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ROUTINE PROGRAM CHANGE
REQUEST TO THE
MAINE COASTAL PROGRAM

*Updated Coastal Program Authorities
and Regulations Requested for Inclusion
Under Routine Program Implementation*

Submitted to:
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
Office of OCEAN & COASTAL RESOURCE MANAGEMENT
WASHINGTON, DC

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MAINE COASTAL PROGRAM
MAINE STATE PLANNING OFFICE
AUGUSTA, MAINE
AUGUST 2003

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ROUTINE PROGRAM CHANGE REQUEST

MAINE COASTAL PROGRAM

Submitted to:

National Oceanic and Atmospheric Administration
Office of Ocean and Coastal Resource Management
Washington, DC

August 2003

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INTRODUCTION

In 1978, the National Oceanic and Atmospheric Administration ("NOAA") approved the Maine Coastal Program ("MCP"). The original program was based on eleven environmental laws. The MCP's enforceable policies have evolved over time as the State of Maine ("State") has amended and supplemented these original core law authorities. The State Planning Office ("SPO") has periodically submitted program changes to NOAA's Office of Ocean and Coastal Resource Management ("OCRM") for its review and approval of their incorporation into the MCP as enforceable policies and tools to improve program administration and implementation.

This submission contains a number of additional routine program implementation changes. These changes are amendments to certain regulations that serve as enforceable policies of the Maine Coastal Program. The regulations implement statutes that NOAA has previously approved as enforceable policies of the Maine Coastal Program. In addition, the State is submitting recently adopted Chapter 315 of the rules of the Department of Environmental Protection ("DEP") that implements the Natural Resources Protection Act, a MCP core law. Copies of these rules are attached as Appendix A.

For each proposed routine program change submitted, the State Planning Office ("SPO") has prepared a brief summary of the rule change, generally taken or adapted from the basis statement prepared in accordance with the rule's adoption under Maine's Administrative Procedure Act. Following each summary SPO has included a brief analysis of each law in light of the routine program change criteria of 15 C.F.R. § 923.80(d).

OVERVIEW

Inclusion of each of the state regulations described below among the enforceable policies of the MCP is a routine program change as defined by 15 C.F.R. §923.80(d). Approval of these changes will facilitate administration of the MCP by updating the Program's core laws and thus avoiding discrepancies between the coastal management standards applicable as the MCP's enforceable policies and those of the underlying environmental natural resources management laws otherwise applicable as state law.

SPO has provided notice of these proposed changes to the MCP in accordance with 15 C.F.R. § 923.84 (b)(2). A copy of that notice is attached as Appendix B.

SUMMARY AND ANALYSIS OF PROPOSED ROUTINE PROGRAM CHANGES

Maine Department of Environmental Protection

❖ Chapter 305: Permit by Rule Standards

This part updates the State's enforceable policies to include the most recent changes to DEP Rules chapter 305 (Permit by Rule Standards) regarding stream crossings, the clearing and removal of vegetation, and other matters. Each of these revisions of this existing enforceable policy is a routine program change.

a) Miscellaneous Changes

Summary:

See Attachment C, outlining these changes to the permit by rule standards under the NRPA. As noted in the attached memo, most of these changes implement statutory changes or direction. This memo cites the changes to Chapter 305, which is attached in its entirety in its current codified form as Appendix D. These changes took effect for state law purposes on June 1, 1999.

Analysis:

These revisions to a previously approved enforceable policy (DEP Rules c. 305), clarify DEP's authority regarding regulation of protected natural resources under the Natural Resources Protection Act, one of the core laws of the Maine Coastal Program. These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

b) Section 10: Stream Crossings

Summary:

In a rule that took effect as state law on February 14, 2000, DEP revised Section 10 of Chapter 305 to make the following changes to the permit by rule requirements regarding stream crossings:

- Projects consisting of multiple crossings will be allowed to proceed under the permit by rule (PBR) process¹;
- For a project with multiple crossings, all crossings within one municipality may be submitted under one notification form;
- Review and approval of the timing of construction of a crossing will be DEP's responsibility, whereas previously an applicant needed to receive timing approval from the pertinent resources agencies (DIFW, DMR, or the Atlantic Salmon Commission); and

¹ Language allowing multiple crossings for notifications of recreational trails was eliminated since all projects may now involve multiple crossings.

- The provision allowing for waiver of the 14-day waiting period for construction of forest management roads and roads constructed by certified contractors was eliminated to allow DEP time to review and approve the timing of construction of the crossing.

Analysis:

These revisions to a previously approved enforceable policy (DEP Rules c. 305), clarify DEP's authority regarding regulation of protected natural resources under the Natural Resources Protection Act, one of the core laws of the Maine Coastal Program. These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

c) Section 2 and Related Sections: Cutting and Clearing of Vegetation Adjacent to Protected Resources

Summary:

These revisions, which took effect as state law on September 1, 2002, were required pursuant to legislation, Resolves 1999 c. 116. The Resolve directed both DEP and DOC to provisionally adopt rules to regulate the cutting and removal of vegetation, other than timber harvest activities, in areas adjacent to rivers, streams, brooks, ponds, wetlands, and tidal waters. These revisions to DEP's Chapter 305 Permit by Rule Standards allow clearing and vegetation removal and development within 75 feet of protected natural resources provided the applicant demonstrates, through submission of specified information with the permit by rule notification form, that there is no practicable alternative to locating the proposed development within this 75 foot setback. Certain projects will require an individual permit under the NRPA and DEP's Chapter 310 Wetlands Protection Rules.

Analysis:

These revisions to a previously approved enforceable policy (DEP Rules c. 305) clarify DEP's authority regarding regulation of protected natural resources under the Natural Resources Protection Act, one of the core laws of the Maine Coastal Program. These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 310: Wetlands Protection Rules

Summary:

These revisions were required pursuant to legislation, Resolves 1999 c. 116. The Resolve directed both DEP and DOC to provisionally adopt rules to regulate the cutting and removal of vegetation, other than timber harvest activities, in areas adjacent to rivers, streams, brooks, ponds, wetlands and tidal waters. These revisions to DEP's Chapter 310 wetlands rules are based on amendments to the Natural Resources Protection Act that give DEP authority over cutting and vegetation removal adjacent to protected natural resources. The rule change is crafted to continue municipal regulation of such activities in areas covered by the Shoreland

Zoning Act. In areas not covered by municipal shoreland zoning, namely alongside headwater streams upstream of the point where two perennial streams converge as depicted on the pertinent U.S.G.S. topographical map and certain freshwater wetlands regulated by DEP, DEP has regulatory authority over cutting and removal of vegetation.

More specifically, the revisions to Chapter 310, which took effect as state law on September 1, 2002:

- Add “rivers, streams and brooks” as protected natural resources subject to the rule and add “waterbodies” to the chapter name;
- Eliminate language in several sections that would have allowed vegetative removal in excess of that proposed for exemption under the NRPA and precluded DEP from requiring an alternatives analysis for activities adjacent to protected natural resources; and
- Added an impact threshold for projects affecting a river, stream or brook to clarify that a functional assessment and compensation are not required for projects with *de minimis* effects.

Analysis:

These revisions to a previously approved enforceable policy (DEP Rules c. 310) clarify DEP’s authority regarding regulation of protected natural resources regulated under the Natural Resources Protection Act, one of the core laws of the Maine Coastal Program. These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 315: Scenic and Aesthetic Resources

Summary:

In a rule effective as state law on June 29, 2003, DEP adopted new regulations, DEP Rules Chapter 315, Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses, to implement the Natural Resources Protection Act’s standard (38 MRSA section 480-D, subsection 1) regarding effects on such existing uses. The rules serve to assist applicants and decision-makers by ensuring thorough and consistent evaluations of potential impacts to existing scenic and aesthetic uses. Through the NRPA, Maine’s Legislature recognized the scenic beauty of Maine’s rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands, and sand dune systems and distinguishes the visual quality of those resources and its value to the general population. The NRPA requires an applicant to demonstrate that a proposed activity will not unreasonably interfere with existing scenic and aesthetic uses.

This rule clarifies the application of scenic standards for projects licensed under the NRPA by: specifying state regulatory concerns; defining visual impacts; establishing a procedure for evaluating visual impacts generated from proposed activities; establishing when a visual assessment may be necessary; explaining the components of a visual assessment when

required; and describing avoidance, mitigation, and offset measures that may eliminate or reduce unreasonable adverse impacts to existing scenic and aesthetic uses.

Analysis:

DEP's Chapter 315 rules implement an element of the NRPA, a previously approved core law of the Maine Coastal Program. The regulations clarify how DEP will assess projects subject to the NRPA for consistency with that statute's provision regarding effects on scenic and aesthetic uses. Such an implementation and clarification of an existing enforceable policy is not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 335: Significant Wildlife Habitat

Summary:

In a rule effective as state law on September 15, 1998, DEP amended its Chapter 335 rules applicable to activities that require permits under the NRPA and will potentially affect significant wildlife habitat. Under the NRPA, "significant wildlife habitat" is defined as follows:

"Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic salmon as defined by the Atlantic Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified by the Department of Inland Fisheries and Wildlife. For purposes of this subsection, "identified" means identified in a specific location by the Department of Inland Fisheries and Wildlife. 38 MRSA §480-B, sub-§10.

This rule establishes standards to encourage adoption of the least damaging development alternatives and to ensure that proposed activities will not degrade the habitat, unreasonably disturb the subject wildlife, or unreasonably affect the continued use of the habitat during, or as a result of, the activity. The accompanying seabird nesting island maps were developed by DIFW and adopted to ensure protection of seabird nesting islands under the NRPA.

Analysis:

This rule implements the significant wildlife habitat protection provision of the NRPA. NOAA has previously approved this provision and the NRPA generally as an enforceable policy of the Maine Coastal Program. This rule clarifies and improves administration of this law and its implementing regulations. The seabird nesting island maps help provide additional regulatory certainty as well as a tool for resource protection. These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program

boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ **Chapter 375, Section 9: Site Location Law/buffer strips**

Summary:

DEP amended rules implementing the Site Location of Development Act (Site Law”), one of the State’s core laws, to repeal buffer strip requirements for gravel operations subject to the Site Law and replace them with the buffer strip standards contained in 38 MRSA section 490-D (performance standards for excavation). In addition, the rules changes allow a gravel pit operator previously licensed under the Site Law to apply for a modification of the buffer strip requirements in its Site Law permit. The rule change allows DEP to approve such a modification if it meets the minimum standards of 38 MRSA sections 490-D and 490-Z and the proposed excavation will not result in an unreasonable adverse impact on the natural environment. Need for these changes resulted primarily from amendments to the Site Law in P.L. 1996, c. 700, which removed all mining activities, except metallic mineral mining from the purview of the Site Law and placed them into a performance based process. These rule changes took effect as state law on September 22, 2001.

Analysis:

These changes conform the Site Law’s implementing rules to statutory changes previously made to that law. These changes reflect on-going refinement of the Site Law’s operation in relation to other related state environmental laws and do not constitute substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ **Chapter 1000: Shoreland Zoning**

Summary:

The Mandatory Shoreland Zoning Act (38 MRSA section 438-A, subsection 1) (SZA) requires the Board of Environmental Protection to adopt, and from time to time, update and amend the minimum guidelines under the State’s guidelines for municipal shoreland zoning ordinances. This model shoreland zoning ordinance is included among the enforceable policies of the Maine Coastal Program. Changes to the SZA necessitated the following changes to these implementing regulations, which DEP made by rule effective as state law February 14, 2000:

- Authorization of limited timber harvesting within 75 feet of a great pond zoned for resources protection, provided that the ground is frozen, no wheeled or tracked equipment is used in the 75 foot zone, a licensed foresters marks trees to be cut, and only trees six inches in diameter or larger and no more than 30% of all trees in the zone are harvested;
- In accordance with Maine’s Forest Practices Act, within the 75 foot strip of land extending from normal high water, no trees less than 6 inches in diameter may be cut, and no more than 30% of trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, may be cut in any 10-year period;
- Clarification of a “note” in the model ordinance to state that the allowable penalty for

shoreland zoning violations is \$5,000 per violation for each day that the violation continues; and

- Correction of the term “shoreline” in the 30% expansion alternative (Appendix A of the model ordinance) to “normal high-water line or upland edge of a wetland” to conform the language to legislative intent.

Analysis:

These revisions to a previously approved enforceable policy (DEP Rules c. 1000) conform the regulations implementing the State’s Mandatory Shoreland Zoning law, one of the core laws of the Maine Coastal Program, to amendments to the law and previously approved by NOAA as routine program changes (PL 1999 c. 370). These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

Maine Land Use Regulation Commission

This section includes several changes to the Land Use Regulation Commission’s (LURC) Chapter 10 rule (land use districts and standards), which is currently included among the enforceable policies of the Maine Coastal Program.

❖ Chapter 10: Miscellaneous Changes

Summary:

In a rule effective as state law on October 17, 2000, LURC made miscellaneous changes to its land use districts and standards. Most of these changes are a result of Executive Order #6, FY94/95, which directed each state agency to review the factual and policy basis of its rules in light of current conditions. In addition, LURC amended its rules to incorporate recent changes in the LURC law and allow for recreational gold prospecting, residential driveways and small-scale mineral extraction without a permit provided certain standards are followed. An overview of these changes is attached as Appendix C, along with a redline version.

Analysis:

These revisions to LURC’s Chapter 10 rule districts and land use standards, which were previously incorporated as enforceable policies, conform the agency’s rules to LURC’s enabling legislation, which itself has been approved as one of the MCP’s core laws, and reflect on-going updating and adjustments to reflect current conditions. These modifications and clarifications are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 10: Boat Launch Definitions

Summary:

In a rule effective as state law on March 2, 2001, LURC revised its definitions of boat launches in its Chapter 10 rule. The Commission had recently adopted miscellaneous changes to many of its rules, among them new definitions for “hand-carry launch” and “trailed ramp”. These two definitions proved problematic. Consequently, the Commission changed the definitions to clarify that dollies may be used to move a boat to or from the water at hand-carry launches, in accordance with common practice.

Analysis:

These revisions to LURC’s Chapter 10 rule districts and land use standards, which were previously incorporated as enforceable policies, conform the agency’s rules to LURC’s enabling legislation, which itself has been approved as one of the MCP’s core law, and reflect on-going updating and adjustments to reflect current conditions. These modifications and clarifications are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 10: Clearing and Related Activities

Summary:

In a rule effective as state law on July 1, 2002, LURC adopted changes to the Commission's rules for clearing for development, Section 10.17, A (2) and related changes to its standards for mineral exploration and extraction (Section 10.17, A (3)), and filling and grading (Section 10.17, A (6)). The main purpose of these changes was to respond to a legislative resolve of the Second Regular Session of the 119th Legislature that directed LURC and DEP to adopt consistent rules regarding the cutting and removal of vegetation adjacent to protected resources. In addition, LURC revised related provisions inconsistent with the clearing standards.

Analysis:

These revisions to LURC’s Chapter 10 rule districts and land use standards, which were previously incorporated as enforceable policies, conform the agency’s rules to LURC’s enabling legislation, which itself has been approved as one of the MCP’s core laws, and reflect on-going updating and adjustments to reflect current conditions. These modifications and clarifications are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 10: Variance Provisions and Miscellaneous Changes

Summary:

In a rule effective as state law on July 1, 2002, LURC made miscellaneous changes to its land use districts and standards. Most of changes implement changes to LURC’s enabling

statute, 12 M.R.S.A. §681 – 689, enacted by the 1st Regular Session of the 120th Legislature. These include changes in certain definitions, subdivision exemptions, and variance provisions. The terms “unusual hardship or extraordinary difficulties” used in these statutory amendments to the variance provisions are interpreted by LURC as having the same legal meaning as the term “undue hardship” in state law regarding municipalities, 30-A M.R.S.A. § 4353(4). In addition to these changes, LURC revised the definition of “expansion of a structure” and companion changes in Section 10.11, Nonconforming Uses and Structures. These latter changes are prompted by the difficulty staff is currently having with enclosure of decks or porches for nonconforming structures. Essentially a strict reading of the current rule results in double counting the floor space of decks and porches when they are proposed for enclosure.

Analysis:

These revisions to LURC’s Chapter 10 rule districts and land use standards, which were previously incorporated as enforceable policies, conform the agency’s rules to LURC’s enabling legislation, which itself has been approved as one of the MCP’s core laws, and reflect on-going updating and adjustments to reflect current conditions. These modifications and clarifications are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

❖ Chapter 10: Wind Energy in D-PD Zones

Summary:

LURC adopted these changes to its Chapter 10 rule, effective August 29, 2002 for state law purposes. The changes allow for consideration of wind energy generation facilities that do not meet the generally applicable size thresholds for D-PD zones (planned development) but otherwise are appropriate for such consideration. The changes also amend D-PD procedural criteria to be consistent with other district boundary change rules and eliminate the limitation on a six-month extension for filing of the final development plan.

Analysis:

These revisions to a previously approved enforceable policy (LURC’s Chapter 10 rule) reflect adaptation of LURC’s land use rules to allow consideration of wind energy proposals in areas where planned development is allowed. These revisions are not a substantial change within the meaning of 15 C.F.R. §923.80(d). The revisions do not significantly affect uses subject to management, special management areas, coastal program boundaries, program authorities or organization, or coordination, public involvement or the national interest.

APPENDICES

APPENDIX A:
TEXT OF RULES SUBMITTED
FOR APPROVAL AS
ROUTINE PROGRAM CHANGES

DEP Chapter 305, Sec. 10:
Stream Crossings

- (3) Land adjacent to a protected natural resource. Any land area within 100 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, irregular-shaped rocks that are fit into place, usually without mortar, on a slope.
- (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.

NOTE:

- (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 may 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 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) 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) 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 labelled 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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:
- 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;
 - Follow the alignment and grade of the existing stream channel where possible. On perennial streams the culvert's gradient may not exceed 1%;
 - At the outfall, have the bottom of the culvert installed at or below stream bed elevation, except for additional culverts at the same crossing;
 - Where 2 or more culverts are installed, be offset in order to concentrate low flows into the culvert within the natural channel;
 - Be seated on firm ground, or on geotextiles, logs or other materials used to stabilize the ground;
 - Be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater;
 - Have the soil compacted at least halfway up the side of the culvert; and
 - Have the inlet and outlet ends stabilized by riprap or other means to avoid erosion of material around the culvert.

- (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, 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, as well as maintenance work on 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, irregular-shaped rocks that are fit into place on a slope, without the use of mortar.
- (7) Used for navigation. Those rivers, streams or brooks used by motorized watercraft.

EFFECTIVE DATE: *February 14, 2000*

DEP Chapter 305, Sec. 2:
Cutting and Clearing

Amendments to
Chapter 305 Permit By Rule Standards
Draft 9/7/2001
[Legislative approval effective July 25, 2002
BEP approval effective Sept. 1, 2002]

Amend "Introduction", Section 1(C)(1), as follows:

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 2 (Soil disturbance)~~ and 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.

Amend "Soil Disturbance", Section 2, as follows:

2. ~~Soil disturbance~~ Activities adjacent to protected natural resources

A. Applicability

- (1) This section applies to an activity ~~involving soil disturbance or fill placement~~ 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.

~~NOTE: The Natural Resources Protection Act ("NRPA") regulates activities adjacent to the protected natural resources only if operated in such a manner that material or soil may be washed into them. If existing barriers (i.e. ice berms, retaining walls) or site conditions (i.e. negative slope) are such that material or soil could not wash into the resource, then the activity is not regulated under the NRPA. The use of silt fence and hay bale barriers does not change the law's applicability to an activity.~~

- (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) ~~A soil disturbance activity 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).~~
- (45) 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.
- (56) 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 labelled 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.
- (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 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. 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.
 - (d) The closure of a landfill in conformance with the DEP's solid waste management rules.
 - (e) Access ways 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. Existing vegetation within the setback zone may not be disturbed. 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).

~~(2) The setback requirement does not apply to:~~

- ~~(a) The planting of vegetation for the purpose of controlling erosion;~~
- ~~(b) The removal or replacement of underground storage tanks when performed in accordance with 38 M.R.S.A. Section 566 A;~~
- ~~(c) 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. Any fill, other than that required to maintain the integrity of the structure such as foundation backfill, must meet the 25 foot setback standard; or~~
- ~~(d) The closure of a landfill in conformance with the DEP's solid waste management rules.~~

(3) Disturbance within the setback must be minimized.

~~(34) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the 25 foot buffer and the resource:~~

- ~~(a) Staked hay bales or silt fence must be properly installed at the edge of disturbed areas between the activity and the resource area of soil disturbance and the edge of the 25 foot buffer to 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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 ~~100~~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.

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 pursuant to 22 M.R.S.A. Section 42(3).
 - (2) The placement of wastewater treatment facilities or disposal systems by people in possession of an overboard discharge license or conditional discharge permit is exempt from the NRPA, subject to certain conditions (see Chapter 596 of DEP Regulations "Overboard Discharges: Licensing, Relicensing, Transfer and Abandonment of Licenses").
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Amend "Intake pipes & water monitoring devices". Section 3(D)(1), as follows:

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 ~~100~~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.

Amend "Replacement of structures". Section 4(A)(1), as follows:

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. Any activity involving structure replacement adjacent to protected natural resources must conform with Section 2 "Soil disturbance Activities adjacent to protected natural resources". Some activities involving maintenance and repair of a permanent structure may not require a permit (see note 2 at the end of this section).

Amend "Replacement of structures", Section 4(D)(4), as follows:

D. Definitions. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- (4) Land adjacent to a protected natural resource. Any land area within ~~100~~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.

Amend "Outfall pipes", Section 7(D)(4), as follows:

D. Definitions. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- (4) Land adjacent to a protected natural resource. Any land area within ~~100~~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.

Amend "Crossings (utility lines, pipes and cables)", Sections 9(D)(1) and (3), as follows:

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 as well as maintenance work on these crossings.
- (3) Land adjacent to a protected natural resource. Any land area within ~~100~~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.

Amend "Stream Crossings (bridges, culverts and fords)", Section 10(D)(2), as follows:

- (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 as well as maintenance work on these crossings.

Amend "Activities in coastal sand dunes", Section 16(C)(6), as follows:**C. Standards**

- (6) 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, "~~Soil disturbance~~Activities adjacent to protected natural resources".

Amend "Activities in coastal sand dunes", Section 16(D)(12), as follows:

D. Definitions. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- (12) Land adjacent to a protected natural resource. Any land area within ~~100~~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.

AUTHORITY: 38 M.R.S.A., Section 341-D(1)

EFFECTIVE DATE: Amended: September 1, 2002

DEP Chapter 310:
Wetlands

Legislatively Approved Amendments to
Chapter 310 Wetland Protection rules
Draft 9/6/2001

Amend Title and "Preamble", Section 1, as follows:

Chapter 310: WETLANDS AND WATERBODIES PROTECTION

1. **Preamble.** The Legislature has found that the State's freshwater wetlands, great ponds, ~~and coastal wetlands, rivers, streams, and brooks collectively referred to as either wetlands or water bodies in this rule~~ are resources of state significance, that these resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical, and environmental value of present and future benefit to the citizens of the State, and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State. The Legislature has also found that the cumulative effect of frequent minor alterations and occasional major alterations of these resources poses a substantial threat to the environment and economy of the State and its quality of life. The terms "wetland", "wetlands", "waterbody", and "waterbodies" are used interchangeably and collectively in this rule to refer to freshwater wetlands, great ponds, rivers, streams, brooks, coastal wetlands, and the areas adjacent to them.

In recognition of the important roles of wetlands in our natural environment, the Board of Environmental Protection supports the nation-wide goal of no net loss of wetland functions and values. In some cases, however, the level of mitigation necessary to achieve no net loss of wetland functions and values through construction of replacement wetlands will not be practicable, or will have an insignificant effect in protecting the State's wetlands resources. In other cases, the preservation of unprotected wetlands or adjacent uplands may achieve a greater level of protection to the environment than would be achieved by strict application of a no net loss standard through construction of replacement wetlands. Therefore, the Board recognizes that a loss in wetland functions and values may not be avoided in every instance.

The purpose of this rule is to ensure that the standards set forth in Section 480-D of the Natural Resources Protection Act, Section 464, Classification of Maine Waters and Section 465, Standards for Classification of Fresh Surface Waters are met by applicants proposing regulated activities in, on, over or adjacent to a wetland or water-body.

Amend "Applicability", Section 2(A), as follows:

2. **Applicability**
 - A. This rule applies to the alteration of a coastal wetland, great pond, ~~or freshwater wetland, river, stream, or brook~~, as defined in 38 M.R.S.A. Sec. 480-B of the Natural Resources Protection Act (NRPA), that requires an individual permit or is eligible for Tier 2 or Tier 3 review. In addition, Sections 3 and 4 apply to the alteration of a freshwater wetland eligible for Tier 1 review.

Amend "Definitions". Sections 3(A) and (V), as follows:

3. **Definitions.** The following terms, as used in this rule, have the following meanings, unless the context indicates otherwise.

A. **Adjacent to a Protected Natural Resource.** The 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.

~~NOTE: An activity adjacent to a protected natural resource is not regulated under the NRPA if existing barriers (i.e. ice berms, retaining walls) or site conditions (i.e. negative slope) are such that material or soil could not wash into the resource. Silt fence and hay bale barriers do not change the law's applicability to an activity.~~

~~V. **Repealed**Vegetation Removal or Displacement. "Removal or displacement" means cutting, herbicide spraying, uprooting, shading by structures or any other type of activity that results in a change in plant species diversification.~~

Amend "General Standards". Section 5(A), as follows:

5. **General Standards.** The following standards apply to all projects as described in Section 2.

A. **Avoidance.** ~~No activity that would cause a loss in wetland area, functions and values shall be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application must provide an analysis of alternatives (see Section 9(A)) in order to demonstrate that a practicable alternative does not exist.~~

In wetlands of special significance, projects for which no practicable alternative may exist are limited to those necessary for:

- (1) Health and safety;
- (2) Crossings by road, rail or utility lines;
- (3) Water dependent uses;
- (4) Expansion of a facility or construction of a related facility that cannot practicably be located elsewhere because of the relation to the existing facility, if the existing facility was constructed prior to September 1, 1996;
- (5) Mineral excavation and appurtenant facilities; or
- (6) Walkways.

Amend "General Standards", Section 5(C)(2), as follows:

(2) Functional assessment. Resource functions that will be lost or degraded are identified by the department based upon a functional assessment done by the applicant and by the department's evaluation of the project. The functional assessment must be conducted in accordance with Section 9(B)(3) for all activities:

~~(a) in wetlands of special significance; or~~

~~(b) in all other wetlands which alter more than 20,000 square feet per project.~~

~~The functional assessment is not required for the activities except for those listed in Section 5(C)(6) below.~~

Amend "General Standards", Section 5(C)(6), as follows:

(6) Exceptions. Neither a functional assessment nor compensation is required for the following single, complete projects:

(a) Freshwater wetlands

(i) Alterations of less than 500 square feet in a freshwater wetland of special significance provided that the department determines that there will be only a minimal effect on freshwater wetland functions and values, significant wildlife habitat or imperiled or critically imperiled community due to the activity;

(ii) Alterations of less than 20,000 square feet in a freshwater wetland not of special significance, provided that the department determines that there will be only a minimal effect on freshwater wetland functions and values due to the activity;

(iii) Alterations in a freshwater wetland for a road, rail or utility line crossing of a river, stream or brook for a distance of up to 100 feet from the normal high water line on both sides, measured perpendicular to the thread of the river, stream or brook, provided:

a. Any affected freshwater wetland does not contain significant wildlife habitat or a critically imperiled or imperiled community; and

b. The total project affects 500 square feet or less of the channel.

