, and written verification from the Corps is required. For activities that do not qualify for SV or where otherwise required by the terms and conditions of the GPs, the prospective permittee shall submit a PCN and obtain written verification from the Corps before starting work in Corps jurisdiction. The Corps will coordinate review of all PCN activities with other federal and state agencies, as appropriate. The Corps will attempt to issue written verification of the PCN within 60 days of receiving a complete application.

All prospective permittees for PCN activities shall follow the instructions on found on pages 37 – 42, and in particular:

i. Submit directly to the Corps application form *ENG Form 4345* (pages 40 – 42), or the surrogate state permit application form as noted above.

ii. Provide project information outlined on pages 37 – 42 (Content of a Pre-Construction Notification).
iii. Submit an Official Species List of federally threatened and endangered species that may occur in the activity's action area and the email address of the person who generated the list (GC 16).
iv. Provide notifications to the SHPO (MHPC) and all five THPOs in the State of Maine listed in Section VIII before submitting the PCN to the Corps in order to be reviewed for the presence of historic, archeological, architectural, or tribal resources in the action area that the activity may affect (see GC 15). The PCN shall include documentation that MHPC and all of the THPOs were notified (a copy of the prospective permittee's cover letter or emails to MHPC and the THPOs is acceptable). Prospective permittees are not required to wait for a response to their notifications before submitting a PCN to the Corps.

*c.* **Individual Permit (IP):** Projects that are not eligible for these GPs require an IP (33 CFR 325.5(b)) and prospective permittees shall submit an application directly to the Corps. These GPs do not affect the Corps IP review process or activities exempt from Corps regulation. For general information regarding IPs prospective permittees are encouraged to contact the Corps. ***In addition, the Corps retains discretionary authority on a case-by-case basis to elevate GP-eligible activities to an IP based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR 320.4(a)). Whenever the Corps notifies a prospective permittee that an IP is required, no work in Corps jurisdiction may be conducted until the Corps issues the required authorization in writing indicating that the work may proceed.***

d. **Emergency Situations:** Contact the Corps immediately in the event of an emergency situation for information on the verification process. Emergency situations are limited to sudden, unexpected occurrences that could potentially result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures. Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise an IP is required. The Corps will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

## IV. GENERAL CONDITIONS

An activity is authorized under the General Permits (GPs) only if that activity and the permittee satisfy all of the applicable GPs terms and following general conditions (GCs):

**1.** Federal Jurisdiction.
**2.** Minimal Direct, Secondary and Cumulative Effects.
**3.** Other Permits.
**4.** Water Quality and Coastal Zone Management.
**5.** Fills Within 100-Year Floodplains.
**6.** Discretionary Authority.
**7.** Single and Complete Project.
**8.** Use of Multiple General Permits.
**9.** Mitigation (Avoidance, Minimization, and Compensatory Mitigation).
**10.** Corps Projects and Property.
**11.** Navigation.
**12.** National Lands.
**13.** Wild and Scenic Rivers.
**14.** St. John/St. Croix Rivers.
**15.** Historic Properties.
**16.** Federal Threatened and Endangered Species.
**17.** Essential Fish Habitat.
**18.** Aquatic Life Movements and Management of Water Flows.
**19.** Spawning, Breeding, and Migratory Areas.
**20.** Vernal Pools.
**21.** Restoration of Special Aquatic Sites (Including Wetland Areas).
**22.** Invasive and Other Unacceptable Species.
**23.** Soil Erosion, Sediment, and Turbidity Controls.
**24.** Time-of-Year Work Windows/Restrictions.
**25.** Pile Driving and Pile Removal in Navigable Waters.
**26.** Temporary Fill.
**27.** Heavy Equipment in Wetlands or Mudflats.
**28.** Bank and Shoreline Stabilization Including Living Shorelines.
**29.** Stream Work and Crossings, and Wetland Crossings.
**30.** Utility Line Installation and Removal.
**31.** Storage of Seasonal Structures.
**32.** Aquaculture.
**33.** Permit(s)/Authorization Letter On-Site.
**34.** Inspections.
**35.** Maintenance.
**36.** Federal Liability.
**37.** Property Rights.
**38.** Previously Authorized Activities.
**39.** Transfer of GP Verifications.
**40.** Modification, Suspension, and Revocation.
**41.** Special Conditions.
**42.** False or Incomplete Information.
**43.** Abandonment.
**44.** Enforcement Cases.
**45.** Duration of Authorization.

**1. Federal Jurisdiction.**

a. Applicability of these GPs shall be evaluated with reference to federal jurisdictional boundaries (e.g. mean high water mark, high tide line, ordinary high water mark, and wetland boundary). Activities shall be evaluated with reference to "waters of the U.S." under the Clean Water Act (33 CFR 328) and "navigable waters of the U.S." under Section 10 of the Rivers and Harbors Act of 1899 (33 CFR 329). Prospective permittees are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328 – 229. These sections prescribe the policy, practice and procedures to be used in determining the extent of the Corps jurisdiction. Note: Waters of the U.S. includes all waters pursuant to 33 CFR 328.3(a), and in adjacent wetlands as that term is defined in 33 CFR 328.3(c).

b. Permittees shall identify on project plans wetlands, other special aquatic sites (SAS) including vegetated shallows (or submerged aquatic vegetation, SAV) and mudflats, and other waters, such as lakes and ponds, and perennial and intermittent streams on the project site. Wetlands shall be delineated in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent regional supplement pertaining to the State of Maine. GP-eligible activities may utilize wetland determinations conducted by State of Maine staff in-lieu of a wetland delineation. For activities located in Essential Fish Habitat (GC 17), permittees shall also identify on project plans natural rocky habitats and shellfish areas in order to satisfy the Magnuson-Stevens Fishery Conservation and Management Act.

**2. Minimal Direct, Secondary and Cumulative Effects.** To be eligible and subsequently authorized by these GPs, an activity shall result in no more than minimal individual and cumulative effects on the aquatic environment as determined by the Corps in accordance with the criteria listed within these GPs and GCs. This may require project modifications involving avoidance, minimization, or compensatory mitigation for unavoidable impacts to ensure that the net adverse effects of an activity are no more than minimal.

**3. Other Permits.** Permittees shall obtain other Federal, State, or local authorizations as required by law. Permittees are responsible for applying for and obtaining all required State of Maine or local approvals including a Flood Hazard Development Permit issued by the town/city. Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, may still be eligible for authorization under these GPs.

**4. Water Quality and Coastal Zone Management.**

a. Permittees shall satisfy any conditions imposed by the State of Maine and EPA, where applicable, in their Clean Water Act Section 401 Water Quality Certification (WQC) for these GPs, or in any Individual Section 401 WQC. See Section VIII for state-specific contact info and to determine if any action is required to obtain a 401 WQC. The Corps may require additional water quality management measures to ensure that the authorized activity does not cause or contribute to a violation of water quality standards. All projects authorized by these GPs shall be designed, constructed and operated to minimize or eliminate the discharge of pollutants.

b. Permittees shall satisfy any additional conditions imposed by the State of Maine in their Coastal Zone Management (CZM) Act of 1972 consistency concurrences for these GPs, or in any Individual CZM consistency concurrences. The Corps may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**5. Fills Within 100-Year Floodplains.** The activity shall comply with applicable Federal Emergency Management Agency (FEMA) approved State of Maine or municipal floodplain management requirements. Permittees should contact FEMA and/or the State of Maine Floodplain Management Program regarding floodplain management requirements (see Section VIII for Federal and state-specific contact info).

**6. Discretionary Authority.** Notwithstanding compliance with the terms and conditions of these GPs, the Corps retains discretionary authority to require a PCN or IP review based on concerns for the aquatic environment or for any other factor of the public interest (see 33 CFR 320.4(a)). This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant a higher level of review based on the concerns stated above. This authority may be invoked for projects that may contribute to cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project.

**7. Single and Complete Project.** The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. These GPs shall not be used for piecemeal work and shall be applied to single and complete projects and as such, the same GP shall not be used more than once for the same single and complete project.

a. For non-linear projects, a single and complete project shall have independent utility. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

b. Unless the Corps determines the activity has independent utility, all components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project. If any component of a single and complete project requires a PCN, the entire single and complete project shall be reviewed under PCN.

c. For linear projects such as power lines or pipelines with multiple crossings, a "single and complete project" is all crossings of a single water of the U.S. (i.e. single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**8. Use of Multiple General Permits.** The use of more than one GP for a single and complete project is prohibited, except when the acreage loss of waters of the U.S. authorized by the GPs does not exceed the acreage limit of the GPs with the highest specified acreage limit. For example, if a road crossing over waters is constructed under GP 10, with an associated utility line crossing authorized by GP 9, if the maximum acreage loss of waters of the U.S. for the total project is ≥3 acres it shall be evaluated as an IP.

**9. Mitigation (Avoidance, Minimization, and Compensatory Mitigation).**

a. Activities shall be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable to ensure that adverse effects to the aquatic environment are no more than minimal.

b. Compensatory mitigation for unavoidable impacts to waters of the U.S., including direct, secondary and temporal loss, will generally be required for permanent impacts that exceed the SV limits (SV limits are detailed in Section V), and may be required for temporary impacts that exceed the SV limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

*c.* Mitigation proposals shall follow the guidelines found in the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule April 10, 2008; 33 CFR 332 (which can be found at: *www.nae.usace.army.mil/Missions/Regulatory/Mitigation* under "Compensatory Mitigation for Losses of Aquatic Resources, 33 CFR 332 (Compensatory Mitigation Rule)") and any other regulation. Permittees considering the use of a monetary payment *in-lieu* of permittee-responsible mitigation as compensation for unavoidable impacts to waters of the U.S. in the State of Maine may utilize the Maine Natural Resources Conservation Program (MNRCP). Information regarding this compensatory program can be found at: *www.mnrcp.org* For unavoidable jurisdictional impacts affecting federally-endangered Atlantic salmon and/or its critical habitat, permittees may be required to compensate for the impacts by utilizing the Maine Atlantic Salmon Restoration and Conservation Program. Information regarding this *in-lieu-fee* compensatory program can be found at: *www.maine.gov/dmr/science-research/searun/programs/ilffacts.html*

**10. Corps Projects and Property.**

*a.* Corps projects and property can be found at: *www.nae.usace.army.mil/Missions/Civil-Works*

b. In addition to any authorization under these GPs, prospective permittees shall contact the Corps Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting Corps properties and/or Corps-controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on Corps properties and/or Corps-controlled easements until they

have received any required Corps real estate documents evidencing site-specific permission to work.

c. Any proposed temporary or permanent modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier, or other work built or maintained but not necessarily owned by the United States), which may obstruct or impair the usefulness of the Federal project in any manner, is not eligible for SV and requires review and approval by the Corps pursuant to 33 USC 408 (Section 408).

d. A PCN is required for all work in, over, under, or within a distance of three times the authorized depth of a Corps Federal Navigation Project (FNP) and may require permission under Section 408.

e. Any structure or work that extends closer to the horizontal limits of any FNP than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

f. Where a Section 408 permission is applicable, written verification for the PCN will not be issued prior to the decision on the Section 408 permission request.

**11. Navigation**

a. There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

b. Work in, over, under, or within a distance of three times the authorized depth of an FNP shall specifically comply with GC 10.

c. Any safety lights and/or signals prescribed by the U.S. Coast Guard, State of Maine or municipality, through regulations or otherwise, shall be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.

d. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

**12. National Lands.** Activities that impinge upon the value of any National Lands or Federal Properties including but not limited to a National Wildlife Refuge, National Forest, or any area administered by the National Park Service , U.S. Fish and Wildlife Service or U.S. Forest Service are not eligible for SV and require PCN.

**13. Wild and Scenic Rivers.**

a. The following activities in designated rivers of the National Wild and Scenic River (NWSR) System, or in a river designated by Congress as a "study river" for possible inclusion in the system, require a PCN unless the National Park Service has determined in writing to the prospective permittee that the proposed work will not adversely affect the NWSR designation or study status:

i. Activities that occur in NWSR segments, in and 0.25 miles up or downstream of NWSR segments, or in tributaries within 0.25 miles of NWSR segments.
ii. Activities that occur in wetlands within 0.25 miles of NWSR segments.
iii. Activities that have the potential to alter free-flowing characteristics in NWSR segments.

b. As of October 14, 2020, National Wild and Scenic Rivers and congressional study rivers in Maine include: the Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River (length = 92 92.5 miles); and 11.25 miles of the York River, in the State of Maine, from its headwaters at York Pond to the mouth of the river at York Harbor, plus tributaries (the York River is currently under study).

**14. St. John/St. Croix Rivers.** A PCN is required for any work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. In addition, a PCN is required if any temporary or permanent use, obstruction or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the line; or if any construction or maintenance of remedial works,

protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

**15. Historic Properties.**

a. No undertaking shall cause effects (as defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unknown historic properties within the permit area, unless the Corps or another federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The majority of historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archeological consultants in coordination with the Corps and the State Historic Preservation Officer (SHPO) (the SHPO in the State of Maine is the Maine Historic Preservation Commission, MHPC) and/or the five federally-recognized tribes in the State of Maine (Tribal Historic Preservation Officers, or THPOs). The MHPC, the THPOs, and the National Register of Historic Places can assist with locating information on:

i. Previously identified historic properties; and

ii. Areas with potential for the presence of historic resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and MHPC and/or the THPO(s).

b. For activities eligible for these GPs, permittees shall ensure that the activity will not cause effects as stated above in 15(a). In order to comply with this condition, both SV and PCN prospective permittees shall notify MHPC and all five THPOs for their identification of historic properties. MHPC and the THPOs will generally respond within 30 days of receiving the notification if they believe that the activity may have an adverse effect to historic properties. A PCN is required if an activity may have an adverse effect to historic properties. The PCN shall be submitted as soon as possible if a proposed activity may cause effects as stated above in 15(a) a to ensure that the Corps is aware of any potential effects of the proposed activity on any historic property to ensure all Section 106 requirements are met.

c. All PCNs shall:

i. Show notification to MHPC and all five THPOs for their identification of historic properties;

ii. State which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties; and

iii. Include any available documentation from MHPC or the THPO(s) indicating that there are or are not historic properties affected.

*d.* The requirements to comply with Section 106 of the NHPA may be satisfied by a Programmatic Agreement (PA) or Programmatic Consultation (PC) with the Corps, New England District or another federal agency. New England District PAs and PCs are found at *www.nae.usace.army.mil/Missions/Regulatory*

e. If the permittee discovers any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by these permits, the permittee shall immediately notify the district engineer of what was found, and avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

f. Federal agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Federal permittees shall provide the Corps with the appropriate documentation to demonstrate compliance with those requirements.

g. Federal and non-federal applicants should coordinate with the Corps before conducting any onsite archeological work (reconnaissance, surveys, recovery, etc.) requested by MHPC or the THPOs, as the Corps will determine the Permit Area for the consideration of historic properties based on 33 CFR 325 Appendix C. This is to ensure that work done is in accordance with Corps requirements.

**16. Federal Threatened and Endangered Species.**

a. No activity is authorized by these GPs which:

i. Is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat or proposed critical habitat of such species;

ii. "May affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed;

iii. Is "likely to adversely affect" a listed species or critical habitat unless Section 7 consultation has been completed by the Corps or another lead action agency in coordination with the Corps under the provisions of a Programmatic Agreement (PA) or Programmatic Consultation (PC); or

iv. Violates the ESA.

b. All prospective permittees shall attach to their SVNF or PCN an Official Species List obtained from the U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) found at: *https://ecos.fws.gov/ipac* and provide the email address of the person who generated the list.

*c.* For proposed activities in tidal waters, prospective permittees should also refer to the National Oceanic and Atmospheric Administration (NOAA) Fisheries' Section 7 Mapper for federally-listed species found at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html*

d. A PCN is required if a threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all hereinafter referred to as "listed species or habitat"), as identified under the ESA, may be affected by the proposed work. An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septrionalis*), and only after Section 7 consultation has been completed by the Corps under the 4(d) Rule Streamlined Consultation.

e. Federal agencies shall follow their own procedures for complying with the requirements of the ESA while ensuring that the Corps and any other federal action agencies are included in the consultation process.

f. Non-federal representatives designated by the Corps to conduct informal consultation or prepare a biological assessment shall follow the requirements in the designation document(s) and the ESA. Non-federal representatives shall also provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for the GP activity, or whether additional ESA consultation is necessary.

*g.* The requirements to comply with Section 7 of the ESA may be satisfied by a Programmatic Agreement (PA) or Programmatic Consultation (PC) with the Corps, New England District or another federal agency. New England District PAs and PCs are found at: *www.nae.usace.army.mil/Missions/Regulatory*

**17. Essential Fish Habitat (EFH)**.

a. PCN activities in tidal waters and the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration, shall be reviewed for the potential to adversely affect EFH (activities meeting SV criteria have been determined to result in no more than minimal adverse effects to EFH and therefore need no additional review):

| | | | |
|---|---|---|---|
| Androscoggin River | Aroostook River | Boyden River | Dennys River |
| Ducktrap River | East Machias River | Hobart Stream | Kennebec River |
| Machias River | Narraguagus River | Orland River | Passagassawaukeag River |
| Patten Stream | Penobscot River | Pleasant River | Presumpscot River |
| Saco River | Sheepscot River | St. Croix River | Tunk Stream |
| Union River | | | |

b. Prospective permittees may be required to describe and identify potential adverse effects to EFH and should refer to the NOAA Fisheries' EFH Mapper found at: *www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper*

*c.* The requirements to comply with the Magnuson-Stevens Fishery Conservation and Management Act may be satisfied by a Programmatic Agreement (PA) or Programmatic Consultation (PC) with the Corps, New England District or another federal agency. New England District PAs and PCs are found at: *www.nae.usace.army.mil/Missions/Regulatory*

**18. Aquatic Life Movements and Management of Water Flows.**

a. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Unless otherwise stated, activities permanently impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies and wetlands shall be:

i. Suitably spanned, bridged, culverted, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and

ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the crossing.

b. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when it is necessary to perform the authorized work.

c. For work in tidal waters, in-stream controls (e.g. cofferdams) should be installed in such a way as to not obstruct fish passage.

d. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity shall not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g. stream restoration or relocation activities).

e. Activities that temporarily or permanently adversely impact upstream or downstream flood conditions require a PCN.

**19. Spawning, Breeding, and Migratory Areas.**

a. Jurisdictional activities in waters of the U.S. such as certain excavations, discharges of dredged or fill material, and/or suspended sediment producing activities that provide value as fish migratory areas, fish and shellfish spawning or nursery areas, or amphibian and migratory bird breeding areas, during spawning or breeding seasons shall be avoided and minimized to the maximum extent practicable.

b. Jurisdictional activities in waters of the U.S. that provide value as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the U.S. Fish and Wildlife's Maine Field Office (see Section VIII for contact info) to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

**20. Vernal Pools.**

a. A PCN is required if a discharge of dredged or fill material is proposed within a vernal pool depression located within waters of the U.S.

b. GC 20(a) above does not apply to projects that are within a municipality that meets the provisions of a Corps-approved vernal pool Special Area Management Plan (SAMP) and are otherwise eligible for SV, and the applicant meets the requirements to utilize the vernal pool SAMP.

**21. Restoration of Special Aquatic Sites (Including Wetland Areas).**

a. In areas of authorized temporary disturbance, if trees are cut they shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.

b. The introduction or spread of invasive plant species in disturbed areas shall be controlled. If construction mats are to be used in areas of invasive plant species, they shall be thoroughly cleaned before re-use.

c. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation. Original condition means protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are

approximately the same, unless otherwise authorized. Restoration shall typically commence no later than the completion of construction.

*d.* Upon completion of construction, all areas of authorized disturbed wetland area shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the "Invasive and Other Unacceptable Plant Species" Appendix K in the "New England District Compensatory Mitigation Guidance" found at: *www.nae.usace.army.mil/Missions/Regulatory/Mitigation*

**22. Invasive and Other Unacceptable Species.**

a. The introduction or spread of invasive or other unacceptable plant or animal species on the project site or areas adjacent to the project site caused by the site work shall be avoided to the maximum extent practicable. For example, construction mats and equipment shall be thoroughly cleaned and free of vegetation and soil before and after use. The introduction or spread of invasive plant or animal species on the project site caused by the site work shall be controlled.

b. No cultivars, invasive or other unacceptable plant species may be used for any mitigation, bioengineering, vegetative bank stabilization or any other work authorized by these GPs. However, non-native species and cultivars may be used when it is appropriate and specified in a written verification, such as using *Secale cereale* (Annual Rye) to quickly stabilize a site. All PCNs shall justify the use of non-native species or cultivars.

c. For the purposes of these GPs, plant species that are considered invasive and unacceptable areprovided in Appendix K "Invasive and Other Unacceptable Plant Species" of the most recent "New England District Compensatory Mitigation Guidance" and is found at: *www.nae.usace.army.mil/Missions/Regulatory/Mitigation* The June 2009 "U.S. Army Corps of Engineers Invasive Species Policy" provides policy, goals and objectives and is located at *www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species* If an Invasive Species Control/Management Plan has been prepared it should be included with any SV or PCN.

**23. Soil Erosion, Sediment, and Turbidity Controls.**

a. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextilesilt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion; of collecting sediment, suspended and floating materials; and of filtering fine sediment.

b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway orwetland.

c. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

**24. Time-of-Year Work (TOY) Windows/Restrictions.** In-water work shall be conducted during the following TOY work windows (work allowed) under SV and any in-water work proposed during the following TOY restrictions (no work) shall be reviewed under PCN (and shall contain written justification for deviation from the work allowed windows). The term "in-water work" does not include conditions where the work site is "in-the-dry" (e.g. intertidal areas exposed at low tide). The term also does not include work contained in a cofferdam so long as the cofferdam was installed and subsequently removed within the work allowedwindow.

| | TOY Restriction (***no work***) | TOY Work Window (***work allowed***) |
|---|---|---|
| Non-tidal waters | Oct. 1st to Jul. 14th | Jul. 15th to Sep. 30th |
| Tidal waters | Apr. 10th to Nov. 7th | Nov. 8th to Apr. 9th |

Alternate work windows proposed under PCN will generally be coordinated with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Maine Department of Inland Fisheries and Wildlife, and/or Maine Department of Marine Resources and resulting written verifications may include species-specific work allowed windows.

**25. Pile Driving and Pile Removal in Navigable Waters.**

a. Derelict, degraded, or abandoned piles and sheet piles in the project area shall be removed in their entirety as practicable and properly disposed of in an upland location and not in wetlands. In areas of fine-grained substrates, piles/sheets shall be removed by direct, vibratory, or clamshell pull method in order to minimize potential turbidity and sedimentation impacts. If removal is not practicable, said piles/sheets shall be cut off or driven to a depth of at least one foot below substrate.

b. Work involving pile installation and/or removal should adhere to one of the five methods below:

i. "In-the-dry", or

ii. In-water between Nov. 8th to Apr. 9th, or

iii. Drilled and pinned to ledge, or

iv. Vibratory hammers used to install any size and quantity of wood, concrete, or steel, or impact hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any diameter, concrete piles ≤18-inches diameter, steel piles ≤12-inches diameter if: (1) the hammer is ≤3,000 pounds and a wood cushion or equivalent is used between the hammer and steel pile, or (2) a soft start is used. Soft starts require an initial set of three strikes from the impact hammer at 40% energy, followed by a 1-minute waiting period between subsequent three-strike sets. The soft-start procedure shall be conducted any time hammering ceases for more than 30 minutes.

**26. Temporary Fill.**

a. Temporary fills, including but not limited to construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.

b. All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill shall be placed in a manner that will prevent it from being eroded by expected high flows.

c. Unconfined temporary fill authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).

d. Appropriate measures shall be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.

e. Construction debris and/or deteriorated materials shall not be placed or otherwise located in waters of the U.S.