(b) Coastal Wetlands. A coastal wetland alteration that does not cover, remove or destroy marsh vegetation, does not fill more than 500 square feet of intertidal or subtidal area,

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and has no adverse effect on marine resources or on wildlife habitat as determined by the Department of Marine Resources or the Department of Inland Fisheries & Wildlife as applicable.

- (c) Great Ponds. A great pond alteration that does not place any fill below the normal high water line, except as necessary for shoreline stabilization projects, and has no adverse effect on aquatic habitat as determined by the Department of Inland Fisheries & Wildlife or the Department of Environmental Protection.
- (d) Rivers, streams or brooks. A river, stream or brook alteration that does not affect more than 150 feet of shoreline for a private project or more than 300 feet of shoreline for a public project.
- (~~e~~) Walkways/Access structures. A wetland alteration consisting of a walkway or access structure for public educational purposes or to comply with the Americans with Disabilities Act.

AUTHORITY: 38 M.R.S.A., Sections 480-H and 341-D(1)

EFFECTIVE DATE: Amended: September 1, 2002

DEP Chapter 315:
Scenic Resources

Chapter 315: ASSESSING AND MITIGATING IMPACTS TO EXISTING SCENIC AND AESTHETIC USES

SUMMARY: This chapter describes the process for evaluating impacts to existing scenic and aesthetic uses resulting from activities in, on, over, or adjacent to protected natural resources subject to the Natural Resources Protection Act, pursuant to 38 M.S.R.A. § 480-D (1).

1. **Introduction.** In the Natural Resources Protection Act (NRPA), 38 M.R.S.A. §§ 480-A through Z, the Legislature has found and declared that Maine's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands, and sand dune systems are resources of state significance. Section 480-A states that these resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical, and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources. The Legislature's recognition of the scenic beauty of these protected natural resources through statute distinguishes the visual quality of those resources and its value to the general population.

Applicants for permits under the NRPA are required to demonstrate that a proposed activity meets the standards of the NRPA that have been established by the Legislature. Standard 1 in Section 480-D of the NRPA requires an applicant to demonstrate that a proposed activity will not unreasonably interfere with existing scenic and aesthetic uses.
2. **Purpose.** This rule specifies State regulatory concerns, defines visual impacts, establishes a procedure for evaluating visual impacts generated from proposed activities, establishes when a visual assessment may be necessary, explains the components of a visual assessment when required, and describes avoidance, mitigation, and offset measures that may eliminate or reduce unreasonable adverse impacts to existing scenic and aesthetic uses.
3. **Applicability.** This rule applies to the alteration of a coastal wetland, great pond, freshwater wetland, fragile mountain area, river, stream, or brook, as defined in 38 M.S.R.A. § 480-B of the Natural Resources Protection Act (NRPA), that requires an individual permit or is eligible for Tier 3 review. This rule does not apply to an activity that is exempt from permit requirements under the NRPA or that qualifies for a Tier 1 or Tier 2 permit. This rule does not apply to a Permit by Rule unless the Department exercises its discretionary authority to require an individual permit as described in Chapter 305, Section 1 (D). In the review of an application for a permit, the Department must evaluate the potential for unreasonable adverse visual impacts resulting from a proposed activity located in, on, over, or adjacent to a protected natural resource.
4. **Scope of Review.** The potential impacts of a proposed activity will be determined by the Department considering the presence of a scenic resource listed in Section 10, the significance of the scenic resource, the existing character of the surrounding area, the expectations of the typical viewer, the extent and intransience of the activity, the project purpose, and the context of the proposed activity. Unreasonable adverse visual impacts are those that are expected to unreasonably interfere with the general public's visual enjoyment and appreciation of a scenic resource, or those that otherwise unreasonably impair the character or quality of such a place.

5. **Definitions.** As used in these rules, the following terms have the following meanings. Other terms used in these rules have the meanings set forth at 38 M.S.R.A. § 480-X and Chapter 310, the Wetlands and Waterbodies Protection Rules.
- A. **Adverse visual impact.** The negative effect of a regulated activity on the visual quality of a landscape.
 - B. **Composition.** The arrangement of the component parts of a landscape. Component parts are objects or activities usually described in terms of color, texture, line, form, dominance, and scale.
 - C. **Contrast.** Comparing the component parts of a landscape in terms of form, line, color, texture, dominance, or scale.
 - D. **Existing uses.** The current appearance and use of the landscape, considering previous human alterations.
 - E. **Landscape.** An area characterized by its geology, landform, biota, and human influences throughout that area.
 - F. **Mitigation.** Any action taken or not taken to avoid, minimize, rectify, reduce, or eliminate actual or potential adverse environmental impact, including adverse visual impact.
 - G. **Practicable.** Available and feasible considering cost, existing technology and logistics based on the overall purpose of the activity.
 - H. **Scenic Resource.** Public natural resources or public lands visited by the general public, in part for the use, observation, enjoyment, and appreciation of natural or cultural visual qualities. The attributes, characteristics, and features of the landscape of a scenic resource provide varying responses from, and varying degrees of benefits to, humans.
 - I. **Viewshed.** The geographic area as viewed from a scenic resource, which includes the proposed activity. The viewshed may include the total visible activity area from a single observer position or the total visible activity area from multiple observers' positions.
 - J. **Visual Quality.** The essential attributes of the landscape that when viewed elicit overall benefits to individuals and, therefore, to society in general. The quality of the resource and the significance of the resource are usually, but not always, correlated.
6. **Application submissions.** An applicant is required to demonstrate that the proposed activity will not unreasonably interfere with existing scenic and aesthetic uses of a scenic resource listed in Section 10. Basic evidence must be provided to ensure that visual concerns have been fully addressed in each application. The applicant must describe the location of the activity and provide an inventory of scenic resources within the viewshed of the proposed activity by completing the MDEP Visual Evaluation Field Survey Checklist (doc. #DEPLW0540) provided in the application. The applicant must describe the activity relative to its location and scale within the viewshed of any scenic resource, including a description of the existing visual quality and landscape characteristics. The applicant may request a pre-application meeting during which

the Department can provide guidance for determining the location of the activity relative to scenic resources in the vicinity of the applicant's parcel.

7. **Visual impact assessments.** The Department may require a visual impact assessment if a proposed activity appears to be located within the viewshed of, and has the potential to have an unreasonable adverse impact on, a scenic resource listed in Section 10. An applicant's visual impact assessment should visualize the proposed activity and evaluate potential adverse impacts of that activity on existing scenic and aesthetic uses of a protected natural resource within the viewshed of a scenic resource, and to determine effective mitigation strategies, if appropriate. If required, a visual impact assessment must be prepared by a design professional trained in visual assessment procedures, or as otherwise directed by the Department.

In all visual impact assessments, scenic resources within the viewshed of the proposed activity must be identified and the existing surrounding landscape must be described. The assessment must be completed following standard professional practices to illustrate the proposed change to the visual environment and the effectiveness of any proposed mitigation measures. The radius of the impact area to be analyzed must be based on the relative size and scope of the proposed activity given the specific location. Areas of the scenic resource from which the activity will be visible, including representative and worst-case viewpoints, must be identified. Line-of-sight profiles constitute the simplest acceptable method of illustrating the potential visual impact of the proposed activity from viewpoints within the context of its viewshed. A line-of-sight profile represents the path, real or imagined, that the eye follows from a specific point to another point when viewing the landscape. See Appendix A for guidance on line-of-sight profiles. For activities with more sensitive conditions, photosimulations and computer-generated graphics may be required.

A visual impact assessment must also include narratives to describe the significance of any potential impacts, the level of use and viewer expectations, measures taken to avoid and minimize visual impacts, and steps that have been incorporated into the activity design that may mitigate any potential adverse visual impacts to scenic resources.

8. **Mitigation.** In the case where the Department determines that the proposed activity will have an adverse visual impact on a scenic resource, applicants may be required to employ appropriate measures to mitigate the adverse impacts to the extent practicable. Mitigation should reduce or eliminate the visibility of the proposed activity or alter the effect of the activity on the scenic or aesthetic use in some way. The Department will determine when mitigation should be proposed and whether the applicant's mitigation strategies are reasonable. The Department may require mitigation by requesting that the applicant submit a design that includes the required mitigation or by imposing permit conditions consistent with specified mitigation requirements.

In its determination whether adverse impacts to existing scenic and aesthetic uses are unreasonable, the Department will consider whether the applicant's activity design is visually compatible with its surroundings, incorporating environmentally sensitive design principles and components according to the strategies described below.

- A. **Planning and siting.** Properly siting an activity may be the most effective way to mitigate potential visual impacts. Applicants are encouraged, and may be required, to site a proposed activity in a location that limits its adverse visual impacts within the viewshed of a scenic resource.

- B. **Design.** When circumstances do not allow siting to avoid visual impacts on a scenic resource, elements of particular concern should be designed in such a way that reduces or eliminates visual impacts to the area in which an activity is located, as viewed from a scenic resource. Applicants should consider a variety of design methods to mitigate potential impacts, including screening, buffers, earthen berms, camouflage, low profile, downsizing, non-standard materials, lighting, and other alternate technologies.
 - C. **Offsets.** Correction of an existing visual problem identified within the viewshed of the same scenic resource as the proposed activity may qualify as an offset for visual impacts when an improvement may be realized. Offsets may be used in sensitive locations where significant impacts from the proposal are unavoidable or other forms of mitigation might not be practicable. An example of an offset might be the removal of an existing abandoned structure that is in disrepair to offset impacts from a proposal within visual proximity of the same scenic resource. Offsets can also include visual improvements to the affected landscape, such as tree plantings or development of scenic overlooks.
9. **Determination.** It is the responsibility of the applicant to demonstrate that the proposed design does not unreasonably interfere with existing scenic and aesthetic uses, and thereby diminish the public enjoyment and appreciation of the qualities of a scenic resource, and that any potential impacts have been minimized.

The Department's determination of impact is based on the following visual elements of the landscape:

- A. **Landscape compatibility**, which is a function of the sub-elements of color, form, line, and texture. Compatibility is determined by whether the proposed activity differs significantly from its existing surroundings and the context from which they are viewed such that it becomes an unreasonable adverse impact on the visual quality of a protected natural resource as viewed from a scenic resource;
- B. **Scale contrast**, which is determined by the size and scope of the proposed activity given its specific location within the viewshed of a scenic resource; and
- C. **Spatial dominance**, which is the degree to which an activity dominates the whole landscape composition or dominates landform, water, or sky backdrop as viewed from a scenic resource.

In making a determination within the context of this rule, the Department considers the type, area, and intransience of an activity related to a scenic resource that will be affected by the activity, the significance of the scenic resource, and the degree to which the use or viewer expectations of a scenic resource will be altered, including alteration beyond the physical boundaries of the activity. In addition to the scenic resource, the Department also considers the functions and values of the protected natural resource, any proposed mitigation, practicable alternatives to the proposed activity that will have less visual impact, and cumulative effects of frequent minor alterations on the scenic resource. An application may be denied if the activity will have an unreasonable impact on the visual quality of a protected natural resources as viewed from a scenic resource even if the activity has no practicable alternative and the applicant has minimized the proposed alteration and its impacts as much as possible through mitigation. An

“unreasonable impact” means that the standards of the Natural Resources Protection Act, 38 M.R.S.A. § 480-D, will not be met.

- 10. Scenic resources.** The following public natural resources and public lands are usually visited by the general public, in part with the purpose of enjoying their visual quality. Under this rule, the Department considers a scenic resource as the typical point from which an activity in, on, over, or adjacent to a protected natural resource is viewed. This list of scenic resources includes, but is not limited to, locations of national, State, or local scenic significance. A scenic resource visited by large numbers who come from across the country or state is generally considered to have national or statewide significance. A scenic resource visited primarily by people of local origin is generally of local significance. Unvisited places either have no designated significance or are “no trespass” places. Sources for information regarding specific scenic resources are found as part of the MDEP Visual Evaluation Field Survey Checklist (doc. #DEPLW0540) provided in the application.
- A.** National Natural Landmarks and other outstanding natural and cultural features (e.g., Orono Bog, Meddybemps Heath);
 - B.** State or National Wildlife Refuges, Sanctuaries, or Preserves and State Game Refuges (e.g., Rachael Carson Salt Pond Preserve in Bristol, Petit Manan National Wildlife Refuge, the Wells National Estuarine Research Reserve);
 - C.** A State or federally designated trail (e.g., the Appalachian Trail, East Coast Greenway);
 - D.** A property on or eligible for inclusion in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (e.g., the Rockland Breakwater Light, Fort Knox);
 - E.** National or State Parks (e.g., Acadia National Park, Sebago Lakes State Park);
 - F.** Public natural resources or public lands visited by the general public, in part for the use, observation, enjoyment and appreciation of natural or cultural visual qualities.(e.g., great ponds, the Atlantic Ocean).

STATUTORY AUTHORITY: 38 M.R.S.A. § 480-A

ADOPTED DATE:
June 5, 2003

EFFECTIVE DATE:
June 29, 2003 - filing 2003-198

APPENDIX A

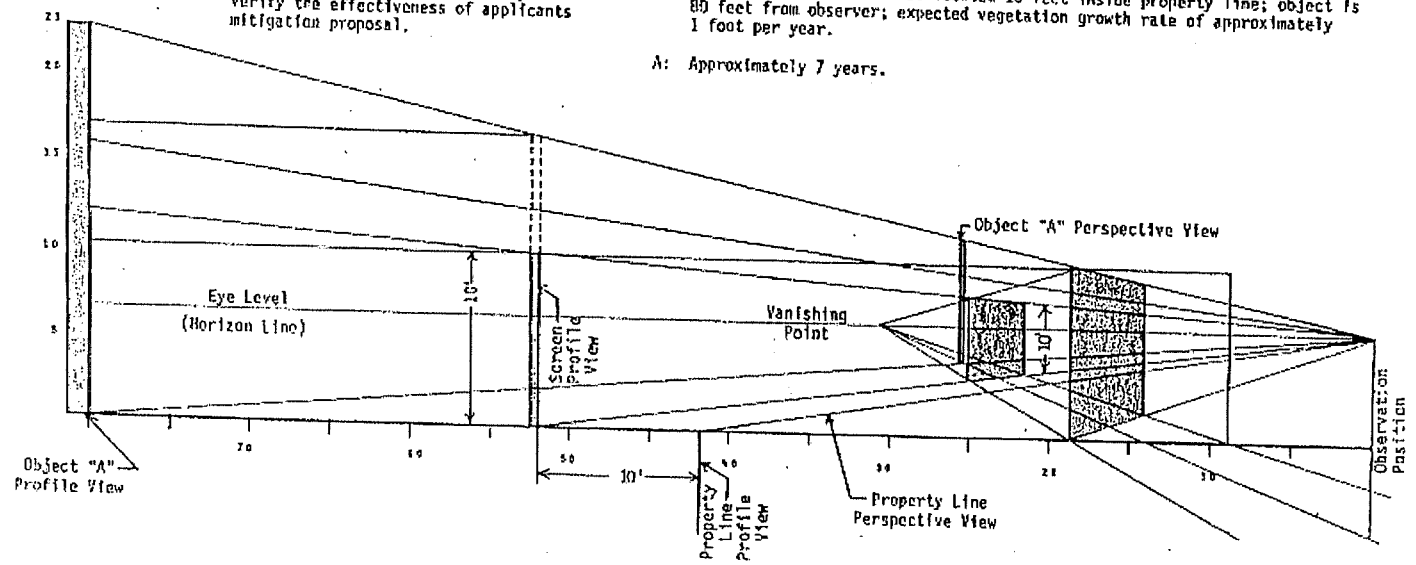
GUIDANCE FOR THE PREPARATION OF
LINE-OF SIGHT-PROFILES

USE THE DIAGRAM BELOW TO ANSWER THESE SAMPLE QUESTIONS

SCREENS

THE RELATIONSHIP BETWEEN SCIENTIFIC PERSPECTIVE AND A LINE OF SIGHT PROFILE.

Scientific or linear perspective is a geometric procedure that projects space onto a plane. This technique provides the analyst with a simplified way to verify the effectiveness of applicants mitigation proposal.



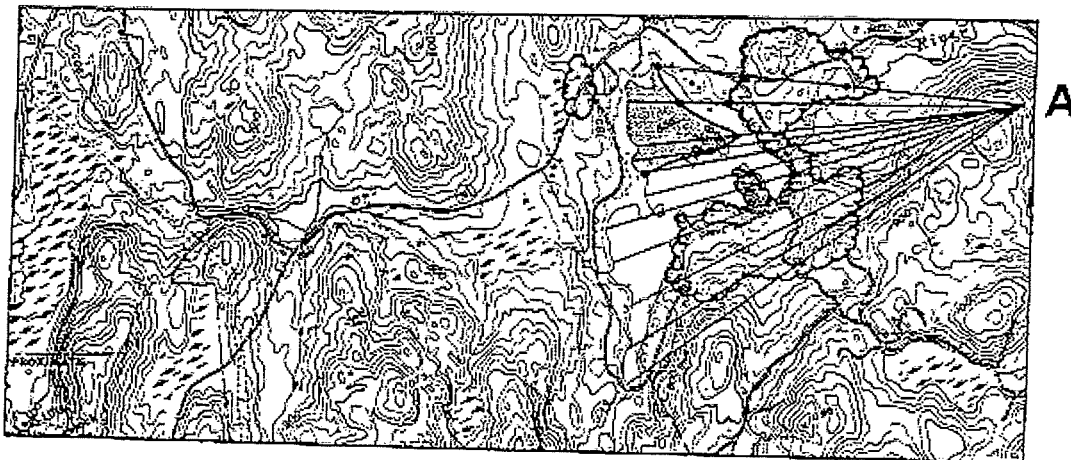
- Q: At what height should a screen be constructed to completely conceal a 23 foot object from an observer standing 80 feet from the object?
Constraint: Screen must be located 10 feet inside property line.
A: About 17 feet.
- Q: What is the maximum height of an object to be concealed behind a 10 foot screen that is located 80 feet from an observer?
Constraint: The observer is standing about 18 1/2 feet behind the screen.
A: About 23 feet.
- Q: In approximately how many years would a vegetative screen 6 feet in height planted on a berm 4 feet in height completely conceal a 23 foot object?
Constraints: Berm must be located 10 feet inside property line; object is 80 feet from observer; expected vegetation growth rate of approximately 1 foot per year.
A: Approximately 7 years.

VIEWSHEDS

For illustrative purposes only, a "partial" viewshed has been constructed below. A partial viewshed is distinguished from a full viewshed in that it only shows a selected area from which an object may be seen. A full viewshed shows all such areas.

The shaded area in the northwest corner of the lake is the only area within the lake that a hypothetical object 100 feet in height and situated at A (where the profile radii converge) may be seen.

The defined viewing area has been constructed by connecting each point along each profile where a viewer just begins to see the hypothetical object. To add realism to the viewshed, 40' vegetation has been factored into the lines of sight. The vegetation alters the viewing angle and hence the initial viewpoint indicated by the large black dots at the intersection of the shaded area with each profile radii.



LEGEND



VIEWSHED
(Area within lake from which a hypothetical
100 foot object located at "A" may be seen)



SCALE 1" = 2,000'

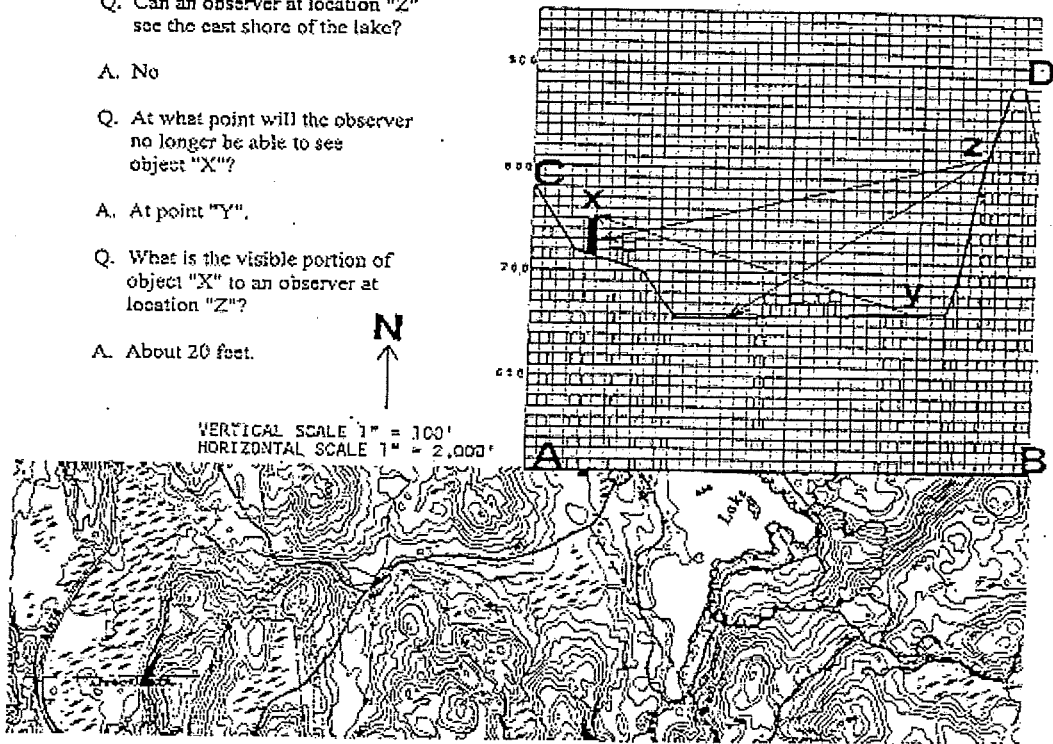
PROFILES

To construct a profile, first position the graph paper parallel and contiguous to the horizontal alignment of the desired profile (indicated by line A-B). Proceed by extending vertical lines (indicated by dashed lines) to the correct height according to any selected convenient vertical scale (in this case 1" = 100'). This must be done from each spot where the horizontal alignment crosses a contour line. It is the elevation of the intersected contour that determines the height of each vertical line. Then, simply connect the top of each vertical line to form the profile (indicated by line C-D). The profile C-D depicts the depressions and elevations one would encounter walking a straight path from Point A to B on the plan map. To add realism add vegetation at the proper locations at the proper height (in this case 40').

Sample Questions and Answers

According to the profile:

- Q. Can an observer at location "Z" see the east shore of the lake?
- A. No
- Q. At what point will the observer no longer be able to see object "X"?
- A. At point "Y".
- Q. What is the visible portion of object "X" to an observer at location "Z"?
- A. About 20 feet.



DEP Chapter 335:
Significant Wildlife Habitat

Chapter 335.

SIGNIFICANT WILDLIFE HABITAT

SUMMARY: These rules outline requirements associated with a Natural Resources Protection Act permit for an activity impacting significant wildlife habitat.

1. **Applicability.** This chapter applies to an activity that takes place in, on, or over a significant wildlife habitat, or adjacent to a significant wildlife habitat contained within a freshwater wetland, and requires approval from the department pursuant to the Natural Resources Protection Act (NRPA), 38 M.R.S.A. §§ 480-A et. seq. This chapter applies to an application for an individual permit under the NRPA and describes basic standards for an activity affecting a significant wildlife habitat.

NOTE: If a significant wildlife habitat contains a coastal wetland, great pond, or freshwater wetland, the applicant is also required to comply with Chapter 310, Wetland Protection.

2. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

The terms "freshwater wetland" and "significant wildlife habitat" have the same meaning as defined in the NRPA in 38 M.R.S.A. § 480-B.

- A. **Activity.** Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials, draining or otherwise dewatering; filling or any construction, repair or alteration of any permanent structure in, on or over a significant wildlife habitat, or adjacent to a significant wildlife habitat contained within a freshwater wetland, as applicable under the NRPA.

On a case-by-case basis as determined by the department, the term "activity" may not include:

- (1) The disturbance of very little soil through an activity such as installing a fence post or planting shrubs by hand;
 - (2) The addition of a minor feature, such as a bench or hand rail, to a structure; or
 - (3) The construction, repair or alteration of a small structure with minimal impact such as a nesting box, pasture fence, or staff gauge.
- B. **Adjacent to a significant wildlife habitat.** The area within 100 feet, measured horizontally, of the edge of a significant wildlife habitat contained within a freshwater wetland.
 - C. **Existing development area.** The area of property altered including, but not limited to, buildings, driveways, parking areas, wastewater disposal systems, lawns and other non-native vegetation, as of the effective date of this chapter.
 - D. **Subject wildlife.** Wildlife species for which an area has been designated as significant wildlife habitat.

3. General standards applicable to all activities

- A. Avoidance.** No activity that would degrade the significant wildlife habitat, disturb the subject wildlife, or affect the continued use of the significant wildlife habitat by the subject wildlife, either during or as a result of the activity, is permitted if there is a practicable alternative to the project that would be less damaging to the environment.
- B. Minimal alteration.** Alteration of the habitat and disturbance of subject wildlife must be kept to the minimum amount necessary by, among other methods, minimizing the size of the alteration, the duration of the activity, and its proximity to the significant wildlife habitat and subject wildlife. Temporary structures must be used instead of permanent structures wherever possible and more protective of the significant wildlife habitat or subject wildlife.
- C. No unreasonable impact.** Even if the project has no practicable alternative, and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on protected natural resources or the subject wildlife. "Unreasonable impact" means that one or more of the standards of the NRPA at 38 M.R.S.A. § 480-D will not be met. In making this determination, the department considers the area of the significant wildlife habitat affected by the activity, including areas beyond the physical boundaries of the project and the cumulative effects of frequent minor alterations of significant wildlife habitats.

In order to meet the "harm to habitats; fisheries" standard at 38 M.R.S.A. § 480-D(3), the following requirements must be met.

- (1) Unreasonable degradation, disturbance, or effect. The activity may not unreasonably degrade the significant wildlife habitat, unreasonably disturb subject wildlife, or unreasonably affect the continued use of the site by the subject wildlife.
 - (2) Timing. Construction activities must be done at a time when impacts on protected habitats, wildlife, fisheries and aquatic life will be minimized, such as outside of any critical nesting periods or similar critical periods, depending on the specific habitat and species. For example, an activity that could potentially cause sedimentation, such as excavation, may not be carried out during times of the year when fish are spawning. This requirement must be met unless the work can only practically be completed at that time, and it is determined by the department that the impacts to the protected natural resource will be short term, and will not result in permanent harm to fish, wildlife, or marine resources.
4. **Pre-application and pre-submission meetings.** The pre-application meeting between the applicant and the department is an opportunity for the applicant to determine the statutory and regulatory requirements that apply to a specific project. The purpose of this meeting is to identify issues, processing times, fees and the types of information and documentation necessary for the department to properly assess the project.

The pre-submission meeting is an opportunity to review the assembled application to ensure that the necessary types of information have been included prior to filing the application.

- A. **When required.** A pre-application and pre-submission meeting is required for any activity that is proposed in, on, over, or adjacent to significant wildlife habitat and requires an individual permit under the NRPA.

NOTE: Activities requiring an NRPA permit are described at 38 M.R.S.A. § 480-C. Exemptions are described at 38 M.R.S.A. § 480-Q.

- B. **Submissions and scheduling.** The following information and items must be submitted prior to scheduling a pre-application meeting with the department.