***27.*** **Heavy Equipment in Wetlands or Mudflats.** Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and to the maximum extent practicable such equipment shall not be stored, maintained or repaired in wetlands. Where construction requires heavy equipment operation in wetlands, the equipment shall: a) have low ground pressure (typically <3 psi); b) be placed on swamp/construction/timber mats (herein referred to as "mats") that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or c) be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath equipment and upheaval of adjacent wetlands. Mats are to be placed in the wetland from the upland or from equipment positioned on mats if already working within a wetland. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization. Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen or dry conditions. Construction mats should be managed in accordance with construction mat best management practices (BMPs) found at:
*www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit*

**28. Bank and Shoreline Stabilization Including Living Shorelines.**

a. Projects involving construction of or repair, replacement, and maintenance of bank or shoreline stabilization structures including living shorelines within Corps jurisdiction shall be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable.

b. Prospective permittees shall design and construct these stabilization projects using this sequential avoidance and minimization process: avoidance of aquatic resource impacts, diversion of overland flow, vegetative stabilization, living shorelines, stone-sloped surfaces, and walls/bulkheads. New vertical walls/bulkheads shall only be used in situations where reflected wave energy can be tolerated. Prospective permittees proposing new vertical walls/bulkheads shall provide written justification demonstrating why other methods of stabilization are not practicable and how the surrounding area would be affected by the resulting reflected wave energy.

**Additional conditions to meet SV eligibility criteria for *non-tidal* bank and shoreline stabilization activities:**

a. Fill shall be ≤500 linear feet in total length as measured below the plane of the ordinary high water mark (OHWM), includes total if more than one stream bank.
b. Fill placed below the plane of the OHWM shall be ≤1 cubic yard per linear foot.
c. Fill shall not be angled steeper than 1H:1V.
d. No discharge of fill in special aquatic sites other than wetlands.
e. Stone revetment shall be comprised of angular material.
f. No material shall be of the type, or placed in any location, or in any manner, to impair surface water flow into or out of any water of the U.S.
g. No material shall be placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas).
h. The activity shall not be a stream channelization activity.

**Additional conditions to meet SV eligibility criteria for *tidal* bank and shoreline stabilization activities:**

a. All in-water work shall be conducted "in-the-dry".
b. Fill shall be ≤500 linear feet in total length as measured below the plane of the high tide line (HTL) and shall be ≤200 linear feet in total length as measured below the plane of the mean high water mark (MHWM), includes total for more than one bank. Vertical structures shall be ≤200 linear feet in total length as measured below the plane of the MHWM and shall be ≤18 inches waterward of the existing vertical face.
c. Fill placed below the plane of the HTL shall be ≤1 cubic yard per linear foot.
d. Stone revetment shall be comprised of angular material.
e. Shall not impact special aquatic sites (SAS, incl. submerged aquatic vegetation, SAV), impacts to natural rocky habitats are ≤100 square feet, and impacts to intertidal and shellfish areas are ≤1,000 square feet).
f. No structures/fill shall be steeper than 1H:1V.
g. No new groins, breakwaters, or jetties.

**29. Stream Work and Crossings, and Wetland Crossings.**

a. A PCN is required for all new and replacement crossings in navigable waters.

b. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations. Flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

c. A PCN is required for activities that result in unavoidable impacts to wetlands in excess of SV thresholds.

d. In-stream work and crossings and wetland crossings shall adhere to all applicable GCs including but not limited to:

i. GC 16 (Federally Threatened and Endangered Species)
ii. GC 17 (Essential Fish Habitat)
iii. GC 18 (Aquatic Life Movements and Management of Water Flows)

iv. GC 23 (Soil Erosion, Sediment and Turbidity Controls)
v. GC 24 (Time-of-Year Work Windows/Restrictions)
vi. GC 26 (Temporary Fill)
vii. GC 28 (Bank Stabilization)

e. Slip Lining. Work resulting in a decreased width, height, or diameter of an existing crossing (e.g. slip lining and invert lining) is discouraged and requires PCN. Written justification shall be provided for this activity.

f. Culvert Extensions. A PCN is required for any extension to an existing culvert.

g. Scour protection or armoring of the inlet and/or outlet of a crossing shall not disrupt normal flow patterns or substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area (see GC 18).

h. The permittee shall maintain the work authorized herein in good condition and in conformance with the terms and general conditions of this permit to facilitate aquatic life passage as stated in GC 18. Culverts that develop "hanging" inlets or outlets, result in bed washout, or a stream that doesn't match the characteristics of the substrate in the natural stream channel such as mobility, slope, stability confinement will require maintenance or repair to comply with this GC (this does not apply to temporary stream crossings).

**Additional conditions to meet SV eligibility criteria for Stream Work and Crossings:**

a. Crossings shall be designed and constructed using the techniques and principles outlined in Stream Simulation, Stream Smart, Habitat Connectivity Design.
*b.* Crossings shall be designed to be at least 1.2 times bankfull width. Any footings, abutments, and/or abutment armoring shall also be at least 1.2 times bankfull width.
c. Crossings shall have a natural bottom substrate under or within the structure matching the characteristics of the substrate in the natural stream channel. Crossings shall be designed and constructed with appropriate streambed forms and streambed characteristics so that water depths and velocities are comparable to those found in the adjacent natural channel at a variety of flows.
d. Crossings shall include a bank on both sides of the stream matching the horizontal profile of the existing stream and banks in order to allow terrestrial passage for wildlife and to prevent undermining of the footings as applicable.
e. Closed bottom culverts shall be embedded at least 25 percent of the maximum height of the culvert.
f. No unconfined fill or excavation in flowing waters is allowed. In-stream construction work shall be conducted "in-the-dry" under no-flow conditions or by using cofferdams, temporary flume pipes, culverts, etc. Downstream flows shall be maintained during in-stream construction. It is recommended that project plans include pertinent details for working in-the-dry and maintaining downstream flows.
g. Conditions (a) thru (e) immediately above do not apply to temporary stream crossings; however, in addition to conditions (f) immediately above, temporary stream crossings shall adhere to the following:
    i. Be placed on geotextile fabric or other material where practicable to ensure restoration to the original grade. Soil may not be used to construct or stabilize these structures and rock shall be large enough to allow for easy removal without disrupting the streambed.
    ii. Be designed and maintained to withstand and pass high flows. Water height shall be no higher than the top of the culvert's inlet. A minimum culvert diameter of two feet is required to pass debris. Culverts shall be aligned to prevent bank erosion or streambed scour.
    iii. Be equipped with energy dissipating devices installed downstream if necessary to prevent scour.
    iv. Be designed and maintained to prevent soil from entering the waterbody.
    v. Be removed upon the completion of work. Impacts to the streambed or banks requires restoration to their original condition using the methods in (a) above.

**PCN Conditions for Stream Work and Crossings:**

a. Crossings are recommended to meet the conditions for SV; written justification shall be provided for any deviation from SV conditions.

b. Crossings shall be designed using the least intrusive and environmentally damaging method following this sequential minimization process: 1) spans with no stream impacts, 2) spans with stream impacts, and 3) embedded culverts with Stream Simulation, Stream Smart, or Habitat Connectivity.

**Additional Conditions for Wetland Crossings:**

a. New and replacement wetland crossings that are permanent shall be constructed in such a manner as to preserve hydraulic and ecological connectivity, at its present level, between the wetlands on either side of the road. Crossing structures commonly include but are not limited to spans and culverts. To meet this condition, spans or culverts should be placed at least every 50 feet with an opening at least 2 feet high and 3 feet wide at ground level. Closed bottom culverts should be embedded at least 6 inches and should have a natural bottom substrate within the structure. Alternative crossing designs that preserve wetland hydraulic and ecological connectivity (e.g. "rock sandwiches) may also be considered.

b. Any work that results in flooding, or impacts to wetland drainage from the upgradient side of the wetland crossing does not qualify for SV.

c. In the case of non-compliance, the permittee shall take necessary measures to correct wetland damage due to lack of hydraulic and ecological connectivity.

**30. Utility Line Installation and Removal.**

a. Utility lines in jurisdictional waters should be installed subsurface and shall be maintained in such a way so that they remain subsurface. If it is necessary to discharge dredged or filled material to keep such utility lines buried or restore them to their original subsurface condition, a PCN and written verification from the Corps may be required (e.g., in the case of side casting into wetlands from utility trenches).

b. For subsurface utility lines the bottom and side slope cover associated with the initial installation under Federal Navigation Projects (FNPs) is a technical determination. The depth requirement varies based on geotechnical (composition of bottom materials and layering), hydraulic (current, or wave induced scour depth), navigation (propeller induced scour depth and ships' anchor penetration), maintenance dredging (penetration of barge spuds), construction factors (energy from blasting potentially transmitted to utility crossings), physical conditions (exposed open water conditions or sheltered/harbor conditions), and the proposed location of the utility crossing within any FNP or within navigable waters, including areas dredged by others. On a case-by-case basis, the Corps will determine the depth and cover requirements for each proposed utility crossing. Additional conditions to the GP will be attached to address pre and post installation requirements. In waterways that do not have existing FNPs, this depth should be taken as two feet below the existing bottom or maximum depth of proposed dredging, as applicable.

c. Aerial utility lines crossing navigable waters require PCN and shall meet minimum clearances per 33 CFR 322.5(i).

d. For horizontal directional drilling work, returns of drilling fluids to the surface (i.e., frac-outs) are not authorized and require restoration to the maximum extent practicable in accordance with the terms and conditions of these GPs. The permittee and its contractor shall have onsite and shall implement the procedures detailed in a frac-out contingency plan for monitoring drilling operations and for the immediate containment, control and recovery/removal of drilling fluids released into the environment should a discharge of material occur during drilling operations.

e. For new installations within waters of the U.S., any abandoned or inactive utility lines should be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) shall be removed or repaired to the extent practicable. A PCN is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.

f. No work shall drain a water of the U.S. by providing a conduit for water on or below the surface. Trench plugs installed along pipelines may be effective.

g. Trenches should be backfilled with native sediment immediately after completion of work.

h. Pre-construction elevations should be re-established. Any additional material needed to accomplish this should be of consistent type and grain-size as the existing substrate sediment.

i. Utility line activities in non-tidal waters adjacent to special aquatic sites, and all work in tidal waters should utilize horizontal directional drilling as practicable.

**31. Storage of Seasonal Structures.** Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location and not in wetlands, tidal wetlands, their substrate, or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of a structure that is waterward of the mean high water mark or the ordinary high water mark, e.g. the storage of a ramp or gangway on the pile-supported pier. Seasonal storage of structures in navigable waters, e.g., in a protected cove, requires prior Corps approval and local harbormaster approval.

**32. Aquaculture.** Activities involving the cultivation of Atlantic salmon and other salmonids, or other federally-listed threatened or endangered species are not eligible for authorization under these GPs. All other aquaculture activities shall adhere to all applicable GCs including but not limited to:

a. GC 3 (Other Permits) In particular, permittees shall maintain a current State of Maine Department of Marine Resources lease or license.
b. GC 10 (Corps Projects and Property)
c. GC 11 (Navigation)
d. GC 16 (Federal Threatened and Endangered Species)
e. GC 17 (Essential Fish Habitat)
f. GC 18 (Aquatic Life Movements and Management of Water Flows)
g. GC 31 (Storage of Seasonal Structures)

**Additional conditions to meet SV eligibility criteria for Tidal Aquaculture:**

a. Shall not exceed 400 square feet in area.
b. Shall receive signed approval from Harbormaster or appropriate Town Official.
c. Shall not include enclosures or impoundments.
d. Shall not be located in or within a distance of three times the authorized depth of a FNP.
e. Shall not be located in or impinge upon the value of National Lands and Federal Properties including but not limited to National Parks and National Wildlife Refuges.
f. Shall not impact special aquatic sites (SAS, incl. submerged aquatic vegetation, SAV), impacts to natural rocky habitats are ≤100 square feet, and impacts to intertidal and shellfish areas are ≤1,000 square feet.
g. No structures, cages, gear, or shell hash shall be located in/within 25 feet of SAV.
h. All gear, except for mooring tackle, when not in use on the site shall be stored in an upland location above the mean high water mark and not on wetland (incl. salt marsh).

**33. Permit(s)/Authorization Letter On-Site.** The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

**34. Inspections.** The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall

complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. The Corps may also require post-construction engineering drawings and/or photographs for completed work or post-dredging survey drawings for any dredging work to verify compliance.

**35. Maintenance**. The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and condition of these permits. This does not include maintenance dredging, related disposal, or beach nourishment projects, which are subject to review thresholds for GP 5 on page 30, unless specified in written authorization from the Corps.

**36. Federal Liability.** In issuing these permits, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work; or

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

**37. Property Rights.** Per 33 CFR 320.4(g)(6), these GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

**38. Previously Authorized Activities.**

a. Projects that received prior authorization from the Corps (via Category 1 or 2) and that completed authorized work under the previous nationwide permits, programmatic permits, regional general permits or letters of permission, shall remain authorized in accordance with the original terms and conditions of those authorizations, including their terms, general conditions, expiration date, and any special conditions provided in a written verification.

b. Activities authorized pursuant to 33 CFR Part 330.3 ("Activities occurring before certain dates") are not affected by these GPs.

c. Any work not commenced, not under contract to commence, nor completed that was originally authorized by the Corps under the GP in effect between October 13, 2015 and October 13, 2020 remains authorized subject to the terms and general conditions of this GP along with any special conditions included in written authorizations. Exception: if previously authorized work has not commenced or not under contract to commence and a new federally-listed threatened or endangered species may be affected, the Corps shall consult with the U.S. Fish and Wildlife Service or NOAA Fisheries prior to re-authorizing the work under these GPs. Requests for re-authorization shall include an Official Species List per GC 16.

**39. Transfer of GP Verifications**. If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the GP verification shall be attached to the letter, the letter shall contain the name, address, phone number and email of the transferee (new owner), shall include the following statement and signature, and be mailed to: U.S. Army Corps of Engineers, Maine Project Office, 442 Civic Center Drive, Suite 350, Augusta, Maine 04330:

> "When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the new owner(s) of the property."
>
> _____
> Transferee Printed Name
>
> _____
> Transferee Signature Date

**40. Modification, Suspension, and Revocation.** These GPs and any individual authorization issued thereof may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7, and any such action shall not be the basis for any claim for damages against the U.S.

**41. Special Conditions.** The Corps may independently or in coordination with federal resource agencies impose special conditions on a project authorized pursuant to these GPs that are determined necessary to minimize adverse navigational and/or environmental effects, or based on any other factor of the public interest. Failure to comply with all terms and conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties and/or an ordered restoration.

**42. False or Incomplete Information.** If the Corps makes a determination regarding the eligibility of a project under these GPs and subsequently discovers that it has relied on false, incomplete or inaccurate information provided by the permittee, the Corps may determine that the GP authorization is not valid; modify, suspend or revoke the authorization; and the U.S. Government may institute legal proceedings.

**43. Abandonment.** If the permittee decides to abandon the activity authorized under these GPs, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.

**44. Enforcement cases.** These GPs do not apply to any existing or proposed activity in Corps jurisdiction associated with an ongoing Corps or EPA enforcement action, until such time as the enforcement action is resolved or the Corps or EPA, as appropriate, determines that the activity may proceed independently without compromising the enforcement action.

**45. Duration of Authorization.**

a. These GPs expire on October 14, 2025 unless otherwise specifically indicated in an individual authorization letter. Activities authorized under these GPs that have either commenced or are under contract to commence in reliance upon this authorization will have an additional year from the expiration date to complete the work. The permittee must be able to document to the Corps' satisfaction that the activity commenced or was under contract to commence by the expiration date of these GPs. If work is not completed within the one year extended timeframe, the permittee must contact the Corps. The Corps may issue a new authorization, provided the activity meets the applicable terms and conditions of the Maine GPs that are in effect at the time.

b. Activities authorized under these GPs will remain authorized until these GPs expire, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities completed under the SV or PCN authorizations of these GPs will continue to be authorized after its expiration date.

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Tammy R. Turley
Chief, Regulatory Division

## V. MAINE GENERAL PERMITS

An activity is authorized under General Permits 1 through 23 listed below only if that activity and the permittee satisfy all of the applicable GP terms and general conditions. Any activity not specifically listed may still be eligible for authorization under these GPs; prospective permittees are advised to contact the Corps for specific eligibility determination.

**1. Repair, Replacement, and Maintenance of Authorized Structures and Fills**;
Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill and minor expansions thereof.

**2. Moorings**
New moorings and mooring fields, the relocation of previously authorized moorings, expansions, boundary reconfigurations or modifications of previously authorized mooring fields, conversion of mooring types (e.g. private to rental), and maintenance and replacement of moorings. Moored floats, lobster cars, rafts, and similar float structures are not included in this GP.

**3. Structures, Floats and Lifts**
New, expansions, reconfigurations or modifications of structures for navigational access in waters of the U.S. including but not limited to temporary/seasonal or permanent pile and crib-supported piers, floats, stairs, shore outhauls, and boat and float lifts/ways. Floats may include lobster cars, work floats, moored floats, swim floats, and shellfish upweller floats.

**4. Aids to Navigation, and Temporary Recreational Structures**
Aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66) and temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as fireworks displays, water skiing competitions, and boat races or seasonal use.

**5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation**
New, maintenance, and improvement dredging, including: a) Disposal of dredged material at a confinedaquatic disposal, beach nourishment, near shore, designated open water or ocean water disposal site(s), provided the Corps finds the dredged material to be suitable for such disposal; (b) Beach nourishment not associated with dredging; (c) Rock removal and relocation for navigation.

**6. U.S. Coast Guard Approved Bridges and Causeways**
Discharges of dredged or fill material incidental to the construction and modification of bridges across navigable waters of the U.S., including cofferdams abutments, foundation seals, piers, approach fills, and temporary construction and access fills provided that the USCG authorizes the construction of the bridge structure under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws.

**7. Bank and Shoreline Stabilization Including Living Shorelines**
Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, and marine/tidal waters. Includes bulkheads, seawalls, riprap, revetments or slope protection & similar structures as well as vegetative planting, soil bioengineering or alternative techniques that are a combination of the two (i.e. living shorelines), specifically for the purpose of shoreline protection.

**8. Residential, Commercial and Institutional Developments, and Recreational Facilities**
Discharges of dredged or fill material into waters of the U.S for the construction or expansion of: residences and residential subdivisions; commercial and institutional buildings or subdivisions; and recreational facilities; and attendant features including but not limited to roads, parking lots, garages, stormwater management facilities, yards, and utilities.

**9. Utility Line Activities**
Activities required for (a) the construction, maintenance, relocation, repair, & removal of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for utility lines; (b) the construction, maintenance or expansion of utility line substation facilities associated with a power/utility line in non-tidal waters; and (c) the construction and maintenance of foundations for overhead utility line towers, poles, and anchors provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible. This GP authorizes the construction of access roads to facilitate construction of the above activities provided the activity, in combination with all other activities included in one single and complete project.

**10. Linear Transportation Projects**
Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features.

**11. Mining Activities**
Temporary or permanent discharges of dredged or fill material into waters of the U.S. for mining activities.

**12. Boat Ramps and Marine Railways**
Temporary or permanent discharges of dredged or fill material, excavation and other work in waters of the U.S. required for the construction of temporary or permanent boat ramps and marine railways.

**13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects**
Structures and work and discharges of dredged or fill material into waters of the U.S. for the construction, expansion, modification or removal of: (a) land-based renewable energy production facilities (e.g. solar and wind) and their attendant features; (b) water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features; and (c) discharges of dredged or fill material associated with hydropower projects. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots.

**14. Reshaping Existing Drainage Ditches and Mosquito Management**
Discharges to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the U.S., for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. Also authorized are mosquito reduction activities.

**15. Response Operations for Oil or Hazardous Substances**
Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) including containment, cleanup, and mitigation efforts, provided activities are done under either (i) The Spill Prevent, Control & Countermeasure Plan require by 40 CFR 112.3; (ii) The direction or oversight of the Federal on-site coordinator designated by 40 CFR 300; or (iii) Any approved existing State, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts or does not object to the response effort. Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA's polychlorinated biphenyl (PCB) spill response regulations at 40 CFR 761. Booms placed in tidal waters. Use of temporary structures & fills for spill response training exercises.

**16. Cleanup of Hazardous and Toxic Waste**
Specific activities to effect the containment, stabilization or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements which are performed, ordered or sponsored by a government agency with established legal or regulatory authority.

**17. Scientific Measurement Devices**
Scientific devices for measuring and recording scientific data, such as staff gauges, tide and current gauges, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures.

**18. Survey Activities**
Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching and historic resources surveys (but not recovery).

**19. Agricultural Activities**
Regulated discharges of dredged or fill material in non-tidal waters of the U.S. for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include: (a) installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches; and similar activities; (b) construction of farm ponds, excluding perennial streams, provided the farm pond is used solely for agricultural purposes; and (c) discharges of dredged or fill material to relocate existing serviceable drainage ditches constructed in non-tidal streams.

**20. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices**
Activities in waters of the U.S. associated with fish and wildlife harvesting devices including pound nets, crab and lobster traps, crab dredging, eel pots, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This GP does not include aquaculture activities.

**21. Habitat Restoration, Establishment and Enhancement Activities**
Activities in waters of the U.S. associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal streams & associated wetlands for reestablishment of a natural stream morphology and reconnection of the floodplain; the restoration and enhancement of shellfish, finfish and wildlife; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities result in net increases in aquatic resource functions and services. Also included are shellfish enhancement measures including but not limited to “brushing”, clam pots, boxes, and netting.

**22. Stream and Wetland Work and Crossings**
Activities required for the construction, expansion, modification, or improvement of linear transportation projects that cross waters of the U.S. (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features. Crossing structures include, but are not limited to temporary or permanent jurisdictional spans, bridges, culverts, and fords. Any stream channel modification is limited to the minimum necessary to construct or protect the project; such modifications must be in the immediate vicinity of the project.

**23. Aquaculture**
The installation of buoys, floats, racks, trays, nets, lines or other structures in waters of the U.S. for the containment and cultivation of fish, shellfish and seaweed/kelp. Also authorized are anchored upweller floats, small-scale shellfish hatchery seawater intake/discharge structures, and discharges of dredged or fill material associated with cultivation such as the placement of cultch or spatted-shell on bottom.

***USER NOTE: All Self-Verification and Pre-Construction Notification activities shall comply with all applicable terms (pages 1 - 4), General Conditions (pages 5 - 19), and additional terms below.***

| GENERAL PERMITS FOR THE STATE OF MAINE | | |
|---|---|---|
| **A. INLAND WATERS AND WETLANDS** | Inland Waters and Wetlands are defined as waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds, and wetlands, and ***excludes Section 10 Navigable Waters of the U.S.*** The jurisdictional boundaries are the ordinary high water mark (OHWM) in the absence of adjacent wetlands; beyond the OHWM to the limit of adjacent wetlands when adjacent wetlands are present; and the wetland limit when only wetlands are present. For the purposes of these GPs and designated activities, fill placed in the area between the mean high water mark (MHWM) and the high tide line (HTL), and in the bordering and contiguous wetlands to tidal waters are reviewed in the Navigable Waters section below beginning on page 28. | |
| | Activities not meeting the Self-Verification terms below require Pre-Construction Notification and activities not meeting the Pre-Construction Notification terms below require an application for an Individual Permit (IP). | |
| **GENERAL PERMIT #** | **SELF-VERIFICATION (SV)** | **PRE-CONSTRUCTION NOTIFICATION (PCN)** |
| **1. Repair, Replacement, and Maintenance of Authorized Structures and Fills** *(for stream crossings see GP 22)* | Repair, replacement, and maintenance of existing, currently serviceable, authorized fills with no expansion or change in use, provided:<br>• Conditions of the original authorization apply.<br>• Minor deviations in fill design allowed.<br>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the work is commenced, or is under contract to commence, within two years of the date of their destruction or damage.<br>• Drawdown of impoundments for dam/levee repair does not exceed 18 months and one growing season (Apr-Sept). | Repair, replacement, and maintenance of existing authorized fills not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **2. Moorings** | Not Applicable – these activities in non-navigable inland waters do not require Corps authorization. | Not Applicable – these activities in non-navigable inland waters do not require Corps authorization. |
| **3. Structures, Floats, and Lifts** | Pile-supported structures, floats and lifts located in non-navigable inland waters do not require Corps authorization.<br><br>Solid fill or crib-supported structures with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. | Fill activities associated with structures, floats, and lifts not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **4. Aids to Navigation and Temporary Recreational Structures** | Not Applicable – these activities in non-navigable inland waters do not require Corps authorization. | Not Applicable – these activities in non-navigable inland waters do not require Corps authorization. |
| **5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation** | Those activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No stream channelization, relocation, or loss of streambed including impoundments or discharges of tailings into streams. | Those activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
|---|---|---|
| **6. U.S. Coast Guard Approved Bridges and Causeways** | Not applicable in inland waters and wetlands; see B. Navigable Waters on page 31 below. | Not applicable in inland waters and wetlands; see B. Navigable Waters on page 31 below. |
| **7. Bank and Shoreline Stabilization Including Living Shorelines (see also GC 28)** | Bank and shoreline stabilization activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• Fill is ≤500 LF in total length as measured below the plane of the OHWM, includes total if more than one stream bank.<br>• Fill placed below the plane of the OHWM is ≤1 CY per linear foot.<br>• There is no discharge in special aquatic sites other than wetlands.<br>• Revetment is comprised of angular material.<br>• In-stream work is limited to Jul. 15th to Sep. 30th<br>• No structures angled steeper than 1H:1V. | Bank and shoreline stabilization activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **8. Residential, Commercial and Institutional Developments, and Recreational Facilities** | Those developments and facilities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. Provided:<br>• The historic fill and proposed fill area <15,000 SF specifically complies with GC 5 Single and Complete Projects.<br>• No work in special aquatic sites other than wetlands. | Those developments and facilities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts.<br><br>*Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance >3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.* |
| **9. Utility Line Activities (see also GC 30)** | Utility line activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill (excluding mats), and associated secondary impacts, provided:<br>• There is no permanent change in pre-construction contours in waters in the U.S.<br>• Material resulting from trench excavation is temporarily side cast into waters of the U.S. for <3 months and is placed in such a manner that is not dispersed by current or other forces.<br>• The line does not run parallel to, or along a streambed.<br>• No stream channelization, relocation, or loss of streambed including impoundments.<br>• There is no discharge in special aquatic sites other than wetlands.<br>• Construction mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one single growing season.<br>• In-stream work is limited to Jul. 15th to Sep. 30th<br>• In-water work is conducted in-the-dry.<br>• Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments.<br>• Construction mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one single growing season. | Utility line activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts.<br><br>*Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance >3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.* |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
|---|---|---|
| **10. Linear Transportation Projects** *(for stream crossings refer to GP 22)* | Linear transportation activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill (excl. mats), and associated secondary impacts, provided:<br>• The historic fill and proposed fill area <15,000 SF specifically complies with GC 5 Single and Complete Projects.<br>• There is no discharge in special aquatic sites other than wetlands.<br>• Construction mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one single growing season. | Linear transportation activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts.<br><br>*Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance >3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.* |
| **11. Mining Activities** | Mining activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No stream channelization, relocation, or loss of streambed including impoundments. | Mining activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **12. Boat Ramps** | Boat ramps with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, and temporary fills. | Boat ramps not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects** | Those facilities and projects with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No stream channelization, relocation, or loss of streambed including impoundments.<br>• No new water-based facilities are eligible. | Those facilities and projects not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts.<br><br>*Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance >3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.* |
| **14. Reshaping Existing Ditches and Mosquito Management** | Not applicable in inland waters and wetlands; see B. Navigable Waters on page 33 below. | Not applicable in inland waters and wetlands; see B. Navigable Waters on page 33 below. |
| **15. Response Operations for Oil or Hazardous Substances** | The SVNF or a surrogate state reporting form may be submitted after-the-fact for response operations.<br><br>This GP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts (*SVNF is required prior to the activity*). | Those response operations not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
|---|---|---|
| **16. Cleanup of Hazardous and Toxic Waste** | Those cleanup activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No stream channelization, relocation, or loss of streambed including impoundments.<br>• The activity does not involve establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste. | Those cleanup activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts.<br>• The activity does not involve establishing new sites for the disposal of hazardous or toxic waste. |
| **17. Scientific Measurements Devices** | Those devices with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No biological sampling devices.<br>• Devices do not restrict or concentrate movement of aquatic organisms.<br>• Upon completion of use, the devices and any associated fills shall be removed in their entirety. | Those devices not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **18. Survey Activities** | Those survey activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• Exploratory trenches are restored in accordance with GC 21.<br>• No discharge of excavated material from test wells for oil and gas exploration (the plugging of such wells is authorized). | Those survey activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **19. Agricultural Activities** | Those agricultural activities subject to Corps jurisdiction with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No stream channelization, relocation, or loss of streambed including impoundments. | Those agricultural activities subject to Corps jurisdiction not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **20. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities** | Not applicable in inland waters and wetlands; see B. Navigable Waters on page 34 below. | Not applicable in inland waters and wetlands; see B. Navigable Waters on page 34 below. |
| **21. Habitat Restoration, Establishment, and Enhancement** | Those activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No water impoundments allowed.<br>• No conversion of a stream to wetland or vice versa, a wetland to a pond or uplands, or one wetland type to another.<br>• No dam removal. | Those activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
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| **22. Stream and Wetland Work and Crossings (see also GC 29)** | Stream work and crossings with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No work in designated or proposed critical habitat for endangered species.<br>• Crossings are designed and constructed using the techniques and principles outlined in Stream Simulation, Stream Smart, or Habitat Connectivity Design.<br>• Crossings are designed to be 1.2 times bankfull width.<br>• Crossings have a natural bottom substrate.<br>• Crossings include a bank on both sides of the channel.<br>• Closed bottom culverts are embedded at least 25% of the maximum width of the culvert.<br>• In-stream work is limited to Jul. 15th to Sep. 30th<br>• In-stream work is conducted "in-the-dry".<br>• No slip lining.<br>• No culvert extensions.<br>• No stream channelization, relocation, or loss of streambed including impoundments.<br>Wetland work and crossings, provided:<br>• No flooding or impacts to wetland drainage from the upgradient side of the crossing. | Stream and Wetland Work and Crossings not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |
| **23. Aquaculture (see also GC 32)** | Aquaculture activities with <15,000 SF of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts, provided:<br>• No water impoundments allowed.<br>• No conversion of i) a stream to wetland or vice versa, a wetland to a pond or uplands, and ii) one wetland type to another. | Aquaculture activities not eligible for SV, provided:<br>• <3 acres of permanent and/or temporary inland waterway and/or wetland fill, and associated secondary impacts. |

***USER NOTE: All Self-Verification and Pre-Construction Notification activities shall comply with all applicable terms (pages 1 - 4), General Conditions (pages 5 - 19), and additional terms below.***

| | | |
|---|---|---|
| **B. NAVIGABLE WATERS** | **Navigable Waters of the U.S. are defined as** those waters that are subject to the ebb and flow of the tide in addition to the non-tidal portions of the following federally-designated waters in Maine (the Kennebec River to Moosehead Lake, the Penobscot River to the confluence of the East and West Branch at Medway and, Lake Umbagog within the State of Maine) (Section 10 Rivers and Harbors Act of 1899). The jurisdictional limits are the mean high water mark (MHWM) in tidal waters and the ordinary high water mark (OHWM) in non-tidal portions of the federally-designated navigable rivers. For the purposes of these GPs, fill placed in the area between the mean high water mark (MHWM) and the high tide line (HTL), and in the bordering and contiguous wetlands to tidal waters are also reviewed in this Navigable Waters section. | |
| | Activities not meeting the Self-Verification terms below require Pre-Construction Notification and activities not meeting the Pre-Construction Notification terms below require an application for an Individual Permit. | |
| **GENERAL PERMIT #** | **SELF-VERIFICATION** | **PRE-CONSTRUCTION NOTIFICATION** |
| **1. Repair, Replacement, and Maintenance of Authorized Structures and Fills**<br>**See GC 25 for pile driving and removal conditions.* | Repair, replacement, or maintenance of previously authorized, currently serviceable structures or fills, provided:<br>• Conditions of the original authorization apply.<br>• No expansion or change in use. Shall be rebuilt in same footprint, however minor deviations in design allowed.<br>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided that work is commenced, or is under contract to commence, within two years of the date of their destruction or damage.<br>• In-water work is conducted "in-the-dry" (see GC 24).<br>• No impacts to special aquatic sites (SAS) (incl. submerged aquatic vegetation, SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal area ≤1,000 SF<br>• Slope stabilization is ≤500 LF in total length as measured below the plane of the HTL and is ≤200 LF in total length as measured below the plane of the MHWM or OHWM. Vertical structures are ≤200 LF in total length as measured below the plane of the MHWM or OHWM and are ≤18 inches waterward of existing face.<br>• Dam and flood control, or levee work does not alter water levels or flood elevations.<br>• Discharge of accumulated bottom sediments from or through a dam is not more than *de minimus*.<br>• Tide gate work has a Corps-approved operation and maintenance plan and no effect to hydraulic regime, or tide gates that solely convey stormwater and/or Maine National Pollutant Discharge Elimination System-permitted discharges. | Repair, replacement, or maintenance of previously authorized structures or fills not eligible for SV, provided:<br>• ≤0.5 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
|---|---|---|
| **2. Moorings** | Private, non-commercial, non-rental, single-boat moorings, provided:<br>• Authorized by the local harbormaster/town.<br>• Not associated with any boating facility (e.g. marinas).<br>• Not located within a Federal Navigational Project (other than in a Federal Anchorage) or within a distance of three times the authorized depth of a Federal Navigation Project. Moorings in a Federal Anchorage must not be associated with a boating facility and must not be for rent.<br>• No interference with navigation.<br>• Mooring is not located in SAS (incl. SAV) or intertidal areas.<br><br>Minor relocation of previously authorized moorings, provided:<br>• Authorized by the local harbormaster/town.<br>• Relocation is not within a Federal Navigational Project (other than in a Federal Anchorage) or within a distance of three times the authorized depth of a Federal Navigation Project.<br>• No interference with navigation.<br>• Relocated mooring is not located in SAS (incl. SAV) or intertidal areas.<br>**SV Moorings above do not require a SVNF.* | Moorings not eligible for SV and don't require an IP. This includes private moorings with no harbormaster or means of local approval or moorings associated with a boating facility (e.g. marina).<br><br>*Locating new moorings in SAS (incl. SAV) shall be avoided to the maximum extent practicable. If SAS cannot be avoided, consideration shall be given to alternative mooring systems that prevents mooring chains from resting or dragging on the bottom substrate at all tides.*<br><br>An IP is required for moorings located within the horizontal limits, or with moored vessels that extend into the horizontal limits of a Federal Navigation Project (other than in a Federal Anchorage). |
| **3. Structures, Floats, and Lifts**<br><br>*Cont'd below on page 30* | Reconfiguration of such existing authorized structures with all intertidal work conducted "in-the-dry" (see GC 24).<br><br>Minor relocation of previously authorized floats provided:<br>• Relocation is not into a Federal Navigation Project or within a distance of three times the authorized depth of a Federal Navigation Project (other than a Federal Anchorage).<br>• No interference with navigation.<br>• Not relocated in or within 25 feet of SAV.<br>• Seasonal floats are stored above the MHWM and not on wetland (incl. salt marsh).<br><br>New private, non-commercial ramp and float structures attached to land (no piers) or new floats provided:<br>• Not located in or within a distance of three times the authorized depth of a Federal Navigation Project.<br>• No interference with navigation.<br>• No structure extends across >25% of the waterway width at mean low water.<br>• Not located in or within 25 feet of SAV.<br>• Ramp is <150 LF over salt marsh waterward of the MHWM and is ≥1:1 height:width ratio over salt marsh. | New structures, floats, and/or lifts including floatways/skidways, built to access waterway (both seasonal and permanent). Includes pile-supported, solid fill-supported, and crib-supported structures. Also includes expansions to existing authorized boating facilities (e.g. marinas). Provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF<br><br>**See GC 25 for pile driving and pile removal conditions.*<br><br>Compliance with the following is recommended:<br>• *Lowermost part of floats are ≥18 inches above the substrate during all tides.*<br>• *Structures are ≥1:1 height:width ratio over salt marsh.*<br>• *Structures and floats are not located in or within 25 feet of SAV.*<br>• *Moored vessels are not positioned over SAV.*<br>• *Structures attached to land are located ≥ 25 feet from the property line (The Corps may require a letter of no objection from the abutter if located within 25 feet of the property line.)* |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
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| *Cont'd from page 29* | • Ramp and floats attached to land are located ≥25 feet from the property line.<br>• Seasonal ramp and floats are stored above the HTL and not on wetland (incl. salt marsh).<br><br>Compliance with the following is recommended:<br>• *Lowermost part of floats is ≥18 inches above the substrate during all tides.* | • *No structure extends across >25% of the waterway width at mean low water.*<br>• *Not located within a distance of three times the authorized depth of a Corps Federal Navigation Project.*<br><br>An IP is required for structures, floats, and/or lifts including floatways/skidways, located in such that they and/or vessels docked or moored at them are within the horizontal limits of a Corps Federal Navigation Project. An IP is also required for structures and floats associated with a new or previously unauthorized boating facility (e.g. marinas). |
| **4. Aids to Navigation and Temporary Recreational Structures** | Aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard. (See 33 CFR 66, Chapter I, subchapter C).<br>**These SV Aids do not require a SVNF.*<br><br>Temporary buoys, markers, floats, etc. for recreational use during specific events, provided:<br>• They are removed within 30 days after the specific event has concluded.<br>• No interference with navigation.<br>• No impact to SAV. | Aids and temporary structures not eligible for SV. |
| **5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation** | Maintenance dredging of <1,000 CY for navigational purposes with upland disposal including return water from upland contained disposal area, provided:<br>• Proper siltation controls are used.<br>• No expansion of footprint.<br>• No dredging in or within a distance of three times the authorized depth of a Federal Navigation Project.<br>• Dredging operation is limited to Nov. 8th to Apr. 9th (it is recommended that in areas populated by winter flounder, dredging should cease by March 15th).<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal area ≤1,000 SF<br>• No dredging within 25 feet of SAV.<br>• No dredging in or within 100 feet of shellfish areas.<br>• No blasting.<br>• No dredging in designated or proposed critical habitat for endangered species. | Maintenance dredging not eligible for SV and new dredging <25,000 CY Includes return water from upland contained disposal areas. Disposal includes:<br>• Upland.<br>• Beach nourishment (above MHW line) of any area provided the dredging's primary purpose is navigation or the sand is from an upland source.<br>• Open water & confined aquatic disposal if Corps finds the material suitable.<br><br>Beach nourishment associated with dredging when the primary purpose is not navigation requires at least a PCN.<br><br>Temporary and/or permanent fill or excavation in SAV <1,000 SF and Permanent fill or excavation in other SAS <4,300 SF |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
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| **6. U.S. Coast Guard Approved Bridges and Causeways** | Discharges of dredged or fill material associated with U.S. Coast Guard Approved Bridges and Causeways, provided:<br>• In-water work is conducted "in-the-dry" (see GC 24).<br>• Discharge of dredged or fill material <15,000 SF<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal area ≤1,000 SF<br><br>Compliance with the following is recommended:<br>• *Discharge of dredged or fill material should not occur within 100 feet of SAV or within 25 feet of natural rocky habitat or other SAS.*<br><br>*Note: new causeways and approach fills are not eligible for SV.* | Discharges of dredged or fill material associated with U.S. Coast Guard Approved Bridges and Causeways not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **7. Bank and Shoreline Stabilization Including Living Shorelines (see also GC 28)** | Bank and shoreline stabilization activities, provided:<br>• In-water work is conducted "in-the-dry" (see GC 24).<br>• Fill is ≤500 LF in total length as measured below the plane of the HTL and is ≤200 LF in total length as measured below the plane of the MHWM or OHWM (includes total for more than one bank). Replacement vertical structures are ≤200 LF in total length as measured below the plane of the MHWM or OHWM and are ≤18 inches waterward of existing face.<br>• Fill placed below HTL is ≤1 CY per linear foot.<br>• Stone revetment is comprised of angular material.<br>• No fills angled steeper than 1H:1V.<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal or shellfish areas ≤1,000 SF<br>• No new groins, breakwaters, or jetties. | Bank and shoreline stabilization activities not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts, provided:<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **8. Residential, Commercial and Institutional Developments, and Recreational Facilities** | Not Eligible | Residential, commercial and institutional developments and recreational facilities, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts, provided:<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF<br><br>Conversions of previously authorized pile-supported buildings over navigable waters to residences, offices, or other non-water dependent uses require PCN. Floating house boats or businesses on floats require PCN. |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
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| **9. Utility Line Activities (see also GC 30)** | Repair, replacement, or maintenance of previously authorized, currently serviceable utilities with no expansion or change in use, provided:<br>• Conditions of the original authorization apply.<br>• In-water work limited to Nov. 8th to Apr. 9th.<br>• Trenching or filling confined to existing footprint and <100 LF; trenches shall be backfilled immediately.<br>• Jet-plow, fluidization, or other direct burial methods confined to existing footprint and <200 LF<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal or shellfish areas ≤1,000 SF<br>• No work in designated or proposed critical habitat for endangered species.<br><br>New work in, over, or under navigable waters including new outfalls and any intake structure work requires PCN.<br><br>Aerial utility lines over navigable waters requires PCN. | Those utility activities not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **10. Linear Transportation Projects** *(for stream crossings refer to GPs 6 and 22)* | Not Eligible | Linear transportation projects, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **11. Mining Activities** | Not Eligible | Not Eligible |
| **12. Boat Ramps and Marine Railways** | No new boat ramps or marine railways.<br><br>In-water work is conducted "in-the-dry" (see GC 24).<br><br>No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal or shellfish areas ≤1,000 SF<br><br>Boat ramp and marine railway work not eligible for maintenance (i.e. not currently serviceable) may be replaced "in-kind" with minor deviations provided:<br>• Work is confined to the intertidal zone.<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal or shellfish areas ≤1,000 SF | Those ramps and railways not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts, provided:<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |

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| **13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects** | Not Eligible | Work associated with those facilities and projects, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF<br><br>For each single and complete project, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) may be authorized.<br><br>No new impoundments. |
| **14. Reshaping Existing Ditches and Mosquito Management** | ≤500 LF of drainage ditch will be modified. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch shall be the same as originally constructed and it cannot drain additional wetlands or other waters of the U.S.).<br><br>No new ditches or relocation of drainage ditches constructed in waters of the U.S.; the location of the centerline of the reshaped drainage ditch shall be approximately the same as the location of the centerline of the original drainage ditch.<br><br>No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal or shellfish areas ≤1,000 SF | Those activities not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **15. Response Operations for Oil or Hazardous Substances** | The SVNF or a surrogate state reporting form may be submitted after-the-fact for spill response activities.<br><br>This GP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises (*SVNF is required prior to the activity*), provided:<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, impacts to intertidal or shellfish areas ≤1,000 SF, and impacts to tidal resources <0.5 acre | Those response operations not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **16. Cleanup of Hazardous and Toxic Waste** | Only booms placed for hazardous and toxic waste containment and absorption and prevention are eligible for SV.<br>*A SVNF is not required for these eligible containment booms.* | Cleanup activities not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF<br><br>An IP is require for the establishment of new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste. |

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| **17. Scientific Measurements Devices** | Those scientific measurements devices, provided:<br>• Devices do not restrict or concentrate movement of aquatic organisms.<br>• No interference with navigation.<br>• No blasting.<br>• No biological sampling devices.<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, impacts to intertidal areas ≤1,000 SF, and impacts to tidal resources ≤0.5 acre<br>• Upon completion of use, the devices and any associated structures or fills are removed in their entirety. | Those scientific measurements devices not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **18. Survey Activities** | Those survey activities, provided:<br>• No blasting.<br>• No interference with navigation.<br>• No seismic exploratory operations.<br>• No oil and gas exploration.<br>• No trenching or other silt-producing activities.<br>• No fill for roads or construction pads.<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, impacts to intertidal areas ≤1,000 SF, and impacts to tidal resources <0.5 acre<br>• No blasting.<br>• No biological sampling devices.<br>*A SVNF is not required for required sediment sampling for Corps-regulated dredge proposals.* | Those survey activities not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **19. Agricultural Activities** | Not Eligible | Not Eligible |
| **20. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities**<br>*(for aquaculture refer to GP 23)* | Those devices and activities, provided:<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, impacts to intertidal areas ≤1,000 SF, and impacts to tidal resources ≤0.5 acre<br>• No interference with navigation.<br>• No artificial reefs or enclosures<br>• No impoundments or semi-impoundments for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks.<br>• Structures and shell hash should not be located within 25 feet of SAV.<br>• All gear, except for mooring tackle, when not in use on the site is stored in an upland location above the MHWM and not on wetland (incl. salt marsh).<br>*A SVNF is not required for these eligible devices and activities.* | Those devices and activities not eligible for SV, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF<br><br>Impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster and new fish weirs with an impounded area <0.5 acre |

| | SELF-VERIFICATION (SV) | PRE-CONSTRUCTION NOTIFICATION (PCN) |
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| **21. Habitat Restoration, Establishment, and Enhancement** | Those activities, provided:<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, impacts to intertidal areas ≤1,000 SF, and impacts to tidal resources <0.5 acre<br>• No thin layer deposition for salt marsh restoration.<br>• SAS planting and transplanting is <100 SF<br>• No artificial or living reefs.<br>• The activity is authorized in writing by a local, state, or non-Corps federal environmental agency. Water impoundments require PCN.<br>• No conversion of i) a stream to wetland or vice versa, wetland to a pond or uplands, and ii) one wetland type to another.<br>• No dam removal. | Those activities not eligible for SV provided those activities are proactive and result in net increases in aquatic resource functions and services. |
| **22. Stream and Wetland Work and Crossings (see also GC 29)** (*see GP 6 for bridges & causeways*) | Not Eligible | Those crossings of tidal navigable water not including bridges and causeways, provided:<br>• <1 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts.<br>• Temporary and/or permanent fill or excavation in SAV <1,000 SF<br>• Permanent fill or excavation in other SAS <4,300 SF |
| **23. Aquaculture* (see also GC 32)** | Shellfish and marine algae installations that do not exceed 400 SF in area, provided:<br>• Signed approval from Harbormaster or appropriate Town Official.<br>• No enclosures or impoundments.<br>• Not located in or within a distance of three times the authorized depth of a Federal Navigation Project.<br>• Not located in or impinge upon the value of any National Lands or Federal Properties.<br>• No impacts to SAS (incl. SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal and shellfish areas ≤1,000 SF<br>• No structures, cages, gear, or shell hash located in/within 25 feet of SAV.<br>• All gear, except for mooring tackle, when not in use on the site is stored in an upland location above the MHWM and not on wetland (incl. salt marsh). | Shellfish, finfish, and marine algae aquaculture (with the exception of Atlantic salmon and any other salmonid, or other federally-listed endangered or threatened species), or other aquaculture facilities with no more than minimal individual and cumulative impacts to environmental resources or navigation. This is inclusive but not limited to cages, nets, bags, racks, long lines, fences, posts, poles, predator screening, etc.<br><br>***State of Maine Aquaculture guidelines are provided at: *www.maine.gov/dmr/aquaculture/index.html*** |

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## Section VI: Self-Verification Notification Form

(for all tidal and non-tidal projects in Maine subject to Corps jurisdiction)

At least two weeks before work commences, complete all fields (write "none" if applicable) below or use the fillable form found at www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ The two-week lead time is not required for emergency situations. **Send this form, an Official Species List, and project plans to the following email address: cenae-r-me@usace.army.mil**

Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

State Permit #: _____
Date of State Permit: _____
State Project Manager: _____

Permittee: _____

Address, City, State, Zip: _____

Email, Phone: _____

Agent: _____

Address, City, State, Zip: _____

Email, Phone: _____

Contractor: _____

Address, City, State, Zip: _____

Email, Phone: _____

Project Name: _____

Address, City, State, Zip: _____

Lat °N, Long °W: _____ Tax Map/Lot: _____

Waterway Name: _____

Description of Work: _____

Proposed Starting Date: _____ Proposed Finish Date: _____

Area of wetland impact (SF): Permanent: _____ Temporary: _____
Area of waterway impact (SF): Permanent: _____ Temporary: _____

Work will be done under the following Section V General Permits (circle all that apply):

I. Inland Waters and wetlands: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
II. Navigable Waters: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

Have MHPC and all five federally-recognized tribes in Maine been notified of the proposed work? _____Yes _____No

*Your signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions for Self-Verification under the Maine General Permit.*

Permittee Signature: _____ Date: _____

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## Section VII: Content of a Pre-Construction Notification

In addition to the following required information, the applicant must provide additional information as the Corps deems essential to make a public interest determination including, where applicable, a determination of compliance with the Section 404(b)(1) guidelines or ocean dumping criteria. Such additional information may include environmental data and information on alternate methods and sites as may be necessary for the preparation of the required environmental documentation. For a more comprehensive checklist, go to *www.nae.usace.army.mil/missions/regulatory* >> Forms >> Application and Plan Guideline Checklist. Please check with the Corps for project-specific requirements.