- (1) **Sketch plan.** A sketch plan of the site showing the proposed activity; adjacent structures and features, property lines, and the significant wildlife habitat, with all distances and dimensions.
 - (2) **Location map.** A map showing the location of the proposed project site in relation to major roads and landmarks.
 - (3) **Description of project.** A brief description of the project including its dimensions.
 - (4) **Description of significant wildlife habitat.** A description of the significant wildlife habitat to be altered.
 - (5) **Description of probable impacts.** A description of probable impacts of the project on the subject wildlife, significant wildlife habitat, and any other protected natural resources.
 - (6) **Photographs.** Photographs of the project area showing its characteristics.
5. **Submission requirements.** The applicant shall submit evidence that affirmatively demonstrates that the activity will meet the standards of the NRPA and this chapter including, but not limited to, the information listed below. Because of the site-specific nature of activities and potential impacts to significant wildlife habitat, the department may, on a case-by-case basis, require more or less information than specified in this section, in order to determine whether the standards will be met. Failure to provide any requested information necessary for the processing of the application may result in the application not being accepted as complete for processing or denial of the application.
- A. **Report addressing avoidance.** A report analyzing whether a practicable alternative to the alteration exists that would be less damaging to the environment. The report must address why the project cannot avoid or lessen impacts to the significant wildlife habitat by utilizing, managing or expanding one or more other sites; reducing the size, scope, configuration or density of the proposed project; developing alternative project designs; or by some other means.
- B. **Site description and impact report.** A report addressing the following:
- (1) **Description of activity.** A narrative including the following:
 - (a) The dimensions of the project, the project site, and the area of the significant wildlife habitat to be altered;
 - (b) The impacts of the project on subject wildlife and protected natural resources; and

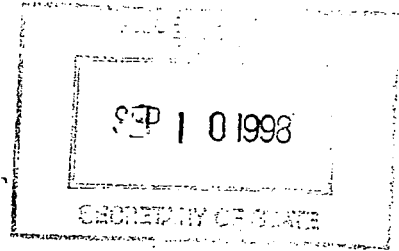
- (c) The nature and timing of procedures intended to reduce the impacts of the activity on subject wildlife and protected natural resources.
 - (2) Location map. A map showing the location of the proposed project site in relation to major roads and landmarks.
 - (3) Drawings (Sketch plan). Scale drawings (overhead and side views) showing dimensions of the project, the project site, and the area of the significant wildlife habitat to be altered.
 - (4) Description of site characteristics. A description of existing significant wildlife habitat characteristics.
 - (5) Photographs. Photographs of the project area, showing its characteristics.
 - (6) Description of project construction. A description of how the project will be constructed with information on how the project site will be accessed, and any erosion control measures proposed to be used.
6. **Terms and conditions.** The department may, as a term or condition of approval, establish any reasonable requirement to ensure that the proposed activity will meet the standards of Title 38 M.R.S.A. § 480-D and comply with this chapter.
7. **Severability.** Should any provision of these rules be declared invalid or ineffective by court decision, the decision shall not invalidate any other provision of these rules.
8. **Seabird nesting island.** Seabird nesting islands are significant wildlife habitats. A project impacting a seabird nesting island must meet the standards of this chapter.
- A. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
- (1) Seabird. Colonial nesting waterbirds including Leach's Storm-petrel, Great Cormorant, Double-crested Cormorant, Laughing Gull, Herring Gull, Great Black-backed Gull, Common Tern, Arctic Tern, Roseate Tern, Razorbill, Black Guillemot, Atlantic Puffin, and Common Eider.
 - (2) Seabird nesting island. (a) An island, ledge, or portion thereof in tidal waters that has documentation of 25 or more: nests or seabirds, adult seabirds displaced from nests, or in combination (single species or aggregate of different species) in any nesting season during, or since, 1976; provided that the island, ledge, or portion thereof continues to have suitable nesting habitat. (b) An island, ledge, or portion thereof in tidal waters that has documentation of one or more nests of a seabird that is a Maine endangered or threatened species in any year during, or since, 1976 provided that the island, ledge, or portion thereof, continues to have suitable nesting habitat.
- B. **Maps.** Seabird nesting islands are delineated on 7.5 minute U.S. Coast and Geodetic Survey maps developed by the Maine Department of Inland Fisheries and Wildlife. The maps are identified as Significant Wildlife Habitat Seabird Nesting Island Maps #1-55, January 1998.

NOTE: The criteria used to define seabird nesting islands was developed by the Maine Department of Inland Fisheries and Wildlife (09-137 CMR 10.02(F)). Maps of seabird nesting islands are on file at the Department of Environmental Protection's offices in Portland, Augusta, and Bangor, and in town offices.

- C. Removal or displacement of vegetation.** For seabird nesting islands, removal or displacement of vegetation does not include:
- (1) Gardening, lawn cutting, removal of fallen vegetation, and tree and shrub pruning within an existing development area as of the effective date of this chapter.
 - (2) Removal of an entire tree when it threatens a building.
- D. Seabird critical nesting period.** The seabird critical nesting period is from April 15 to August 31 each year unless otherwise approved by the Maine Department of Inland Fisheries and Wildlife.

AUTHORITY: 38 M.R.S.A. §§ 341-D and 480-A et seq.
EFFECTIVE DATE: *September 15, 1998.*

06-096 CH. 335



SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 49

JAN 1998

98-390

SIGNIFICANT WILDLIFE HABITAT
ADDISON 7.5'

*Original
Maps sent
To Records
Center
3-22-01*

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

All boundaries are the shoreline as represented by the mean high water line. A Seabird Nesting Island Habitat No. followed by an asterisk (e.g. 030000*) contains existing development which is governed by the provisions of Chapter 335 of Department of Environmental Protection Regulations.

For a complete description of Significant Wildlife Habitat and regulations pertaining thereto, reference should be made to Title 38 M.R.S.A. Sections 480-A through 480-U and Chapter 335 of Department of Environmental Protection Regulations.

This map of Significant Wildlife Habitat for Seabird Nesting Island Habitat is adopted by the Department of Environmental Protection on

This map is certified to be a true and correct copy of the official map of Significant Wildlife Habitats of the Department of Inland Fisheries and Wildlife.

By: _____
Chairman
Board of Environmental Protection

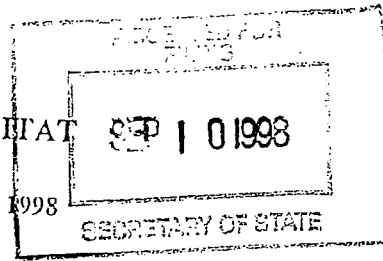
This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 9

JAN 1998



98-390
②

SIGNIFICANT WILDLIFE HABITAT
BAILEY ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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Chairman
Board of Environmental Protection

This _____ day of _____, 1994

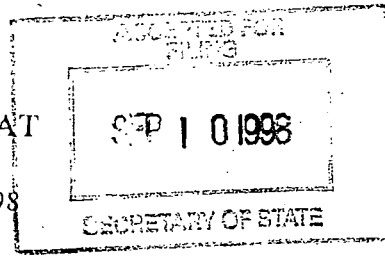
Authority: 38 M.R.S.A., 480-I

Effective Date: _____

06-096 CH. 335

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 35

JAN 1998



98-398
③

SIGNIFICANT WILDLIFE HABITAT

BAKER ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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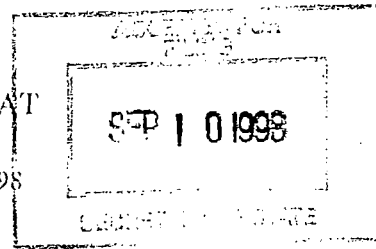
This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 43

JAN 1998



98-398

4

SIGNIFICANT WILDLIFE HABITAT

BAR HARBOR 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

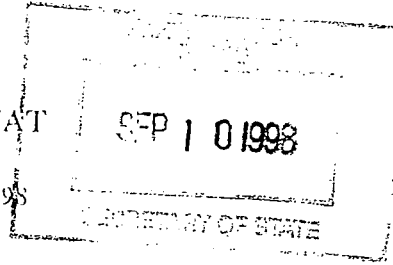
Authority: 38 M.R.S.A., 480-I

Effective Date: _____

06-096 CH. 335

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 39

JAN 1998



98-398
5

SIGNIFICANT WILDLIFE HABITAT

BARTLETT ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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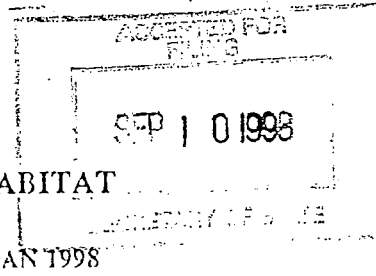
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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____



SIGNIFICANT WILDLIFE HABITAT
 SEABIRD NESTING ISLAND
 MAP # 34

JAN 1998

SIGNIFICANT WILDLIFE HABITAT

BASS HARBOR 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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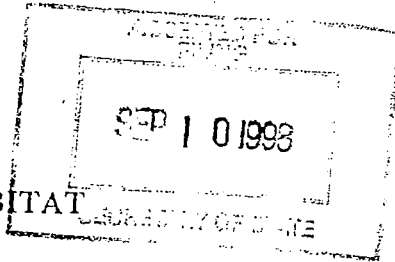
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By: _____
 Chairman
 Board of Environmental Protection

This _____ day of _____

Authority: 38 M.R.S.A., 480-I

Effective Date: _____



98-398

7

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 4

JAN 1998

SIGNIFICANT WILDLIFE HABITAT

BIDDEFORD 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SEP 10 1998

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SECRETARY OF STATE

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 5

JAN 1998

SIGNIFICANT WILDLIFE HABITAT

BIDDEFORD POOL 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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SEP 10 1998

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 45

JAN 1998

SIGNIFICANT WILDLIFE HABITAT

BOIS BUBERT 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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06-096 CH. 335

JAN 10 1998

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 15

JAN 1998

SIGNIFICANT WILDLIFE HABITAT

BOOTHBAY HARBOR 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 38

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

BROOKLIN 7.5'

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333**

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 29

SEP 10 1998

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

CAMDEN 7.5'

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333**

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 37

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

CAPE ROSIER 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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06-096 CH. 335

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 52

JAN 1998 SEP 10 1998

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SIGNIFICANT WILDLIFE HABITAT

CROSS ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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06-096 CH. 335

SIGNIFICANT WILDLIFE HABITAT SEP 10 1996
SEABIRD NESTING ISLAND
MAP # 54

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

CUTLER 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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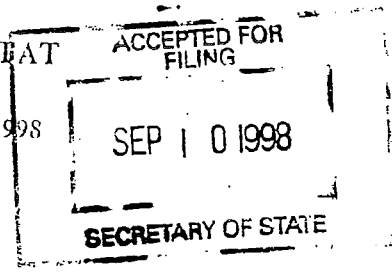
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Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 31

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

DEER ISLE 7.5'

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Augusta, Maine 04333**

MAP LEGEND

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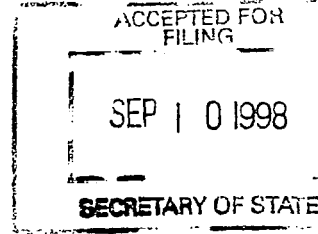
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 46

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

DRISKO ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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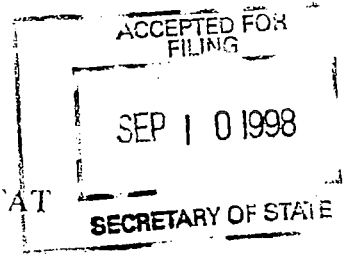
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98-390

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 55
JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

EASTPORT 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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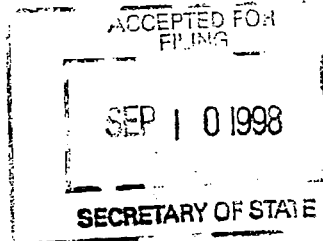
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 20

JAN 1998



(19)

SIGNIFICANT WILDLIFE HABITAT

FRIENDSHIP 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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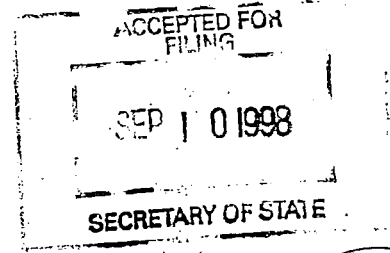
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98-396



SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 12

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

FREEPORT 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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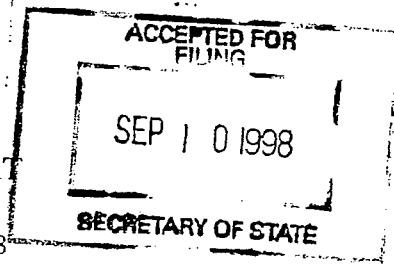
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Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 47

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

GREAT WASS ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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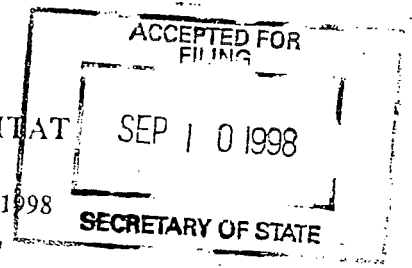
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 48

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SIGNIFICANT WILDLIFE HABITAT

HARRINGTON 7.5'

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Augusta, Maine 04333

MAP LEGEND

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SEP 10 1998
SECRETARY OF STATE

98-390

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 22

JAN 1998

23

SIGNIFICANT WILDLIFE HABITAT

HEWETT ISLAND 7.5'

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333**

MAP LEGEND

SNI 030000 Seabird-Nesting Island Habitat No. 030000

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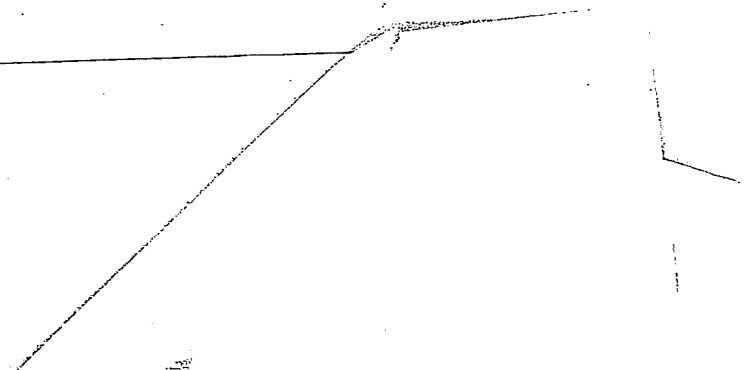
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06-096 CH. 335

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SEP 10 1998
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 27

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT ISLE AU HAUT EAST 7.5'

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Augusta, Maine 04333

MAP LEGEND

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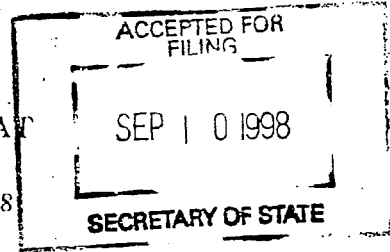
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 26

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

ISLE AU HAUT WEST 7.5'

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333**

MAP LEGEND

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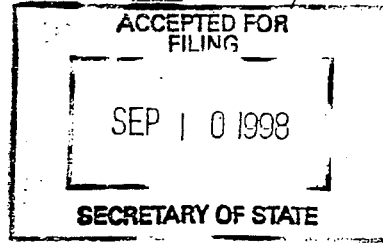
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Effective Date: _____

98-390



SIGNIFICANT WILDLIFE HABITAT
 SEABIRD NESTING ISLAND
 MAP #1

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

ISLES OF SHOALS 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Augusta, Maine 04333

MAP LEGEND

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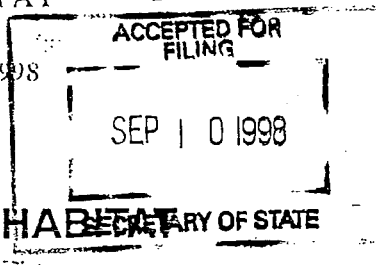
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Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 36

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SIGNIFICANT WILDLIFE HABITAT

ISLESBORO 7.5'

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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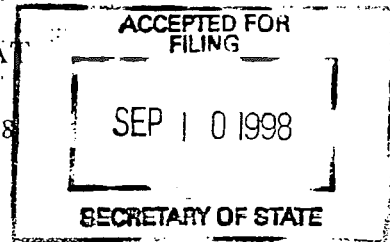
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 28

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SIGNIFICANT WILDLIFE HABITAT

28

JOHNS ISLAND 7.5'

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333**

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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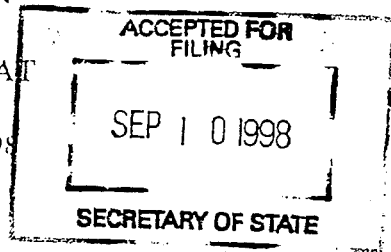
By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-1

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 50
JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

JONESPORT 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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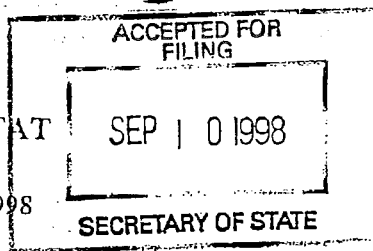
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 3

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

KENNEBUNKPORT 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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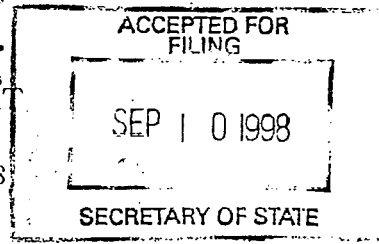
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 2

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

31

KITTERY 7.5'

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Augusta, Maine 04333

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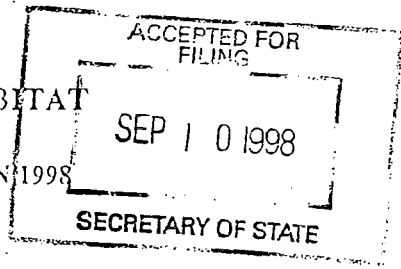
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 24

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

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LEADBETTER ISLAND 7.5'

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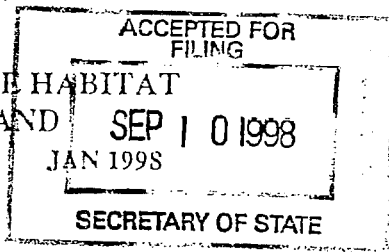
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 19



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SIGNIFICANT WILDLIFE HABITAT

LOUDS ISLAND 7.5'

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Augusta, Maine 04333**

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
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SIGNIFICANT WILDLIFE HABITAT

MACHIAS BAY 7.5'

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Augusta, Maine 04333

MAP LEGEND

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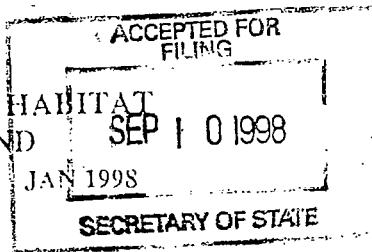
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 18



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SIGNIFICANT WILDLIFE HABITAT

MONHEGAN 7.5'

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Augusta, Maine 04333

MAP LEGEND

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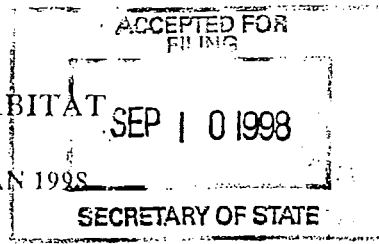
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 17

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

NEW HARBOR 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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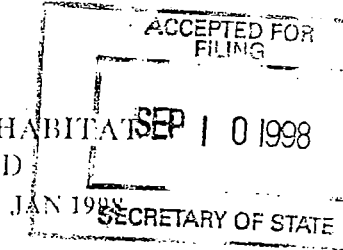
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 42



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SIGNIFICANT WILDLIFE HABITAT

NEWBURY NECK 7.5'

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Augusta, Maine 04333

MAP LEGEND

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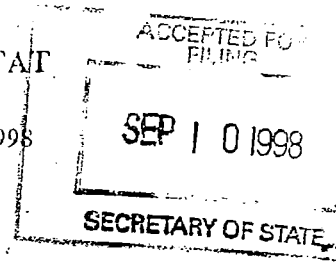
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 30

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

NORTH HAVEN EAST 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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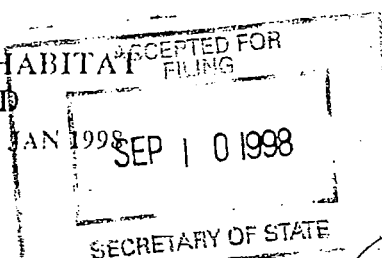
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 13



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SIGNIFICANT WILDLIFE HABITAT

ORRS ISLAND 7.5'

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Augusta, Maine 04333

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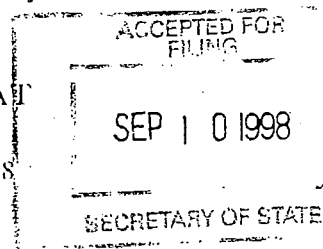
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 16

JAN 1998



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SIGNIFICANT WILDLIFE HABITAT

PEMAQUID POINT 7.5'

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Augusta, Maine 04333

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 44

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SIGNIFICANT WILDLIFE HABITAT

PETIT MANAN 7.5'

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Augusta, Maine 04333

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 14

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SIGNIFICANT WILDLIFE HABITAT

PHIPPSBURG 7.5'

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Augusta, Maine 04333

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 7

JAN 1998

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SIGNIFICANT WILDLIFE HABITAT

PORTLAND EAST 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 6

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SIGNIFICANT WILDLIFE HABITAT

PROUTS NECK 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

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JAN 1998
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98-398

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 23

SIGNIFICANT WILDLIFE HABITAT

45

ROCKLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 51

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SIGNIFICANT WILDLIFE HABITAT

ROQUE BLUFFS 7.5'

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Augusta, Maine 04333

MAP LEGEND

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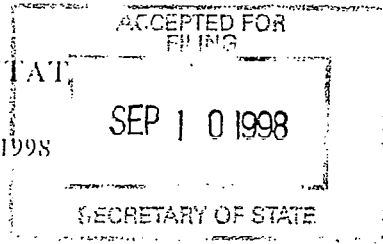
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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 41



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SIGNIFICANT WILDLIFE HABITAT

SCHOODIC HEAD 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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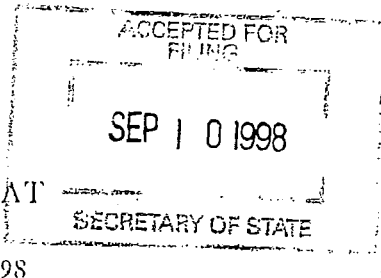
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SIGNIFICANT WILDLIFE HABITAT
 SEABIRD NESTING ISLAND
 MAP # 40

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SIGNIFICANT WILDLIFE HABITAT

SEAL HARBOR 7.5'

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 Augusta, Maine 04333

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This map of Significant Wildlife Habitat for Seabird Nesting Island Habitat is adopted by the Department of Environmental Protection on

This map is certified to be a true and correct copy of the official map of Significant Wildlife Habitats of the Department of Inland Fisheries and Wildlife.

By: _____
 Chairman
 Board of Environmental Protection

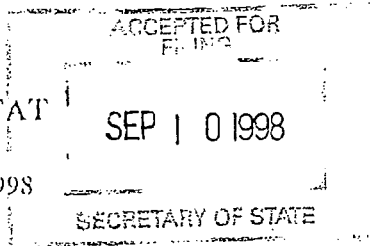
This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 10

JAN 1998



98-398
49

SIGNIFICANT WILDLIFE HABITAT

SMALL POINT 7.5'

120

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

All boundaries are the shoreline as represented by the mean high water line. A Seabird Nesting Island Habitat No. followed by an asterisk (e.g. 030000*) contains existing development which is governed by the provisions of Chapter 335 of Department of Environmental Protection Regulations.

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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

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76

ACCEPTED FOR
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SEP 10 1998
SECRETARY OF STATE
JAN 1998

98-398

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 8

50

SIGNIFICANT WILDLIFE HABITAT

SOUTH HARPSWELL 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 32

JAN 1998

SEP 10 1998

SECRETARY OF STATE

98398

51

SIGNIFICANT WILDLIFE HABITAT

STINSON NECK 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 33

JAN 1998

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SEP 10 1998

98-398

SECRETARY OF STATE

52

SIGNIFICANT WILDLIFE HABITAT

SWANS ISLAND 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 21

JAN 1998

SEP 10 1998

SECRETARY OF STATE

98-398
53

SIGNIFICANT WILDLIFE HABITAT TENANTS HARBOR 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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60

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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-1

Effective Date: _____

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SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 25

SEP 10 1998
JAN 1998
SECRETARY OF STATE

98-390

54

SIGNIFICANT WILDLIFE HABITAT

VINALHAVEN 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

SNI 030000 Seabird Nesting Island Habitat No. 030000

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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

SIGNIFICANT WILDLIFE HABITAT
SEABIRD NESTING ISLAND
MAP # 11

JAN 1998

ACCEPTED FOR
SEP 10 1998

SECRETARY OF STATE

98-390

55

SIGNIFICANT WILDLIFE HABITAT

YARMOUTH 7.5'

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Augusta, Maine 04333

MAP LEGEND

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By: _____
Chairman
Board of Environmental Protection

This _____ day of _____, 1994

Authority: 38 M.R.S.A., 480-I

Effective Date: _____

C-98-172

Rule Corrections and Amendments Approval Form

September 25, 1998

to: Jim Dusch, Rules Contact
Department of Environmental Protection (06-096)

Please scrutinize the attached electronic version of your rule(s). Return this form to the APA Office (101 State House Station) within 30 days. If there are corrections, annotate a printed copy with a red pen and attach the corrected pages to the form. Thank you.


Don Wismer

Administrative Rules Coordinator (287-6381)

Chapter(s) (in Microsoft Word for Windows 2.0 format):

096C335 DOC 18,432 09-25-98 3:25p

Action taken:

New Chapter 335.

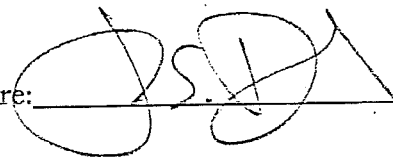
Signature of agency representative:

We have reviewed the electronic version of the rule(s) described above and:

Approve it.

Approve it with the attached additional corrections.

Signature: _____



Date: 9/28/98

DEP Chapter 375:
Buffer Strips

DEP, ch 375

06-096

DEPARTMENT OF ENVIRONMENTAL PROTECTION

9. Buffer Strips

A. Preamble. The Board recognizes the importance of natural buffer strips in protecting water quality and wildlife habitat. The Board also recognizes that buffer strips can serve as visual screens which can serve to lessen the visual impact of incompatible or undesirable land uses. The width and nature of buffer strips, if required, shall be determined by the Board on a case-by-case basis.

B. Scope of Review. In determining whether the developer has made adequate provision for buffer strips, when appropriate, the Board shall consider all relevant evidence to that effect, such as evidence that:

- (1) Water bodies within or adjacent to the development will be adequately protected from sedimentation and surface runoff by buffer strips.

~~NOTE: The following GUIDELINES address the width of buffer strips which should be established between water bodies and operations to extract natural resources or borrow pit operations.~~

~~No portion of any ground area disturbed by the extraction of natural resources or sand, fill or gravel on land sloping toward the water should be closer to the normal high water mark of a flowing, standing, or tidal body of water than is indicated by the following table:~~

Average slope of Land Between Mineral Soil and Normal Water Mark (Percent)	Width of Strip Between Exposed Mineral, Exposed Soil and Normal High Water Mark (Feet High Along Surface of the Ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

- (2) Buffer strips will provide adequate space for movement of wildlife between important habitats.