**Information required for all projects:**

- □ DIGITAL SUBMISSIONS ARE ENCOURAGED (email PCN to **cenae-r-me@usace.army.mil**)
- □ Completed Corps application form (ENG Form 4345 attached below or found electronically at *www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit*) or appropriate state application form. Forms may need to be supplemented to include the information noted below.
- □ Proof of notification to MHPC and all five federally-recognized tribes (see Section VIII for contact info).
- □ Official Species List for any federally-listed endangered or threatened species and email address of the person who generated the list.
- □ Drawings, sketches, or plans (detailed engineering plans and specifications are not required) that are legible, reproducible (color is encouraged, but features must be distinguishable in black and white), no larger than 8.5”x11”, with bar scale (plans overlaid on aerial photos are discouraged). Wetland area impact sheets shall have the highest resolution possible to show work within Corps jurisdiction (do not just reduce project overview or cut large-scale plan into quadrant sheets). Provide locus map and a plan overview of the entire property with a key index to the individual impact sheets. A locus map be on a section of color USGS topographic map.
- □ Include:
  - □ All direct, secondary, permanent and temporary effects the project would cause, including the anticipated amount of impacts to waters of the U.S. expected to result from the activity, in acres, linear feet, or other appropriate unit of measure.
  - □ Any historic permanent fill associated with each single and complete project.
  - □ Cross-section views of all wetland and waterway fill areas and wetland replication areas.
  - □ Document on project plans wetlands, other special aquatic sites (SAS) including vegetated shallows (or submerged aquatic vegetation, SAV) and mudflats, natural rocky habitat, shellfish areas, vernal pools, and other waters, such as lakes and ponds, and perennial, and intermittent streams on the project site (GC1).
  - □ MLW line, MHW mark, and HTL elevations in tidal waters. Show OHWM elevation in lakes and non-tidal streams.
  - □ **Existing and proposed conditions.**
- □ Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below OHWM in inland waters and below the HTL in coastal waters.
- □ If applicable, a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions (see GC 21).

**Information that may be required:**

- □ Photographs of wetland/waterway to be impacted. Photos at low tide are preferred for work in tidal waters.
- □ For drawings, sketches, or plans:
  - □ The vertical datum for all coastal projects and projects in towns bordering coastal waters shall be in U.S. survey feet and referenced to MLLW and include current tidal epoch, with a reference chart showing conversion factor to the North American Vertical Datum of 1988. Do not use local datum. See *www.nae.usace.army.mil/missions/regulatory* >> Forms and Publications >>Vertical Datum - FEMA (Jul 2007);
  - □ The horizontal state plane coordinates shall be shown on plan and elevation views and shall be in the North American Datum of 1983 (NAD83) State Plane Coordinate System in U.S. survey feet.
- □ For the construction of a filled area or pile or float-supported platform, the use of, and specific structures to be erected on, the fill or platform.
- □ For the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposing of it in ocean waters, the source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and the location of the disposal site.
- □ For the discharge of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized. Include either a statement describing how impacts to waters of the U.S. are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.
- □ Purpose and need for the proposed activity;
- □ Limits and coordinates of any Federal Navigation Project in the vicinity of the project area.
- □ Limits and coordinates of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide coordinates for all corners;
- □ Schedule of construction/activity;
- □ Names and addresses of adjoining property owners;
- □ Location and dimensions of adjacent structures;
- □ Alternatives analysis;
- □ Wetland delineation data sheets;
- □ List of authorizations required by other federal, interstate, state, or local agencies for the work, including all approvals received or denials already made.
- □ Identification and description of potential impacts to Essential Fish Habitat (see GC 17).
- □ Identification of potential discharges of pollutants to waters, including potential impacts to impaired waters, in the project area.
- □ Invasive Species Control Plan (see GC 22). For sample control plans, see *www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species*
- □ Wildlife Action Plan (WAP) maps. Contact the Maine Department of Inland Fisheries & Wildlife (Section VIII) or online at *www.maine.gov/ifw/wildlife/conservation/action_plan.html*

**Information for dredging projects that may be required**:

- □ Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing. For projects proposing open water disposal, applicants must contact the Corps as early as possible regarding sampling and testing protocols. Sampling and testing of sediments without such contact should not occur and if done, would be at the applicant's risk.
- □ The area in square feet and volume of material to be dredged below mean high water.
- □ Existing and proposed water depths.
- □ Type of dredging equipment to be used.
- □ Nature of material (e.g., silty sand).
- □ Any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects.
- □ Information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area.
- □ Shellfish survey.
- □ Location of the disposal site (include locus sheet).
- □ Identification and description of any potential impacts to Essential Fish Habitat.
- □ Delineation of submerged aquatic vegetation (e.g., eelgrass beds).

**Information for tidal crossing projects that may be required**:

- □ A graphic longitudinal elevation profile plot of the tidal stream channel thalweg, both up and downstream of the proposed project site. Thalweg elevations shall extend from the crossing to beyond the zone of scour, channel widening, or other channel alteration resulting from the present or pre-existing crossings. The profile plot should include labeled elevations for the:
  - □ crossing invert and top of the inlet and outlet
  - □ roadbed crown
  - □ lowest and highest recorded tides at the site
  - □ reference datums, such as MLLW, MHHW, and astronomical high tide
  - □ hydraulic controls and nearest crossings that could influence or be influenced by the proposed crossing
- □ A graphic plot of continuous tidal water levels recorded up and downstream, simultaneously, of the proposed crossing for an entire lunar cycle. The water level plot should include labeled elevations for the:
  - □ crossing invert and crossing top at the inlet and outlet
  - □ roadbed crown
  - □ reference datums, such as MLLW, MHHW, and astronomical high tide
- □ A map showing projected extents of maximum flooding within the area influenced by the crossing under current conditions and as a result of sea level rise. The present minimum sea level rise scenario suggested for planning purposes by the Maine Climate Council Scientific and Technical Subcommittee is the Intermediate Scenario, which projects an increase of 3.0-4.6 feet by 2100.

**Information for aquaculture projects that may be required**:

- □ Maine Aquaculture guidelines and joint Corps/Maine DMR applications may be found at: *www.maine.gov/dmr/aquaculture/index.htm*
- □ In addition to the information required above, applications should also include:
  - □ Results of coordination with Harbor Master and U.S. Coast Guard
  - □ Whether canopy predator nets are being used.

U.S. Army Corps of Engineers (USACE)

# APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

***Form Approved - OMB No. 0710-0003 Expires: 02-28-2022***

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

| 1. APPLICATION NO. | 2. FIELD OFFICE CODE | 3. DATE RECEIVED | 4. DATE APPLICATION COMPLETE |
|---|---|---|---|
| | | | |

***(ITEMS BELOW TO BE FILLED BY APPLICANT)***

| 5. APPLICANT'S NAME | 8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) |
|---|---|
| First - Middle - Last - | First - Middle - Last - |
| Company - | Company - |
| E-mail Address - | E-mail Address - |
| 6. APPLICANT'S ADDRESS: | 9. AGENT'S ADDRESS: |
| Address- | Address- |
| City - State - Zip - Country - | City - State - Zip - Country - |
| 7. APPLICANT'S PHONE NOs. w/AREA CODE | 10. AGENTS PHONE NOs. w/AREA CODE |
| a. Residence b. Business c. Fax | a. Residence b. Business c. Fax |

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize,_____to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

_____ _____

SIGNATURE OF APPLICANT DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions)

| 13. NAME OF WATERBODY, IF KNOWN (if applicable) | 14. PROJECT STREET ADDRESS (if applicable) |
|---|---|
| | Address |
| 15. LOCATION OF PROJECT | City - State- Zip- |
| Latitude: °N Longitude: °W | |

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Municipality

Section - Township - Range -

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

| Type<br>Amount in Cubic Yards | Type<br>Amount in Cubic Yards | Type<br>Amount in Cubic Yards |
|---|---|---|

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☐ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

| AGENCY | TYPE APPROVAL* | IDENTIFICATION NUMBER | DATE APPLIED | DATE APPROVED | DATE DENIED |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this 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 APPLICANT | DATE | SIGNATURE OF AGENT | DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. 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.

## Section VIII: Agency Contacts

### 1. Federal

U.S. Army Corps of Engineers
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330
(207) 623-8367; (207) 623-8206 (fax)
Email: cenae-r-me@usace.army.mil

U.S. Environmental Protection Agency
5 Post Office Square
Suite 100 (OEP05–2)
Boston, Massachusetts 02109-3912
(617) 918-1589

U.S. Fish and Wildlife Service
Maine Field Office
P.O. Box A
East Orland, Maine 04431
(207) 469-7300; (207) 902-1588 (fax)
*(Federal endangered species)*

National Marine Fisheries Service
Maine Field Office
17 Godfrey Drive, Suite 1
Orono, Maine 04473
(207) 866-7379; (207) 866-7342 (fax)
*(Federal endangered species)*

FEMA Region 1
Federal Insurance and Mitigation Division
99 High Street 6th Floor
Boston, Massachusetts 02110
*(floodplains)*

Federal Emergency Management Agency
99 High Street
Boston, Massachusetts 02110
(877) 336-2734
*(Floodplain Management)*

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, Massachusetts 01930
(978) 281-9102; (978) 281-9301 (fax)
*(Federal endangered species & EFH)*

National Park Service
North Atlantic Region
15 State Street
Boston, Massachusetts 02109
(617) 223-5203
*(Wild and Scenic Rivers)*

Commander (dpb)
First Coast Guard District
One South Street - Battery Building
New York, New York 10004-1466
(212) 668-7021; (212) 668-7967 (fax)
*(bridge permits)*

### 2. State of Maine

a. Department of Environmental Protection (*State permits & Water Quality Certifications*)

Augusta Regional Office
17 State House Station
Augusta, Maine 04333
(207) 287-7688

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
(201) 822-6300

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570

Northern Maine Regional Office
1235 Central Drive
Presque Isle, Maine 04769
(207) 764-0477

b. Department of Agriculture, Conservation and Forestry

i. Maine Land Use Planning Commission (LUPC) (*State permits & Water Quality Certifications for the unorganized areas of the State*)

Augusta Office
22 State House Station
Augusta, Maine 04333-0022
(207) 287-2631; (207) 287-7439 (fax)

Greenville Regional Office
43 Lakeview Drive
P.O. Box 1107
Greenville, Maine 04441
(207) 695-2466; (207) 695-2380 (fax)

Western Region Office
932 U.S. Route 2
East Wilton, Maine 04992
(207) 670-7492; (207) 287-7439 (fax)

Downeast Regional Office
106 Hogan Road, Suite 8
Bangor, Maine 04401
(207) 215-4685; (207) 941-4222 (fax)

Ashland Regional Office
45 Radar Road
Ashland, Maine 04732-3600
(207) 435-7963; (207) 435-7184 (fax)

Eastern Region Office
191 Main Street
East Millinocket, Maine 04430
(207) 399-2176; (207) 746-2243 (fax)

ii. Maine Coastal Program

21 State House Station
Augusta, Maine 04333
(207) 707-2324; (207) 624-6024 (fax)
*(CZM consistency determinations)*

iii. Division of Parks and Public Lands

22 State House Station
Augusta, Maine 04333
(207) 287-3061; (207) 287-6170 (fax)
*(submerged lands leases)*

iv. Maine Floodplain Management Program

17 Elkins Lane
Augusta, Maine 04333
(207) 287-8063
*(floodplains)*

c. Department of Marine Resources

21 State House Station
Augusta, Maine 04333
(207) 633-9500; (207) 624-6024 (fax)
*(aquaculture leases/licenses)*

**3. Historic Properties**

a. State Historic Preservation Officer (SHPO)

Kirk F. Mohney, Director
Maine Historic Preservation Commission
65 State House Station
Augusta, Maine 04333-0065
(207) 287-2132; (207) 287-2335 (fax)

b. Tribal Historic Preservation Officers (THPOs)

*Houlton Band of Maliseet Indians*
88 Bell Road
Littleton, Maine 04730
(207) 532-4273, x215; (207) 532-6883 (fax)
istjohn@maliseets.com

*Aroostook Band of Micmacs*
7 Northern Road
Presque Isle, Maine 04769
(207) 764-1972; (207) 764-7667 (fax)
jdennis@micmac-nsn.gov

*Passamaquoddy Tribe of Indians*
Pleasant Point Reservation
P.O. Box 343
Perry, Maine 04667
(207) 853-2600; (207) 853-6039 (fax)
soctomah@gmail.com

*Penobscot Nation*
Cultural and Historic Preservation Dept.
12 Wabanaki Way
Indian Island, Maine 04468
(207) 817-7471
chris.sockalexis@penobscotnation.org

*Passamaquoddy Tribe of Indians*
Indian Township Reservation
P.O. Box 301
Princeton, Maine 04668
(207) 796-2301; (207) 796-5256 (fax)
soctomah@gmail.com

## Section IX: Definitions

**Action Area:** The "Endangered Species Consultation Handbook – Procedures for Conducting Consultation and Conference Activities Under Section 7 of the ESA," defines action area as "all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. [50 CFR 402.02]."

**Agricultural Activities:** The Clean Water Act exempts certain discharges associated with normal farming, ranching, and forestry activities such as plowing, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices (Section 404(f)(1)(A)). Prospective permittees are strongly advised to contact the Corps for a determination of whether their activity is exempt or requires a permit.

**Attendant Features:** Occurring with or as a result of; accompanying.

**Aquatic Habitat Restoration, Establishment and Enhancement:** The Corps will decide if a project qualifies and must determine in consultation with federal and state agencies that the net effects are beneficial. The Corps may refer to Nationwide Permit 27 published in the January 6, 2017 Federal Register. Activities authorized here may include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels and drainage ditches; the removal of existing drainage structures; the construction of small nesting islands in inland waters**;** the construction of open water areas; the construction of native shellfish species habitat over unvegetated bottom for the purpose of habitat protection or restoration in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species shall be planted at the site.

**Biodegradable:** A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation.

**Boating facilities:** These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockominiums, town facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or town mooring fields that charge an equitable user fee based on the actual costs incurred.

**Bordering and Contiguous Wetlands:** A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary high water mark (mean high water mark in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary high water mark and above the normal hydrologic influence of their adjacent waterbody.

**Brushing:** The placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats, or any bottom disturbance (e.g., discing, plowing, raking, etc.), to enhance recruitment of shellfish.

**Buffer Zone:** The buffer zone of an FNP is equal to three times the authorized depth of the FNP.

**Construction mats:** Constructions, swamp and timber mats (herein referred to as "construction mats") are generic terms used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made from a variety of materials in various sizes. A timber mat consists of large timbers bolted or cabled together. Corduroy roads, which are not considered to be construction mats, are cut trees and/or saplings with the

crowns and branches removed, and the trunks lined up next to one another. Corduroy roads are typically installed as permanent structures. Like construction mats, they are considered as fill whether they are installed temporarily or permanently.

**Cumulative effects:** See "Direct, secondary, and cumulative effects."

**Currently Serviceable:** Useable as-is or with some maintenance, but not so degraded as to essential require reconstruction.

**Direct, secondary, and cumulative effects:**
Direct Effects: The loss of aquatic ecosystem within the footprint of the discharge of dredged or fill material. Direct effects are caused by the action and occur at the same time and place.
Secondary Effects: These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final Section 404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are a) aquatic areas drained, flooded, fragmented, or mechanically cleared, b) fluctuating water levels in all impoundment and downstream associated with the operation of a dam, c) septic tank leaching and surface runoff from residential or commercial developments on fill, and d) leachate and runoff from a sanitary landfill located in waters of the U.S. See 40 CFR 230.11(h).
Cumulative Effects: The changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual 1) discharges of dredged or fill material, or 2) structures. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230(g).

**Dredging:**
Maintenance Dredging: Includes areas and depths previously authorized by the Corps and dredged.
The Corps may require proof of authorization. Maintenance dredging typically refers to the routine removal of accumulated sediment from channel beds to maintain the design depths of navigation channels, harbors, marinas, boat launches and port facilities. Routine maintenance dredging is conducted regularly for navigational purposes (typically at least once every ten years) and does not include any expansion of the previously dredged area or depth. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc. The main characteristics of maintenance dredging projects are variable quantities of material; soft, uncompacted soil; contaminant content possible; thin layers of material; occurring in navigation channels and harbors; repetitive activity
New Dredging: Dredging of an area or to a depth that has never been authorized by the Corps or dredged.

**Dredged material & discharge of dredged material:** These are defined at 323.2(c) and (d). The term dredged material means material that is excavated or dredged from waters of the U.S.

**Essential Fish Habitat (EFH):** This is broadly defined to include those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

**Fill material & discharge of fill material:** These are defined at 323.2(e) and (f). The term fill material is defined as material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a water of the U.S.

**Fill area:** Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.

**Federal navigation projects (FNPs):** These areas are maintained by the Corps; authorized, constructed and maintained on the premise that they will be accessible and available to all on equal terms; and are comprised of Federal Anchorages, Federal Channels and Federal Turning Basins. The buffer zone is equal to three times the authorized depth of a FNP. More information on the following FNPs is provided at *www.nae.usace.army.mil/missions/navigation.aspx* >> Navigation Projects.

**Flume:** An open artificial water channel, in the form of a gravity chute that leads water from a diversion dam or weir completely aside a natural flow. A flume can be used to measure the rate of flow.

**Frac out:** During normal drilling operations, drilling fluid travels up the borehole into a pit. When the borehole becomes obstructed or the pressure becomes too great inside the borehole, the ground fractures and fluid escapes to the surface.

**Habitat Connectivity Design:** projects designed and constructed for consistency with natural stream dimensions, profiles, and dynamics, in accordance with the following technical references: U.S. Forest Service guide (Forest Service Stream-Simulation Working Group 2008), augmented by documents published by the states of Washington (Barnard et al. 2013), Vermont (Bates and Kirn 2009) and California (Love and Bates 2009).

**Independent utility:** A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

**Individual Permit:** A Department of the Army authorization that is issued following a case-by-case evaluation of a specific structure or work in accordance with the procedures of 33 CFR 322, or a specific project involving the proposed discharge(s) in accordance with the procedures of 33 CFR 323, and in accordance with the procedures of 33 CFR 325 and a determination that the proposed discharge is in the public interest pursuant to 33 CFR 320.

**Living Shoreline:** Living shorelines stabilize banks and shores in coastal waters along shores with small fetch and gentle slopes that are subject to low-to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural "soft" elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock sills) for added protection and stability. Living shorelines shall maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures.

**Maintenance:**

a. The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3 – "Activities occurring before certain dates," provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification.

- Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make repair, rehabilitation, or replacement are authorized.
- Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
- No seaward expansion for bulkheads or any other fill activity is considered SV maintenance.
- Only structures or fills that were previously authorized and are in compliance with the terms and condition of the original authorization can be maintained as a non-regulated activity under 33 CFR 323.4(a)(2), or in accordance with the SV or PCN thresholds in Section V.

b. The state's maintenance provisions may differ from the Corps and may require reporting and written authorization from the state.

c. Contact the Corps to determine whether stream crossing replacements require a PCN.

d. Exempted Maintenance. In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: "Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design."

The following definition is also applicable:

**Minor deviations:** Deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environ-mental effects resulting from such repair, rehabilitation, or replacement are minimal.

**Marina reconfiguration zone:** A Corps-authorized area in which permittees may rearrange pile-supported structures and floats without additional authorizations. A reconfiguration zone does not grant exclusive privileges to an area or an increase in structure or float area.

**Natural Rocky Habitats:** Natural rocky habitats are intertidal and subtidal substrates composed of pebble-gravel, cobble, boulder, or rock ledge and outcrops. Manufactured stone (e.g. cut or engineered rip-rap) is not considered a natural rocky habitat. Natural rocky habitats are either found as pavement (consolidated pebble-gravel, cobble, or boulder areas) or as a mixture with fines (i.e. clay and sand) and other substrates.

**Navigable waters of the U.S.:** See Waters of the U.S. below.

**Overall project:** See "single and complete linear project" below.

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Permanent impacts:** Permanent impacts means waters of the U.S. that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent impacts include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody.

**Pre-construction notification (PCN):** A request submitted by a prospective permittee to the Corps for confirmation that a particular activity is authorized by this GP. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of these GPs. A PCN may be voluntarily submitted in cases where PCN is not required and the project proponent wants confirmation that the activity is authorized under this GP.

**Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in again in aquatic resource area and functions.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area. Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Riffle and pool complexes:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

**Secondary effects:** See "Direct, secondary, and cumulative effects."

**Shellfish Areas:** Areas that currently support molluscan shellfish. Information regarding these locations can be obtained from the State of Maine GeoLibrary Data Catalog at: *www.maine.gov/geolib/catalog.html*

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

**Single and complete linear project:** A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the U.S. (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for the purposes of this GP. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.
The overall project, for purposes of this GP, includes all regulated activities that are reasonably related and necessary to accomplish the project purpose.

**Single and complete non-linear project:** For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For non-linear projects, the single and complete project shall have independent utility (see definition).

**Special aquatic sites (SAS):** These are defined at 40 CFR 230 Subpart E. They include sanctuaries and refuges, wetlands, mud flats, vegetated shallows (submerged aquatic vegetation, SAV), coral reefs, and riffle and pool complexes.

**Stream:** The term "stream" in the document means rivers, streams, brooks, etc.

**Stream bed:** The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

**Stream channelization:** The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

**Stream Simulation:** A method for designing and building road-stream crossings intended to permit free and unrestricted movements of any aquatic species. Reference:
*https://www.nae.usace.army.mil/Missions/Regulatory/Stream-and-River-Continuity/*

**Stream Smart Design:** projects designed to allow the stream to act like a stream by passing fish and wildlife as well as the higher flows that come with large infrequent storms while protecting the stability of the road and public safety. Stream Smart Design follows the "Four S's": The culvert must SPAN the stream, allowing for passage of aquatic and terrestrial wildlife. The culvert has to be SET at the right elevation. The SLOPE of the culvert must match the stream. There must be SUBSTRATE (natural sediment) in the crossing. Reference:
*www1.maine.gov/mdot/publications/docs/brochures/pocket_guide_stream_smart_web.pdf*

**Temporary impacts:** Temporary impacts include waters of the U.S. that are temporarily filled, flooded, excavated, drained or mechanically cleared because of the regulated activity.