- (3) Buffer strips will shield adjacent uses from unsightly developments and lighting.

~~(a) Developments involving the excavation of natural resources and borrow pit operations will retain a minimum buffer strip of 150 feet from all property lines. If written permission of the abutter is obtained, a buffer strip of no less than 25-10 feet may be allowed. This buffer may be eliminated between abutting properties containing borrow pits or topsoil mining operations, with written permission of the abutting property owner. The working edge of an extractive~~

~~activity will be no closer than 150 feet to any public road or way, except for a topsoil mining operation, which will be no closer than 25 feet to any public road or way.~~

~~NOTE: The following GUIDELINES should be considered in establishing visual buffer strips.~~

- ~~(1) Plant materials used in the screen planting will be at least four feet high when planted and be of such evergreen species as will produce ultimately a dense visual screen at least eight feet high. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.~~
 - ~~(2) The screen will be maintained permanently, and any plant material which does not live will be replaced within one year.~~
 - ~~(3) Screen planting will be so placed that at maturity it will be no closer than three feet away from any street or property line.~~
 - ~~(4) The screen will be broken only at points of vehicular or pedestrian access.~~
 - ~~(5) Fencing and screening will be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.~~
-

C. Excavations for Sand, Gravel, Clay, Silt, Topsoil, or Rock -- Buffer strips associated with an excavation for sand, gravel, clay, silt, topsoil, or rock must meet the buffer strip standards specified in Performance Standards for Excavations, 38 M.R.S.A. § 490-D, and Performance Standards for Quarries, 38 M.R.S.A. § 490-Z. These standards apply in lieu of Section 9(B) (1)-(3).

A gravel pit previously licensed under the Site Location of Development Law, 38 M.R.S.A § 484, may apply for a modification of the buffer strip requirements in such a permit. The Department may approve such modification if the buffer strip at least meets the minimum standards of §§ 490-D and 490-Z and the proposed excavation will not result in an unreasonable adverse impact on the natural environment.

~~NOTE: The following GUIDELINES should be considered in establishing visual buffer strips.~~

- ~~(1) Plant materials used in the screen planting will be at least four feet high when planted and be of such evergreen species as will produce ultimately a dense visual screen at least eight feet high. Alternatively, a six foot high wooden fence, without openings wider than 1", may be substituted.~~
 - ~~(2) The screen will be maintained permanently, and any plant material which does not live will be replaced within one year.~~
 - ~~(3) Screen planting will be so placed that at maturity it will be no closer than three feet away from any street or property line.~~
-

~~(4) The screen will be broken only at points of vehicular or pedestrian access.~~

~~(5) Fencing and screening will be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.~~

CD. Submissions. Applications for approval of proposed developments shall include evidence that affirmatively demonstrates that adequate provision of buffer strips, when appropriate, will be made, including information such as the following:

- (1) The location and width of all natural buffer strips to be retained.
- (2) The nature, location, width, and height of all vegetative buffer strips or architectural screens to be established.
- (3) Legal provisions for the maintenance of all buffer strips and architectural screens.

DE. Terms and Conditions. The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the developer has made adequate provision for the establishment of buffer strips, such as requiring:

- (1) The maintenance of existing vegetation as a natural buffer strip, which shall remain as a permanent feature of the landscape.
- (2) The incorporation of buffer strip maintenance into deed covenants in projects where deed transfers of property to the general public are contemplated.
- (3) Written permission of the Department of Environmental Protection for activities which may adversely affect a body of water or wildlife habitat protected by a natural buffer strip, such as: removal of live trees, stump and hot systems, and the displacement of rocks, topsoil and similar activities which would cause or allow increased soil erosion.
- (4) The establishment of particular species of vegetation.
- (5) The use of particular materials, colors, and styles in the construction of architectural screens.

EFFECTIVE DATE: September 22, 2001

06-096 Dept. of Environmental
Protection

ch 375.9

ACCEPTED FOR
FILING

SEP 17 2001

SECRETARY OF STATE

2001-402

**PERFORMANCE STANDARDS FOR EXCAVATIONS
FOR BORROW, CLAY, TOPSOIL OR SILT**

**38 MRSA §§ 490-A to 490-M
and
Section 484-A of the
Site Location of Development Law**

*Notes Concerning the Text
June 30, 1998*

The following text of Article 7 (Performance Standards for Excavations) and a portion of Article 6 includes amendments made by the One Hundredth and Eighteenth Legislature, Second Regular Session. The table of contents have been added to this document by the Department of Environmental Protection and are not part of the statutory text.

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the Second Regular Session of the 118th Legislature but is subject to change without notice. It is a version that is presumed accurate but which has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

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Article 6 and 7

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ARTICLE 6
SITE LOCATION OF DEVELOPMENT LAW

§ 484-A. Unlicensed pits; temporary licensing exemption

If a borrow pit was between 5 and 30 acres on October 1, 1993 and was not licensed as required under this article, its owner or operator is not required to obtain a license under this article if:

1. Notice of intent to comply. Pursuant to section 490-C, the owner or operator of the pit files a notice of intent to comply no later than:

A. April 1, 1995, for pits having reclaimed or unreclaimed areas that drain externally or having reclaimed or unreclaimed areas where internal drainage is achieved with berms or other structures; or

B. October 1, 1995, for pits where all reclaimed and unreclaimed lands are naturally internally drained; and

2. Adherence to compliance schedule. By October 1, 1996:

A. All reclaimed and unreclaimed areas that were not naturally internally drained on October 1, 1993 are stabilized or reclaimed;

B. All other conditions existing on October 1, 1993 comply with the performance standards under article 7; and

C. All activities conducted after filing a notice of intent to comply are conducted in compliance with article 7.

An unlicensed borrow pit of 5 or more acres is in violation of this article if the owner or operator of that pit does not file a notice of intent to comply under subsection 1. The written enforcement policy for responding to violations referred to in section 343-C, subsection 1 does not apply to the owner or operator of an excavation regulated under article 7.

ARTICLE 7
PERFORMANCE STANDARDS FOR
EXCAVATIONS FOR BORROW, CLAY, TOPSOIL OR SILT

§ 490-A. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. Affected land. "Affected land" means reclaimed and unreclaimed land, land that has or will have the overburden removed, land on which stumps, spoil or other solid waste has or will be deposited and storage areas or other land, except natural buffer strips, that will be or has been used in connection with the excavation.

1-A. Excavation. "Excavation" means an excavation for borrow, topsoil, clay or silt, whether alone or in combination.

2. Medium borrow pit. "Medium borrow pit" means a borrow pit that has a total reclaimed and unreclaimed area from 5 to 30 acres and that has:

A. Except as otherwise provided, a working pit not larger than 10 acres; and

B. Natural internal drainage in all reclaimed and unreclaimed areas.

2-A. Natural buffer strip. "Natural buffer strip" means an undisturbed area or belt of land that is covered with trees or other vegetation.

2-B. Naturally internally drained. "Naturally internally drained" means areas of a site that, as a result of the predevelopment topography and interim and final topography produced during development of the site, are and will remain at all times over the course of the development graded so that neither eroded materials nor runoff either crosses the property boundary or enters a protected natural resource, natural buffer strip or other protected area. Areas that rely on man-made structures, including but not limited to berms, dikes, basins or undersized culverts, in order to maintain internal drainage are not considered naturally internally drained.

2-C. Overburden. "Overburden" means earth and other materials naturally lying over the product to be removed.

2-D. Owner or operator. "Owner or operator" means the owner or operator of the excavation.

2-E. Passenger car equivalents at peak hour. "Passenger car equivalents at peak hour" means the number of passenger cars, or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purpose of this article, one tractor-trailer combination is the equivalent of 2 passenger cars.

2-F. Primary sand and gravel recharge area. "Primary sand and gravel recharge area" means the surface directly overlying sand and gravel formations that provides direct replenishment of groundwater in sand and gravel fractured bedrock aquifers. The term does not include areas

overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.

3. Private drinking water supply. "Private drinking water supply" means a surface water supply, a dug well, a spring or a hole drilled, driven or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public drinking water supply.

4. Protected natural resource. "Protected natural resource" has the same meaning as in section 480-B, subsection 8.

5. Public drinking water source. "Public drinking water source" means any groundwater well or any surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average of least 25 individuals daily at least 60 days of the year.

5-A Reclamation. "Reclamation" means the rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest and the enhancement of wildlife and aquatic habitat and aquatic resources.

6. Regulator. "Regulator" means:

A. For an excavation located wholly within a municipality that is registered under section 490-I to enforce this article, the municipality; and

B. For all other excavations, the Department of Environmental Protection.

6-A. Significant sand and gravel aquifer. "Significant sand and gravel aquifer" means a deposit of ice-contact and glacial outwash sediment that stores and transmits significant quantities of recoverable water. Significant sand and gravel aquifers are typically located in stratified drift deposits such as eskers, glaciomarine deltas, kames, kame terraces and outwash plains.

6-B. Silt or clay. "Silt" or "clay" means a material that consists of particles of such size that 45% or more of the fraction of those particles able to pass through a 3-inch sieve pass through the United States Standard Number 200 sieve, or a material that exhibits similar erosion potential, difficulty of stabilization or runoff based upon gradation, plasticity, permeability or other relevant criteria.

6-C. Topsoil. "Topsoil" means the top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

7. Working pit. "Working pit" means the extraction area, including side slopes, of an excavation for borrow, clay, silt or topsoil. "Working pit" does not include a stockpile area or an area that has a permanent fixed structure such as an office building, permanent processing facility or fixed fuel storage structure.

§ 490-B. Applicability

Sections 490-A to 490-K apply to any excavation for borrow, clay, topsoil or silt, whether alone or in combination, if the total excavated area on a parcel is 5 or more acres, including reclaimed and unreclaimed areas, and section 490-M applies to a total excavated area of less than 5 acres. This article applies if the excavation is located in whole or in part within an organized area of this State.

A person in possession of a valid site location of development permit for a borrow pit or topsoil, clay or silt mining operation shall operate that pit or operation in compliance with the terms and conditions of the permit. Any modification of the permit must be in conformance with section 484. A person with a permit under article 6 may file a notice of intent to comply under this article. The permit issued under article 6 lapses as of the date a complete notice of intent is filed with the department. If the permittee chooses to substitute a notification pursuant to this article, all terms and conditions that applied to the permit issued pursuant to article 6 are incorporated into the notification approved pursuant to this article.

This article does not apply to:

2. Maine Land Use Regulation Commission pits. An excavation wholly within the jurisdiction of the Maine Land Use Regulation Commission;

4. Excavations reviewed under the laws regarding the protection of natural resources. An excavation to the extent that it is located in a protected natural resource and requires a permit under the laws regarding the protection of natural resources in article 5-A; or

5. Grading preliminary to construction. An excavation or grading preliminary to a construction project unless it is intended to circumvent this article.

§ 490-C. Notice of intent to comply

Except as provided in section 484-A, a person intending to create or operate an excavation under this article must file a notice of intent to comply before the total area of excavation on the parcel equals 5 or more acres excavated since January 1, 1970. Both reclaimed and unreclaimed areas are added together in determining whether this 5-acre threshold is met. A notice filed under this section must be complete, submitted on forms approved by the department and mailed to the municipality, the department, the Maine Historic Preservation Commission and each abutting property owner. The notice that is mailed to the municipality and each abutting property owner must be mailed at least 7 days prior to filing the notice of intent to comply with the regulator. The notice that is mailed to the regulator must be sent by certified mail, return receipt requested. Upon receiving the postal receipt, the owner or operator may commence operation. The municipality where the proposed excavation is located may submit comments to the department if the proposed excavation may pose an unreasonable adverse impact under the standards in section

490-D. Within 30 days of receipt of the notice of intent to comply, the department must respond to the comments made by the municipality.

A notice of intent to comply is not complete unless it includes all the following information:

1. Name, address and telephone number. The name, mailing address and telephone number of the owner and, if different from the owner, the operator;

2. Map and site plan. A location map and site plan drawn to scale showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas;

3. Parcel description. A parcel description and size, by tax map or deed description;

4. Information on abutters. The names and addresses of abutting property owners;

5. Signed statement. A statement, signed and dated by the owner or operator, certifying that the excavation will be operated in compliance with this article; and

6. Fees. Any fee required by section 490-J.

If the department determines that a notice filed under this section is not complete, the department must notify the owner or operator no later than 45 days after receiving the notice.

§ 490-D. Performance standards

1. Significant wildlife habitat. Affected land may not be located in a significant wildlife habitat, as defined in section 480-B, or in an area listed pursuant to the Natural Areas Program, Title 5, section 13076. The department may not grant a variance from the provisions of this subsection.

2. Solid waste. Solid waste, including stumps, wood waste and land-clearing debris generated on the affected land must be disposed of in accordance with chapter 13, including any rules adopted to implement those laws. The department may not grant a variance from the provisions of this subsection.

3. Groundwater protection. Excavation may not occur within 5 feet of the seasonal high water table. A benchmark sufficient to verify the location of the seasonal high water table must be established and at least one test pit or monitoring well must be established on each 5 acres of unreclaimed land.

A. A 200-foot separation must be maintained between any excavation and any private drinking water supply that is a point-driven or dug well and was in existence prior to that excavation.

B. A 100-foot separation must be maintained between any excavation and any private drinking water supply that is drilled into saturated bedrock and was in existence prior to that excavation.

C. Separation must be maintained between any excavation and any public drinking water source as follows:

- (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet;
- (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet;
- (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and
- (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet.

The department may grant a variance from the provisions of this paragraph upon consultation with the public water supply affected by the excavation. The department may not grant a waiver from the provisions of paragraph A, B or D.

D. Refueling operations, oil changes and other maintenance activities requiring the handling of fuels, petroleum products, hydraulic fluids, and other on-site activity involving the storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the department's spill prevention, control and countermeasures plan. Petroleum products and other substances that may contaminate groundwater must be stored and handled over impervious surfaces that are designed to contain spills. The spill prevention, control and countermeasures plan must be posted at the site.

E. Excavation below the seasonal high water table of an area previously designated for potential use as a public drinking water source by a municipality or private water company is prohibited. If the yield of groundwater flow to protected waters or wetlands is not adversely affected, the department may grant a variance allowing excavation below the seasonal high water table of a mapped significant sand and gravel aquifer, or primary sand and gravel recharge area, or an unconsolidated deposit in other locations.

F. In the event of excavation below the seasonal high water table, the operator of a mining activity that affects a public drinking water source or private drinking water supply by excavation activities causing contamination, interruption or diminution must restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply. This paragraph is not intended to

replace any independent action that a person whose water supply is affected by a mining activity may have.

G. In the event of excavation below the seasonal high water table, a 300-foot separation must be maintained between the limit of excavation and any predevelopment private drinking water supply, and a 1000-foot separation must be maintained between the limit of excavation and any public drinking water source or area previously designated for potential use as a public drinking water source by a municipality or private water company.

The department may grant a variance allowing excavation between 2 and 5 feet of the seasonal high water table. The separation distance requirements described in paragraphs A, B and C do not apply when the private water supply or public drinking water source is owned by the owner of the excavation site.

3-A. Medium borrow pits unlicensed on October 1, 1993. Notwithstanding subsection 3, the following provisions apply to a medium borrow pit that on October 1, 1993 was not licensed under article 6 and on which gravel had been extracted to a level less than 5 feet above, at or below the seasonal high water table.

The medium borrow pit owner or operator may not further excavate in areas where gravel had been extracted to a level less than 5 feet above, at or below the seasonal high water table unless a variance is granted by the department.

A. The department may not require the medium borrow pit owner or operator to elevate the medium borrow pit floor to 5 feet or more above the seasonal high water table as a condition of operation.

B. Deleted. Laws 1995, ch. 700, § 24.

C. The medium borrow pit owner or operator may reclaim as a pond that area of the medium borrow pit on which gravel had been extracted to a level at or below the seasonal high water table.

4. Natural buffer strip. Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to the excavation before submission of a notice of intent to comply, that vegetation must be reestablished as soon as practicable after filing the notice of intent to comply. The department may not grant a variance from the provisions of this subsection.

5-A. Protected natural resources A natural buffer strip must be maintained between the working edge of an excavation and a river, stream, brook, great pond or coastal wetland as defined in section 480-B. A natural buffer strip must also be maintained between the working edge of an excavation and certain freshwater wetlands as defined in section 480-B and having the characteristics listed in paragraph B. Excavation activities conducted within 100 feet of a

protected natural resource must comply with the applicable permit requirement under article 5-A. The width requirements for natural buffer strips are as follows.

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA.

B. A natural buffer strip at least 75 feet wide must be maintained between the working edge of the excavation and any other water body, river, stream, brook, coastal wetland or significant wildlife habitat contained within a freshwater wetland or a freshwater wetland consisting of or containing:

(1) 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

(2) Peat lands dominated by shrubs, sedges and sphagnum moss.

For purposes of this subsection, the width of a natural buffer strip is measured from the upland edge of floodplain wetlands; if no floodplain wetlands are present, the width of the natural buffer strip is measured from the normal high water mark of a great pond, river, stream or brook or the upland edge of a freshwater or coastal wetland. The department may not grant a variance from this subsection.

6-A. Public and private roads. A natural buffer strip must be maintained between the working edge of an excavation and a road as follows.

A. A natural buffer strip at least 150 feet wide must be maintained between the working edge of an excavation and a road designated as a scenic highway by the Department of Transportation.

B. A natural buffer strip at least 100 feet wide must be maintained between the working edge of an excavation and any public road not designated as a scenic highway by the Department of Transportation. A natural buffer strip at least 25 feet wide must be maintained between the working edge of a topsoil excavation and any public road not designated as a scenic highway by the Department of Transportation.

C. A natural buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and any private road or right-of-way. If a private road is contained within a wider right-of-way, the buffer is measured from the edge of the right-of-way. The width of the natural buffer strip adjacent to a private road may be reduced if the applicant receives written permission from the person or persons having a right-of-way over the private road.

Except for paragraph B, the department may not grant a variance from the provisions of this subsection. The department may grant a variance from paragraph B, provided that the variance will not result in the natural buffer strip being reduced to less than 50 feet between the working edge of the excavation and any road and provided that the owner or operator installs visual screening and safety measures as required by the department.

A distance specified in this subsection is measured from the outside edge of the shoulder of the road unless otherwise specifically provided.

6-B. Medium borrow pits unlicensed on October 1, 1993. Notwithstanding subsection 6-A, the following provisions apply to a medium borrow pit that on October 1, 1993 was not licensed under article 6 and on which gravel had been extracted closer than 50 feet to a public or private road.

A. The department may not require the owner or operator of a medium borrow pit to reestablish the required natural buffer strip as a condition of operation.

B. The owner or operator of a medium borrow pit shall regrade and seed the sideslopes to a slope no steeper than 2 horizontal feet for each vertical foot unless otherwise approved by the department.

The owner or operator of a medium borrow pit shall install visual screening and safety measures as required by the department.

7. Property boundary. A natural buffer strip at least 50 feet wide must be maintained between any excavation and any property boundary. A natural buffer strip at least 25 feet wide must be maintained between any topsoil excavation and a property boundary. These distances may be reduced to not less than 10 feet with the written permission of the affected property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The buffer strip between excavations owned by abutting owners may be eliminated with the abutter's written permission, provided the elimination of this buffer strip does not increase the runoff from either excavation across the property boundary. All property boundaries must be identified in the field by markings such as metal posts, stakes, flagging or blazed trees. The department may not grant a variance from the provisions of this subsection.

8. Erosion and sedimentation control. All reclaimed and unreclaimed areas, except for access roads, must be naturally internally drained at all times unless a variance is obtained from the department.

A. The area of a working pit may not exceed 10 acres.

B. Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.

- C. Sediment may not leave the parcel or enter a protected natural resource.
- D. Grubbed areas not internally drained must be stabilized.
- E. Erosion and sedimentation control for access roads must be conducted in accordance with the department's best management practices for erosion and sedimentation control.

The department may grant a variance from this subsection, except for paragraphs C, D and E.

9. Surface water protection and storm water management. Surface water discharges from areas not required to be naturally internally drained may not be increased as a result of storm water runoff from storms up to a level of intensity of a 25-year, 24-hour storm. Structures such as detention ponds, retention ponds and undersized culverts may not be used to meet this standard unless a variance is obtained from the department.

Grading or other construction activity on the site may not alter natural drainageways such that the drainage, other than that which occurred before development, adversely affects an adjacent parcel of land, or that any drainageways flowing from an adjacent parcel of land to the parcel are impeded.

10. Stockpiles. Deleted. Laws 1995, ch. 700, § 24.

11. Traffic. The following provisions govern traffic.

A. Entrances and exits of the borrow pit must be located, posted and constructed in accordance with standards for roadways in rules adopted by the board. Adequate sight distances for entering, exiting and stopping must be maintained in accordance with these standards. The department may not grant a variance from the provisions of this subsection. This paragraph is repealed July 1, 1997.

B. Any excavation activity that generates 100 or more passenger car equivalents at peak hour must comply with the applicable permit requirements under article 6. This paragraph takes effect July 1, 1997.

12. Noise. Noise levels may not exceed applicable noise limits in rules adopted by the board.

13. Dust. Dust generated by activities at the excavation site, including dust associated with traffic to and from the excavation site, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, providing the manufacturer's labeling guidelines are followed. The department may not grant a variance from the provisions of this subsection.

14. Reclamation. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Reclamation should be conducted

in accordance with the department's best management practices for erosion and sediment control, and must include:

- A. Regrading side slopes to a slope no steeper than 2 1/2 horizontal feet for each vertical foot;
- B. Establishing a vegetative cover by seeding within one year of the completion of excavation. Vegetative cover is acceptable if, within one year of seeding:
 - (1) The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession, sufficient to ensure a 75% survival rate; and
 - (2) The planting of all materials results in permanent 90% ground coverage;
- C. Removing all structures and, once no longer in use, reclaiming all access roads, haul roads and other support roads;
- D. Reclaiming all affected lands within 2 years after final grading; and
- E. Stockpiling soil that is stripped or removed for use in reclaiming disturbed land areas.

The department may require a bond payable to the State with sureties satisfactory to the department or such other security as the department may determine adequately secures compliance with this article, conditioned upon the faithful performance of the requirements set forth in this article. Other security may include a security deposit with the State, an escrow account and agreement, insurance or an irrevocable trust. In determining the amount of the bond or the security, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of grading and reclamation required. All proceeds of forfeited bonds or other security must be expended by the department for the reclamation of the area for which the bond was posted and any remainder returned to the operator.

The board may adopt or amend rules to carry out this subsection, including rules relating to operation or maintenance plans; standards for determining the reclamation period; annual revisions of those plans; limits, terms and conditions on bonds or other security; proof of financial responsibility of a person engaged in excavation activity or the affiliated person who guarantees performance; estimation of reclamation costs; reports on reclamation activities; or the manner of determining when the bond or other security may be discharged. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

The department may grant a variance from paragraph A, provided that the slopes exhibit substantial vegetation and are stable. The department may not assess a fee for a request for a variance from paragraph A. The department may grant a variance from paragraph E if the applicant demonstrates that the soil is not needed for reclamation purposes. The department may not grant a variance from the other provisions of this subsection.

§ 490-E. Variances

The owner or operator must comply with the performance standards in section 490-D unless a variance from those performance standards is approved by the department. Except where prohibited by section 490-D, the department may grant a variance from the performance standards in this article if the owner or operator affirmatively demonstrates to the department that the variance does not adversely affect natural resources or existing uses and does not adversely affect the health, safety and general welfare of the public. A variance application must include any fee applicable under section 490-J. The department shall process the variance application according to chapter 2 and the rules adopted by the department for processing an application. An applicant for a variance under this article shall hold a public informational meeting as described in those rules.

The department shall adopt rules that set forth the standards for granting a variance from the performance standards in this article. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Those rules must be provisionally adopted and submitted to the Legislature for review not later than January 1, 1997. Notwithstanding Title 5, section 8072, subsection 3, the Executive Director of the Legislative Council shall immediately assign those provisionally adopted rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

A variance from performance standards may not be granted prior to March 1, 1997 unless the owner or operator requesting the variance has filed a notice of intent to comply under section 490-C prior to the effective date of this paragraph.

The department shall publish a timetable for responding to variance applications in the same manner prescribed in section 344-B. A variance is not valid unless approved by the department and, if a municipality is the regulator, the municipality. In making its decision on variance applications, the department shall consider comments or information received and the compliance record of the owner or operator. The department shall inform the owner or operator of any significant concerns or issues raised.

§ 490-F. Review before expansion

Before expanding an excavation beyond an area that exceeds a total of 10 acres of reclaimed and unreclaimed land and before each additional 10-acre expansion, the owner or operator shall notify the regulator of an intent to expand and must request an inspection. In the same manner as prescribed in section 344-B, the department shall publish a timetable for responding to inspection requests and shall inspect the site within that time period to determine the excavation's compliance with this article and other applicable laws administered by the department. The department may defer an inspection for a reasonable period when winter conditions at the site prevent the department from evaluating an expansion request. The department shall notify the owner or operator of a deferral under this section. Excavation activities may continue after the filing of a

notice of an intent to expand. The failure of a regulator to conduct a site visit within a published time period is not sufficient basis for a stop-work order under section 490-H, subsection 1.

At the time of filing a notification of intent to expand, the owner or operator shall pay any fee required by section 490-J.

§ 490-G. Inspections

The regulator may periodically inspect a site, may examine relevant records of the owner or operator and may take samples and perform tests necessary to determine compliance with the provisions of this article.

§ 490-H. Enforcement and penalties

Except as provided in section 490-I, the department shall administer and enforce the provisions of this article.

1. Stop-work order. The regulator may order the owner or operator that is not operating in compliance with this article to cease operations until the noncompliance is corrected.

2. Penalty. A person who violates the provisions of this article commits a civil violation and is subject to the penalties established under section 349. Penalties assessed for enforcement actions taken by the State are payable to the State and penalties assessed for enforcement actions taken by a municipality registered under section 490-I are payable to that municipality. For any action brought by a municipality under this article in which the municipality prevails, the court may require the owner or operator to reimburse the municipality for costs associated with that enforcement action.

3. Reclamation. If, after an opportunity for a hearing, the commissioner determines that the owner of an excavation site or the person who was engaged in the excavation activity at the excavation site has violated this article, the commissioner shall direct the department staff or contractors under the supervision of the commissioner to enter on the property and carry out the necessary reclamation. The person engaged in mining or any affiliated person who guarantees performance at the excavation site is liable for the reasonable expenses of the necessary reclamation. The commissioner may use the bond or other security to meet the reasonable expenses of reclamation.

§ 490-I. Municipal enforcement; registration

This section allows a municipality to register for authority to enforce this article by adopting and submitting to the commissioner an ordinance that meets or exceeds the provisions of this article. The commissioner shall review that ordinance to determine if that ordinance meets the provisions of this article and if the municipality has adequate resources to enforce the provisions of this article. If the commissioner determines that the ordinance meets the provisions of this article and that the municipality has the resources to enforce this article, the commissioner shall

register that municipality for authority to enforce this article. Immediately upon approval by the commissioner, primary enforcement authority for this article vests in that municipality. The commissioner may not approve an ordinance under this section unless the ordinance requires that any request for a variance from the standards in the article be approved by the commissioner before that variance is valid.

1. Relation to home rule. Nothing in this section may be construed to limit a municipality's authority under home rule to adopt ordinances regulating borrow, topsoil, clay or silt excavations.