**Temporal loss**: The time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2).

**Utility line:** Any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term 'utility line' does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

**Vegetated shallows/Submerged Aquatic Vegetation (SAV):** Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as eelgrass in marine systems as well as a number of freshwater species in rivers and lakes. Note: Eelgrass surveys should be conducted be conducted between May and October unless otherwise directed.

**Vernal pools (VPs):** The State of Maine, Department of Environmental Protection has specific protections for VPs. For the purposes of these GPs, VPs are depressional wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). In most years, VPs support one or more of the following obligate indicator species: wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.). However, they should preclude sustainable populations of predatory fish.

**Water dependency:** activity requiring access or proximity to or siting within a special aquatic site (SAS) to fulfill its basic project purpose.

**Water diversions:** Water diversions are activities such as bypass pumping (e.g., "dam and pump") or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions.

**Weir:** A barrier across a river designed to alter the flow characteristics. In most cases, weirs take the form of a barrier, smaller than most conventional dams, across a river that causes water to pool behind the structure (not unlike a dam) and allows water to flow over the top. Weirs are commonly used to alter the flow regime of the river, prevent flooding, measure discharge and help render a river navigable.

**Waters of the United States (U.S.)**

**Waters of the U.S.:** The term waters of the U.S. and all other terms relating to the geographic scope of jurisdiction are defined at 33 CFR 328. Also see Section 502(7) of the Federal CWA [33 USC 1352(7)]. Waters of the U.S. include jurisdictional wetlands. Not all waters and wetlands are jurisdictional. Contact the Corps with any questions regarding jurisdiction.

**Navigable waters:** Refer to 33 CFR 329. These waters include the following federally-designated navigable waters in New England. This list represents only those waterbodies for which affirmative determinations have been made; absence from this list shall not be taken as an indication that the waterbody is not navigable: In Maine, navigable waters are those waters that are subject to the ebb and flow of the tide in addition to the non-tidal portions of the following federally-designated waters in Maine (the Kennebec River to Moosehead Lake, the Penobscot River to the confluence of the East and West Branch at Medway and, Lake Umbagog within the State of Maine).

**Non-tidal wetland:** A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

**Tidal wetland:** A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tideline.

## Chapter 305: PERMIT BY RULE

**1. Introduction.** A "permit by rule" or "PBR", when approved by the Department of Environmental Protection (DEP), is an approval for an activity that requires a permit under the Natural Resources Protection Act (NRPA). Only those activities described in this chapter may proceed under the PBR process. A PBR activity will not significantly affect the environment if carried out in accordance with this chapter, and generally has less of an impact on the environment than an activity requiring an individual permit. A PBR satisfies the Natural Resources Protection Act (NRPA) permit requirement and Water Quality Certification requirement.

If a proposed activity is not described in this chapter, or will not be conducted in accordance with the standards of this chapter, the applicant must obtain an individual permit prior to beginning the activity.

**A. Location of activity.** The location of an activity may affect whether an activity qualifies for PBR, and whether review by the Department of Inland Fisheries and Wildlife is required.

(1) Type of resource. For some types of activities, the availability of a PBR is affected by the type of natural resource in or adjacent to which the activity is proposed. For example, an applicant proposing an activity consisting of "Movement of rocks or vegetation" may receive a PBR only if the activity will take place in a great pond, river, stream or brook. Limitations concerning the location of activities are addressed in the "Applicability" provision in each section of this chapter.

(2) Essential habitat. Essential habitats include areas critical to the survival of threatened and endangered species such as the bald eagle, least tern, roseate tern, and piping plover. If the activity is located in essential habitat, such as near an eagle nesting site, a PBR is only available if the applicant obtains written approval from the Department of Inland Fisheries and Wildlife (IF&W). This approval from IF&W must be submitted to the DEP with the PBR notification form, and the applicant must follow any conditions stated in the IF&W approval.

NOTE: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (for unorganized territories) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a "certification of review and approval".

**B. Notification.** The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit.

The notification form must be sent to the DEP by certified mail (return receipt requested), or hand delivered to the DEP and date stamped by the department. By signing the notification form, the applicant is representing that the activity will meet the applicability requirements and standards of the rule. In addition, by signing the notification form the applicant represents that the applicant has sufficient title, right, or interest in the property where the proposed activity is to take place.

**C. Effective period**

(1) Beginning of period. The PBR becomes effective 14 calendar days after the DEP receives the notification form, unless the DEP approves or denies the PBR prior to that date. If the DEP does not speak with or write to the applicant within this 14 day period regarding the PBR notification, the applicant may proceed to carry out the activity.

There are three exceptions regarding the effective date of an approved PBR:

(a) Activities listed in Section 10 (Stream crossings) occurring in association with forest management are exempt from the 14 day waiting period.

(b) Activities listed in Section 10 (Stream crossings) performed or supervised by individuals currently certified in erosion control practices by the DEP are exempt from the 14 day waiting period. To be certified in erosion control practices, an individual must successfully complete all course requirements of the Voluntary Contractor Certification Program administered by the DEP's Nonpoint Source Training and Resource Center.

(c) Activities that are part of a larger project requiring a permit under the Site Location of Development or the Storm Water Management Acts may not proceed until any required permit under those laws is obtained.

NOTE: Activities that are part of a larger project may require other permits from the DEP also. These other laws may prohibit the start of construction of any part of the project unless a permit under that law is obtained. In these cases, while not a violation of this rule, starting work on a PBR approved activity would be a violation of those other applicable laws.

(2) End of period. The PBR is generally effective for 2 years from the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.

NOTE: Activities that qualify under this chapter may need to meet other local, state and federal requirements. Examples -- (1) If an activity extends below the low water line of a lake, coastal wetland or international boundary water, the applicant should contact the Bureau of Parks and Lands (287-3061) concerning possible lease or easement requirements, or (2) If an activity will involve work below the mean high water line in navigable waters of the United States, the applicant should contact the Army Corps of Engineers (623-8367).

**D. Discretionary authority.** Notwithstanding compliance with the PBR applicability requirements and standards set forth in this chapter, the DEP may require an individual permit application to be filed in any case where credible evidence indicates that the activity:

(1) May violate the standards of this rule or the NRPA (38 M.R.S.A. Section 480-D);

(2) Could lead to significant environmental impacts, including cumulative impacts; or

(3) Could adversely impact a resource of special concern.

If an individual permit is required pursuant to this subsection, the DEP shall notify the applicant in writing within the 14 calendar day waiting period described in sub-section (C) above. When

the DEP notifies an applicant than an individual permit is required, no work may be conducted unless and until the individual permit is obtained.

**E. Violations.** A violation of law occurs when a person, or his or her agent, performs or causes to be performed any activity subject to the NRPA without first obtaining a permit from the DEP, or acts contrary to the provisions of a permit. The person, his or her agent, or both, may be held responsible for the violation. Commonly, the "person" is the landowner, and the "agent" is the contractor carrying out the activity. A violation occurs when:

(1) An activity occurs that is not allowed under PBR, whether or not a PBR notification form has been filed with and/or approved by the DEP;

(2) An activity occurs that is allowed under PBR, but a PBR for the activity has not become effective prior to the beginning of the activity; or

(3) An activity occurs that is allowed under PBR and a PBR for the activity is in effect, but the standards specified in this chapter are not met.

See the "applicability" provision under each activity for rules concerning what activities are allowed under PBR. A PBR is only valid for the person listed on the notification form, or for his or her agent.

Each day that a violation occurs or continues is considered a separate offense. Violations are subject to criminal penalties and civil penalties of not less than $100 nor more than $10,000 for each day of that violation (38 M.R.S.A. Section 349).

NOTE: A local Code Enforcement Officer (CEO) may take enforcement action for a violation of the Natural Resources Protection Act if he or she is authorized to represent a municipality in District Court, and he or she has been certified as familiar with court procedures, 30-A M.R.S.A. Section 4452(7).

**2. Activities adjacent to protected natural resources**

**A. Applicability**

(1) This section applies to an activity adjacent to, but not in:

(a) A coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland; or

(b) Freshwater wetlands consisting of or containing:

(i) Under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or

(ii) Peatlands dominated by shrubs, sedges and sphagnum moss.

(2) This section does not apply to an activity where sustained slopes are steeper than 3 horizontal feet: 1 vertical foot (approximately 33% slope) between the normal high water line or upland edge of the protected resource and the soil disturbance.

(3) Activities that qualify for permit by rule under another section are not required to comply with this section unless expressly stated in that section.

(4) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of a permit issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(5) This section does not apply to an activity that does not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements. In most shoreland areas, a 75 or 100 foot undisturbed buffer strip is required between the disturbed areas and the water or wetland.

**B. Submissions**

(1) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) A brief narrative explaining why there is no practicable alternative to location of the activity within the 75 foot setback, and how the impact on the remaining buffer and the resource will be minimized. This narrative is not required for those activities presumed to have no practicable alternative as listed in paragraph C(1) of this section.

(4) A scaled plan or drawing of the area affected, including information such as:

(a) The entire property on which the activity will take place, including property lines, the 75 foot setback, and the boundaries or location of protected natural resources such as streams and wetlands;

(b) Proposed and existing development on the parcel including buildings, parking areas, roads, fill areas, landscaped areas, etc.; and

(c) Any site constraints limiting development beyond the 75 foot setback, such as steep slopes.

It is not necessary to have the plan professionally prepared. However, it must be legible and drawn to a scale that allows clear representation of distances and measurements on the plan.

**C. Standards**

(1) No activity or portion of an activity may be located within the 75 foot setback if there is a practicable alternative location on the parcel that would cause or result in less impact on the

environment. The following activities are presumed to have no practicable alternative location on the parcel.

(a) The planting of vegetation for the purpose of controlling erosion or for establishing a vegetative buffer.

(b) The removal or replacement of underground storage tanks when performed in accordance with 38 M.R.S.A. Section 566-A.

(c) The replacement of a structure or the placement or replacement of a foundation or supports for a legally existing structure or addition that is not closer to a protected natural resource than the existing structure provided the municipality has approved the location of the replaced or modified structure. However, any fill, other than that required to maintain the integrity of the structure such as foundation backfill, must meet the 75 foot setback standard unless otherwise approved by the DEP pursuant to this section.

NOTE: In most cases when a structure is being replaced or a foundation is being put under an existing structure that does not meet the setback requirements of the Municipal Shoreland Zoning Ordinance, the applicant is required by the municipality to move the structure back from the natural resource to the maximum extent practicable.

(d) The closure of a landfill in conformance with the DEP's solid waste management rules.

(e) Access way consisting of a footpath, stairway, or steps to the resource.

(2) Except for those activities listed in Section 2(C)(1)(a)-(e) above, a 25 foot setback must be maintained between the normal high water line or upland edge of the protected natural resource and the activity. Areas that have slopes of 3 horizontal feet: 1 vertical foot (approximately 33% slope), or steeper, may not be counted when determining the 25 foot setback. Existing vegetation within the setback may not be disturbed except for cutting activity meeting the exemption requirements in 38 M.R.S.A. Section 480-Q(23).

(3) Disturbance within the setback must be minimized.

(4) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas:

(a) Staked hay bales or silt fence must be properly installed at the edge of disturbed areas between the activity and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

(5) A footpath to the resource is limited to 6 feet in width and stairs or steps are limited to 4 feet in width.

(6) All work is limited to the location and extent depicted on the plan or plans submitted pursuant to subsection B(4) of this section.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(2) **Land adjacent to a protected natural resource**. Any land area within 75 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(2-A) **Practicable**. Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.

(3) **Structure**. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

(4) **Upland edge**. The boundary between upland and wetland.

NOTE:
Section 480-Q(15-A) of the NRPA exempts the installation, removal or repair of a septic system from permitting requirements as of March 1, 1995, as long as the system complies with all requirements of the subsurface wastewater disposal rules adopted by the Department of Human Services pursuant to 22 M.R.S.A. Section 42(3).

**3. Intake pipes & water monitoring devices**

**A. Applicability**

(1) This section applies to the installation or maintenance of a permanent water intake pipe which will not significantly affect the water level or flow of waters within a coastal wetland, freshwater wetland, great pond, river, stream or brook. This section also applies to the installation of a well in or adjacent to a freshwater wetland or adjacent to a great pond, coastal wetland, river, stream or brook. Allowed uses of water for the purposes of this section include a water supply for a single family residence and a dry hydrant. Some intake pipes and wells adjacent to a great pond may be exempt by law (see Note 2 at the end of this subsection).

(2) This section also applies to the installation or maintenance of a permanent device used to monitor water elevations, flow or quality including a gauging station, staff gauge, tide gauge,

water recording device, water quality testing and improvement device or other similar scientific equipment within a coastal wetland, freshwater wetland great pond, river, stream or brook.

(3) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of a permit issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(4) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTES:

(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) In a great pond, the placement of water lines to serve a single-family house or the installation of cables for utilities, such as telephone and power cables, is exempt from permit requirements under 38 M.R.S.A. Section 480-Q provided that the:

(a) Excavated trench for access to the water is backfilled and riprapped to prevent erosion;

(b) Excavated trench on the landward side of the riprapped area is seeded and mulched to prevent erosion; and

(c) Bureau of Parks and Lands has approved the placement of the cable across the bottom of the great pond to the extent that it has jurisdiction.

(3) A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving open trench excavation in a waterbody or wetland;

(b) Any activity in coastal waterways;

(c) Any activity within a river, stream or brook that takes place between October 2 and July 14.; or

(d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the PBR notification and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

**B. Submissions**

(1) For an activity occurring in tidal waters, notice of approval of the timing of the activity from the Department of Marine Resources must be submitted to the DEP with the notification form.

(2) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(3) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

**C. Standards**

(1) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the edge of the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) Disturbance of wetland vegetation must be avoided if possible. If wetland vegetation must be disturbed during the activity, it must be replaced or reestablished immediately upon completion of the activity and must be maintained.

(3) Non-native wetland plants may not be planted in disturbed areas.

(4) The trench width in any protected natural resource must be no wider than necessary to install the device.

(5) Any trench in or adjacent to the wetland must be refilled with the material that was excavated. The original grading and elevation of the wetland must be restored. Residual fill material must be removed from the wetland or water body and properly stabilized. Pipe bedding material such as crushed stone or sand may be used provided clay dams or synthetic boots are used where appropriate to prevent wetland draining through the bedding material.

(6) The water intake structure may not interfere with any potential boat usage and may not block fish passage.

(7) If the activity occurs within tidal waters, the activity must occur during the time period approved by the Department of Marine Resources.

(8) Excavation of a pool to increase depth is prohibited under this section.

(9) Maintenance clearing of deposited debris and sediments from the intake area is allowed provided the cleared materials are removed from the resource and are disposed of in an upland location at least 75 feet from any open water body and stabilized to prevent erosion unless a closer upland disposal area is approved under Section 2 of this rule. Disposal of any dredged material or debris must be carried out in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Sections 1301 *et seq.* Clearing or removal of sediment from a water body for other purposes is not allowed under this section.

(10) If work is performed in a river, stream or brook that is less than three feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

(a) Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, 6+ mil polyethylene or geotextiles from the bank to midstream on the upstream side of the activity. No more than two-thirds (2/3) or 25 feet of stream width, whichever is less, may be diverted at one time.

(b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

(c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to the water is prevented.

(11) Wheeled or tracked equipment may not be operated in the water. Equipment operating on the shore may reach into the water with a bucket, or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(12) Wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.

(13) Work below the high water line of a great pond, river, stream or brook must be done at low water, except as required for emergency flood control work. Measures such as a silt boom or staked fencing must be employed to reduce and isolate turbidity.

(14) Uncured concrete may not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water, or where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.

(15) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law

and not prohibited from sale under 38 M.R.S.A. 1682, provided it is cured on dry land in such a manner to expose all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where the wood will come in contact with water.

(16) Blasting in inundated areas is prohibited.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Land adjacent to a protected natural resource**. Any land area within 75 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(2) **Non-native wetland plants**. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (*Phragmites communis*) and purple loosestrife (*Lythrum salicaria*).

**4. Replacement of structures**

**A. Applicability**

(1) This section applies to the replacement of an existing permanent structure in, on, or over a coastal wetland, freshwater wetland, great pond, fragile mountain area, or river, stream or brook. Some activities involving maintenance and repair of a permanent structure may not require a permit (see note 2 at the end of this section).

(2) In order to be eligible for this section, the structure must have been in place and functioning as intended within 24 months of the DEP's receipt of the notification form. A permit by rule for replacement is valid for three years from the date of approval.

(3) This section does not apply to the replacement of a structure adjacent to a protected natural resource. (See Section 2: Activities adjacent to protected natural resources.)

(4) This section does not apply to structures located within a sand dune system. (See Section 16: Activities in coastal dune systems.)

(5) This section does not apply to the replacement of a dam or a tidal flood gate.

(6) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(7) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements

**B. Submissions**

(1) For an activity occurring in tidal waters, notice of approval of timing of the activity from the Department of Marine Resources must be submitted to the DEP with the notification form.

(2) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(3) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(4) A scaled plan or drawing of the structure to be replaced that includes at a minimum the location, width, length and height of the existing structure.

It is not necessary to have the plan professionally prepared. However, it must be legible and drawn to a scale that provides a clear representation of distances and measurements on the plan.

**C. Standards**

(1) A replaced structure that is located in, on, or over a protected natural resource may not exceed the dimensions, including height, of the previously existing structure, and may not extend any further into the water body or wetland, except that retaining walls may be reinforced with a facing material not exceeding 6 inch in width or may be replaced with riprap in accordance with Section 8 "Shoreline stabilization".

NOTE: Vegetation is the preferred method of erosion control near water bodies. Where the use of vegetation is not feasible, riprap is preferred over retaining walls because it dissipates wave action and is a more stable structure over the long term. The DEP encourages the replacement of retaining walls with riprap, unless the presence of large trees or structures makes its use impractical.

(2) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the protected resources:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the edge of the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(3) Disturbance of wetland vegetation must be avoided if possible. If wetland vegetation must be disturbed during the activity, it must be reestablished immediately upon completion of the activity and must be maintained.

(4) Non-native wetland plants may not be planted in disturbed areas.

(5) Work done in a river, stream or brook must allow for fish passage and the maintenance of normal stream flows at all times of year and may not impound water.

(6) No dredging may take place during the activity and no material may be removed from the affected natural resource except that rocks that were part of the original structure may be removed or reused.

(7) Work below the high water line of a great pond, river, stream or brook must be done at low water, except as required for emergency flood control work. Measures, such as a silt boom or staked fencing, must be employed to reduce and isolate turbidity.

(8) If the activity occurs within tidal waters, the activity must occur during the time period approved by the Department of Marine Resources.

(9) If work is performed in a river, stream or brook that is less than three feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

(a) Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, 6+ mil polyethylene or geotextiles from the bank to midstream on the upstream side of the activity. No more than two-thirds (2/3) or 25 feet of stream width, whichever is less, may be diverted at one time.

(b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

(c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to the water is prevented.

(10) Wheeled or tracked equipment may not be operated in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(11) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.

(12) All debris or excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales, silt fence or mulch must be used, where necessary, to prevent sedimentation. Any debris generated during the activity must be prevented from washing

downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 *et seq.*

(13) Uncured concrete may not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water, or where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.

(14) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in such a manner as to expose all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where the wood will come in contact with water.

(15) The replaced structure may not interfere with, or reduce the opportunity for, existing navigational and recreational uses of the site.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Dam**. Any man-made artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts a river, stream or brook or great pond.

(2) **Dredge**. To move or remove, by digging scooping or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface.

(3) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(4) **Land adjacent to a protected natural resource**. Any land area within 75 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(5) **Public works project**. A federal, state or local government, or state-regulated utility project for public use or service including, but not limited to, highways, dams, bridges, utility lines, water lines, sewerage, and recreational facilities such as boat launch facilities.

(6) **Replacement**. Any activity that results in more than 50% of a structure being restored or reconstructed whether above or below the normal high water line.

(7) **Retaining wall**. A vertical or near vertical structure generally constructed of wood, concrete or rock or a combination of these materials and located at or below the normal high water line.

(8) **Riprap.** Heavy, irregularly-shaped rocks that are fit into place, without mortar, on a slope. Square or rectangular rocks with flat faces, such as quarry stone or manufactured blocks, do not qualify as "irregularly-shaped".

(9) **Structure**. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

(10) **Non-native wetland plants**. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (*Phragmites communis*) and purple loosestrife (*Lythrum salicaria*).

NOTES:

(1) Section 480-Q(15-A) of the NRPA exempts the installation, removal or repair of a septic system from permitting requirements as of March 1, 1995, as long as the system complies with all requirements of the subsurface wastewater disposal rules adopted by the Department of Human Services under 22 M.R.S.A. Section 42, subsection 3.

(2) Section 480-Q(2) of the NRPA exempts from permitting the maintenance and minor repair of structures in, on, over or adjacent to a protected natural resource and maintenance and minor repair of private crossings of a river, stream or brook provided:

(a) Erosion control measures are taken to prevent sedimentation of the water;

(b) The crossing does not block fish passage in the water course;

(c) There is not additional intrusion into the protected natural resources; and

(d) The dimensions of the repaired structure do not exceed the dimensions of the structure as it existed 24 months prior to the repair.

Section 480-Q(2) does not apply to the repair of more than 50% of a structure located in a coastal sand dune system; the repair of more than 50% of a dam, unless that repair has been approved by a representative of the United States Natural Resources Conservation Service; or the repair of more than 50% of any other structure, unless the municipality in which the proposed activity is located requires a permit for the activity through an ordinance adopted pursuant to the mandatory shoreland zoning laws and the application for a permit is approved by the municipality.

(3) Section 480-Q(2-B) of the NRPA exempts from permitting the replacement of a floating dock with another floating dock if the dimensions of the replacement dock do not exceed those of the dock being replaced and the configuration of the replacement dock is the same as the dock being replaced.

(4) Section 480-Q(9) of the NRPA exempts from permitting emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall employ erosion control measures to prevent sedimentation of any surface water, shall not block fish passage in any water course and shall not result in any additional intrusion of the public works into the protected natural resource. This exemption does to apply to any activity on an outstanding river segment as listed in section 480-P.

**5.** *[REPEALED]*

**6. Movement of rocks or vegetation**

**A. Applicability**

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

(2) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(3) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

**B. Submissions**

(1) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

**C. Standards**

(1) The width of the area to be cleared may not exceed 10 feet, as measured parallel to the shore. Only one area may be cleared per lot with shore frontage or area under common ownership with shore frontage.

(2) If the area has been cleared in the past, subsequent clearing must be limited to the same area.

(3) Rocks moved from the cleared area must remain in the water and must be distributed randomly in such a way that a structure such as a jetty or boat ramp will not be formed. Rocks may not be removed from the water.

(4) Wheeled or tracked equipment may not be operated in the water. For large rock movement, equipment operating on the shore may reach into the water with a bucket or similar extension provided no bottom sediments are removed or displaced. Areas that are disturbed as part of equipment access and operation must be restored to their original grade and vegetation or as near thereto as practicable.

(5) Rocks that are holding the shoreline may not be moved.

(6) Cut or uprooted vegetation must be removed from the water.

(7) Work must be done during periods of low water level or flow.

**7. Outfall pipes**

**A. Applicability**

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

NOTES:

(1) A wastewater discharge license from the DEP is required for any discharge from an the outlet other than stormwater from residential development; small commercial or industrial facilities; or uncontaminated groundwater.