2. Optional participation. Nothing in this article may be construed to require a municipality to adopt any ordinance.

3. Suspension of approval. The commissioner may act to enforce any provision of this article or suspend the registration of a municipality if the commissioner determines that a municipal ordinance no longer conforms to the provisions of this article or that the municipality is not adequately enforcing this article. The commissioner shall notify a municipality of any such determination in writing. Suspension of municipal registration by the commissioner does not void or in any way affect a municipal ordinance or in any way limit the municipality's authority to enforce the provisions of its ordinance.

4. Appeal. A municipality may appeal to the board any decision of the commissioner under this section. Any decision by the board on appeal by a municipality constitutes final agency action.

§ 490-J. Fees

The owner or operator of an excavation being operated under this article must pay the regulator:

1. Initial fee. A fee of \$250 upon filing a notice of intent to comply under section 484-A or 490-C;

2. Annual fee. By March 1st of each year, an annual fee of:

A. Three hundred and fifty dollars for an excavation from which 2,500 cubic yards or more of material will be extracted during that year; and

B. Fifty dollars, for all other excavations. To be eligible for the annual fee under this paragraph, the owner or operator must include with the payment of this fee a signed statement certifying that less than 2,500 cubic yards of material will be extracted during that year;

3. Variance fee. A fee of \$250 for each variance requested under section 490-E, except for the following:

A. A fee of \$500 for a variance to excavate below the seasonal high water table.

B. A fee of \$500 for a variance to create an externally drained pit; and

C. A fee of \$125 for a variance to waive the topsoil salvage requirement; and

4. Notice of intent to expand. A fee of \$250 upon filing a notice of intent to expand under section 490-F.

Notwithstanding any other provision of this section, the total for all fees paid under subsections 1 and 2 for one borrow, clay, topsoil or silt excavation in one calendar year may not exceed \$350.

Payment of the annual fee under subsection 2 is no longer required after reclamation is complete as determined by the department. The department shall inspect the site before making this determination.

§ 490-K. Transfer of ownership or operation

A person who purchases an excavation that is operated under a notice of intent to comply or who obtains operating authority of an excavation that operates under a notice of intent to comply must file within 2 weeks after the purchase or the obtaining of operating authority a notice of intent to comply on a form developed by the department. The new owner or operator may operate the excavation during this 2-week period without having filed a notice of to intent comply, providing the new owner or operator complies with all standards under this article.

§ 490-L. Exemption from common scheme of development Deleted. Laws 1995, ch. 700, § 33.

§ 490-M. Erosion control requirements for clay, topsoil or silt excavations of less than 5 acres.

An excavation of less than 5 acres of land for clay, topsoil, or silt must be conducted and reclaimed in accordance with the following standards.

1. Stabilization and control. Sediment may not leave the parcel or enter a protected natural resource as defined in section 480-B. Properly installed erosion control measures must be in place before the excavation begins. Vegetative cover must be established on all affected land. Topsoil must be placed, seeded and mulched within 7 days of final grading. Permanent vegetative cover is acceptable for purposes of erosion control if, within one growing season of seeding, the planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession sufficient to ensure a 75% survival rate and the planting of all materials in permanent 90% ground coverage.

2. Phases. The excavation must be reclaimed in phases so that the working pit does not exceed 2 acres at any one time.

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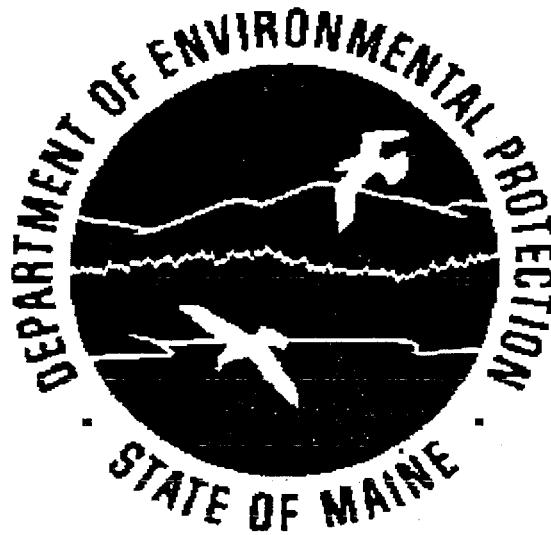
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SECRETARY OF STATE

STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Article 8-A
Performance Standards for Quarries
38 M.R.S.A. §§ 490-W to 490-EE**



Bureau of Land and Water Quality
DEPLW96-1-A97

September 19, 1997

PERFORMANCE STANDARDS FOR QUARRIES

38 MRSA §§490-W TO 490-EE

*Notes Concerning the Text
September 19, 1997*

The following text of Article 8 (Performance Standards for Quarries) includes amendments made by the One Hundredth and Eighteenth Legislature, First Special Session. The table of contents and footnotes have been added to this document by the Department of Environmental Protection and are not part of the statutory text.

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the First Special Session of the 118th Legislature but is subject to change without notice. It is a version that is presumed accurate but which has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

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ARTICLE 8-A
PERFORMANCE STANDARDS FOR QUARRIES

§490-W. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Affected land.** "Affected land" means all reclaimed and unreclaimed land, land that has or will have the overburden removed, land on which stumps, spoil or other solid waste has or will be deposited and storage areas or other land, except natural buffer strips, that will be or has been used in connection with a quarry.
- 2. Airblast.** "Airblast" means an atmospheric compression wave resulting from the detonation of explosives, whether resulting from the motion of blasted materials or the expansion of gases from the explosion.
- 3. Blaster.** "Blaster" means a person qualified to be in charge of or responsible for the loading and firing of a blast.
- 4. Blasting.** "Blasting" means the use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation.
- 5. Blast site.** "Blast site" means the area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes.
- 6. Detonating cord.** "Detonating cord" means a flexible cord containing a center core of high explosives that may be used to initiate other explosives.
- 7. Explosive.** "Explosive" means any chemical compound or other chemical substance that contains oxidizing or combustible materials used for the purpose of producing an explosion intended to break or move rock, earth or other materials.
- 8. Flyrock.** "Flyrock" means rock that is propelled through the air or across the ground as a result of blasting and that leaves the blast area.
- 9. Matting.** "Matting" means a covering placed over load holes and adjacent areas in order to minimize generation of flyrock and limit airblast effects.
- 10. Natural buffer strip.** "Natural buffer strip" means an undisturbed area or belt of land that is covered with trees or other vegetation.

11. Passenger car equivalents at peak hour. "Passenger car equivalents at peak hour" means the number of passenger cars, or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which traffic volume generated by the development is higher than the volume during any other hour of the day. For purpose of this article, one tractor-trailer combination is the equivalent of 2 passenger cars.

12. Peak particle velocity. "Peak particle velocity" means the maximum rate of ground movement measured by any of the 3 mutually perpendicular components of ground motion.

13. Preblast survey. "Preblast survey" means documentation, prior to the initiation of blasting, of the condition of buildings, structures, wells or other infrastructures; protected natural resources; historic sites; and unusual natural areas.

14. Private drinking water supply. "Private drinking water supply" means a surface water supply, a dug well, a spring or a hole drilled, driven or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public drinking water supply.

15. Production blasting. "Production blasting" means blasting conducted for the purpose of extracting or removing natural materials for commercial sale or beneficiation.

16. Public drinking water source. "Public drinking water source " means a groundwater well or a surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days of the year.

17. Quarry. "Quarry" means a place where rock is excavated.

18. Reclamation. "Reclamation" means the rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest and the enhancement of wildlife and aquatic habitat and aquatic resources. "Reclamation" does not include the filling in of pits and the filling or sealing of shafts and underground workings with solid materials unless necessary for the protection of groundwater or for reasons of safety.

19. Regulator. "Regulator" means:

A. For a quarry located wholly within a municipality that is registered under section 490-DD to enforce this article, the municipality; and

B. For all other quarries, the Department of Environmental Protection.

20. Rock. "Rock" means a hard, nonmetallic material that requires cutting, blasting or similar methods of forced extraction.

21. Stemming. "Stemming" means inert material used in a blasthole to confine the gaseous products of detonation.

22. Surface blasting. "Surface blasting" means any blasting for which the blast area lies at the surface of the ground.

23. Underground production blasting. "Underground production blasting" means a blasting operation carried out beneath the surface of the ground by means of shafts, declines, adits or other openings leading to the natural material being mined or extracted.

§490-X. Applicability

This article applies to any quarry that is more than one acre in size, including reclaimed and unreclaimed areas, or at which underground production blasting is proposed.

The article does not apply to a quarry located wholly within the jurisdiction of the Maine Land Use Regulation Commission.

This article does not apply to an excavation or grading preliminary to a construction project, unless intended to circumvent this article.

A person with a valid permit for a quarry under article 6 must operate that quarry in compliance with the terms and conditions of that permit. Any modification of the permit must be in conformance with section 484. A person with a permit under article 6 may file a notice of intent to comply with this article. The permit issued under article 6 lapses as of the date a complete notice of intent is filed with the department. If the permittee chooses to substitute a notification pursuant to this article, all terms and conditions that applied to the permit issued pursuant to article 6 are incorporated into the notification approved pursuant to this article.

§490-Y. Notice of intent to comply

Except as provided in section 484-A, a person intending to create or operate a quarry under this article must file a notice of intent to comply before the total area of excavation of rock or overburden on the parcel exceeds one acre. Both reclaimed and unreclaimed areas are added together in determining whether this one-acre threshold is exceeded. A notice filed under this section must be complete, submitted on forms approved by the department and mailed to the municipality where the quarry is located, the department, the Maine Historic Preservation Commission and each abutting property owner. The notice that is mailed to the municipality and each abutting property owner must be mailed at least 7 days before the notice of intent to comply is filed with the regulator. The notice that is mailed to the department must be sent by certified mail, return receipt requested. Upon receiving the postal receipt, the owner or operator may commence operation of the quarry. The municipality where the proposed quarry is located may

submit comments to the department if the proposed quarry may pose an unreasonable adverse impact under the standards in section 490-Z. Within 30 days of receipt of the notice of intent to comply, the department shall respond to the comments made by the municipality.

A notice of intent to comply is not complete unless it includes the following:

1. Name, address and telephone number. The name, mailing address and telephone number of the owner of the quarry and, if different from the owner, the operator of the quarry;

2. Map and site plan. A location map and site plan drawn to scale showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas;

3. Parcel description. A description of the parcel including size and deed description;

4. Legal interest. A copy of the lease or other document showing that an operator who is not the owner has a legal right to excavate on the property. Stumpage information does not have to be shown;

5. Information on abutters. The names and addresses of abutting property owners;

6. Signed statement. A statement signed and dated by the owner or operator certifying that the quarry will be operated in compliance with this article; and

7. Fees. A fee paid to the department as provided by section 490-EE.

If the department determines that a notice filed under this section is not complete, the department must notify the owner or operator no later than 45 days after receiving the notice.

§490-Z. Performance standards for quarries

1. Significant wildlife habitat. Affected land may not be located in a significant wildlife habitat as defined in section 480-B, subsection 10 or in an area listed pursuant to the Natural Areas Program, Title 5, section 13076. The department may not grant a variance from the provisions of this subsection.

2. Solid waste. Solid waste, including stumps, wood waste and land-clearing debris generated on the affected land must be disposed of in accordance with chapter 13, including any rules adopted to implement those laws. The department may not grant a variance from the provisions of this subsection.

3. Groundwater protection. To ensure adequate groundwater protection, the following setback requirements must be met.

A. A 200-foot separation must be maintained between an excavation and a private drinking water supply that is point driven or dug and was in existence prior to the excavation.

B. A 100-foot separation must be maintained between an excavation and a private drinking water supply that is drilled into saturated bedrock and was in existence prior to the excavation.

C. Separation must be maintained between an excavation and a public drinking water source as follows:

(1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet;

(2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet;

(3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and

(4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, 42 United States Code, Sections 300f to 300j-26 (1988), the separation must be 1,000 feet.

D. Refueling operations, oil changes, other maintenance activities requiring the handling of fuels, petroleum products and hydraulic fluids and other on-site activity involving storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the department's spill prevention, control and countermeasures plan. Petroleum products and other substances that may contaminate groundwater must be stored and handled over impervious surfaces that are designed to contain spills. The spill prevention, control and countermeasures plan must be posted at the site.

E. In the event of excavation below the seasonal high water table, a 300-foot separation must be maintained between the limit of excavation and any predevelopment private drinking water supply and a 1000-foot separation must be maintained between the limit of excavation and any public drinking water source or area previously designated for potential use as a public drinking water source by a municipality or private water company.

The department may grant a variance from the provisions of paragraph C upon consultation with the persons or entity that controls the public drinking water supply affected by the excavation. The department may not grant a waiver from the provisions of paragraph A, B or D.

Excavation below the seasonal highwater table of an area previously designated for potential use as a public drinking water source by a municipality or private water company is prohibited. The department may grant a variance allowing excavation below the seasonal highwater table if the applicant demonstrates that the yield of groundwater flow to protected waters or wetlands or

public drinking water sources or private drinking water supplies will not be adversely affected by the excavation.

In the event of excavation below the seasonal highwater table, the operator of a mining activity that affects by excavation activities a public drinking water source or private drinking water supply by contamination, interruption or diminution must restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply. This provision is not intended to replace any independent action that a person may have whose water supply is affected by a mining activity.

4. Natural buffer strip. Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to operation of a quarry before submission of a notice of intent to comply, that vegetation must be reestablished as soon as practicable after filing the notice of intent to comply. The department may not grant a variance from the provisions of this subsection.

5. Protected natural resources. A natural buffer strip must be maintained between the working edge of an excavation and a river, stream, brook, great pond or coastal wetland as defined in section 480-B. A natural buffer strip must also be maintained between the working edge of an excavation and certain freshwater wetlands as defined in section 480-B and having the characteristics listed in paragraph B. Excavation activities conducted within 100 feet of a protected natural resource must comply with the applicable permit requirements under article 5-A. The width requirements for natural buffer strips are as follows.

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA.

B. A natural buffer strip at least 75 feet wide must be maintained between the working edge of the excavation and a body of water other than as described in paragraph A, a river, stream or brook, coastal wetland or significant wildlife habitat contained within a freshwater wetland consisting of or containing:

(1) 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

(2) Peat lands dominated by shrubs, sedges and sphagnum moss.

For purposes of this subsection, the width of a natural buffer strip is measured from the upland edge of a floodplain wetland. If no floodplain wetlands are present, the width is measured from the normal high water mark of the river, stream or brook. The width is measured from the normal high water mark of a great pond and upland edge of a freshwater or coastal wetland.

The department may not grant a variance from this subsection.

6. Roads. A natural buffer strip must be maintained between the working edge of an excavation and a road as follows.

A. A natural buffer strip at least 150 feet wide must be maintained between the working edge of an excavation and a road designated as a scenic highway by the Department of Transportation.

B. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and any other public road.

C. A natural buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and a private road or a right-of-way. If a private road is contained within a wider right-of-way, the buffer is measured from the edge of the right-of-way. The width of the natural buffer strip adjacent to a private road may be reduced if the applicant receives written permission from the persons having a right-of-way over the private road.

The department may not grant a variance from the provisions of paragraph A or C. The department may grant a variance from paragraph B if the variance does not result in the natural buffer strip being reduced to less than 50 feet between the working edge of the excavation and any road and if the owner or operator installs visual screening and safety measures as required by the department.

A distance specified in this subsection is measured from the outside edge of the shoulder of the road unless otherwise specifically provided.

7. Property boundary. A natural buffer strip at least 100 feet wide must be maintained between an excavation and any property boundary. This distance may be reduced to 10 feet with the written permission of the affected abutting property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The natural buffer strip between quarries owned by abutting owners may be eliminated with the abutter's written permission if the elimination of this natural buffer strip does not increase the runoff from either excavation across the property boundary. All property boundaries must be identified in the field by markings such as metal posts, stakes, flagging or blazed trees. The department may not grant a variance from the provisions of this subsection.

8. Erosion and sedimentation control. All reclaimed and unreclaimed areas, except for access roads, must be naturally internally drained at all times unless a variance is obtained from the department. Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.

A. Sediment may not leave the parcel or enter a protected natural resource.

B. Grubbed areas not internally drained must be stabilized.

C. Erosion and sedimentation control for access roads must be conducted in accordance with the department's best management practices for erosion and sedimentation control.

The department may not grant a variance from the provisions of paragraph A, B or C.

9. Surface water protection and storm water management. Surface water discharges from areas not required to be naturally internally drained may not be increased as a result of storm water runoff from storms up to a level of a 25-year, 24-hour storm. Accumulated water from precipitation must be put into sheet flow and the discharge point must be directed to an undisturbed natural buffer strip. The discharge point must be at least 250 feet away from a protected natural resource. The slope of the discharge area may not exceed 5%.

Grading or other construction activity on the site may not alter natural drainageways so that the drainage, other than that which occurred before development, adversely affects an adjacent parcel of land or so that the drainageways flowing from an adjacent parcel of land to the parcel are impeded.

Structures such as detention ponds, retention ponds and undersized culverts may not be used to meet the standard in this subsection unless a variance is obtained from the department.

10. Traffic. The following provisions govern traffic.

A. Entrances and exits of the quarry must be located, posted and constructed in accordance with standards for roadways in rules adopted by the board. Adequate distances for entering, exiting and stopping must be maintained in accordance with these standards. The department may not grant a variance from the provisions of this subsection. This paragraph is repealed July 1, 1997.

B. Any excavation activity that generates 100 or more passenger car equivalents at peak hour must comply with the applicable permit requirements under article 6. This paragraph takes effect July 1, 1997.

11. Noise. Noise levels may not exceed applicable noise limits in rules adopted by the board.

12. Dust. Dust generated by activities at a quarry, including dust associated with traffic to and from a quarry, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include calcium chloride as long as the manufacturer's labeling guidelines are followed. The department may not grant a variance from the provisions of this subsection.

13. Reclamation. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Reclamation may be conducted in accordance with the department's best management practices for erosion and sedimentation control and must include the following.

A. Highwalls, or quarry faces, must be treated in such a manner as to leave them in a condition that minimizes the possibility of rock falls, slope failures and collapse. A highwall that is loose must be controlled by the use of blasting or scaling, the use of safety benches, the use of flatter slopes or reduced face heights or the use of benching near the top of the face or rounding the edge of the face.

B. A vegetative cover must be established by seeding or planting within one year of the completion of excavation. Vegetative cover must be established on all affected land, except for quarry walls and flooded areas. A vegetative cover must be established on safety benches, unless otherwise approved by the Department. Topsoil must be placed, seeded and mulched within 30 days of final grading. Vegetative cover is acceptable if within one year of seeding:

(1) The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession sufficient to ensure a 75% survival rate; and

(2) The planting of all material results in permanent 90% ground cover.

Vegetative cover used in reclamation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture of these.

C. All structures, once no longer in use, and all access roads, haul roads and other support roads must be reclaimed.

D. All affected lands must be reclaimed within 2 years after final grading.

E. Topsoil that is stripped or removed must be stockpiled for use in reclaiming disturbed land areas. The department may grant a variance from this paragraph if the applicant demonstrates that the soil is not needed for reclamation purposes.

F. The department may require a bond payable to the State with sureties satisfactory to the department or such other security as the department determines adequately secures compliance with this article, conditioned upon the faithful performance of the requirements set forth in this article. Other security may include a security deposit with the State, an escrow account and agreement, insurance or an irrevocable trust. In determining the amount of the bond or the security, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of grading and reclamation required. All proceeds of forfeited bonds or other security must be expended by the department for the reclamation of the area for which the bond was posted and any remainder returned to the operator.

G. The board may adopt or amend rules to carry out this subsection, including rules relating to operational or maintenance plans; standards for determining the reclamation period; annual revisions of those plans; limits, terms and conditions on bonds or other security; proof of financial responsibility of a person engaged in excavation activity or the affiliated person who

guarantees performance; estimation of reclamation costs; reports on reclamation activities; and the manner of determining when the bond or other security may be discharged.

14. Blasting. The applicant must ensure that the blasting is conducted in accordance with Title 25, section 2441.

- A. The owner or operator shall use sufficient stemming, matting or natural protective cover to prevent flyrock from leaving property owned or under control of the owner or operator or from entering protected natural resources or natural buffer strips. Crushed rock or other suitable material must be used for stemming when available; native gravel, drill cuttings or other material may be used for stemming only if no other suitable material is available.
- B. The maximum allowable airblast at any inhabited building not owned or controlled by the developer may not exceed 129 decibels peak when measured by an instrument having a flat response (+ or - 3 decibels) over the range of 5 to 200 hertz.
- C. The maximum allowable airblast at an uninhabited building not owned or controlled by the developer may not exceed 140 decibels peak when measured by an instrument having a flat response (+ or - 3 decibels) over the range of 5 to 200 hertz.
- D. Monitoring of airblast levels is required in all cases for which a preblast survey is required by paragraph F. The department may waive the monitoring requirement if the owner or operator secures the permission of affected property owners to increase allowable airblast levels on their property and the department determines that no protected natural resource will be adversely affected by the increased airblast levels.
- E. If a blast is to be initiated by detonating cord, the detonating cord must be covered by crushed rock or other suitable cover to reduce noise and concussion effects.
- F. A preblast survey is required for all production blasting and must extend a minimum radius of 2000 feet from the blast site. The preblast survey must document any preexisting damage to structures and buildings and any other physical features within the survey radius that could reasonably be affected by blasting. Assessment of features such as pipes, cables, transmission lines and wells and other water supply systems must be limited to surface conditions and other readily available data, such as well yield and water quality. The preblast survey must be conducted prior to the initiation of blasting at the operation. The owner or operator shall retain a copy of all preblast surveys for at least one year from the date of the last blast on the development site.
 - (1) The owner or operator is not required to conduct a preblast survey if the department determines that no protected natural resource within the limits of the otherwise required survey is likely to be affected by blasting and production blasting will not occur within 2000 feet of any building not owned or under the control of the developer.

(2) The owner or operator is not required to conduct a preblast survey on properties for which the owner or operator documents the rejection of an offer by registered letter, return receipt requested, to conduct a preblast survey. Any person owning a building within a preblast survey radius may voluntarily waive the right to a survey.

(3) The owner or operator is not required to conduct a preblast survey if the owner or operator agrees to design all blasts so that the weight of explosives per eight millisecond or greater delay does not exceed that determined by the equation $W=(D/D_s)^2$, where W is the maximum allowable weight of explosives per delay of 8 milliseconds or greater, D is the shortest distance between any area to be blasted and any inhabitable structure not owned or controlled by the developer and D_s equals 70 ft./ $(lb.)^{1/2}$.

G. Blasting may not occur in the period between sundown and sunrise the following day or in the period 7:00 p.m. and 7:00 a.m., whichever is greater. Routine production blasting is not allowed in the daytime on Sunday. Detonation of misfires may occur outside of these times but must be reported to the department within 5 business days of the misfire detonation. Blasting may not occur more frequently than 4 times per day. Underground production blasting may be exempted from these requirements provided that a waiver is granted by the department.

H. Sound from blasting may not exceed the following limits at any protected location:

Number of Blast Per Day	Sound Level Limit
1	129 dbl
2	126 dbl
3	124 dbl
4	123 dbl

I. The maximum peak particle velocity at inhabitable structures not owned or controlled by the developer may not exceed the levels established in Table 1 in paragraph K and the graph published by the United States Department of the Interior in "Bureau of Mines Report of Investigations 8507," Appendix B, Figure B-1. The department may grant a variance to allow ground vibration levels greater than 2 inches per second on undeveloped property not owned or controlled by the applicant if the department determines that no protected natural resource, unusual natural area or historic site will be adversely affected by the increased ground vibration levels. If inhabitable structures are constructed on the property after approval of the development and prior to completion of blasting, the developer immediately must notify the department and modify blasting procedures to remain in compliance with the standards of this subsection.

J. Based upon an approved engineering study, the department may grant a variance to allow higher vibration levels for certain buildings and infrastructures. In reviewing a variance application, the department shall take into account that the standards in this paragraph and paragraph I are designed to protect conventional low-rise structures such as churches, homes and schools. In cases of practical difficulty, the department may grant a variance from paragraph I if it

can be demonstrated that no adverse impacts on existing infrastructures or protected natural resources, unusual natural areas or historic sites will result.

K. Table 1 of this paragraph or the graph published by the United States Department of the Interior in "Bureau of Mines Report of Investigations 8507," Appendix B, Figure B-1 must be used to evaluate ground vibration effects for those blasts for which a preblast survey is required.

(1) Either Table 1 of this paragraph or graph published by the United States Department of the Interior in "Bureau of Mines Report of Investigations 8507," Appendix B, Figure B-1 may be used to evaluate ground vibration effects when blasting is to be monitored by seismic instrumentation.

(2) Blasting measured in accordance with Table 1 of this paragraph must be conducted so that the peak particle velocity of any one of the 3 mutually perpendicular components of motion does not exceed the ground vibration limits at the distances specified in Table 1 of this paragraph.

(3) Seismic instruments that monitor blasting in accordance with Table 1 of this paragraph must have the instrument's transducer firmly coupled to the ground.

(4) An owner or operator using Table 1 of this paragraph must use the scaled-distance equation, $W=(D/D_s)^2$, to determine the allowable charge weight of explosives to be detonated in any 8 millisecond or greater delay period without seismic monitoring, where W is equal to the maximum weight of explosives, in pounds, and D and D_s are defined as in Table 1 of this paragraph. The department may authorize use of a modified scaled-distance factor for production blasting if the owner or operator can demonstrate to a 95% confidence level, based upon records of seismographic monitoring at the specific site of the mining activity covered by the permit, that use of the modified scaled-distance factor will not cause the ground vibration to exceed the maximum allowable peak particle velocities of Table 1 of this paragraph.

(5) Blasting monitored in accordance with the graph published by the United States Department of the Interior in "Bureau of Mines Report of Investigations 8507," Appendix B, Figure B-1 must be conducted so that the continuously variable particle velocity criteria are not exceeded.

The owner or operator may apply for a variance of the ground vibration monitoring requirement prior to conducting blasting at the development site if the owner or operator agrees to design all blasts so that the weight of explosives per 8 millisecond or greater delay does not exceed that determined by the equation $W=(D/D_s)^2$, where W is the maximum allowable weight of explosives per delay of 8 milliseconds or greater, D is the shortest distance between any area to be blasted and any inhabitable structure not owned or controlled by the developer and D_s equals 70 ft./lb.^{1/2}. As a condition of the variance, the department may require submission of records certified as accurate by the blaster and may require the owner or operator to document compliance with the conditions of this paragraph.

The following is Table 1.

Distance versus Peak Particle Velocity Method

Distance (D) from the blast area (feet)	Maximum allowable peak particle velocity (Vmax) for ground vibration (in./sec.)	Scaled-distance factor (Ds) to be applied without seismic monitoring
0 to 300	1.25	50
301-5000	1.00	55
Greater than 5000	0.75	65

L. A record of each blast, including seismographic data, must be kept for at least one year from the date of the last blast, must be available for inspection at the development or at the offices of the owner or operator if the development has been closed, completed or abandoned before the one-year limit has passed and must contain at a minimum the following data:

- (1) Name of blasting company or blasting contractor;
- (2) Location, date and time of blast;
- (3) Name, signature and social security number of blaster;
- (4) Type of material blasted;
- (5) Number and spacing of holes and depth of burden or stemming;
- (6) Diameter and depth of holes;
- (7) Type of explosives used;
- (8) Total amount of explosives used;
- (9) Maximum amount of explosives used per delay period of 8 milliseconds or greater;
- (10) Maximum number of holes per delay period of 8 milliseconds or greater;
- (11) Method of firing and type of circuit;

- (12) Direction and distance in feet to the nearest dwelling, public building, school, church or commercial or institutional building neither owned nor controlled by the developer;
- (13) Weather conditions, including such factors as wind direction and cloud cover;
- (14) Height or length of stemming;
- (15) Amount of mats or other protection used;
- (16) Type of detonators used and delay periods used;
- (17) The exact location of each seismograph and the distance of each seismograph from the blast;
- (18) Seismographic readings;
- (19) Name and signature of the person operating each seismograph; and
- (20) Names of the person and the firm analyzing the seismographic data.

M. All field seismographs must record the full analog wave form of each of the 3 mutually perpendicular components of motion in terms of particle velocity. All seismographs must be capable of sensor check and must be calibrated according to the manufacturer's recommendations.

§490-AA. Inspections

The department may periodically inspect a site, examine relevant records of the owner or operator of a quarry, take samples and perform tests necessary to determine compliance with the provisions of this article.

§490-BB. Enforcement and penalties

The department shall administer and enforce the provisions of this article.

1. Stop-work order. The department may order the owner or operator of a quarry that is not operating in compliance with this article to cease operations until the noncompliance is corrected.

2. Penalty. A person who violates a provision of this article commits a civil violation and is subject to the penalties established under section 349. Penalties assessed for enforcement actions taken by the State are payable to the State.

3. Reclamation. If, after an opportunity for a hearing, the commissioner determines that the owner of an excavation site or the person who was engaged in the excavation activity at the excavation site has violated this article, the commissioner shall direct the department staff or contractors under the supervision of the commissioner to enter on the property and carry out the necessary reclamation. The person engaged in mining or any affiliated person who guarantees performance at the excavation site is liable for the reasonable expenses of this necessary reclamation. The commissioner may use the bond or other security paid under section 490-Z, subsection 13, paragraph F to meet the reasonable expenses of reclamation.

§490-CC. Variances

An owner or operator must comply with the performance standards in section 490-Z unless a variance from those performance standards is approved by the department. Except when prohibited by section 490-Z, the department may grant a variance from the performance standards in this article if the owner or operator affirmatively demonstrates to the department that the variance does not adversely affect natural resources or existing uses and does not adversely affect the health, safety and general welfare of the public. A variance application must include any fee applicable under section 490-EE. The department shall process the variance application according to chapter 2 and the rules adopted by the department for processing an application. An applicant for a variance under this article shall hold a public informational meeting as described in those rules.

The department shall publish a timetable for responding to variance applications in the same manner prescribed in section 344-B. A variance is not valid unless approved by the department and, if a municipality is the regulator, the municipality. In making its decision on a variance application, the department shall consider comments or information received and the compliance record of the owner or operator. The department shall inform the owner or operator of any significant concerns or issues raised.

§ 490-DD. Municipal enforcement; registration

A municipality may register for authority to enforce this article by adopting and submitting to the commissioner an ordinance that meets or exceeds the provisions of this article. The commissioner shall review that ordinance to determine whether that ordinance meets the provisions of this article and if the municipality has adequate resources to enforce the provisions of this article. If the commissioner determines that the ordinance meets the provisions of this article and that the municipality has the resources to enforce this article, the commissioner shall register that municipality for authority to enforce this article. Immediately upon approval by the commissioner, primary enforcement authority for this article vests in that municipality. The commissioner may not approve an ordinance under this section unless the ordinance requires that any request for a variance from the standards in the article be approved by the commissioner before the variance is valid.

1. Relation to home rule. This section may not be construed to limit a municipality's authority under home rule to adopt ordinances regulating quarries.

2. Optional participation. This article may not be construed to require a municipality to adopt any ordinance.

3. Suspension of approval. The commissioner may act to enforce any provision of this article or suspend the registration of a municipality if the commissioner determines that a municipal ordinance no longer conforms to the provisions of this article or that the municipality is not adequately enforcing this article. The commissioner shall notify a municipality of any such determination in writing. Suspension of municipal registration by the commissioner does not void or in any way affect a municipal ordinance or in any way limit the municipality's authority to enforce the provisions of its ordinance.

4. Appeal. A municipality may appeal to the board any decision of the commissioner under this section. Any decision by the board on appeal by a municipality constitutes final agency action.

§ 490-EE. Transfer of ownership or operation, review before expansion; fees

1. Review before expansion. Before expanding a quarry beyond an area that exceeds a total of 10 acres of reclaimed and unreclaimed land and before each additional 10-acre expansion, the owner or operator shall notify the regulator of the owner's or operator's intent to expand and must request an inspection. In the same manner as prescribed in section 344-B, the department shall publish a timetable for responding to inspection requests and shall inspect the site within that time period to determine the quarry's compliance with this article and other applicable laws administered by the department. The department may defer an inspection for a reasonable period when winter conditions at the site prevent the department from evaluating an expansion request. The department shall notify the owner or operator of a deferral under this section. Excavation activities may continue after the filing of a notice of an intent to expand. The failure of a regulator to conduct a site visit within a published time period is not a sufficient basis for a stop-work order under section 490-BB, subsection 1.

At the time of filing a notification of intent to expand, the owner or operator shall pay any fee required by this section.

2. Transfer of ownership or operation. A person who purchases a quarry that is operated under a notice of intent to comply, as established under section 490-Y, or who obtains operating authority of a quarry that operates under a notice of intent to comply must file within 2 weeks after the purchase or the obtaining of operating authority a notice of intent to comply on a form developed by the department. The new owner or operator may operate the quarry during this 2-week period without having filed a notice of intent to comply if the new owner or operator complies with all standards of this article.

3. Fees. The owner or operator a quarry shall pay the regulator:

- A. An initial fee of \$250 upon filing a notice of intent to comply under section 490-Y;
- B. By March 1st of each year, an annual fee of:
 - (1) Three hundred fifty dollars for an excavation from which 2,500 cubic yards or more of material will be extracted during that year; and
 - (2) Fifty dollars for all other excavations. To be eligible for the annual fee under this paragraph, the owner or operator must include with the payment of this fee a signed statement certifying that less than 2,500 cubic yards of material will be extracted during that year;
- C. A fee of \$250 for each variance requested under section 490-CC, except for the following:
 - (1) A fee of \$500 for a variance to excavate below the seasonal high water table;
 - (2) A fee of \$500 for a variance to create an externally drained quarry;
 - (3) A fee of \$125, for a variance to waive the topsoil salvage requirement;
 - (4) A fee of \$125 for a variance to waive the monitoring requirements for airblasts and ground vibration; and
- D. A fee of \$250 upon filing a notice of intent to expand under this section.

Notwithstanding any other provision of this subsection, the total for all fees paid under paragraphs A and B for one quarry in one calendar year may not exceed \$350.

DEP Chapter 1000:
Shoreland Zoning / Timber Harvesting

Amendments to Chapter 1000
State of Maine Guidelines for Municipal Shoreland Zoning Ordinances

Amendment to Table 1. *Land Uses in the Shoreland Zone*

Delete footnote ¹ pertaining timber harvesting activities in the Resource Protection district as follows:

<u>LAND USES</u>	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
4. Timber harvesting	yes	CEO ⁺	yes	yes	yes	yes

Amendment to Timber Harvesting Standards

Change Section 15.O.(1)(a) to read:

- (a) Within the strip of land extending 75 feet inland from the normal high-water line, ~~there shall be no timber harvesting, except to remove safety hazards~~ may be conducted when the following conditions are met:
- (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

Change Section 15.O.(1)(b) to read:

- (b) Beyond the 75 foot “~~no harvest~~” strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over ± 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.

Amendment to “Note” in Section 16.I, *Enforcement*

Note: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000.

Amendment to Appendix A, Section 12.C.(1-A)(b)

Change the last paragraph of Section 12.C.(1-A)(b) to read:

If a well-distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the planning board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet of the ~~shoreline~~ normal high-water line or upland edge of a wetland.

Fiscal Statement: Whereas this rule provides an optional, rather than a mandatory, change in the timber harvesting standards adjacent to great ponds zoned for resource protection, there are no additional costs imposed on municipalities.

LURC Chapter 10:
Miscellaneous Changes

MISCELLANEOUS RULE CHANGES
MAINE LAND USE REGULATION COMMISSION
DEPARTMENT OF CONSERVATION

January 23, 2001

**SUMMARY OF ISSUES IN
CHANGES TO *NON-PROCEDURAL RULES*
WHICH BECAME EFFECTIVE ON OCTOBER 17, 2000**
Chapters 7, 8, 10, 15, 16, and 17

Aside from a variety of editorial changes to the Commission's rules, the following is a summary of the major issues regarding these rule changes.

ISSUE: REGULATION OF PUBLIC UTILITIES

Chapter 7, Regulation of Public Utilities, was repealed and incorporated into Chapter 10, Land Use Districts and Standards (see section 10.17, B, 8)

ISSUE: VARIANCES

Chapter 8, Variances, was repealed. Its contents were modified to be similar to variance provisions used by municipalities and incorporated into Chapter 10 (see section 10.10).

ISSUE: DEFINITIONS

Certain definitions within Section 10.02 of Chapter 10, Land Use Districts and Standards were modified or added.

ISSUE: INTERPRETATION OF STANDARDS

The subdivision provisions are moved to a new section on subdivisions (10.17, B,9); recently revised language from the Commission's statute regarding projects approved by DEP is added; a provision now imbedded in the wetland rules is repeated here as it has broader application than just within wetlands; and the maximum size of mineral extraction operations outside of D-CI Subdistricts is cited here. (see section 10.06)

ISSUE: REDISTRICTING

Remove procedural requirements for rezoning from Chapter 10, Land Use District and Standards, and leave in Chapter 4, Rules of Practice. (see section 10.08)

ISSUE: CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS

Changes are made to track changes in the LURC statute; specific reference is added to make more obvious that right, title or interest must be demonstrated for the Commission to consider a

permit application; and the language of Section 10.17, C (consistency with subdistrict designation) while originally proposed to be moved to this more appropriate section, was struck as unnecessary. (see section 10.13-B)

ISSUE: DREDGING

The phrase “filling, grading, draining, *dredging*, and alteration of the water table” appears throughout the standards. Unfortunately, the definition of “shoreland alteration” also includes dredging. To clarify how dredging is regulated, the term was removed from the phrase “filling, grading,”. Dredging will then be regulated as a shoreland alteration.

ISSUE: PONDS

The standards were unclear on how constructed ponds including farm ponds (with no inlet or outlet) were regulated. These rule changes allow farm ponds in management districts of any size without a permit and non-farm ponds of less than 1 acre without a permit. Permits will be required for non-farm ponds over 1 acre in size in management subdistricts. Permits will be required for all constructed ponds (including farm ponds) in certain other zones and for those over 4,300 square feet or one acre in various other zones.

Since we consider the beds of all ponds as wetlands, our previous standards were unclear on the level of wetland significance the beds of ponds should receive. These changes consider the beds of all ponds as wetlands of special significance (P-WL1) except the beds of constructed ponds less than 10 acres with no inlet or outlet -- which will be considered as lower value wetlands (P-WL2).

ISSUE: CEMETERIES

Allow for cemeteries in general development districts. Also allow for “family burying grounds” in general management districts and general and residential development subdistricts provided they are no more than ¼ acre as provided in 13 M.R.S.A. §1142. The standards were unclear on where cemeteries were a permitted use.

ISSUE: BOAT RAMPS

Public boat ramps are now allowed without a permit in most subdistricts but according to certain standards. Standards are also established for the construction of private boat ramps to insure that they are limited to sites with the least amount of adverse impact. The proposal to allow public ramps on Management Class 2 lakes without a permit was dropped based on public comment – we now feel it is better to leave as an activity by special exception on these special lakes. (see 10.17, B, 6)

ISSUE: DOCKS

The definition of permanent dock is clarified to include those floating docks that are so large, or otherwise designed, that alteration of the shoreline is required to remove them annually. The

construction standards for docks were dropped for now and will be considered in a future rulemaking when we might receive a more thorough public review of those standards.

ISSUE: DRIVEWAYS

Driveways of less than 1,000 feet in length for residential uses are now allowed without a permit but according to certain standards in most subdistricts. The earlier proposal to apply these standards to driveways of 500 feet or less was changed to 1,000 feet in recognition of the longer driveways often encountered in LURC jurisdiction. (see 10.17, A, 8)

ISSUE: MINERAL EXTRACTION

With recent changes in the LURC law allowing for mineral extraction in other than development subdistricts, this activity is now allowed in certain subdistricts up to a specified size without a permit but according to standards. We have, however, withdrawn our proposal to expand the Commission's mineral extraction standards to include standards for portable asphalt batch plants until a later rulemaking.

ISSUE: CRANBERRY CULTIVATION

The rules are clarified to indicate that cranberry cultivation in upland areas (management subdistricts) is an activity not requiring a permit. It would be regulated in other subdistricts, however.

ISSUE: SAND AND SALT STORAGE BUILDINGS

The rules are clarified to indicate that sand and salt storage buildings are a permitted use in management subdistricts with a permit as opposed to requiring placement in a development subdistrict.

ISSUE: PLANNED DEVELOPMENTS

The previous procedural rules for planned developments (D-PD development districts) required that the Commission act upon the final development plan within 30 days of completion. Given the Commission's once a month meeting schedule, this time frame has proven to be too short. The time period has been extended to 90 days.

ISSUE: TWO-FAMILY AND MULTI-FAMILY DWELLINGS

Previously, two-family dwelling units were allowed only in general development (D-GN) and general management (M-GN) districts. Multi-family dwellings were allowed only in D-GN districts. Multi-family was also undefined while municipalities routinely define the term as meaning three or more family units. Experience has shown that this treatment of two-family and multi-family units was unnecessarily constraining on residential development within the Commission's jurisdiction.

These changes define multi-family as meaning three or more family units; allow for two-family units in residential development (D-RS) districts in addition to D-GN and M-GN and provide for multi-family units in D-RS as a special exception in addition to the D-GN district.

ISSUE: REMOTE RENTAL CABINS

Remote rental cabins, as defined in these rule changes, are now permitted uses in general management (M-GN) districts. These are the type of units that Great Northern recently proposed and the Commission approved for several dispersed locations within its ownership. Placement of eight or less of these cabins on a 5,000 acre or larger ownership would not trigger the need for subdivision approval. This change would facilitate the dispersed, low-scale, transient occupancy development that the Commission has indicated is appropriate within its jurisdiction. (see 10.17, B, 9, a, (4))

ISSUE: LAND APPLICATION OF SLUDGE

When the Commission amended its rules in 1989 to allow for the land application of sludge within management districts without a permit (but according to DEP rules), it did so with the understanding that it would reconsider the matter upon completion of certain studies of the impact of sludge spreading. A note was inserted into the rules to this effect.

While not all of the proposed studies were completed, the nature of sludge spreading has changed enough that this note was dropped from the rules. Should the Commission wish to change the manner in which it regulates such activities, it could amend its rules at any point in the future even in the absence of such a note.

ISSUE: CHECKPOINT BUILDINGS

Checkpoint buildings or gatehouses for the control of recreational access to portions of the Commission's jurisdiction have occasionally been considered as a type of development requiring a permit from the Commission.

To clarify this issue, checkpoint buildings are now defined in these rule changes and are allowed without a permit in management districts.

ISSUE: WILDLIFE MANAGEMENT DISTRICTS

The Commission's previous rules set a cap of 3 ½ percent of each deer management district (DMD) to be zoned as a fish and wildlife protection district (P-FW). The Department of Inland Fisheries and Wildlife recently discontinued use of its DMD designation in favor of a wildlife management district designation that it uses for management of all wildlife species. The Commission's rules were changed to reflect this new wildlife management district and the 3 ½ cap will be applied to this new designation.

ISSUE: CONCEPT PLANS

The resource plan protection subdistrict (P-RP) previously limited itself to the recognition of lake concept plans. To recognize the Commission's intent of applying this zone on a broader scale, the P-RP district was expanded to include areas beyond lakeshores.

ISSUE: SHORELAND ZONE

The Commission has traditionally not placed a shoreland protection zone around bodies of water less than 3 acres in size with no inlet or outlet. The recent wetland rule changes inadvertently changed this by requiring a P-SL2 zone around all wetlands of any size including the beds of small ponds. The description of the P-SL subdistrict is modified to correct this situation.

ISSUE: GUIDELINES FOR MANURE DISPOSAL

The previous outdated guidelines for manure disposal were replaced with a more current set of guidelines. (see 10.17, A, 1)

ISSUE: MOTORIZED RECREATIONAL GOLD PROSPECTING

The Commission's previous rules required a permit for motorized recreational gold prospecting. The rules now allow such activity without a permit provided certain standards are followed which include how, where and when such activity is conducted. (see 10.17, A, 7)

ISSUE: MINIMUM LOT SIZE

The Commission's previous minimum lot size was based on the soil type of the lot. The minimum lot size for each soil type was originally based on the area needed for on-site sewage disposal plus area for a replacement system should the first system fail. The plumbing code has changed substantially since the minimum lot size table was first developed such that staff now routinely waive the minimum lot size upon a showing that less area is needed for on-site sewage disposal.

To simplify the rules, we have dropped the soils based minimum lot size to be replaced by a standard 40,000 square foot minimum lot size. Most municipalities currently use a standard minimum lot size. (see 10.17, B, 1, a)

ISSUE: MINIMUM FRONTAGE

The shoreline frontage requirements were clarified to indicate that when a lot fronts on two lakes, the frontage must be met on both lakes. The road frontage requirements were clarified to indicate that when a lot fronts on two roads, the frontage must be met on only one road. (see 10.17, B, 1, b and c)

ISSUE: MINIMUM SHORELINE SETBACKS

The previous rules were unclear on the setback requirement for wetlands. The rules have been modified such that there will be a 75 foot setback for most residential structures and 100 feet for multi-family and other structures from wetlands of special significance (P-WL1). The rules were also clarified that setbacks from wetlands should be measured from the upland edge of the wetland. (see 10.17, B, 1, d)

ISSUE: MAXIMUM LOT COVERAGE

The Commission had proposed to change maximum lot coverage to be decreased to 20% in management and protection subdistricts and within 250 feet of major bodies of water. They decided to drop this change until a later rulemaking.

ISSUE: DISABILITY ACCESS STRUCTURES

The Commission is occasionally faced with considering variances for disability access structures. To facilitate the construction of such structures, criteria to serve as the basis for a waiver to shoreline, road and property line setbacks for disability access structures were included in these changes. (see 10.17, B, 1, g, (10))

ISSUE: MINIMUM ROAD SETBACKS

The waiver of road setback down to 20 feet for garages is eliminated, as it has become a way to circumvent the Commission's road setback for residences by first building a garage and then turning the top floor of the garage into a residence. The road setback on coastal islands has been reduced to 20 feet to recognize the special nature of roads on islands. (see 10.17, B, 1, d)

ISSUE: SUBDIVISIONS

While no substantive changes were made in the manner in which the Commission regulates subdivisions, for ease of reference, all the pertinent statutory or rule provisions concerning subdivisions or lot creation were combined in a new section dealing specifically with this subject. A change was made, however, to require that gifted lots must be held for five years to qualify for the exempt lot status – this makes the Commission's rules on such lots consistent with the manner in which such lots are treated in organized towns. (see 10.17, B, 9)

ISSUE: SUBSURFACE WASTEWATER DISPOSAL

The Commission's wastewater disposal rules were changed to reflect that the Soil Suitability Guide is no longer in use and there currently is no substitute. A clarification was also added that a permit from the Commission is not required to convert a primitive septic system to a combined system in certain circumstances provided a permit is obtained from the local plumbing inspector or DEHS. (see 10.17, B, 4)

ISSUE: EXPIRATION OF PERMITS

A new section was added to clarify the Commission's long standing practice of placing expiration dates on permits. (see 10.21)

ISSUE: GUIDELINES FOR SOIL STABILIZATION

The guidelines for soil stabilization were updated with references that are more current. (see Appendix B of Chapter 10)

ISSUE: RECLASSIFICATION OF CLIFFORD LAKE

During the personal watercraft public hearings, the Commission received convincing evidence that Clifford Lake in T27 ED BPP was not correctly classified. It was classified as a Management Class 4 Lake -- a high value, developed lake. The lake was considered to be "developed" on the basis of information we had that there was more than 1 development unit per mile on the lake shoreline. Information provided by a landowner on the lake and the Department of Inland Fisheries and Wildlife has demonstrated that, in fact, there is less than 1 development unit per mile of shoreline and that fact in concert with its resource values demonstrates that the lake meets the Management Class 2 designation -- a relatively undeveloped lake possessing exceptional resource values.

The classification of Clifford Lake as noted in Appendix C of Chapter 10 was changed to Management Class 2. A similar change was made to Appendix C of the Commission's Comprehensive Land Use Plan and to Appendix D of Chapter 10, which lists the lakes on which the use of personal watercraft is banned. Legislation establishing the ban on the use of pwc's on certain lakes indicated the ban should be extended to various lake classes, including lakes meeting the criteria for Management Class 2 designation.

ISSUE: ROADS IN MANAGEMENT DISTRICTS

Chapter 15 of the Commission rules, Guidelines for Private Roads or Ways in the Land Use Regulation Commission's Management Districts, was updated to reflect correct statutory citations. These changes represent NO change in the manner in which the Commission regulates land management roads.

ISSUE: LARGE LOT LAND DIVISIONS

Chapter 16 of the Commission's rules was adopted to deal with certain large lot divisions that occurred during a specific period. Since that period has passed, this chapter was modified to reflect that no additional divisions may be proposed under these particular rules.

ISSUE: BRIGHTON PLANTATION

There are provisions within the Commission's statute for reestablishment of Commission jurisdiction for towns that have assumed local land use control. These provisions include

abolishment of the town planning board. When Brighton notified the Commission in 1992 that it had abolished its planning board, the Commission adopted Chapter 17 of its rules as a legal mechanism for reestablishing jurisdiction.

The Commission subsequently re-approved local land use control for Brighton in 1995 after it updated its plan and ordinances and reestablished its planning board. Chapter 17 was updated to reflect the current situation.

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Land Use Districts and Standards

For Areas Within the
Jurisdiction of the
Maine Land Use
Regulation Commission

Chapter 10 of the Commission's Rules and Standards

Initially Adopted January 12, 1977

Showing Revisions Adopted by the
Commission on September 21, 2000

Maine Land Use Regulation Commission
MAINE DEPARTMENT OF CONSERVATION

PREFACE

This document contains Chapter 10 of the Rules and Regulations promulgated by the Maine Land Use Regulation Commission pursuant to the Statute which created the Commission. A full understanding of the Commission's powers, duties, policies and rules and regulations can be achieved by referring to all the documents of the commission.

The L.U.R.C. Statute is entitled:

TITLE 12, M.R.S.A., Chapter 206-A LAND USE REGULATION.

The Statute requires that the Commission operate under a Comprehensive Land Use Plan entitled:

COMPREHENSIVE LAND USE PLAN FOR THE PLANTATIONS AND UNORGANIZED TOWNSHIPS OF THE STATE OF MAINE, Originally adopted in 1976, revised in 1983, 1990, and 1997.

The Statute also authorizes the Commission to adopt rules. These are known as the Commission's Rules and Regulations and consist of sixteen chapters: THIS DOCUMENT IS CHAPTER 10 OF THE RULES AND REGULATIONS.

This Chapter is designed to interpret, apply and enforce the Commission's Statute and Comprehensive Land Use Plan.

CHAPTER 10 - LAND USE DISTRICTS AND STANDARDS
 (with revisions shown as adopted by the Commission
 on September 21, 2000)

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CHAPTER 10 LAND USE DISTRICTS AND STANDARDS

Sub-Chapter 1. GENERAL PROVISIONS

10.01 PURPOSE

The purpose of the Land Use Districts and Standards shall be to further the purposes of the Land Use Regulation Law as stated in 12 M.R.S.A., ~~Section~~ § 681 and to fulfill the requirements of 12 M.R.S.A., ~~Section~~ § 685-A, Sub-§ 3 which states that:

"The Commission, acting on principles of sound land use planning and development, shall prepare land use standards prescribing standards for the use of air, lands and waters.

In addition to the purposes set forth in ~~Section~~ § 681 the land use standards shall:

- A. Encourage the most desirable and appropriate use of air, land and water resources consistent with the comprehensive land use plan;
- B. Protect public health by reduction of noise, air pollution, water pollution and other environmental intrusions;
- C. Protect and preserve significant natural, scenic and historic features where appropriate, beneficial and consistent with the comprehensive plan;
- D. Advise and assist the Department of Transportation and other concerned agencies in transportation planning and operation;
- D-1. Provide for safe and appropriate loading, parking and circulation of land, air and water traffic;
- E. Encourage minimal adverse impact of one use upon the use of surrounding areas by setting standards of performance describing desirable and acceptable levels of operations in connection with any use and its relation to surrounding areas, including provisions for the eventual amelioration of existing adverse impact;
- F. Reflect a consideration of the availability and capability of the natural resources base, including soils, topography or sufficient healthful water supplies.
- G. Regulate, as necessary, motor vehicles as defined in title 29-A, section 101, subsection 42, on icebound inland lakes that are completely encompassed by unorganized territories during the hours from sunset to sunrise of the following day."

10.02 DEFINITIONS

The following definitions apply to the following terms as they appear in this Chapter, the other Chapters of the Commission's ~~r~~Rules, ~~and Regulations~~ and the Commission's ~~s~~Statute (12 M.R.S.A., Chapter 206-A):

1. Accessory Use or Accessory Structure:
"A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." 12 M.R.S.A., ~~Section~~ § 682.
2. Agricultural Management Activities:
Land clearing if the land topography is not altered, tilling, fertilizing, including spreading and disposal of manure, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock, minor drainage and maintenance of drainage, and other similar or related activities, but not the construction, creation or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.
3. Alteration:
Dredging; bulldozing; removing or displacing soil, sand, vegetation or other materials; draining or dewatering; filling; or any construction, repair or alteration of any permanent structure.

On a case-by-case basis and as determined by the Commission, the term "alteration" may not include:
 - a. An activity disturbing very little soil such as installing a fence post or planting shrubs by hand;
 - b. The addition of a minor feature to an existing structure such as a bench or hand rail; and
 - c. The construction, repair or alteration of a small structure with minimal impact such as a nesting box, pasture fence, or staff gauge.
4. Aquatic Vegetation:
Plants that usually grow on or below the surface of the water for most of the growing season in most years.
5. Boathouse:
A structure that extends over or beyond the normal high water mark into which boats are directly maneuvered without leaving the waterbody. Boathouses are distinct from boat storage buildings, which require the boat to be removed from the water for entry.
6. Boat ramp:
See commercial trailered ramp, private trailered ramp, or trailered ramp.
67. Body of Standing Water:
A body of surface water that has no perceptible flow and is substantially permanent in nature. Such bodies of water are commonly referred to as man-made or natural lakes or ponds.
78. Building:
"Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed." 12 M.R.S.A., ~~Section~~ § 682. The Commission finds that a temporary

camping tents constructed of ~~cloth fabric~~ or similar materials ~~do not comprise~~ is not considered a buildings as so defined.

89. Bulk Sampling of Mineral Deposits:

The removal of samples of mineral deposits for the purpose of testing to determine the feasibility, method or manner of extraction and/or processing of minerals. Such testing may include metallurgical analyses, milling or grinding tests and/or pilot plant and processing tests. Methods of bulk sampling may include, but not be limited to drilling and boring, the digging of shafts and tunnels, or the digging of pits and trenches.