(2) A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving open trench excavation in a waterbody or wetland;

(b) Any activity in coastal waterways;

(c) Any activity within a river, stream or brook between October 2 and July 14; or

(d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the PBR notification and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

(2) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(3) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

**B. Submissions**

(1) For an activity occurring in tidal waters, notice of approval of the timing of the activity from the Department of Marine Resources must be submitted to the DEP with the notification form.

(2) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(3) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

**C. Standards**

(1) The following measures must be taken to prevent erosion of soil or fill material from the disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the edge of the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation control consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) Stormwater outfalls, whether a pipe or trench, must utilize velocity reducing structures and/or rock aprons to prevent erosion. A vegetative filter strip of at least 25 feet long must be established and maintained between the outfall structure and the resource unless a different standard is required pursuant to the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, or the Storm Water Management Law, 38 M.R.S.A. Section 420-D. The DEP may approve a reduction in width of the vegetated buffer if:

(a) The applicant demonstrates in writing that the full buffer width is not practicable;

(b) Any recommendations from the DEP are incorporated into the activity; and

(c) Approval of the reduction is from the DEP in writing.

(3) Foundation drains and licensed discharges may extend to, and outfall in, the resource. If necessary, a rock apron must be constructed to prevent erosion.

(4) Disturbance of wetland vegetation must be avoided if possible. If wetland vegetation must be disturbed during the activity, it must be reestablished immediately upon completion of the activity and must be maintained.

(5) Non-native wetland plants may not be planted in disturbed areas.

(6) The trench width in any protected natural resource must be no wider than necessary to install the device.

(7) The trench in and adjacent to the protected natural resource must be refilled with the material that was excavated. The original grading and elevation of the wetland must be restored. Residual fill material must be removed from the wetland or water body and properly stabilized. Pipe bedding material such as crushed stone or sand may be used provided clay dams or synthetic boots are used where appropriate to prevent wetland draining through the bedding material.

(8) Blasting in inundated areas is prohibited.

(9) The outfall structure may not interfere with any potential boat usage of the project site.

(10) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(11) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.

(12) Work below the high water line of a great pond, river, stream or brook must be done at low water except as required for emergency flood control work. Measures, such as a silt boom or staked fencing, must be employed to reduce and isolate turbidity.

(13) Maintenance clearing of deposited debris and sediments from the outfall area is allowed provided the cleared materials are removed from the resource. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 *et seq.*

(14) Uncured concrete may not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water, or where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.

(15) If work is performed in a river, stream or brook that is less than three feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

(a) Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, 6+ mil polyethylene or geotextiles from the bank to midstream on the upstream

side of the activity. No more than two-thirds (2/3) or 25 feet of stream width, whichever is less, may be diverted at one time.

(b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

(c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to the water is prevented.

(16) If the activity occurs within tidal waters, the activity must occur during the time period approved by the Department of Marine Resources.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Diversion**. A rerouting of a river, stream or brook to a location outside of its established channel.

(2) **Dredge**. To move or remove, by digging, scooping, or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface.

(3) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(4) **Land adjacent to a protected natural resource**. Any land area within 75 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(5) **Non-native wetland plants**. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (*Phragmites communis*) and purple loosestrife (*Lythrum salicaria*).

**8. Shoreline stabilization**

**A. Applicability**

(1) This section applies to the establishment of vegetation adjacent to any protected natural resource and the installation of riprap along the shoreline of a great pond, freshwater wetland with over 20,000 square feet of open water, stream or brook.

(2) This section applies only to areas where erosion exists and vegetation is not present, as demonstrated by photographs submitted with the notification form.

(3) This section does not apply to riprap on any river as defined by 38 M.R.S.A. Section 436-A(11), the Mandatory Shoreland Zoning Act (information is available at the Town Office).

(4) This section does not apply to a riprap project that affects more than 100 feet of shoreline.

(5) This section does not apply to areas within any portion of a coastal sand dune system even if portions of these systems extend into the coastal wetland.

(6) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTES:
(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) A permit will be required from the US Army Corps of Engineers for riprap projects that include fill below the ordinary high water line of fresh waters or below the spring high tide line of tidal waters.

A copy of the PBR notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

**B. Submissions**

(1) The applicant is required to submit photographs of the entire shoreline area where this activity is proposed.

(2) Photographs showing the finished activity must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) A scaled drawing, including a cross section, of the proposed riprap installation. The drawing must clearly depict the extent of riprap proposed to be installed, such as the length along shore and height above the normal high water line.

It is not necessary to have the plan professionally prepared. However, it must be legible and drawn to a scale that provides a clear representation of distances and measurements on the plan.

(4) Professional design plans for riprap on streams and brooks when required pursuant to paragraph C(12) of this section.

**C. Standards**

(1) Riprap may be utilized only where eroded slopes exceed 3 horizontal feet to 1 vertical foot (approximately 33% slope), or where riprap is used to stabilize an existing stormwater outfall. Where eroded slopes are shallower than 3 horizontal to 1 vertical, vegetation must be used to control erosion.

(2) Riprap installed on the shoreline of a great pond or open water wetland may not extend higher than 2 feet above the normal high water line. Riprap installed on a river, stream or brook may not extend higher than 2 feet above the normal high water line, or to the elevation of the 100-year flood where mapped by the Federal Emergency Management Agency, whichever is higher.

(3) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(4) New soil may be brought to the site and soil amendments, such as fertilizer or lime, may be used to increase soil fertility provided:

(a) Slopes do not exceed 3 horizontal to 1 vertical;

(b) Existing vegetation is not permanently removed;

(c) Water bars or diversions are used to divert stormwater runoff away from the loam;

(d) Depth of new soil is less than 2 inches;

(e) The amendment is worked into the underlying soils;

(f) Disturbed areas are immediately mulched and seeded; and

(g) Final vegetation consists of native trees and shrubs, or matches existing vegetation immediately adjacent to the treated area.

(5) Rocks used for riprap may not be obtained from the shoreline (because they help prevent erosion) or below the normal high water line (because they provide habitat for aquatic life).

NOTE: On many slopes, slumping is caused by wave or water motion undercutting the bank. If riprap is placed only at the bottom of the slope, and the upper portions of the bank are graded and revegetated, the cost of the shoreline stabilization project can be reduced.

(6) The slope of the riprap may not be steeper than 1 horizontal to 1 vertical, nor shallower than 3 horizontal to 1 vertical.

(7) Riprap must be anchored at the base of the existing bank by placing the bottom row of rock in a trench excavated at least to a depth equal to the height of the largest rock, or the riprap must be pinned to underlying ledge.

(8) A layer of filter fabric and crushed stone must be placed under the riprap to prevent the washing of soil particles into the water.

(9) No fill material other than the riprap and crushed stone may be placed below the normal high water line.

(10) Riprap may not be placed in front of a retaining wall such that it extends further into the water.

(11) A buffer strip of undisturbed vegetation at least 25 feet wide must be established and maintained along the upland edge of any riprap placed for the protection of agricultural land.

(12) Design of riprap on stream or brook banks must be approved by either a Maine Registered Professional Engineer, the United States Natural Resources Conservation Service, or the local Soil and Water Conservation District. Evidence of this approval or plans stamped by a professional engineer must be submitted along with the Notification Form. With prior written agreement, the DEP may waive this standard for minor riprap activities on small streams.

(13) When riprap is necessary along a river, stream or brook, it must be combined with tree and shrub plantings to provide bank stabilization, shading of the water and cover for wildlife.

(14) If work is performed in a river, stream or brook that is less than three feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

(a) Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, 6+ mil polyethylene or geotextiles from the bank to midstream on the upstream side of the activity. No more than two-thirds (2/3) or 25 feet of stream width, whichever is less, may be diverted at one time.

(b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

(c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet shall be located and operated such that erosion or the discharge of sediment to the water is prevented.

(15) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(16) Work below the high water line of a great pond, river, stream or brook must be done at low water except as required for emergency flood control work.

(17) All excavated material must be stockpiled either outside the protected natural resource or on mats or platforms. Hay bales or silt fence must be used, where necessary, to prevent sedimentation. All excavated material must be removed to a location more than 75 feet from

the protected natural resource, unless otherwise approved by the DEP, and properly stabilized with vegetation upon project completion.

(18) Disturbance of vegetation must be avoided if possible. If vegetation must be disturbed during the activity, similar types and amounts of vegetation must be re-established immediately upon completion of the activity and must be maintained.

(19) Non-native species may not be planted in disturbed areas.

(20)Riprap projects must be constructed in accordance with the plans or drawings submitted pursuant to subsections B(3) and (4) of this section, as applicable.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(2) **Riprap.** Heavy, irregularly-shaped rocks that are fit into place, without mortar, on a slope. Square or rectangular rocks with flat faces, such as quarry stone or manufactured blocks, do not qualify as "irregularly-shaped".

(3) **Structure**. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

**9. Crossings (utility lines, pipes and cables)**

**A. Applicability**

(1) This section applies to the installation, maintenance and replacement of an overhead utility line across a river, stream or brook excluding outstanding river segments identified in 38 M.R.S.A. Section 480-P.

(2) This section applies to the installation, maintenance and replacement of a submerged utility line across a coastal wetland, freshwater wetland, great pond, river, stream, or brook excluding outstanding river segments identified in 38 M.R.S.A. Section 480-P.

(3) This section applies to the installation, maintenance and replacement of an overhead utility line across or adjacent to a coastal wetland, freshwater wetland or great pond provided the line is within the right-of-way of, or adjacent to the path of, an existing traveled way.

(4) This section does not apply to a submerged utility crossing that is part of a larger project involving multiple crossings of a natural resource or more than one natural resource. Projects consisting of multiple natural resource crossings must obtain an individual permit under the Natural Resources Protection Act.

(5) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38

M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(6) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

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NOTES:

(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) In a great pond, the placement of water lines to serve a single-family house or the installation of cables for utilities, such as telephone and power cables, is exempt from NRPA permit requirements under 38 M.R.S.A. Section 480-Q (1) provided that the:

(a) Excavated trench for access to the water is backfilled and riprapped to prevent erosion;

(b) Excavated trench on the landward side of the riprapped area is seeded and mulched to prevent erosion; and

(c) Bureau of Parks and Lands has approved the placement of the cable across the bottom of the great pond to the extent that it has jurisdiction.

(3) Approval for crossing any state-owned (submerged) land must be obtained from the Department of Conservation, Bureau of Parks and Lands, State House Station 22, Augusta, ME 04333.

(4) A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving open trench excavation in a waterbody or where the impact (direct and indirect) to wetlands exceeds 4,300 square feet;

(b) Any activity in coastal waterways;

(c) Any activity within a river, stream or brook between October 2 and July 14 ;or

(d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the PBR notification and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

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**B. Submissions**

(1) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) For any work involving trenching or disturbance of substrate in a coastal wetland, great pond, river, stream or brook that occurs between October 2 and July 14, notice of approval of the timing of the activity from the Department of Inland Fisheries and Wildlife, the Atlantic Salmon Authority and the Department of Marine Resources must be submitted to the DEP with the notification form, unless otherwise approved by the DEP based upon the location of the project. In addition, for a utility crossing of marine or estuarine waters at any time of year, notice of approval of the timing from the Department of Marine Resources must be submitted to the DEP with the notification form.

**C. Standards**

(1) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) Disturbance of wetland vegetation must be avoided if possible. If wetland vegetation must be disturbed during the activity, it must be reestablished immediately upon completion of the activity and must be maintained.

(3) Non-native wetland plants may not be planted in disturbed areas.

(4) If the activity occurs in a coastal wetland, great pond, river, stream or brook between October 2 and July 14, the activity must occur during the time period approved by the Department of Inland Fisheries and Wildlife, the Atlantic Salmon Authority and the Department of Marine Resources.

(5) The trench in and adjacent to the wetland must be refilled with the material that was excavated. The original grading and elevation of the wetland must be restored. Residual fill material must be removed from the wetland or water body and properly stabilized. Pipe bedding material such as crushed stone or sand may be used provided clay dams or synthetic boots are used where appropriate to prevent wetland draining through the bedding material.

(6) Any trench excavation that occurs within a river, stream or brook must be performed either during a period when no water is flowing, or utilize a dry crossing method such as diverting water flow by coffer dam and pumping around the area of excavation. The trench width in any natural resource must be no wider than necessary to install the device.

(7) The crossing may not obstruct any recreational usage of the water body.

(8) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(9) All wheeled or tracked equipment that must travel or work in a vegetated wetland must travel and work on mats or platforms in order to protect wetland vegetation.

(10) Any debris or excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales or silt fence must be used, where necessary, to prevent sedimentation.

(11) Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 *et seq.*

(12) Temporary roads constructed of fill are not allowed in the resource except that fill may be used on top of mats or platforms for equipment access.

(13) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in such a manner to expose all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol must not be used where the wood will come in contact with water.

(14) Blasting in inundated areas is prohibited.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Crossing**. Any activity extending from one side to the opposite side of a protected natural resource, or to an island or upland within a protected natural resource whether under, through or over that resource. Such activities include, but are not limited to roads, fords, bridges, culverts, utility lines, water lines, sewer lines and cables, and the clearing and removal of vegetation necessary to install and maintain these crossings.

(2) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(3) **Land adjacent to a protected natural resource**. Any land area within 75 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(4) **Riprap.** Heavy, irregularly-shaped rocks that are fit into place, without mortar, on a slope. Square or rectangular rocks with flat faces, such as quarry stone or manufactured blocks, do not qualify as "irregularly-shaped".

(5) **Structure**. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

(6) **Utility lines, pipes and cables**. Wires and pipes providing utility services. The term includes telephone and electric wires, gas, oil, water and sewer pipelines, and their support structures, whether public or private.

(7) **Non-native wetland plants**. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (*Phragmites communis*) and purple loosestrife (*Lythrum salicaria*).

**10. Stream crossings (bridges, culverts and fords)**

**A. Applicability**

(1) This section applies to the construction of a bridge span or culvert crossing of a river, stream or brook, and associated accessway construction within 25 feet of the river, stream or brook crossing excluding the following:

(a) Crossings of outstanding river segments identified in 38 M.R.S.A. Section 480-P;

(b) Crossings of any river as defined by 38 M.R.S.A. Section 436-A(11), the Mandatory Shoreland Zoning Act (information is available at the Town Office); or

(c) Crossings of any portion of a river, stream or brook that experiences tidal action.

NOTE: Temporary structures do not require a permit from the department under the Natural Resources Protection Act (NRPA) provided no filling and minimal soil disturbance occurs. All crossings involving filling in and adjacent to a river, stream or brook, such as culvert crossings, are subject to the NRPA and must first receive a permit before construction.

(2) This section also applies to the establishment of a permanent stream ford for purposes of timber harvesting, livestock, agriculture and construction and maintenance of a utility line.

(3) A stream crossing constructed between July 15 and October 1 that is associated with forest management activities is exempt from the 14 day waiting period required in Section 1(C)(1).

(4) A stream crossing constructed between July 15 and October 1 that is performed or supervised by individuals currently certified in erosion control practices by the DEP is exempt from the 14 day waiting period required in Section 1(C)(1).

(5) Multiple stream crossings may be submitted on one PBR notification form as long as all of the crossing activities are located within one town.

(6) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(7) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

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NOTES:

(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) Maintenance and repair of a public or private crossing of a river, stream or brook is exempt from the NRPA provided that:

(a) Erosion control measures are taken to prevent sedimentation of the water;

(b) The crossing does not block fish passage in the water course; and

(c) Any replaced culvert is not more than 25% longer than the culvert being replaced and is not longer than 75 feet.

(3) A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving impacts (direct and secondary) to freshwater wetlands; or

(b) An activity within a river, stream or brook between October 2 and July 14.

A copy of the PBR notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

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**B. Submissions**

(1) For any crossing involving trenching or disturbance of substrate in a river, stream or brook that occurs between October 2 and July 14, the proposed dates for construction of the crossing must be clearly identified on the notification form under “Description of Project”.

(2) Except for crossings associated with forest management activities, the applicant is required to submit photographs of the area that will be affected by the activity proposed.

(3) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

**C. Standards**

(1) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) If a perennial watercourse to be crossed is used for navigation, the crossing must consist of a bridge span or pipe arch with at least 4 feet of clearance during normal high water for boat traffic.

(3) If the stream to be crossed is a perennial watercourse and has a slope of more than 2%, a bridge or a pipe arch must be used to maintain the natural streambed.

(4) Fill sideslopes in a stream or floodplain wetland must be maintained at a slope no shallower than 3 horizontal to 1 vertical and no steeper than 1.5 horizontal to 1 vertical. Fill sideslopes must be stabilized at the completion of the activity.

NOTE: Uncompacted soils or sandy soils that are saturated at the toe of a slope will be unstable at a 1.5 to 1 slope.

(5) A bridge or culvert must provide an opening with a cross-sectional area at least equal to 3 times the cross-sectional area of the stream channel or sufficient in size to accommodate 25-year frequency water flows.

NOTE: Stream crossings allowable under this section but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM) must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a crossing may be required to pass a 100-year flood event.

(6) Road surfaces must be constructed in a manner to prevent erosion of material into the river, stream or brook.

(7) Surface water on or adjacent to crossing approaches must be diverted through vegetative filter areas at least 25 feet long to avoid sedimentation of the watercourse. Roadside ditches may not extend to the resource being crossed.

NOTE: Surface water on or adjacent to crossing approaches should be diverted through vegetative filter areas to avoid sedimentation of the watercourse. Because roadside ditches may not extend to the resource being crossed, filter areas should be established in accordance with the following tables:

| Average slope of land between exposed mineral soil and normal high water mark (percent) | Width of strip between ditch terminus and normal high water mark (feet along surface of the ground) |
|---|---|
| 0 | 25 |
| 10 | 45 |
| 20 | 65 |
| 30 | 85 |
| 40 | 105 |
| 50 | 125 |
| 60 | 145 |
| 70 | 165 |

(8) A stream ford must be lined with crushed stone, blasted ledge, washed stone, gabion blankets or geotextile material for erosion control when the natural stream bed does not consist of ledge or rock.

(9) A stream ford must allow for fish passage at all times of the year and may not impound water. The fords must also allow for maintenance of normal stream flows.

(10) Culvert crossings must:

(a) Be limited to 75 feet in length. This limit may not be exceeded within a half-mile length of the stream or within the length of stream controlled by the applicant, if less;

(b) Follow the alignment and grade of the existing stream channel where possible. On perennial streams the culvert's gradient may not exceed 1%;

(c) Have the bottom of the entire culvert installed at or below stream bed elevation, except for additional culverts at the same crossing;

(d) Where two or more culverts are installed, be offset in order to concentrate low flows into the culvert within the natural channel;

(e) Be seated on firm ground, or on geotextiles, logs or other materials used to stabilize the ground;

(f) Be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater;

(g) Have the soil compacted at least halfway up the side of the culvert; and

(h) Have the inlet and outlet ends stabilized by riprap in accordance with Section 8 Shoreline stabilization standards to avoid erosion of material around the culvert.

NOTE: For guidance on riprap installation, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(11) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may, where necessary, reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(12) Work below the normal high water line must be done during periods of low water level or flow.

(13) If the crossing involves trenching or disturbance of substrate in a river, stream or brook between October 2 and July 14, the activity must occur during the time period approved by the DEP. The approved time period may be the time period proposed by the applicant or an alternative time period approved by the DEP. An alternative time period will be required where it appears an unreasonable impact on water quality or fisheries may result at the point of crossing or immediately downstream of the crossing. The applicant will be notified by the DEP within 14 days if an alternative time period, other than the one proposed by the applicant, is required for constructing the crossing.

(14) If work is performed in a river, stream or brook that is less than three feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

(a) Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, 6+ mil polyethylene or geotextiles from the bank to midstream on the upstream side of the activity. No more than two-thirds (2/3) or 25 feet of stream width, whichever is less, may be diverted at one time.

(b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

(c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to the water is prevented.

(15) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.

(16) All excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales or silt fence must be used, where necessary, to prevent sedimentation.

(17) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in a way that exposes all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where it will contact water.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Cross-sectional area**. The cross-sectional area of a stream channel is determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight line distance from the normal high water line on one side of the channel to the normal high water line on the opposite side of the channel. The average stream channel depth is the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.

(2) **Crossing**. Any activity extending from one side to the opposite side of a protected natural resource, or to an island or upland within a protected natural resource whether under, through or over that resource. Such activities include, but are not limited to roads, fords, bridges, culverts, utility lines, water lines, sewer lines and cables, and the clearing and removal of vegetation necessary to install and maintain these crossings.

(3) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(4) **Ford**. A permanent crossing of a stream utilizing an area of existing, non-erodible substrate of the stream, such as ledge or cobble, or by placing non-erodible material such as stone or geotextile on the stream bottom.

(5) **Perennial watercourse**. A river, stream or brook depicted as a solid line on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map.

(6) **Riprap.** Heavy, irregularly-shaped rocks that are fit into place, without mortar, on a slope. Square or rectangular rocks with flat faces, such as quarry stone or manufactured blocks, do not qualify as “irregularly-shaped”.

(7) **Used for navigation**. Those rivers, streams or brooks used by motorized watercraft.

**11. State transportation facilities**

**A. Applicability**

(1) This section applies to the maintenance, repair, reconstruction, rehabilitation, replacement or minor construction of a State Transportation Facility carried out by, or under the authority of, the Maine Department of Transportation (MaineDOT) or the Maine Turnpike Authority, including any testing or preconstruction engineering, and associated technical support services.

(2) This section does not apply to an activity within a coastal sand dune system.

NOTE: The construction of a transportation facility other than roads and associated facilities may be subject to the Storm Water Management Law, 38 M.R.S.A. Section 420-D.

**B. Standards**

(1) Photographs of the area to be altered by the activity must be taken before work on the site begins. The photographs must be kept on file and be made available at the request of the DEP.

(2) The activity must be reviewed by the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, as applicable. The applicant must coordinate with the reviewing agencies and incorporate any recommendations from those agencies into the performance of the activity.

(3) All construction activities undertaken must be detailed in a site-specific Soil Erosion and Water Pollution Control Plan and conducted in accordance with MaineDOT's Best Management Practices for Erosion and Sediment Control, dated January 2000, and Standard Specifications, dated December 2002.

(4) Alignment changes may not exceed a distance of 200 feet between the old and new center lines in any natural resource.

(5) The activity may not alter more than 300 feet of shoreline (both shores added together) within a mile stretch of any river, stream or brook, including any bridge width or length of culvert.

(6) The activity may not alter more than 150 feet of shoreline (both shores added together) within a mile stretch of any outstanding river segment identified in 38 M.R.S.A. 480-P, including any bridge width or length of culvert.

(7) The activity must minimize wetland intrusion. The activity is exempt from the provisions of Chapter 310, the Wetland and Waterbodies Protection Rules, if the activity alters less than 15,000 square feet of natural resources per mile of roadway (centerline measurement) provided that the following impacts are not exceeded within the 15,000 square foot area:

(a) 1,000 square feet of coastal wetland consisting of salt tolerant vegetation or shellfish habitat; or

(b) 5,000 square feet of coastal wetland not containing salt tolerant vegetation or shellfish habitat; or

(c) 1,000 square feet of a great pond.

All other activities must be performed in compliance with all sections of Chapter 310, the Wetland Protection Rules, except 310.2(C), 5(A), 9(A), 9(B) and 9(C).

(8) The activity may not permanently block any fish passage in any watercourse containing fish. The applicant must coordinate with the reviewing agencies listed in paragraph 2 above to

improve fish passage and incorporate any recommendations from those agencies into the performance of the activity.

NOTE: For guidance on meeting the design objectives for fish passage, including peak flow, maximum velocity, mining depth and gradient, see the MaineDOT Waterbody and Wildlife Crossing Policy and Design Guide (July 2008), developed in conjunction with state and federal resource and regulatory agencies.

(9) Rocks may not be removed from below the normal high water line of any coastal wetland, freshwater wetland, great pond, river, stream or brook except to the minimum extent necessary for completion of work within the limits of construction.