910. Campground:

Any area, other than a camp site, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.

~~1011.~~ Camp Site:

~~Any area designed for transient occupancy by camping primarily in tents or lean tos; under this definition, no camp site shall be designed to accommodate more than 30 overnight visitors and permanent structures shall be limited to privies, fireplaces, picnic tables (with or without roofs), lean tos and water pumps.~~

Campsite:

A "camping location without access to a pressurized water system that contains a maximum of 4 camping sites for transient occupancy by 8 or fewer people per site on which may be located a tent, a tent trailer, a pickup camper, a recreational vehicle, a registered trailer that is 28 feet or less in length or other similar device used for camping. A camping location that contains permanent structures other than outhouses, fireplaces, picnic tables, lean-tos or hand-operated water pumps is not a campsite." 12 M.R.S.A. § 682(15). For the purposes of the application of the Commission's rules, the statutory limits of "8 or fewer people per site" and of a "trailer that is 28 feet or less in length" are interpreted as design standards rather than incidental use standards; and a "campsite" may include tent platforms and picnic tables with shelters.

~~112.~~ Capacity Expansions of Utility Facilities:

The addition of new telephone or electric wires or similar equipment to existing electric or telephone transmission and distribution poles for the purpose of increasing the capacity thereof.

13. Checkpoint Building:

A structure on land under forest management which is used primarily for control of access to private roads or trails, provided it does not include more than one residence.

~~1214.~~ Cluster Development:

A compact form of development that results in buildings being located in a group such that a significant amount of open space is preserved.

~~1315.~~ Coastal Nesting Island:

An island used for nesting by sea birds during their breeding period.

~~1416.~~ Coastal Wetlands:

Tidal and subtidal lands, including all areas below any identifiable debris line left by tidal action; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of

coastal sand dunes.

~~15~~17. Combined Floor Area:

The total floor area of all principal and accessory structures on a lot.

~~16~~18. Combined Septic System:

A disposal system designed to dispose of waste and waste water on or under the surface of the earth that includes but is not limited to: septic tanks; disposal fields; or any other fixture, mechanism, or apparatus used for this purpose.

~~17~~19. Commercial Fishing Activities:

Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.

~~18~~20. Commercial Mineral Extraction:

Mineral extraction other than Mineral Extraction for Road Purposes.

~~19~~21. Commercial Sporting Camp:

A "building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling." 12 M.R.S.A. § 682(14). In addition, for the purposes of the application of the Commission's rules, the term "commercial sporting camp" shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than a transient lodging facility or a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and may typically consist of, but not necessarily include, all of the following: a number of cabins for the housing of guests including housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are considered a part of the commercial sporting camp. A resident, on-site attendant must be available on a full-time basis to meet the needs of guests. Such a facility shall have a total floor area no greater than 10,000 square feet for all principal buildings associated with the facility.

22. Commercial trailered ramp, hand-carry launch, or dock:

A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.

23. Commercial Use:

The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or forest management activities where such activities are otherwise exempt from review.

~~20~~24. Commission:

The Maine Land Use Regulation Commission.

~~21~~25. Compatible Use:

A land use which is capable of existing in harmony with other uses or resources situated in its

immediate vicinity because that use does not adversely affect such other uses or resources.

~~2226.~~ Compensation:

Replacement of a lost or degraded wetland function with a function of equal or greater value.

~~2327.~~ Creation:

An activity bringing a wetland into existence at a site where it did not formerly occur.

~~2428.~~ Critically Imperiled Natural Community (S1):

An assemblage of plants, animals and their common environment that is extremely rare in Maine or vulnerable to extirpation from the state due to some aspect of its biology. An example of an S1 community that occurs in freshwater wetlands is the Outwash Plain Pondshore community.

~~2529.~~ Cross-Sectional Area:

The cross-sectional area of a stream channel shall be 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 mark of one side of the channel to such mark on the opposite side of the channel. The average stream channel depth shall be 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.

~~26.~~ Deer Management District (DMD):

~~A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of deer. For purposes of these regulations, the boundaries of Deer Management Districts are as shown on Map 10.16-1 and the area of a Deer Management District is based on land and water acreage within LURC jurisdiction.~~

~~2730.~~ Deer Wintering Areas:

Areas used by deer during winter for protection from deep snows, cold winds, and low temperatures.

~~2831.~~ Development:

Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this chapter do not require a permit.

~~2932.~~ Development Unit:

A single family dwelling unit or nonresidential use containing a total of no more than 8,000 square feet of gross floor space for all principal buildings concerned. Multiple family dwelling units and larger nonresidential uses shall be counted as an equivalent multiple number of development units.

~~3033.~~ Direct Watershed:

That portion of the land area which drains surface water directly to a body of standing water without such water first passing through an upstream body of standing water.

~~3134.~~ Docking or Mooring Structure:

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boat houses and float plane hangars. When associated with this phrase, the term "permanent" shall mean facilities a structure in place for longer than 7 months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without alteration of the shoreline. ~~For~~

purposes of this Chapter, the term "docking facilities" shall have the same meaning as "docking or mooring structure".

35. Driveways

A vehicular access-way, other than a land management road, less than 1000 feet in length serving two or fewer lots.

3236. Dwelling Unit:

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. The term shall Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp or other similar facility which is rented or leased on a relatively short term basis; provided, however, the term shall include a tourist home operated that qualifies as a home occupation.

3337. Emergent Marsh Vegetation:

Plants that are erect, rooted and herbaceous; grow in saturated to permanently flooded areas; and do not tolerate prolonged inundation of the entire plant (e.g., cattails, burreed, tussock sedge, rice cut grass, phragmites, pickerel weed, arrowhead and bulrush).

3438. Enhancement:

An activity increasing the net value of a wetland.

3539. Excursion Service:

A water-borne transport service established to ferry tourists and other persons non-resident to the place of destination. This term shall also include sight-seeing and other recreational cruises such as "whale-watchers" where there may be no specific point of destination.

3640. Expansion of a Structure:

The increase in the floor area of a structure, including attached decks and porches, the increase in the height of a structure, or the enclosure or partial enclosure of legally existing decks, porches or other open areas.

3741. Family:

One or more persons occupying a premises and living as a single housekeeping unit.

3842. Fishery Management Practice:

Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A. §465.

3943. Floodplain Wetland:

Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

4044. Floor Area:

The sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area shall include, but not be limited to, all stories and lofts, decks, garages, porches and greenhouses.

4145. Flowing Water:
A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.
4246. Forest:
A plant community predominantly of trees and other woody vegetation growing more or less closely together.
4347. Forest Management Activities:
Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.
4448. Forest Product:
Any raw material yielded by a forest.
4549. Forested Wetland:
Freshwater wetlands dominated by woody vegetation that is 6 meters tall, or taller.
4650. Freshwater Wetland:
Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not part of a great pond, coastal wetland, river, stream or brook.
51. Gatehouse:
See checkpoint building.
52. Hand-carry Launch:
A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, without the aid of a trailer or dolly, to or from the surface of a waterbody.
4753. Home Occupation:
Any business, occupation or profession which is carried on in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing in the dwelling unit. The conduct of such business, occupation or profession must be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and must occupy no more than 25 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure in which the occupation is carried out.
4854. Imperiled Natural Community (S2):

An assemblage of plants, animals and their common environment that is rare in Maine or vulnerable to further decline. Examples of S2 communities that occur in freshwater wetlands are Atlantic White Cedar Swamp, Alpine Bog-Meadow, Circumneutral Fen, Maritime Slope Bog, and Coastal Plain Pocket Swamp.

4955. Land Management Road:

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul roads.

5056. Land Use Subdistrict:

The area located within the boundaries of air, land or water delineated vertically or horizontally by the Commission to provide for distinct categories of uses or resources.

57. Lean-to:

A three-sided, roofed structure used for transient occupancy and commonly constructed for campsites.

5158. Level A Mineral Exploration Activities:

Mineral exploration activities engaged in for purposes of determining the location, extent and composition of mineral deposits, provided that such activities are limited to test boring, test drilling, hand sampling, the digging of test pits having a maximum surface opening of 100 square feet, or other test sampling methods which cause minimum disturbance to soil and vegetative cover. Level A mineral exploration activities shall not include bulk sampling of mineral deposits.

Access ways for Level A mineral exploration activities shall include only access ways the creation of which involves little or no recontouring of the land or ditching, and does not include the addition of gravel or other surfacing materials. Clearing of the vegetative cover shall be limited to the minimum necessary to allow for the movement of equipment.

5259. Level B Mineral Exploration Activities:

Mineral exploration activities involving the bulk sampling of mineral deposits, or any mineral exploration activities which exceed those defined as Level A mineral exploration activities and which are not defined as Level C metallic mineral exploration activities.

5360. Level C Mineral Exploration Activities:

Metallic mineral exploration activities involving the disturbance of a site, by excavation, of more than two (2) acres of surface area or the excavation or removal of more than ten thousand (10,000) cubic yards of soil, overburden, ore or other earthen materials from the site of exploration.

5461. Level A Road Projects:

Reconstruction within existing rights-of-way of public or private roads other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.

5562. Level B Road Projects:

Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge

reconstruction and minor relocations whether within or outside of existing right-of-way of such roads; "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.

5663. Level C Road Projects:

Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.

5764. Lot Coverage:

The total footprint area of all structures, which includes, but is not limited to, buildings, parking lots, and driveways.

5865. Maintenance:

Activities required to assure continuation of a wetland or the accomplishment of project goals after a restoration or creation project has been technically completed, including, but not limited to, water level manipulations and control of non-native plant species.

5966. Major Flowing Water:

A flowing water downstream from the point where such water drains 50 square miles or more.

6067. Management Class 1 Lake:

Lake, also referred to as a "Least Accessible, Undeveloped, High Value Lake", which meets the following criteria:

- a. Relatively undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
- b. Relatively inaccessible: As of November 17, 1988, having no road passable during summer months with a two-wheel drive vehicle within 1/4 mile of the normal high water mark of the lake.
- c. High resource value(s): Found to have one or more outstanding resource values according to the Commission's Wildlands Lake Assessment as shown in Appendix C of these regulations.

Such lakes are designated as MC1 on the Commission's Land Use Guidance Maps. All lakes included in the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

6168. Management Class 2 Lake:

Lake, also referred to as an "Accessible, Undeveloped, High Value Lake", which meets the following criteria:

- a. Relatively Undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
- b. Relatively Accessible: As of November 17, 1988, having a road passable during the summer months with a 2-wheel drive motor vehicle within 1/4 mile of the normal high water mark of the lake.
- c. High Resource Value: Having at least two of the following outstanding resource values

according to the Commission's Wildlands Lake Assessment:

- (1) An outstanding rating for fisheries
- (2) An outstanding rating for scenic value
- (3) An outstanding rating for shore character
- (4) An outstanding rating for wildlife when the rating was due to exceptional concentration and/or diversity of wildlife species.

Such lakes are designated as MC2 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

6269. Management Class 3 Lake:

Lake, also referred to as "Potentially Suitable for Development" which through a consideration of existing water quality, potential water quality impacts, location, access, conflicting uses, available shoreline, water level fluctuation, regional considerations, and special planning needs is found by the Commission to be a potentially suitable location for shoreland development. Such lakes are more specifically defined in the Commission's Comprehensive Land Use Plan.

Such lakes are designated as MC3 on the Commission's Land Use Guidance Maps encompassing such lakes. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

6370. Management Class 4 Lake:

Lake, also referred to as a "High Value, Developed Lake", which meets the following criteria:

- a. Two or more "outstanding" resource values as identified in the Maine Wildlands Lake Assessment;
- b. Relatively accessible: As of November 17, 1988, accessible to within 1/4 mile of the normal high water mark of the lake by 2-wheel drive motor vehicle during summer months;
- c. Relatively developed: As of November 17, 1988, having an average of more than one development unit per mile of shore within 250 feet of the normal high water mark of the lake. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map; and
- d. Not meeting the criteria for Management Class 3 Lakes.

Such lakes are designated as MC4 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

6471. Management Class 5 Lake:

Lake, also referred to as a "Heavily Developed Lake", which meets the following criteria:

- a. As of November 17, 1988, having more than one development unit per 10 acres of lake surface area; or
- b. As of November 17, 1988, having more than one development unit per 400 feet of shore frontage, taken as an average around the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.

Such lakes are designated as MC5 on the Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

6572. Management Class 6 Lake:

Lake, also referred to as a "Remote Pond", which meets the following criteria:

- a. having no existing road access by two-wheel drive motor vehicles during summer months within 1/2 mile of the normal high water mark of the body of water,
- b. having existing buildings within 1/2 mile of the normal high water mark of the body of water limited to no more than one non-commercial remote camp and its accessory structures, and
- c. supporting cold water game fisheries.

Such lakes are designated as MC6 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

6673. Management Class 7 Lake:

All lakes which are not otherwise classified in one of the other six lake management classes.

66. ~~Medium Intensity Soil Survey:~~

~~A detailed soil survey resulting in a soils map which is at a scale of 3 or 4 inches to the mile, in which the mapping units are a single phase of a soil series or a soils survey of equivalent specificity. At this intensity of mapping, contrasting soils of 3 to 5 acres are delineated on the soils map.~~

6874. Metallic Mineral Mining Activity:

"Metallic mineral mining activity" means any activity or process that is for the purpose of extraction or removal of metallic minerals, and includes processes used in the separation or extraction of metallic minerals from other material including, but not limited to: crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic); cyanidation; leaching; crystallization; or precipitation; mine waste handling and disposal; and processes substantially equivalent, necessary, or incidental to any of the foregoing. Metallic mineral mining or metallic mineral mining activity does not include Level A, B or C exploration activities, or thermal or electric smelting.

6975. Mineral Deposit:

Any deposit of peat, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores or other minerals.

7076. Mineral Extraction:

Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities or ~~for~~ Level A, B, or C, exploration activities, ~~of a mineral deposit~~.

7177. Mineral Extraction for Road Purposes:

Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.

78. Mineral Processing Equipment:

Equipment used to process minerals following extraction including, but not limited to, rock crushers and batch plants. The term does not include equipment used to remove, sort or transport minerals, such as front end loaders, screens or trucks.

7279. Mineral Soil:

Soil material in which inorganic (mineral) constituents predominate.

7380. Minor Flowing Water:

A flowing water upstream from the point where such water drains less than 50 square miles.

7481. Mitigation:

Actions taken to off-set potential adverse environmental impact. Such actions include the following:

- a. Avoiding an impact altogether by not taking a certain action or parts of an action;
- b. Minimizing an impact by limiting the magnitude or duration of an activity, or by controlling the timing of an activity;
- c. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; and
- e. Compensating for an impact by replacing affected resources or environments.

7582. Mitigation Banking:

Wetland restoration, enhancement, preservation or creation for the purpose of providing compensation credits in advance of future authorized impacts to similar resources.

83. Mooring:

A structure for securing a vessel or aircraft that consists of a line and buoy attached to a weight which rests on the bottom of a waterbody.

84. Motorized Recreational Gold Prospecting:

Operation of small-scale, motorized equipment for the removal, separation, refinement, and redeposition of sediments and other substrates occurring below the normal high water mark of a stream, for the noncommercial, recreational discovery and collecting of gold specimens. This includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump, rocker box, or winch, individually or together.

85. Multi-family Dwelling:

A building containing three or more dwelling units.

7686. Nonconforming Lot:

A preexisting lot which, upon the effective date of adoption or amendment of these rules, does not meet the area, frontage or other dimensional requirements for a legally existing or proposed use.

7787. Nonconforming Structure:

"A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations." 12 M.R.S.A., ~~Section~~ § 682. More specifically, a nonconforming structure is legally existing, but does not meet one of the following dimensional requirements: setback, lot coverage, or height requirements.

7888. Nonconforming Use:

"A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations." 12 M.R.S.A., ~~Section~~ § 682. More specifically, a nonconforming use is a legally existing use of buildings, structures, premises, lands, or parts thereof which would not be allowed to be established under current regulations in the subdistrict in which it is situated.

7989. Non-Permanent Docking or Mooring Structure:

Docking or mooring structures which are in place for less than seven months during any calendar year upon or over submerged lands and which are of such a size or design that they can be removed on an annual basis without requiring alteration of the shoreline.

8090. Non-Tidal Waters:

All waters or portions thereof which do not customarily ebb and flow as the result of tidal action.

8191. Normal High Water Mark of Non-Tidal Waters:

That line on the shores and banks of non-tidal waters which is discernible because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples.) In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

8292. Normal High Water Mark of Tidal Waters:

That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap. This line may be identified where appropriate by discerning the debris line left by tidal action.

8393. Normal Maintenance and Repair:

Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building is replaced. In-kind and in-place replacement of decking or exterior stairs is considered as normal maintenance and repair. Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, change in size or capacity.

8494. On Premise Sign:

A sign which is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.

8595. Peatland:

Freshwater wetlands, typically called bogs or fens, consisting of organic soils at least 16" deep, predominantly vegetated by ericaceous shrubs (heath family), sedges, and sphagnum moss and usually having a saturated water regime.

8696. Permanent Foundation:

A supporting substructure that either extends below the frost line or is designed to permanently withstand freeze-thaw conditions. Permanent foundations include full foundations, basements, slabs and frost walls. For the purposes of this definition "sono tubes" or posts installed with augers are not considered permanent foundations.

8797. Person:

"An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity." 12 M.R.S.A., Section § 682.

8898. Personal Watercraft:

"Any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. 'Personal watercraft' includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. 'Personal watercraft' also includes motorized watercraft whose operation is controlled by a water skier." 12 M.R.S.A. §7791, sub-§11-A.

8999. Pesticide:

A chemical agent or substance employed to kill or suppress pests (such as insects, weeds, fungi, rodents, nematodes or other organisms) or intended for use as a plant regulator, defoliant or desiccant.

90100. Piped Water:

Water supplied to a building by means other than hand pump, ~~or hand carry or gravity feed.~~

101. Portable Mineral Processing Equipment:

Mineral processing equipment that is not fixed to a location on the ground but rather is designed to be readily moved from one mineral extraction operation to another.

91102. Practicable:

Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.

92103. Preservation:

The maintenance of a wetland area or associated upland areas that contribute to the wetland's functions so that it remains in a natural or undeveloped condition. Preservation measures include, but are not limited to, conservation easements.

93104. Primitive Recreation:

Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing.

94105. Primitive Septic System:

A septic system that uses an alternative toilet, such as a pit privy, compost, chemical, recirculating, incinerating, and vacuum types and a minimal disposal field designed to treat gray waste water that originates from a non-pressurized water supply.

95106. Principal Building:

~~Any building other than one which is used for purposes wholly incidental or accessory to the use of another building on the same premises. A building which provides shelter for the primary use of a parcel. All buildings on one land parcel related to agricultural management activities, including without limitation the dwelling(s) of the owner or lessee of land used for agricultural management activities, his employees engaged in such use and members of their families, shall be considered as one principal building. All buildings on one land parcel related to forest management activities, including without limitation the dwelling(s) of the owner or lessee of land used for forest management activities, his employees engaged in such use and members of their immediate families, shall be considered as one principal building. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.~~

107. Principal use:
A use other than one which is wholly incidental or accessory to another use on the same premises.
108. Private trailered ramp, hand-carry launch, or dock:
A trailered ramp, hand-carry launch, or dock that is privately owned and operated, and not open to all members of the public.
96109. Projecting Sign:
 A sign which is attached to a wall of a building and extends more than 15 inches from any part of the wall.
97110. Property Line:
 Any boundary between parcels of land owned or leased by different persons or groups of persons.
98111. Public Road or Roadway:
 Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.
112. Public trailered ramp, hand-carry launch, or dock:
A trailered ramp, hand-carry launch, or dock, including associated facilities, that is owned, leased, or operated by a public entity and made available with or without a fee. Such entities include owners of federally licensed hydropower projects within the resource affected by the hydropower project for use by all members of the public.
99113. Rapidly Permeable Outwash Soils:
 Such soils shall include Colton, Hinckley, Adams, Windsor, Merrimac, Agawam, Stetson, Allagash, Duane, Crogham, Deerfield, Sudbury, Ninigret, Machias, Madawaska, Skowhegan and such other soils as may be included in this category by the National Cooperative Soil Survey in Maine.
114. Reclamation:
The rehabilitation of the area of land affected by mineral extraction, including but not limited to, the stabilization of slopes and the creation of safety benches, the planting of vegetation including grasses, crops, shrubs, and/or trees, and the enhancement of wildlife and aquatic habitat and aquatic resources.
100115. Reconnaissance Soil Survey:
 A soil survey in which most of the mapping units are phases of soil associations at the series level, or above, in the taxonomic system. Identification is made by field examination, but soil boundaries need not be plotted in the field throughout their course but may follow major topographic features.
101116. Reconstruction:
 The addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair or renovation.
102117. Remote Camp:
 A dwelling unit consisting of not more than 750 square feet of gross floor area, that is not served

by any public utilities, except radio communications.

103118. Remote Campsites:

Campsites which are not part of commercial campgrounds and which are characterized by their remoteness, limited scale, dispersed nature, and limited usage. More specifically, remote campsites include sites which:

- a. are designed to be accessible and generally are only accessible by water or on foot;
- b. are comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers;
- c. have permanent structures limited to privies, fireplaces or fire rings, picnic tables, and picnic table shelters consisting of a roof without walls; and
- d. require no other construction or grading and only minimal clearing of trees.

119. Remote rental cabin:

A building used only as a commercial lodging facility on a transient basis by persons primarily in pursuit of primitive recreation or snowmobiling in an isolated and remote setting. A remote rental cabin cannot be larger than 750 square feet in gross floor area; cannot be served by any public utilities providing electricity, water, sewer, or telephone services; cannot have pressurized water; and cannot have a permanent foundation. Placement of these buildings does not create a lot for subsequent lease or sale.

A remote rental cabin cannot be located within 1000 feet of any public road or within 1000 feet of any other type of residential or commercial development.

See Section 10.17, B, 8, A "Subdivision and Lot Creation" to determine how such buildings are counted for purposes of subdivision.

104120. Renovation:

Restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building's structural components are replaced. The introduction of plumbing to a structure may constitute a change in use that requires a permit.

105121. Residential:

Pertaining to a dwelling unit.

106122. Residential Directional Sign:

An off-premise sign erected and maintained by an individual or family to indicate the location of his or its residence.

107123. Residuals:

~~As defined under Chapter 567 of the Rules and Regulations of the Maine Department of Environmental Protection, residuals are those materials (including but not limited to pulp and paper mill wastewater treatment plant sludge, food and fiber processing wastes, municipal wastewater and sludges, vegetable and fish processing residuals, and ash from wood incinerators) generated from municipal, commercial or industrial facilities that are suitable for controlled land application and result in vegetative assimilation, attenuation of the components in the material or improved soil conditions.~~

"Residuals means solid wastes generated from municipal, commercial or industrial facilities that is suitable for agronomic utilization. These materials may include: food, fiber, vegetable and

fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.” DEP Rules, Chapter 400, § 1.

~~108~~124. Restoration:

An activity returning a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or function.

~~109~~125. Roadway:

A public or private road including any land management road.

~~110~~126. Roof Sign:

A sign which is attached flat to, painted on, or pinned away from the roof of a building.

~~111~~127. Septage:

~~As defined in 38 M.R.S.A. § 1303 (9), s”Septage is means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.” 38 M.R.S.A. § 1303-C As further defined by Chapter 420 of the Maine Department of Environmental Protection’s rRules and Regulations, “Septage is defined as a mixture of liquids and solids derived from household (domestic) residential sanitary wastewater, and includes sanitary wastewater from tanks connected to commercial and institutional establishments which have inputs similar to residential wastewater. Septage also includes wastes derived from portable toilets.” DEP Rules, Chapter 420, § 1 solids from tanks connected to commercial establishments such as restaurants and motels. Pit and vault privy waste, and portable toilet waste, may be included as septage if it is not contaminated with solid waste as defined by 38 M.R.S.A., Section 1303(10). Wastes from septic tanks or any other similar facilities which are significantly different in character and origin (e.g. an industrial process) are not septage, and are subject to other applicable standards.~~

~~112~~128. Service Drop:

Any utility line extension which does not cross or run beneath any portion of a body of standing water provided that:

a. in the case of electric service

1. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
2. the total length of the extension within any 5 year period is less than 2,000 feet.

b. in the case of telephone service

1. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
2. the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet.

129. Setback:

“Setback” shall mean Tthe minimum horizontal distance from the lot line, shoreline, upland edge of a wetland, or road to the nearest part of the building structure or other regulated area such as a driveway or parking area.

~~113~~130. Shallow Soils Over Fractured Bedrock:

Such soils shall include Thorndike, Mapleton, Linneus, Bensen and such other soils as may be included in this category by the National Cooperative Soil Survey in Maine.

~~114~~131. Shoreland Alteration:

Any land use activity, which alters the shoreland area, either at, adjacent to or below the normal high water mark, of any surface water body, including but not limited to:

- a. dredging or removing materials from below the normal high water;
- b. construction or repairing any permanent structure below the normal high water mark.

For purposes of this subsection, permanent structure shall mean any structure, including but not limited to, causeways, wharfs, piers, docks, concrete or similar slabs, bridges, ~~boat hand-carry launches, trailered ramps, or water-access~~ ways, piles, marinas, retaining walls, riprap, buried or submarine utility cables and lines, permanent docking structures, ~~and mooring structures, permanent anchoring devices~~ and water lines. A structure which is not fixed in or over the water or below the normal high water mark for more than 7 months in a calendar year shall not be a permanent structure;

- c. depositing any dredged spoil or fill below the high water mark; and
- d. depositing dredged spoil or fill, or bulldozing, scraping or grading, on land adjacent to a water body in such a manner that the material or soil may fall or be washed into the water body, except that filling and grading or water crossings which do not require a permit as specified in Section 10.17, A, or other provisions of these rules shall not constitute shoreland alteration.

Activities which cause additional intrusion of an existing structure into or over the water body, are also considered shoreland alterations.

132. Shoreline:

~~The shoreline shall be the normal high water mark of tidal water, coastal or inland wetland designated as a P-WL Protection Subdistrict, a standing body of water, or flowing water, or stream channel.~~

115133. Sign:

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured; only one face of a double-faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display device containing elements organized, related, and composed to form a unit; where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

116134. Significant Wildlife Habitat:

The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and

Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

~~117~~135. Sludge:

~~As defined in Chapter 567 of the Maine Department of Environmental Protection's Rules and Regulations, sludge is the semi solid or liquid residual generated from a municipal, commercial or industrial wastewater treatment plant.~~

"Sludge means non-hazardous solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended." DEP Rules, Chapter 400, § 1

118. Soil Suitability Guide:

~~The Soil Suitability Guide for Land Use Planning in Maine, published by the Cooperative Extension Service, University of Maine at Orono.~~

136. Spaghetti-lot:

"A parcel of land with a lot depth to shore-frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland, or great pond as these features are defined in 38 MRSA, § 480-B." 12 M.R.S.A. § 682(13)

137. Sporting camp:

See commercial sporting camp.

~~119~~138. Stream Channel:

A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

~~120~~139. Structure:

"[A]nything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, fences, billboards, signs, piers and floats." 12 M.R.S.A., Section § 682.

~~121~~140. Structure Height:

The vertical distance between the original grade at the downhill side of the structure and the highest point of the structure.