(10) If work is performed in a river, stream or brook that is less than three feet deep at the time and location of the activity, the applicant must isolate the work area from the resource and divert stream flows around the work area, maintaining downstream flows while work is in progress.

(11) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom. If avoiding the operation of wheeled or tracked equipment in the water is not possible, the applicant must explain the need to operate in the water. Approval from the DEP to operate in the water must be in writing, and any recommendations from the DEP must be incorporated into the performance of the activity.

(12) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms.

(13) Any debris or excavated material must be stockpiled either outside the wetland or on mats or platforms. Erosion and sediment control best management practices must be used, where necessary, to prevent sedimentation. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 *et seq.*

(14) Work below the normal high water line of a great pond, river, stream or brook must be done at low water except for emergency work or work agreed to by the resource agencies listed in paragraph 2 above.

(15) Perimeter controls must be installed before the work starts. Disturbance of natural resources beyond the construction limits shown on the plans is not allowed under this rule.

NOTE: Guidance on the location of construction limits can be obtained from the on site Construction Manager.

(16) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in a manner that exposes all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where it will contact water.

(17) A temporary road for equipment access must be constructed of crushed stone, blasted ledge, or similar materials that will not cause sedimentation or restrict fish passage. Such roads must be completely removed at the completion of the activity. In addition, any such temporary roads which are in rivers, streams or brooks, must allow for a passage of stormwater flows associated with a 10-year storm.

(18) Non-native species may not be planted in restored areas.

(19) Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Sections 1301 *et seq*.

(20) Disturbance of vegetation must be avoided, if possible. Where vegetation is disturbed outside of the area covered by any road or structure construction, it must be reestablished immediately upon completion of the activity and must be maintained.

(21) A vegetated area at least 25 feet wide must be established and maintained between any new stormwater outfall structure and the high water line of any open water body. A velocity reducing structure must be constructed at the outlet of the stormwater outfall that will create sheet flow of stormwater, and prevent erosion of soil within the vegetated buffer. If the 25 foot vegetated buffer is not practicable, the applicant must explain the reason for a lesser setback in writing. Approval from the DEP must be in writing and any recommendations must be incorporated into the activity.

**C. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Diversion**. The rerouting of a river, stream or brook around a construction site and then back to the downstream channel.

(2) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or immediately adjacent to a wetland or water body.

(3) **Floodplain wetlands**. Freshwater wetlands that are inundated with flood water during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Agency or other site specific information.

(4) **Riprap**. Heavy, irregularly shaped rocks that are fit into place, without mortar, on a slope as defined in the MaineDOT Standard Specifications, dated December 2002.

**12. Restoration of natural areas**

**A. Applicability**

(1) This section applies to the restoration of an altered portion of a coastal wetland, freshwater wetland, great pond, river, stream or brook to its pre-existing natural condition through the removal of fill, structures or debris which is located in, on over, or adjacent to the natural resource.

(2) This section applies to the removal of non-native species and the planting of natural vegetation in any protected resource.

(3) This section applies to the retrieval of sand from below the normal high water line for redistribution on an existing adjacent sand beach on a great pond.

(4) This section applies to the restoration of the natural grade within a dredged area of a freshwater or coastal wetland.

(5) This section does not apply to:

(a) Restoration or replacement of a structure or unnatural condition such as the installation of a dam structure;

(b) Conversion of existing natural wetlands to wetland of a different type through flooding, inundation or other means;

(c) Dredging of silt, sand or soil materials which have been naturally deposited from a great pond, river, stream or brook, coastal wetland or freshwater wetland except that eroded sand may be retrieved from a great pond for redistribution on an existing adjacent sand beach;

(d) Mining of gravel or other mineral materials from a river, stream, or brook;

(e) Replacement of eroded soil material in areas above, below and adjacent to the normal high water mark of a great pond, river, stream or brook, freshwater wetland, or coastal wetland, except that sand may be regraded on an existing sand beach;

(f) Removal of a man-made dam structure;

(g) Draining of a freshwater wetland to convert an area to upland; or

(h) An activity occurring within a coastal sand dune system.

(6) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38°M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(7) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE:

(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving impacts (direct and secondary) to freshwater wetlands;

(b) Any activity within a coastal wetland;

(c) Any activity within an open water area;

(d) Any activity within a river, stream or brook between October 2 and July 14; or

(e) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the PBR notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

**B. Submissions**

(1) The applicant is required to submit photographs of the area in which this activity is proposed.

(2) Photographs showing the finished activity must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) For an activity occurring in tidal waters, notice of approval of timing from the Department of Marine Resources must be submitted to the DEP with the notification form.

**C. Standards**

(1) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the proposed resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) Disturbance of wetland vegetation must be avoided if possible. If wetland vegetation must be disturbed during the activity, it must be reestablished immediately upon completion of the activity and must be maintained.

(3) Non-native wetland plants may not be planted in disturbed areas.

(4) Only material that has been placed in a natural resource by persons may be removed from these waterbodies except for debris deposited within the previous 12 calendar months, and sand that will be regraded onto existing adjacent sand beaches.

(5) Sand may be regraded from below the normal high water line, but machinery may not operate in the water. Equipment operating on shore may reach into the water with a bucket or similar extension. Areas covered by vegetation, either aquatic or terrestrial, may not be disturbed during any beach regrading.

(6) Any activity involving the regrading of an existing sand beach must include the installation of permanent erosion control devices, such as water bars and diversion ditches, that prevent future erosion of the sand from upland runoff. The erosion control devices must be installed prior to the regrading of the beach.

(7) Vegetation and soil material used in restoring wetland areas must be similar to the vegetation and soil materials occurring under pre-existing natural conditions.

(8) No fill other than soil material used to restore natural elevations within a dredged area of a coastal or freshwater wetland may be placed in or adjacent to a natural resource. Sand may not be brought in from off-site to replenish an existing beach.

NOTE: Erosion of sand from beaches may be due to wave action or the action of overland water flows. Contact the DEP, the local Soil and Water Conservation District, or the local lake association for assistance with identifying sources of beach erosion.

(9) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(10) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.

(11) All excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales, silt fence or mulch must be used, where necessary, to prevent sedimentation.

(12) If the activity occurs within tidal waters, the activity must occur during the time period approved by the Department of Marine Resources.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Dam**. Any man-made artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts a river, stream or brook or great pond.

(2) **Dredge**. To move or remove, by digging, scooping, or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface.

(3) **Fill**. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a wetland or water body.

(4) **Debris**. Non-mineral materials (including but not limited to wood, brush or flotsam) deposited by wind, wave action, flooding or wild animals within the last 12 months. This term includes beaver dams, but does not include beaver or muskrat houses or nests of wild birds such as wading birds or waterfowl.

(5) **Restoration**. An activity returning a great pond, coastal wetland, freshwater wetland, river, stream or brook from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or functions.

(6) **Structure**. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

(7) **Non-native wetland plants**. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (*Phragmites communis*) and purple loosestrife (*Lythrum salicaria*).

**13. Habitat creation or enhancement and water quality improvement activities**

**A. Applicability**

(1) This section applies to an alteration in or adjacent to a protected natural resource by a public natural resource agency. This rule also applies to an alteration in the same types of resources by a public utility, the Department of Transportation, owner of a federally licensed hydropower project, a conservation group, or a municipality in conjunction with and under the supervision of a public natural resource agency, exclusively for the purpose of:

(a) Creating or enhancing habitat for fisheries or wildlife; or

(b) A water quality improvement project.

These activities may include but are not limited to: fishway installation; the construction of artificial reefs; removal, maintenance, installation or modification of dam structures; and the construction and maintenance of nutrient retention structures.

(2) This section applies to a landfill closure activity approved by the DEP.

(3) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTES:

(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving impacts (direct and secondary) to freshwater wetlands;

(b) Any activity within a coastal wetland;

(c) Any activity within an open water area;

(d) Any activity within a river, stream or brook between October 2 and July 14; or

(e) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the PBR notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

**B. Submissions**

(1) The applicant is required to submit photographs of the area in which this activity is proposed.

(2) Photographs showing the finished activity must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) Excluding landfill closures, if an activity is to be performed by a public utility, conservation group, municipality or the Maine Department of Transportation, certification from a public natural resource agency that the proposed activity will be done in conjunction with, or under the supervision of, the agency must be submitted with the notification form.

**C. Standards**

(1) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) Disturbance of vegetation must be avoided if possible. Where vegetation is disturbed outside of the area covered by any structures or filling associated with this activity, it must be reestablished immediately upon completion of the activity and must be maintained.

(3) Non-native wetland plants may not be planted in disturbed wetland areas.

(4) All debris or excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales, silt fence, or mulch must be used where necessary to prevent sedimentation. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 *et seq.*

(5) Uncured concrete may not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water, or where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.

(6) The use of untreated lumber is preferred. Lumber pressure-treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in such a manner as to expose all surfaces to the air for at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where the wood will come in contact with water.

(7) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(8) Work below the high water line of a great pond, river, stream or brook shall be done at low water, except as required for emergency flood control work. Measures, such as a silt boom or staked fencing, must be employed to reduce and isolate turbidity.

(9) All wheeled or tracked equipment that must travel or work in a vegetated coastal wetland must travel and work on mats or platforms in order to protect wetland vegetation.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Dam**. Any man made artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts a river, stream or brook or great pond.

(2) **Public natural resources agency**. The Maine Department of Inland Fisheries and Wildlife, the Maine Department of Marine Resources, the Maine DEP, the Maine Department of Conservation, the United States Fish and Wildlife Service, the United States Natural Resources Conservation Service, the United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Forest Service, National Marine Fisheries Service, National Park Service, National Oceanic and Atmospheric Administration, and County Soil and Water Conservation Districts.

(3) **Water quality improvement project**. An activity designed exclusively to maintain or enhance water quality of a freshwater wetland, great pond or river, stream, brook or a coastal wetland. Examples include but are not limited to: nutrient retention basins, water level manipulation and rerouting of drainage ways.

(4) **Non-native wetland plants**. Wetland grasses, forbs, shrubs, or trees not native to the State of Maine, for example, common reed (Phragmites communis) and purple loosestrife (*Lythrum salicaria*).

**14. Piers, wharves, pilings and haulouts** *[repealed]*

**15. Public boat ramps**

**A. Applicability**

(1) This section applies to the construction of a new, or the replacement of an existing, public boat ramp or carry-in launch area, including associated parking and accessways, in or adjacent to a protected natural resource by a public natural resource agency, Maine Department of Transportation, municipality, or owners of a federally licensed hydropower project within the resource affected by the hydropower project. This section does not apply if a portion of the ramp or related facilities is located in, on or over emergent marsh vegetation or intertidal mudflat.

(2) This section applies to the construction of up to 2 launch lanes at a facility provided no more than 2 lanes exist or will exist at the completion of the activity.

(3) This section does not apply to a new boat ramp on a lake infested with aquatic invasive plants, as defined in 38 M.R.S.A. Section 410-N. The Department of Environmental Protection identifies and maintains a list of these infested lakes.

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NOTE: A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving open trench excavation in a waterbody;

(b) Any activity in coastal waterways;

(c) Any activity within a river, stream or brook between October 2 and July 14; or

(d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the permit by rule notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, 675 Western Avenue, Suite #3, Manchester, ME 04351. Tel. (207) 623-8367).

**B. Submissions**

(1) The applicant is required to submit photographs of the area in which this activity is proposed.

(2) Photographs showing the finished activity must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) If the project results in a new or expanded access drive or parking area, the project design plan, erosion control plan and a request for review for an activity on great ponds classified as GPA under 38 M.R.S.A. Section 465-A must be submitted to the DEP's Division of Watershed Management (DWM) prior to submitting the notification form to the DEP. A certification from DWM must be obtained and must be included with the notification form, along with final project plans and the erosion control plan, when it is submitted to the DEP.

(4) If the proposed activity involves work below the mean low water line of a waterbody, the applicant shall submit a copy of the project design plan along with a copy of the notification form to the Department of Conservation, Bureau of Parks and Lands, Submerged Lands Program (State House Station #22 Augusta, Maine 04333) at the time the notification form is submitted to the DEP. Work on the activity may not begin until a lease or easement is obtained or the Bureau of Parks and Lands has provided notification that one is not necessary.

NOTE: Processing of a request for a lease or easement may require several weeks of review by the Bureau of Public Lands.

(5) If the proposed activity is located within a coastal wetland area, the applicant shall submit, along with the notification form, a letter from both the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that describes times of the year in which the construction of the boat ramp may occur.

(6) If the proposed activity is located within a freshwater wetland, great pond, river, stream or brook, the applicant shall submit, along with the notification form, a letter from the

Department of Inland Fisheries and Wildlife that describes times of the year in which the construction of the boat ramp may occur.

**C. Standards**

(1) The erosion control plan must be followed. Erosion of soil or fill material from disturbed areas into the resource must be prevented. The following measures must be taken:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(2) A hard-surfaced launch must be used where boats will be launched from trailers, and must meet the following specifications:

(a) The underwater portions of the ramp, at the time of construction, must be constructed of reinforced precast concrete planks, panels or slabs;

(b) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15%; the portion of the ramp used by the trailer only may not have a slope that exceeds 20%;

(c) The width of the hard surfaced launch lane(s) may not exceed 20 feet as measured parallel to shore;

(d) The upper most 6 inches of the base must consist of crushed rock or crushed or screened gravel having 5% or less passing a 200 mesh sieve; and

(e) Fill slopes at or below the normal high water line must be protected with riprap. Riprap installation must meet the standards for riprap in PBR Section 8, "Shoreline stabilization".

(3) An additional area of up to 8 feet wide as measured parallel to shore may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.

(4) A carry-in launch area for small boats must:

(a) Consist of gravel, rock, sand, vegetation, or other erosion resistant materials;

(b) Have a grade not exceeding 18%; and

(c) Be Limited, below the low water line, to constructing a path up to 6 feet wide, measured parallel to shore, consisting of cobble, rock or concrete planks, to access deeper water to float watercraft.

(5) A vegetated buffer zone at least 25 feet in width must be maintained between any new or expanded parking area and the waterbody.

(6) A parking area or access road may not be located in a protected natural resource, except that an access roadway may cross a stream if the requirements of PBR Section 10 "Stream crossings" are met.

(7) Any new or expanded parking area or roadway must divert stormwater runoff away from the ramp to an area where it may infiltrate into the ground before reaching the waterbody.

(8) Machinery may operate below the water line only when necessary to excavate or place material below the existing water level and must travel and operate on temporary mats or portions of the ramp that have been constructed.

(9) Timing of the activity must conform to the recommendations of biologists from the Department of Inland Fisheries and Wildlife or the Department of Marine Resources, as appropriate, as described in letters submitted along with the notification form.

(10) Any debris generated during the work must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A Section 1301 *et seq.*

(11) Uncured concrete may not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water or, where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.

(12) The use of untreated lumber is preferred. Lumber pressure-treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in such a manner as to expose all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol shall not be used where it will contact water.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Emergent marsh vegetation**. Plants that are erect, rooted and herbaceous, and that may be temporarily to permanently flooded at the base, but do not tolerate prolonged inundation of the entire plant; (e.g. cattails, saltmarsh cordgrass).

(2) **Public natural resource agency**. The Maine Department of Inland Fisheries and Wildlife, the Maine Department of Marine Resources, the Maine DEP, the Maine Department of Conservation, the United States Fish and Wildlife Service, the United States Forest Service, the United States Natural Resources Conservation Service and County Soil and Water Conservation Districts.

(3) **Project design plan**. A detailed plan of the proposed activity indicating all dimensions (width, height, length) relative to the mean low water mark, and including any appurtenant structures that may be seasonal in nature.

**16. Activities in coastal sand dunes**

**A. Applicability**

(1) This section applies to the following activities in coastal sand dune systems:

(a) Repair or replacement of an existing seawall, patio, deck, driveway, walkway, porch or parking area;

(b) Dune restoration or construction;

(c) Installation or repair of underground utility lines;

(d) Construction of a new structure or new development, other than a building or closed fence, in a back dune area;

(e) New buildings or an addition to an existing building in a back dune when mitigation and enhancement measures are not required as determined by the DEP;

(f) Construction of closed fences in a back dune, non-erosion hazard area;

(g) Construction of open fences in a frontal dune or back dune erosion hazard area;

(h) Construction of cobble-trapping fences with permanent anchors landward of an existing seawall in a developed area;

(i) Construction of a walkway or driveway on existing developed area in a frontal dune; and

(j) Installation of underground propane tanks.

PBR applications are reviewed on a case by case basis to determine the concern for damage due to shoreline change. In an area where concern for damage due to shoreline change is identified or mitigation and enhancement measures are required, the applicant is required to file for an individual Natural Resources Protection Act Permit, and is encouraged to contact the DEP for a pre-application meeting.

(2) This section does not apply to the construction of a new structure or addition to an existing structure in V-Zones.

(3) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

**B. Submissions**

(1) The applicant is required to submit photographs of the area in which the activity is proposed.

(2) Photographs showing the finished activity must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) The following information must be submitted with the notification form.

(a) A site plan that includes the following information.

(i) The dimensions and square footage of the lot.

(ii) The dimensions (including height) and square footage of existing and proposed structures and development e.g. houses, sheds, garages, decks, patios, driveways, parking areas, walkways, lawn, fences, etc. and their location on the lot (see definitions of Building, Footprint and Development in Section 16(D)). The existing and the proposed structures must be clearly distinguished.

(iii) The location of property lines and names of abutters.

(iv) The location of buildings on adjacent properties.

For patios, decks, driveways, walkways, porches, and parking areas that are to be repaired or replaced, the site plan must include the length and width of the existing structure, the height of the existing structure if it is elevated and the thickness of the existing structure;

For new buildings or an addition to an existing building in a back dune erosion hazard area, the site plan must include a post foundation designed to meet the requirements of the Department's *Coastal Sand Dune Rules*, 06-096 CMR 355(6)(G);

(b) A copy of the most recent Coastal Sand Dune Geology Map, produced by the Maine Geological Survey, which contains the project site and has the project site clearly identified on the photo;

NOTE: Maps are available for review at the town offices of most coastal communities and at DEP regional offices. The maps are also available for purchase from the Maine Geological Survey, 22 State House Station, Augusta, ME 04333

(c) For seawall repair or replacement only, an accurate plan drawn to scale by a licensed surveyor, coastal geologist or professional engineer showing the location of the existing and proposed wall and the elevation of the wall(s) referenced to a nearby permanent and reproducible elevation point, such as a described point on a building or other structure. The plan must be signed and dated by the person responsible for preparing the drawing;

(d) If moving sand in an area seaward of the frontal dune between April 1 and September 1, a copy of the written approval to proceed from the Department of Inland Fisheries and Wildlife; and

(e) For open or cobble-trapping fences, a detail showing a typical section of the fence and the dimensions of the fence including the size of the openings.

**C. Standards**

(1) No more than 40% of the lot may be covered by development including, but not limited to, buildings, driveways, walkways, parking areas, lawn or landscaped area, and land area previously developed; nor may the total area to be covered by the footprint of buildings exceed 20% of the lot, including existing buildings. Land area within the V-zone may not be included as part of a lot for the purposes of this section.

(2) Where development that is existing or did exist within one year of application exceeds 40% of the total lot area, the percentage of developed area may not be increased.

(3) Where the footprint of buildings that are existing or did exist within one year of application exceeds 20% of the total lot area, the percentage of area covered by buildings may not be increased.

(4) An activity occurring on land adjacent to a coastal wetland, freshwater wetland containing over 20,000 square feet of open water or emergent marsh vegetation, great pond, river, stream or brook must meet the erosion control and setback requirements of Section 2, "Activities adjacent to protected natural resources".

(5) Building or building additions may not result in a total structure greater than 35 feet in height or have a footprint greater than 2500 square feet. For purposes of determining whether the building is 35 feet high, the starting point for measuring the bottom elevation of the building is described in Chapter 355(5)(D). The top of the building is considered to be the highest point of the building excluding ancillary features such as weathervanes or chimneys that are attached to the building's primary roof but including features such as decks or observations towers that extend higher than the building's primary roof.

NOTE: The Department recommends that projects be constructed according to the Coastal Construction Manual published by the Federal Emergency Management Agency, which describes the best practices for residential construction in coastal areas.

(6) A building may not be constructed so that any part of the building extends seaward of a line drawn between the seaward most point of buildings on adjacent properties if the construction would significantly obstruct the view from an adjacent building.

(7) During project construction, disturbance of dune vegetation must be avoided and native vegetation must be retained on the lot to the maximum extent possible. Any areas of dune vegetation that are disturbed must be restored as quickly as possible. Dune vegetation includes American beach grass, rugosa rose, bayberry, beach pea, beach heather and pitch pine.

(8) No fill may be placed on the project site other than that required for an approved dune restoration project or new construction. Foundation backfill and sand dune restoration and construction must utilize sand that has textural and color characteristics consistent with the natural sand's textural and color characteristics.

(9) No sand may be moved seaward of the frontal dune between April 1 and September 1, unless written approval from the Department of Inland Fisheries and Wildlife has been obtained.

(10) An activity involving dune restoration or dune construction must be performed between March 1 and April 1 or October 1 and November 15. Dune grass must be planted immediately after construction. Dune grass must be planted with 3 culms per hole. The holes must be spaced 18 inches apart. The planted dune grass must be protected from pedestrian traffic until the dune grass is well established. The density of the growing stand of dune grass must be at least 40 plants per 100 square feet.

(11) A dune restoration/construction activity must use sand that has textural and color characteristics consistent with the natural sand's textural and color characteristics.

(12) A dune restoration or dune construction activity must minimize damage to existing dune vegetation and must follow the configuration and alignment of adjacent dunes as closely as possible. No sand or other materials may be placed below the normal high tide line.

(13) The replacement of a seawall may not increase the height, length or thickness dimensions of a seawall beyond that which legally existed within 24 months of submission of the notification form. The replaced seawall may not be significantly different in construction from the one that previously existed.

(14) A private walkway must be 4 feet or less in width. A public walkway must be 10 feet or less in width. Walkways must allow for sand movement and may not have a significant impact on vegetation outside of the footprint of the walkway. No portion of the walkway may be located in the V-Zone.

(15) The repair or replacement of a patio, deck, driveway, walkway, porch or parking area may not increase the height, length, width or thickness dimensions of the existing structure. The new or repaired patio, deck, driveway, walkway, porch or parking area may be constructed of a different material provided the dimensions remain the same.

(16) All proposed construction and development activity is limited to the location and extent depicted on the plan or drawing submitted pursuant to subsection B(3) of this section.

(17) An open fence must have openings that allow for the easy movement of water, wind and sand. If a picket board fence is proposed, the opening must be at least 4 inches wide or at least double the width of the picket board, whichever is greater. A continuous footing may not be used to support the fence and support posts may not be larger than 4 inches by 4 inches.

(18) A cobble-trapping fence may only be placed on properties that are adjacent to beaches with gravel and cobble sediment and have developed areas such as lawn between the building and the beach. Such a fence may not be placed on a naturally vegetated frontal dune ridge.

(19)A cobble-trapping fence must be placed landward of an existing seawall in a developed area, must not extend more than two feet beyond the building's foundation on either side, must not consist of more than one row of fencing, must not have openings smaller than 2 inches square or in diameter, and must not be higher than 4 feet above grade, The fence may be supported by permanent, small subsurface pipes or similar emplacements that are left in place all year. A permanent, continuous footing may not be used to support the fence. Cobbles and sediment trapped by the fence may be removed and placed immediately seaward of a frontal dune or seawall on the property.

(20)Underground propane tanks must be placed under an existing structure on the parcel.

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Back dunes**. Back dunes consist of sand dunes and eolian sand flats that lie landward of the frontal dune or a low energy beach. Back dunes include those areas containing artificial fill over back dune sands or over wetlands adjacent to the coastal sand dune system.

(2) **Beach**. The zone of unconsolidated sand or gravel that extends landward from the mean low water line to the seaward toe of a dune. The definition of beach includes the beach face and berm.

(3) **Beach nourishment**. *(Deleted)*

(4) **Berm**. The flat or gently sloping area between the high tide limit and frontal dune. A berm is formed by deposition of sand transported to shore by tides, waves, wind and currents.

(5) **Building.** A structure designed for habitation, shelter, storage, or as a gathering place that has a roof. For the purposes of this rule, the foundation is considered to be a part of the building. A porch with a roof, attached to the exterior walls of a building, is considered part of the building.

(6) **C-zone**. *(Deleted)*

(7) **Closed fence**. A fence that effectively blocks the movement of wind, water, or sand, such as a stockade fence or snow fence.

(8) **Cobble**. A rock that is smaller than a boulder and larger than gravel.

(9) **Cobble-trapping fence**. An open fence with a continuous porosity equal to or greater than 50% that is designed to prevent cobbles from passing through it .

(10) **Development**. The alteration of property for human-related use including, but not limited to, buildings, decks, driveways, parking areas, lawns, landscaped areas, and areas of non-native vegetation, and any other appurtenant facilities, but excluding temporary structures.

(11) **Dune vegetation**. Dune plant species typically adapted to Maine's coastal sand dune systems including, but not limited to, American beach grass, rugosa rose, bayberry, beach pea, beach heather and pitch pine.

(12) **Erosion hazard area**

(a) Any portion of the coastal sand dune system that can reasonably be expected to become part of a coastal wetland in the next 100 years due to cumulative and collective changes in the shoreline from:

(i) Historical long-term erosion;

(ii) Short-term erosion resulting from a 100-year storm; or

(iii) Flooding in a 100-year storm after a two-foot rise in sea level; or

(b) Any portion of the coastal sand dune system that is mapped as an AO flood zone by the effective FEMA Flood Insurance Rate Map, which is presumed to be located in an Erosion Hazard Area unless the applicant demonstrates based on site-specific information, as determined by the DEP, that a coastal wetland will not result from either (i), (ii), or (iii) occurring on an applicant's lot given the expectation that an AO-Zone, particularly if located immediately behind a frontal dune, is likely to become a V-Zone after 2 feet of sea level rise in 100 years.

(13) **Footprint**. The outline that would be created on the ground by extending the exterior walls of the building to the ground surface.

(14) **Foundation**. The portion of a structure that transmits the loads of the structure to the ground, including but not limited to: spread footings, foundation walls, posts, piers, piles, beams, girders, structural slabs, bracings, and associated connectors.

(15) **Frontal dune**. The frontal dune is the area consisting of the most seaward ridge of sand and gravel and includes former frontal dune areas modified by development. Where the dune has been altered from a natural condition, the dune position may be inferred from the present beach profile, dune positions along the shore, and regional trends in dune width. The frontal dune may or may not be vegetated with dune vegetation and may consist in part or in whole of artificial fill. In areas where smaller ridges of sand are forming in front of an established dune ridge, the frontal dune may include more than one ridge.

(16) **Land adjacent to a protected natural resource**. Any land area within 75 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(17) **Lot**. Also referred to as a lot of record, all contiguous areas under a single present ownership as indicated by a deed and recorded in the registry of deeds constituting a piece of land measured and marked by metes and bounds descriptions or by some other approved surveying technique.

(18) **Open fence**. A fence through which water, wind and sand can easily move, for example, a split rail fence.

(19) **Permanent structure** (also referred to as a “structure” in this section). Any structure constructed or erected with a fixed location or attached to a structure with a fixed location for a period exceeding 7 months each year. Permanent structures include, but are not limited to:

causeways, piers, docks, concrete slabs, piles, marinas, retaining walls, buildings, swimming pools, fences, seawalls, roads, driveways, parking areas, and walkways. Natural features, such as frontal dunes, are not considered permanent structures. For the purposes of this section, open decks and storage sheds that comply with the criteria outlined below are not considered to be structures.

(a) Open decks that: do not exceed a total of 200 square feet, including any existing decks on the property, are not located in a V-Zone, are supported by posts, and are elevated at least 3 feet above existing grade to allow unobstructed flow of sand, wind and water. One set of outside stairs, attached to the deck, will be considered part of the open deck but not included when determining the 200 square foot area.

(b) One storage shed per lot that does not exceed 100 square feet, provided that it is not located in a V-Zone and that it is not converted to a habitable structure.

(20) **Posts**. Any pilings or column supports that allow water and sand to move freely underneath the structure, and that are adequate to provide a foundation for the structure they supports. The term "post" does not include frost walls or breakaway foundation construction.

(21) **Seawall**. Vertical wall, or other sloped barrier that separates land from water areas, commonly constructed out of rocks, wood, concrete or other similar materials, generally built for the purpose of protecting structures or property from shoreline erosion caused by wave or current action. A seawall is presumed to be a permanent structure.

(22) **V-Zone**. That land area of special flood hazard subject to a one- percent or greater chance of flooding in any given year, and subject to additional hazard from high velocity water due to wave action. Wave heights or wave run-up depths are equal to or greater than 3 feet in V-Zones. V-Zones are as identified on the effective Flood Insurance Rate Maps and any subsequent Letters of Map Changes issued by FEMA.

## 17. Transfers and permit extensions

### A. Applicability

(1) This section allows an individual permit, general permit or tier review approval issued under the Natural Resources Protection Act to be transferred from the permittee to the applicant when the permitted project changes ownership.

(2) This section allows an individual permit, general permit or tier review approval issued under the Natural Resources Protection Act to be extended one time provided the approved activity has not begun and the permit has not expired. This section does not apply to an extension request for a permit previously extended under this chapter.

### B. Submissions

(1) For a transfer, the applicant must submit an affidavit attesting to the fact that he or she has received, read, understand and will comply with the terms of the DEP Order(s) and conditions of approval for the activity.

(2) For a transfer, the applicant must submit a copy of the order(s) to be transferred as well as a copy of documents establishing proof of ownership of the property on which the activity is located or sufficient title, right or interest to complete the activity in accordance with the requirements of the permit and the NRPA.

(3) For a transfer, the original permittee must submit a statement attesting that he or she agrees to the transfer of his or her permit to the applicant.

(4) For a transfer of a project that requires compensation, the applicant must submit documentation that demonstrates sufficient expertise and financial resources to complete the approved compensation work, including subsequent monitoring and corrective actions.

(5) For permit extensions, a copy of the order(s) to be extended shall be submitted to the Department along with a written reason for the extension request.

**C. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Affidavit**. A written declaration made under oath before a notary public.

(2) **Extension**. A DEP approval to extend an unexpired permit. An extension is valid for 2 years.

**18. Maintenance dredging permit renewal**

**A. Applicability**

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

(a) The area to be dredged is located in an area that was dredged within the last ten years;

(b) The permit to be renewed was an individual Natural Resources Protection Act permit. If the most recent dredge was permitted under a PBR, this section does not apply;

(c) The area to be dredged is not located in or within 250 feet of an area identified as significant wildlife habitat by the Department of Inland Fisheries and Wildlife;

NOTE: Contact the nearest regional office of the Maine Department of Inland Fisheries and Wildlife for more information

(d) Less than 50,000 cubic yards will be dredged.

(2) This section does not apply to the renewal of a permit issued by the DEP for gravel mining in any protected natural resource.

NOTE:

(1) Displacement or bulldozing of sediment within a lobster pound does not require a Natural Resources Protection Act permit provided that the sediment is not removed from the area inundated as a result of the impoundment, 38 M.R.S.A. Section 480-Q(19).

(2) Any activity involving dredging may require a permit from the US Army Corps of Engineers. A copy of the PBR notification should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, RR 2 Box 1855, Manchester, ME 04351).

**B. Submissions**

(1) A copy of the permit issued for the most recent maintenance dredging must be submitted to the DEP with the notification form.

(2) For a dredge activity in tidal waters, notice of approval of the timing of the activity from the Department of Marine Resources must be submitted to the DEP with the notification form.

**C. Standards**

(1) The dimensions of the area proposed to be dredged may not exceed previously approved dimensions and dredging must be conducted in the same location.

(2) All conditions previously attached to the original permit are incorporated into the permit by rule unless otherwise stated by the DEP in writing.

(3) For a dredge activity in tidal waters, the activity must occur during the time period approved by the Department of Marine Resources.

(4) Any debris or dredged material generated during the activity may not be disposed of in any protected natural resource unless otherwise allowed in this chapter and the disposal conforms with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Sections 1301 *et seq.*

**D. Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Dredge**. To move or remove, by digging scooping or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface.

(2) **Dredge spoils**. Sand, silt, mud, gravel rock or other sediment or material that is moved from coastal wetlands, great ponds or rivers, streams or brooks.

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

**A. Applicability**

(1) This section applies to activities in, on, or over a significant vernal pool habitat or a potential significant vernal pool habitat. Significant vernal pool habitat consists of a vernal pool depression and the portion of the critical terrestrial habitat within a 250 foot radius of the spring or fall high water mark of the depression.

NOTE: The 250 feet of critical terrestrial habitat protected as significant vernal pool habitat is only a portion of the habitat used by adult wood frogs, ambystomatid salamanders, and threatened and endangered species. Tracking studies of adult pool-breeding amphibians have shown that they can travel over a third-mile away from their breeding pool, and that

a radius of 750 feet around the pool is optimal for protecting viable amphibian populations. The DEP encourages efforts to protect more habitat adjacent to a vernal pool than this regulation has authority over.

(2) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of a permit issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Stormwater Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Section 480-A to BB.

NOTE: For additional regulatory provisions applicable to significant vernal pools, see 06-096 CMR 335, Significant Wildlife Habitat.

**B. Submissions.** The following items must be submitted with the notification, unless otherwise provided below.

(1) Photographs of the area that will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) A scaled plan or drawing of the area affected, including but not limited to the following information:

(a) The entire property on which the activity will take place, including property lines, the vernal pool depression and remaining surrounding significant vernal pool habitat within 250 feet of the spring or fall high water mark of the depression, and the boundaries and location of other protected natural resources such as streams and other wetlands;

(b) Proposed activity and existing development on which the activity will take place, including buildings, parking areas, roads, fill areas, landscaped areas, etc.; and

(c) Any site constraints limiting development beyond the significant vernal pool habitat, such as steep slopes.

It is not necessary to have the plan formally prepared. However, it must be legible and drawn to a scale that allows a clear representation of distances and measurements on the plan.

**C. Standards.** The following measures must be taken during construction and maintenance of the activity.

(1) No disturbance within the vernal pool depression.

(2) Except for activities in existing developed areas, maintain a minimum of 75% of the critical terrestrial habitat as unfragmented forest with at least a partly-closed canopy of overstory trees to provide shade, deep litter and woody debris.

(3) Maintain or restore forest corridors connecting wetlands and significant vernal pools.

(4) Minimize forest floor disturbance.

(5) Maintain native understory vegetation and downed woody debris.

In determining whether the standard in Section 19(C)(2) has been met, the DEP considers only that portion of the critical terrestrial habitat within the significant vernal pool habitat, which is the area within a 250 foot radius of the spring or fall high water mark of the vernal pool depression.

(6) Take the following measures to prevent erosion of soil or fill material from disturbed areas:

(a) Staked hay bales or silt fence must be properly installed at the edge of disturbed areas between the activity and the vernal pool depression before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(7) An activity of a type that would qualify for a permit by rule under one of the other sections of this chapter listed below, notwithstanding any restriction concerning significant wildlife habitat that may be in that section, must also meet the requirements of that section.

Sec. 4. Replacement of structures
Sec. 9. Crossings (utility lines, pipes, cables)
Sec. 10. Stream crossings (bridges, culverts, fords)
Sec. 11. State transportation facilities
Sec. 12. Restoration of natural areas.
Sec. 13. Habitat creation or enhancement and water quality improvement activities
Sec. 15. Public boat ramps
Sec. 16. Coastal sand dune projects

**D. Definitions**. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise.

(1) **Critical terrestrial habitat**. Uplands and wetlands associated with significant vernal pools used by pool breeding amphibians for migration, feeding, and hibernation, in particular, forested wetlands and forested uplands that provide deep organic litter, coarse woody debris and canopy shade.

(2) **Existing developed area**. The area of property altered including, but not limited to, buildings, driveways, parking areas, wastewater disposal systems, lawns and other landscaped areas, as of September 1, 2007.

(3) **Significant vernal pool habitat**. A vernal pool depression and the portion of the critical terrestrial habitat within a 250 foot radius of the spring or fall high water mark of the depression. For complete criteria, see Chapter 335(9), Significant vernal pools.

(4) **Vernal pool depression**. This area includes the vernal pool depression up to the spring or fall high water mark, and includes any vegetation growing within the depression.

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

**A. Applicability**

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

(2) This section applies to an expansion of up to 10% of an existing development area within a high or moderate value inland waterfowl and wading bird habitat, or a shorebird feeding area, if an individual permit is not otherwise required for activity on the parcel.

(3) This section applies to activities consisting of cutting or removal of vegetation within high or moderate value inland waterfowl and wading bird habitat, or shorebird feeding or roosting buffer.

(4) This section applies to new activities, such as the construction of buildings, roads, and driveways, in an upland area on a lot in moderate value inland waterfowl and wading bird habitat and that contains no Development area.

NOTE: If exterior lighting is anticipated to extend into the habitat within the 150 foot setback, the Department may request a detailed lighting plan.

(5) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of a permit issued under the *Site Location of Development Law,* 38 M.R.S.A. §§ 481–490, the *Stormwater Management Law,* 38 M.R.S.A. §420-D, or the *Natural Resources Protection Act,* 38 M.R.S.A. §§ 480-A–480-FF.

(6) This section does not apply to an activity that does not conform to the local shoreland zoning ordinance.

NOTE: For additional regulatory provisions applicable to significant wildlife habitats, see *Significant Wildlife Habitat,* 06-096 CMR 335 (last amended June 8, 2006).

**B. Submissions**. The following items must be submitted with the notification, unless otherwise provided below.

(1) Photographs of the area that will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place.

(3) A scaled plan or drawing of the area affected, including information such as the following.

(a) The entire property on which the activity will take place, including property lines, and the boundaries and location of protected natural resources such as streams, and wetlands, as well as significant wildlife habitat (specify type of significant wildlife habitat).

(b) Proposed activity and existing development on which the activity will take place, including buildings, parking areas, roads, fill areas, landscaped areas, etc. If up to a 10% expansion of an existing developed area is proposed within a high or moderate value inland waterfowl and wading bird habitat, or a shorebird feeding area, indicate the existing developed area and proposed expansion.

It is not necessary to have the plan formally prepared. However, it must be legible and drawn to a scale that allows a clear and accurate representation of distances and measurements on the plan.

(4) For cutting or removal of vegetation in a shorebird roosting buffer, notice of approval of the activity from the Department of Inland Fisheries and Wildlife (IF&W) must be submitted to the DEP with the notification form. The IF&W approval may specify the location of the activity or other conditions of approval.

(5) For any work in, on or over a shorebird nesting, feeding, and staging area that would occur between July 15 and September 15, notice of approval of the timing of the activity from the Department of Inland Fisheries and Wildlife must be submitted to the DEP with the notification form.

(6) For new activities in a moderate value inland waterfowl and wading bird habitat that take place between April 15 and July 31 of any year, notice of approval of the timing of the activity from the Department of Inland Fisheries and Wildlife must be submitted to the DEP with the notification form.

**C. Standards**

(1) For activities in, on or over a shorebird nesting, feeding, and staging area between July 15 and September 15, the activity must occur during the time period approved by the Department of Inland Fisheries and Wildlife.

(2) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed at the edge of disturbed areas between the activity and the undeveloped area before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated March 2003. This handbook and other references are available from the DEP.

(3) An activity of a type that would qualify for a permit by rule under one of the sections listed below must also meet the requirements of that section.

Sec. 3. Intake pipes
Sec. 4. Replacement of structures
Sec. 6. Movement of rocks or vegetation
Sec. 7. Outfall pipes
Sec. 8. Shoreline stabilization
Sec. 9. Crossings (utility lines, pipes, cables)
Sec. 10. Stream crossing (bridges, culverts, fords)
Sec. 11. State transportation facilities
Sec. 12. Restoration of natural areas
Sec. 13. Habitat creation or enhancement and water quality improvement activities
Sec. 15. Public boat ramps
Sec. 16. Coastal sand dune projects
Sec. 18. Maintenance dredging renewal permit

(4) Except for cutting or removal of vegetation allowed pursuant to paragraph C(6) of this section, cutting or removal of vegetation within a high or moderate value inland waterfowl and wading bird habitat, or shorebird roosting buffer, is limited to:

(a) Removal of a safety hazard; or

(b) Cutting or removal of vegetation to allow for a footpath not to exceed 6 feet in width as measured between tree trunks and shrub stems. The footpath may not result in a cleared line of sight to the water.

Any cutting or removal of vegetation within a shorebird roosting buffer under this paragraph must be done in consultation with and as approved by the Department of Inland Fisheries and Wildlife.

(5) Cutting or removal of vegetation within a shorebird feeding buffer must meet the vegetative screening standards set forth in *Mandatory Shoreland Zoning*, 38 M.R.S.A. §439-A(6). In interpreting and enforcing these standards, the department shall rely upon the department's shoreland zoning rules regarding cutting or removal of vegetation for activities other than

timber harvesting[1] and apply the cutting standards applicable within 75 feet of a coastal wetland to the entire 100-foot feeding buffer.

(6) New activities in an upland area on a lot in a moderate value inland waterfowl and wading bird habitat and that contains no Development area must meet the following standards:

(a) New structures must be located a minimum of 150 feet landward of the upland edge or forested wetland edge of the inland wetland complex within the waterfowl and wading bird habitat;

(b) Beyond 150 feet from the upland edge or forested wetland edge of the inland wetland complex within the waterfowl and wading bird habitat, no more than 20 % of the applicant's land within the habitat may be cleared or developed;

(c) Within 150 feet of the upland edge or forested wetland edge of the inland wetland complex within the waterfowl and wading bird habitat, cutting and removal of vegetation is limited to those activities described in Paragraphs C(4)(a) and (b) of this section.

(d) No construction or clearing activity may take place from April 15 through July 31 of any year unless otherwise approved by the Maine Department of Inland Fisheries and Wildlife.

(7) All work is limited to the location and extent depicted on the plan or plans submitted pursuant to subsection B(3) of this section.

**D. Definitions**. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise.

(1) **Development area.** The area of property altered including, but not limited to, buildings, driveways, parking areas, wastewater disposal systems, lawns and other landscaped areas, as of June 8, 2006. "Developed area" has the same meaning as "development area".

(2) **Inland high or moderate value waterfowl and wading bird habitat**. A high to moderate value inland habitat is an inland wetland complex, and a 250 foot wide zone surrounding the wetland complex, that through a combination of dominant wetland type, wetland diversity, wetland size, wetland type interspersion, and the percent of open water meets IF&W guidelines or is an inland wetland complex that has documented outstanding use by waterfowl or wading birds. See Chapter 335(10)(A) for complete criteria.

(3) **Shorebird nesting, feeding, and staging areas**. Shorebird nesting, feeding, and staging areas, and a zone surrounding those areas as described in paragraphs (4) and (5), are significant wildlife habitats. Shorebird species include the members of the families Scolopacidae, Charadriidae, and Haematopodidae, including, but not limited to, sandpipers and plovers. See Chapter 335(11) for complete criteria.

[1] *Guidelines for Municipal Shoreland Zoning Ordinances,* 06-096 CMR 1000(15)(P) (chapter last amended May 1, 2006).

(4) **Shorebird feeding area**. A shorebird feeding or staging area that is not a roosting area. The shorebird feeding area includes a 100-foot-wide surrounding buffer referred to as the feeding buffer.

(5) **Shorebird roosting area**. A shorebird feeding or staging area that is also a roosting area. The shorebird roosting area includes a 250-foot-wide surrounding buffer referred to as the roosting buffer.

(6) **Structure**. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

NOTE: The significant wildlife habitats subject to this section are depicted on GIS data layers maintained by IF&W and available from either IF&W or the DEP.

STATUTORY AUTHORITY: 38 M.R.S.A., Section 480-H & 341-D(1)

EFFECTIVE DATE:
February 15, 1989

AMENDED:
March 23, 1991
April 11, 1992
May 19, 1992
May 1, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 4, 1996

NON-SUBSTANTIVE CORRECTIONS:
May 12, 1997 - punctuation, formatting, comparison with May 14, 1995 amendment
October 29, 1998 - APA Office Note added to first Section 5

AMENDED:
June 1, 1999
July 16, 1999 (EMERGENCY, expires October 14, 1999) - Section 10(A)
October 15, 1999 - language reverted to June 1, 1999 version
February 14, 2000 - Section 10

NON-SUBSTANTIVE CORRECTIONS:
November 23, 2000 - removed erroneous April 21, 1995 amendment date

AMENDED:
September 1, 2002

NON-SUBSTANTIVE CORRECTIONS:
September 5, 2002 - title of Section 2 only

AMENDED:

May 25, 2005 – filing 2005-174
December 5, 2006 – filing 2006-496
February 25, 2008 – Section 20 only, filing 2008-88
July 15, 2009 – filing 2009-339
July 30, 2011 – Section 16 only, filing 2011-211 *(Final adoption, major substantive)*
June 8, 2012 – filing 2012-146 *(Final adoption, major substantive)*

# Environmental Summary Sheet

**WIN: 23693.00** **Date Submitted: April 28, 2023**
**Town: North Yarmouth**
**CPD Team Leader: Joshua Brown**
**ENV Field Contact: Deb Moore**

**NEPA Complete:** Programmatic Categorical Exclusion (CE) 23 CFR 771.117.c.22 issued on 4/28/2023

☒ **Section 106**
Review Complete: SHPO Concurrence - No effect February 27, 2020
Section 106 Resources: None

☒ **Section 4(f) and 6(f)**

| Section 4(f) | Section 6(f) |
|---|---|
| Not applicable – No federal funds | Not Applicable - No takes |

☐ **Maine Department of Inland Fisheries and Wildlife Essential Habitat**
Not Applicable- non mapped

☒ **Section 7**
**Species of Concern:**
Northern Long Eared Bat (Threated) NLAA, May affect - 4(d) form completed

☐ **Essential Fish Habitat**
**Species of concern:** N/A not in mapped EFH

☐ **Maine Department of Agriculture, Conservation, and Forestry**
Public Lands, Submerged Land Lease: Not Applicable
Maine Land Use Planning Commission: Not Applicable

☒ **Maine Department of Environmental Protection**
Section #11 Permit by Rule Notification form submitted 4/5/2023

☒ **Army Corps of Engineers: Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.**
**Pre-Construction Notification - Corps Permit #NAE-2023-00529**
-Work Start Notification form to be completed by ENV Field Contact and submitted to ACOE with copy to Team Leader.
-Compliance Certification Form to be completed by ENV Field Contact and submitted to ACOE with copy to Team Leader.
**Applicable Standards and Permits are included with the contract*

☐ **Stormwater Review**
Not Applicable

☒ **Hazardous Material Review**
Review completed: Dredge material to be used onsite

☒ **Special Provisions Required**

| | | |
|---|---|---|
| **Special Provision 105-Environemnatl Requirements** | N/A☐ | Applicable☒ |
| **Special Provision 203- Special Fill (Streambed Material)** | N/A☐ | Applicable☒ |
| **Standard Provision 610-Streambed Rock Features** | N/A☐ | Applicable☒ |
| **Special Provision 610-Void Filled Riprap** | N/A☐ | Applicable☒ |
| **Standard Specification 656 -Erosion Control Plan** | N/A☐ | Applicable☒ |
| **Standard Specification 203 -Dredge Materials** | N/A☐ | Applicable☒ |

**All permits and approvals based on plans/scope as detailed in approved ACOE permit NAE 2023-00529.*