~~122~~141. Subdivision:

~~A. The term "subdivision" shall have the meaning given it under 12 M.R.S.A. section 682(2).
[Note: Insert A of Chapter 10 contains the current statutory definition under Section 682(2).]~~

~~B. In addition, for the purposes of the application of the Commission's rules the term "subdivision" shall be construed according to the following:~~

~~(1) A subdivision lot includes a lot or parcel retained by the person dividing land;~~

~~unless that lot is greater than 100 contiguous acres in area and, for a period of at least 5 years;~~

- ~~(i) is retained and not sold, platted, leased, conveyed or further divided;~~
- ~~(ii) is used primarily for forest or agricultural management activities, or natural resource conservation purposes; and~~
- ~~(iii) is not used for residential or commercial lodging purposes;~~
- ~~(2) A subdivision lot excludes a lot or parcel transferred to an abutting owner of land, unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206-A. Where land is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots shall be deemed merged for regulatory purposes;~~
- ~~(3) A subdivision excludes divisions of land accomplished solely by inheritance, by court order, or by bona fide gift to a person related to the donor by blood, marriage, or adoption, unless the intent of such transaction is to avoid the objectives of Title 12, Chapter 206-A;~~
- ~~(4) A subdivision lot includes a lot or parcel which, when sold, leased or developed, was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner. The Commission, however, will not require a subdivision permit be obtained for such lot, unless the intent of such transfer or development is to avoid the objectives of Title 12, Chapter 206-A;~~
- ~~(5) A subdivision lot excludes a lot or parcel transferred to:

 - ~~(a) the State of Maine acting by the following: Baxter State Park Authority, Department of Conservation or Department of Inland Fisheries and Wildlife;~~
 - ~~(b) the United States acting by the U.S. Forest Service of the Department of Agriculture, or the U.S. Fish and Wildlife Service or Park Service of the Department of Interior; or~~
 - ~~(c) a nonprofit, tax exempt nature conservation organization qualifying under Section 501(c)(3) of the Internal Revenue Code and acting on behalf of the State of Maine or United States,~~
 unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206-A.~~

The following conditions must be met in order for the exclusion provided by this paragraph (5) to be applicable:

- ~~(a) the land must be held by the State or United States primarily for the conservation and protection of natural resources, including protection of wildlife habitat or ecologically sensitive areas, or for public outdoor recreation, and the transferee must so certify to the Commission; and~~
 - ~~(b) for a period of twenty (20) years following such transfer to the State or United States, the lot or parcel must be limited to such uses and may not be further sold or divided; and~~
- ~~(6) A subdivision lot excludes a lot or parcel transferred or retained following transfer containing at least 5,000 acres, unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206 A, provided such lot is transferred and managed solely for the purposes of forest or agricultural management activities or conservation and such lot is not further divided, for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit primitive recreation on such lot.~~

"Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing. The term

also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period. (12 MRSA § 682)

Refer to Section 10.17, B. 9, "Subdivision and Lot Creation" for additional criteria on types of lots that are included or are exempt from this definition.

123142. Subsurface Sewage Waste Water Disposal System:

~~"Any system for disposing of wastes or waste waters on or beneath the surface of the earth including but not limited to, holding ponds, surface spray systems, septic tanks, drainage fields, cesspools, wells, holding tanks, surface ditches or any other fixture, mechanism, or apparatus used for such purposes, but (not including) any discharge system licensed under Title 38, Section 414, or any municipal or quasi-municipal sewer system." 30 M.R.S.A., Section 3221, 4.~~

"Subsurface waste water disposal system means:

A. Any system for the disposal of waste or waste water on or beneath the surface of the earth including, but not limited to:

- (1) Septic tanks;
- (2) Drainage fields;
- (3) Grandfathered cesspools;
- (4) Holding tanks; or
- (5) Any other fixture, mechanism or apparatus used for these purposes; but

B. Does not include:

- (1) Any discharge system licensed under Title 38, section 414;
- (2) Any surface waste water disposal system; or
- (3) Any municipal or quasi-municipal sewer or waste water treatment system."

30-A M.R.S.A. § 4201(5).

124143. Subsurface Waste Water Disposal Rules:

~~The State of Maine Subsurface Waste Water Disposal Rules, 1980, promulgated by the Department of Human Services, as amended from time to time. The Maine Subsurface Waste Water Disposal Rules, 144A CMR 241, administered by the Department of Human Services.~~

125144. Tidal Waters:

All waters or portions thereof which customarily ebb and flow as the result of tidal action.

126145. Timber Harvesting:

The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.

127146. Traffic Control Sign or Device:

A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.

128147. Trail:

A route or path other than a roadway, and related facilities, developed and used primarily for recreational activities including but not limited to hiking, backpacking, cross-country skiing and snowmobiling, which passes through or occurs in a natural environment. Related facilities may include but not be limited to subsidiary paths, springs, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

148. Trailered Ramp:

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer attached to a motor vehicle or a trailer or dolly moved by hand to be backed below the normal high water level of a waterbody in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float.

149. Transient Occupancy:

"Occupancy for 14 or fewer days in any 30-day period." 12 M.R.S.A. § 682(18).

129150. Unorganized and Deorganized Areas:

"All areas located within the jurisdiction of the State of Maine, except areas located within organized cities and towns and Indian Reservations." "Unorganized and deorganized areas includes all unorganized and deorganized townships, plantations that have not received commission approval under section 685-A, subsection 4 to implement their own land use controls, municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4 to implement their own land use controls and all other areas of the State that are not part of an organized municipality except Indian reservations." 12 M.R.S.A., Section § 682.

130151. Utility Facilities:

Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

131152. Wall Sign:

A sign which is attached flat to, painted on or pinned away from the wall of a building and does not project more than 15 inches from such wall.

132153. Water Bar:

An obstruction placed across a roadway which effectively diverts surface water from and off the road.

154. Water-access Ways:

A structure consisting of a pair of parallel rails, tracks, or beams extending from above the normal high water mark to below the normal high water mark of a waterbody, and designed as the conveying surface from which an item, including but not limited to a boat, personal watercraft, float plane, or dock float, with or without a support cradle, is launched into or removed from the waterbody.

133155. Water Crossing:

A roadway or trail crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert, or other means.

134156. Water-Dependent Uses:

Those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, boat building facilities, navigation aides, basins and channels, uses dependent upon water- borne transportation that cannot reasonably be located or operated at an

inland site and uses which primarily provide general public access to marine or tidal waters.

~~135~~157. Water Impoundment:

Any body of water created, or elevation of which is raised, by man through the construction of a dam.

~~136~~158. Wetland Functions:

The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

~~137~~159. Wetland Value:

The importance of a wetland with respect to the individual or collective functions it provides.

~~138~~160. Wildlife:

All vertebrate species, except fish.

~~26~~161. Deer Wildlife Management District (DWMD):

A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of ~~deer~~ wildlife. For purposes of these regulations, the boundaries of Deer Wildlife Management Districts are as shown on Map 10.16-1 and the area of a Deer Wildlife Management District is based on land and water acreage within LURC jurisdiction.

~~139~~162. Wildlife Management Practices:

Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, ~~impounding water~~, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species. This term does not include impounding water.

163. Winter Haul Road:

A route or travel way that is utilized for forest management activities conducted exclusively during frozen ground conditions. Winter haul roads must have the following characteristics:

- a. they are constructed with no significant soil disturbance;
- b. they do not make use of fill or surfacing material; and
- c. they are substantially revegetated by the end of the following growing season and are maintained in a vegetated condition.

10.03 MAJOR DISTRICT CLASSIFICATIONS

Pursuant to the provisions of 12 M.R.S.A., ~~Section § 685-A(1), the unorganized and deorganized areas of the state shall be classified by the Commission~~ will classify areas within its jurisdiction into one of the following three major districts ~~classifications~~:

- "A. Protection districts: Areas where development would jeopardize significant natural, recreational and historic resources, including, but not limited to, flood plains, precipitous slopes, wildlife habitat and other areas critical to the ecology of the region or State;
- B. Management districts: Areas ~~which~~ that are appropriate for commercial forest product or agricultural uses or for the extraction of nonmetallic minerals and for which plans for additional development are not presently formulated nor development anticipated; and
- C. Development districts: Areas discernible as having patterns of intensive residential, recreational, commercial or industrial use; or commercial removal of metallic minerals or other natural resources, and areas appropriate for designation as development districts when measured against the purpose, intent and provisions of this chapter." 12 M.R.S.A., ~~Section § 685-A(1), Subsection 1.~~

Pursuant to the Commission's Comprehensive Land Use Plan, the above major districts are divided into various subdistricts. The definition, purpose, and activities regulated within each of the subdistricts are provided in sub-chapter II of this chapter.

10.04 OFFICIAL LAND USE GUIDANCE MAPS

The initial boundaries of the various subdistricts shall be shown on the Official Land Use Guidance Maps filed in the office of the Commission, which maps, and all amendments thereto, are incorporated by reference in these regulations.

The maps shall be the official record of the zoned status of all areas within the Commission's jurisdiction. Official Land Use Guidance Maps shall be identified as follows:

"This Land Use Guidance Map was adopted by the Maine Land Use Regulation Commission on _____, and became effective on _____."

This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Regulation Commission.

By: _____
Director, Maine Land Use Regulation Commission

This _____ day of _____, 20____."

Copies of such maps, and all amendments thereto, certified by a member of the Commission or the Director thereof shall be filed with the State Tax Assessor and with the several Registers of Deeds in the counties wherein the lands depicted on such maps are located.

10.05 INTERPRETATION OF DISTRICT BOUNDARIES

Whenever uncertainty exists as to the boundaries of subdistricts as shown on the Official Land Use Guidance Map, the provisions of 12 M.R.S.A., ~~Section § 685-A(2), 2~~ shall apply.

In addition, in cases where two (2) or more major districts (Protection, Management or Development) apparently apply to a single land area, the Commission will designate the land area for inclusion in that major district which best achieves the ~~L~~ legislative purpose and intent as set forth in ~~Title 12, M.R.S.A., Section § 681, and Section § 685-A(1), subsection 1.~~

Except as otherwise provided, a subdistrict designation appearing on the official Land Use Guidance Maps applies throughout the whole area bounded by such subdistrict boundary lines.

10.06 INTERPRETATION OF LAND USE STANDARDS

The following shall apply to all uses in all subdistricts except as otherwise provided:

- A. The description of permitted uses herein does not authorize any person to unlawfully trespass, infringe upon or injure the property of another, and does not relieve any person of the necessity of complying with other applicable laws and regulations.
- B. Unless otherwise specified herein, ~~A~~ accessory uses and structures, which are permitted in a subdistrict, ~~shall be required substantially to~~ must conform to the requirements for the principal use or structure to which they relate.
- C. Where two or more protection subdistricts apply to a single land area, the combination of the more protective standards for each subdistrict shall apply. Where another protection subdistrict applies to the same land area as a P-FW Protection Subdistrict, any activities within such area which are not in conformance with the applicable standards of Section 10.17, A of this chapter shall require a permit.
- D. Wherever an M-NC Management Subdistrict surrounds another management or protection subdistrict, no commercial, industrial, or residential development shall be allowed in such management or protection subdistricts except as allowed in such M-NC Management Subdistrict.
- E. Notwithstanding any other provisions contained in this chapter, a “no-land use standard shall may not ~~deprive any owner or lessee or subsequent owner or lessee or of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of said that standard.”~~ 12 M.R.S.A., ~~Section § 685-A(5), 5.~~

- F. ~~Subdivisions shall be~~ prohibited unless allowed with a permit pursuant to the standards set forth for the subdistrict involved, except as provided in 10.17, B,9,b(1).

~~The Commission may approve subdivisions which include land area designated within subdistricts where subdivision is otherwise prohibited, regardless of the suitability of that land for developmental purposes, provided:~~

- ~~1. Such land area shall comprise a single lot;~~
- ~~2. Such lot is 100 acres or less in size;~~
- ~~3. Such lot is not to further subdivided; and~~
- ~~4. Such lot is subject to subdivision permit conditions prohibiting residential, commercial, industrial or other development uses.~~

- G. "A permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. Notice of intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection." 12 M.R.S.A. § 685-B(1)(B).

- H. If a proposed activity requires a permit and will alter 15,000 or more square feet of a mapped wetland (P-WL1, P-WL2, or P-WL3 Wetland Protection Subdistrict), or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).

- I. The size of a mineral extraction operation is determined by adding the reclaimed and unreclaimed acreages. While a single mineral extraction operation may be located in multiple subdistricts, mineral extraction operations 30 contiguous acres or greater in size must be located in a D-CI Development Subdistrict.

10.07 EXEMPTIONS

Notwithstanding any other provisions contained in this chapter:

- A. Normal maintenance and repair, or renovations of any lawfully existing structure or use ~~shall do~~ not require any permit from the Commission; ~~for the purpose of utility facilities, this shall include Capacity Expansions of the same.~~
- B. Utility relocations within the right-of-way of any roadway made necessary by road construction activity ~~shall do~~ not require a ~~any~~ permit from the Commission.
- C. "Real estate used or to be used by a public service corporation may be wholly or partially exempted from regulation to the extent that the Commission may not prohibit such use but may impose terms and conditions for use consistent with the purpose of this chapter, when, upon timely petition to the Public Utilities Commission and after a hearing, the said Commission determines that such exemption is necessary or desirable for the public welfare or convenience." 12 M.R.S.A., § 685-A, 11.

D. Capacity expansions of utility facilities do not require a permit from the Commission.

10.08 AMENDMENTS TO SUBDISTRICT BOUNDARIES (REDISTRICTING)
CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

~~“The Commission of its own accord, or its staff may initiate, and any state or federal agency, or any property owner or lessee, may petition for a change in the boundary of any land use district or for amendments to any land use standard.~~

~~The Commission shall, within 45 days of receipt of such petition, either approve the proposed amendment, deny the proposed amendment or schedule a public hearing in the manner provided in (12 M.R.S.A., Section 685-A, 7). The notification procedures set forth in Title 5, § 8053, (the Maine Administrative Procedures Act) shall not be required prior to the Commission's action upon a petition by a landowner for revision to the district boundaries within his ownership unless the Commission determines to hold a hearing prior to acting upon the petition; provided that, in any case, notice shall be given to all abutting landowners.~~

~~No change in a “A land use district boundary shall be approved, may not be adopted or amended unless there is substantial evidence that:~~

- ~~A. The change would be proposed land use district is consistent with the standards for district boundaries in effect at the time; the comprehensive land use plan; and the purpose, intent and provisions of this chapter; and~~
- ~~B. The change in districting will satisfy proposed land use district satisfies a demonstrated need in the community or area and will have has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.” 12 M.R.S.A., Section § 685-A(8-A), 8.~~

~~The review standards listed in Section 10.13-B,2 shall must be considered in applying the above criteria to proposed changes in subdistrict boundaries adjacent to lakes.~~

~~The Commission interprets the above statutory notice requirements as follows: the Commission shall not act upon any petition for a change in district boundaries unless notice is first given to all owners of land abutting or located within 1,000 feet of the parcel for which a change in district boundaries is sought. The Commission or its staff may require, as a part of any petition for a change in district boundaries, that the petitioner submit the names and addresses of all such surrounding landowners.~~

10.09 CRITERIA FOR AMENDMENTS TO OF LAND USE STANDARDS

~~This Chapter may be amended according to the provisions of 12 M.R.S.A., Section § 685-A(8), 8 and according to the Commission's Rules and Regulations.~~

Adoption or amendment of land use standards may not be approved unless there is substantial evidence that the proposed land use standards would serve the purpose, intent and provisions of 12 M.R.S.A., Chapter 206-A, and would be consistent with the Comprehensive Land Use Plan.

10.10 VARIANCES

The Commission may grant variances pursuant to 12 M.R.S.A., ~~Section § 685-A(10),10.~~ and adopts this section to interpret and implement the statutory provision.

- A. Petitions.** Any property owner or lessee may petition the Commission for permission to develop the property in a manner otherwise prohibited by the Commission's rules. A variance may be granted only for a use permitted in a particular zone.
- B. Granting of a Variance:** The Commission may grant a variance where the Commission finds that strict compliance with the Commission's rules would cause unusual hardship or extraordinary difficulties because of exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site, that the proposed development is in keeping with the general spirit and intent of 12 M.R.S.A., Chapter 206-A and that the public interest is otherwise protected. [Note: The Commission interprets this standard as having the same legal meaning as the term, "undue hardship," in 30-A M.R.S.A. § 4353(4)].

In order to be granted a variance, a petitioner must demonstrate, by substantial evidence, that:

- (1) The land in question can not yield a reasonable return unless a variance is granted;
- (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) The granting of a variance will not alter the essential character of the locality; and
- (4) The hardship is not the result of action taken by the petitioner or a prior owner or lessee.

- C. Issuance.** The Commission may issue a variance only after making written findings of fact and conclusions indicating that the petition, as modified by such terms and conditions as the Commission deems appropriate, has met the standards of Section 10.10.B. If the Commission denies the requested variance, it shall provide the petitioner with written explanation of the reasons for denial.

10.11 NONCONFORMING USES AND STRUCTURES

A. Purpose and Scope

This section governs structures, uses and lots that were created before the Commission's rules or laws were established, but which do not meet the current rules or laws. This section also governs structures, uses and lots that met the Commission's rules or laws when built or created, but no longer are in conformance due to subsequent revisions to those rules or laws.

In accordance with 12 M.R.S.A. ~~Section § 685-A(5),~~ legally existing nonconforming structures, uses and lots will be allowed to continue. Renovations of these structures, and the construction of certain accessory buildings, are allowed without a permit. However, 12 M.R.S.A. ~~Section § 685-B(7)~~ authorizes the Commission to regulate or prohibit extensions, enlargement, or movement of nonconforming uses and structures. This section clarifies which activities are allowed with a permit, without a permit, or are prohibited in the modification of a legally existing nonconforming structure, use or lot.

B. General

1. **Criteria for Approval.** Permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. Section § 685-B(4) and demonstrate that:
 - a. the project will not adversely affect surrounding uses and resources; and
 - b. there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback.
2. **Extent of Nonconformance with Respect to Setbacks.** Section 10.17 of these rules establishes minimum setbacks from waterbodies, roads and property boundaries. Where legally existing, nonconforming structures do not meet these setbacks, an existing setback line will be established. The existing setback line will run parallel to the waterbody, road or property boundary at a distance equal to the closest point of the existing principal structure (including attached decks or porches) to the feature from which the setback is established. This is shown graphically below in Figure 1.

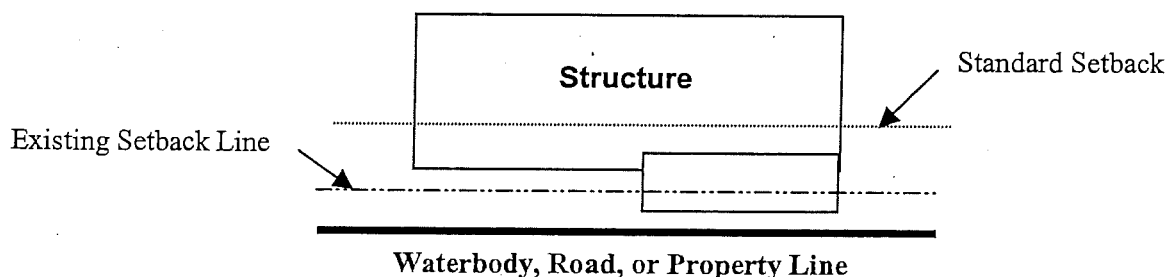


Figure 1. Determination of setback

Subject to the other requirements in this section, a nonconforming structure may be expanded up to the existing setback line without being considered to be more nonconforming than the original structure. Expansions between the existing setback line and the waterbody, road or property boundary will be considered to increase nonconformity, and will not be allowed.

3. **Transfer of Ownership.** Legally existing, nonconforming structures, uses, and lots may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming lot or structure as before, subject to the provisions of the Commission's rules.
4. **Normal Maintenance and Repair.** A permit is not required for the normal maintenance and repair of legally existing nonconforming structures, structures associated with nonconforming uses, or structures on nonconforming lots.
5. **Renovation.** A permit is not required for the renovation of legally existing nonconforming structures, structures associated with nonconforming uses, or structures on nonconforming lots.
6. **Waiver of Road Setbacks.** To allow a structure to become either conforming or less nonconforming to the waterbody setback, the Commission may reduce the road setback to no less than 20 feet in cases of reconstruction or relocation of legally existing structures or construction of new accessory structures on developed, legally existing nonconforming lots.
7. **Conformance with Maine Subsurface Waste Water Disposal Rules.** All changes to legally existing nonconforming structures, structures for nonconforming uses or structures on nonconforming

lots must comply with the Maine State Subsurface Waste Water Disposal Rules (144A CMR 241), including changes that do not require a permit under this rule.

- 8. **Conflicting Requirements.** In cases where two or more provisions of this section apply to a particular structure, use or lot, the more restrictive provision shall control.

C. Nonconforming Structures

- 1. **Expansion.** A permit is required for the expansion of a nonconforming structure. In addition to meeting permit requirements, expansions must also comply with the following limitations. These limitations do not apply to water dependent uses as defined in section 10.02.
 - a. **Certain Expansions Prohibited.** If any portion of a structure is located within 25 feet, horizontal distance, of the normal high water mark of a waterbody, expansion of that portion of the structure is prohibited. That portion beyond 25 feet may be expanded provided the size limitations in section C,1,b are met.
 - b. **Size of Structures Near Waterbodies Limited.** The maximum size of expansions of nonconforming structures is limited within areas described by either of the categories below:
 - (1) The area within 100 feet, horizontal distance, of the normal high water mark of standing bodies of water 10 acres or greater in size or flowing waters draining 50 square miles or more.
 - (2) The area within 75 feet, horizontal distance, of the normal high water mark of tidal waters or standing bodies of water less than 10 acres in size (but excluding standing bodies of water less than three acres in size not fed or drained by a flowing water).

Legally existing, principal and accessory structures located within these areas may be expanded subject to the other requirements of this section, provided that lot coverage limitations and other applicable land use standards are met. The maximum height of all structures within these areas shall be 25 feet, or existing structure height, whichever is greater. The maximum combined floor area for all structures within these areas may not exceed the limits in Table 1.

Table 1. Limitations on size of Structures Near Waterbodies

Closest Distance of Expansion from Waterbody	Maximum Combined Floor Area for all Structures not Meeting Waterbody Setbacks
Greater than 25 and less than 50 feet	1,000 square feet
Between 50, and 75 feet	1,500 square feet
Greater than 75 and less than 100 feet (if applicable setback is more than 75 feet)	2,000 square feet

- c. **Enclosure of Decks and Porches.** The complete or partial enclosure of legally existing decks and porches is considered an expansion, and is allowed if the provisions of C,1,a and C,1,b are met.
2. **Reconstruction or Replacement.** A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal.
- a. **Meeting Setbacks to the Greatest Extent Possible.** Reconstruction or replacement must comply with current minimum setback requirements to the greatest possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors:
- size of lot,
 - slope of the land,
 - potential for soil erosion and phosphorus export to a waterbody,
 - location of other legally existing structures on the property,
 - location of the septic system and other on-site soils suitable for septic systems,
 - type and amount of vegetation to be removed to accomplish the relocation, and,
 - physical condition and type of existing foundation, if any.
- b. **Reconstruction of Attached Decks.** Decks attached to a legally existing, nonconforming structure may be reconstructed in place with a permit, except that replacement of any portion of a deck that extends into or over the normal high water mark is prohibited.
- c. **Permanent Foundations.** The addition of a permanent foundation beneath a legally existing, nonconforming structure constitutes a reconstruction subject to the provisions in section 10.11,C,2,a.
- d. **Boathouses.** Except in a (D-MT) Maritime Development Subdistrict, boathouses shall not be reconstructed or replaced. Normal maintenance and repair, and renovation of a legally existing boathouse is allowed without a permit.
- e. **Sporting Camps.** A legally existing, nonconforming structure within a commercial sporting camp may be reconstructed in place, provided that the reconstruction occurs within 2 years of damage, destruction or removal and the Commission issues a permit (see 12 M.R.S.A. Section § 685-B(7-A)). The Commission may, consistent with public health, safety and welfare, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be in the same location and within the same footprint as the original structure. Minor modifications to dimensions may be allowed provided the total square footage of the structure is not increased.
3. **Relocation.** In order to make it conforming or less nonconforming, a legally existing, nonconforming structure may be relocated within the boundaries of the lot upon the issuance of a permit. Cleared openings created as part of a relocation shall be stabilized and revegetated. Relocated structures that are altered such that they meet the definition of reconstruction shall meet the requirements of 10.11,C,2.
4. **Change of Use of a Nonconforming Structure.** The use of a nonconforming structure shall not be changed without permit approval.

5. **New, Detached Accessory Structures.** New, detached accessory structures associated with pre-1971 residences and operating farms are allowed without a permit if they meet all setbacks, do not cause lot coverage requirements to be exceeded and otherwise conform with the Commission's rules. Permits are required for all other new detached accessory structures.

The construction of new, detached accessory structures that do not meet waterbody setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the waterbody setback requirement. In this case, the new accessory structure shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, and shall be of a size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of section 10.11,C,1,b.

D. Nonconforming Uses

1. **Expansion of Use.** Extension, enlargement or expansion of nonconforming uses requires a permit.
2. **Change in Use.** A nonconforming use may not be changed to another use without a permit.
3. **Resumption of Use.** A nonconforming use shall not be resumed if it has been discontinued or abandoned for a period exceeding two years, or if it has been superseded by a conforming use.
4. **Special Exceptions.** Any use granted a special exception permit shall be deemed a conforming use (see 12. M.R.S.A. section 685-A(10)).

E. Nonconforming Lots

1. **Expansion of Structures.** Structures on nonconforming lots may not be expanded without a permit.
2. **Creation of Nonconforming Lots.** A lot which has an established use or structure to which dimensional standards apply may not be divided or altered in a manner that makes the lot, or any structure or use, nonconforming or more nonconforming.
3. **Pre-1971, Unimproved, Nonconforming Lots.** An unimproved, nonconforming lot, legally existing as of September 23, 1971, may not be developed unless the Commission grants a variance to those standards that make the lot nonconforming. However, if a lot is at least 20,000 square feet in size, has at least 100 feet of shore frontage, and is not a contiguous lot as described in section E,5 below, the Commission may allow for development by waiving, to the minimum extent necessary, the requirements that make the lot nonconforming. In this case a variance is not required. This waiver may only be granted if the proposed development would meet the shoreline setback requirements in section 10.17.
4. **Development of Other Nonconforming Lots.** When a lot was lawfully created after September 23, 1971, in conformity with LURC dimensional requirements applicable at the time, the Commission may waive, to the minimum extent necessary the current dimensional requirements. Waived setbacks shall not be reduced below those in effect at the time of creation of the lot.
5. **Contiguous Lots.** Two or more contiguous lots in the same ownership that individually do not meet dimensional requirements shall be combined to the extent necessary to meet the dimensional requirements, except where:
 - a. such lots are part of a subdivision approved by the Commission, or

- b. each lot has a legally existing dwelling unit that conformed to the Commission's rules at the time each lot was developed.

Under these two circumstances the lots may be conveyed separately or together.

6. **Expansion of Septic Systems.** The conversion from primitive to combined septic systems on legally created and developed lots is allowed without a permit provided the design and installation meets the requirements of the Maine Subsurface Waste Water Disposal Rules authorization is obtained from the local plumbing inspector or from the Department of Human Services, Division of Health Engineering and provided there are no limitations on combined septic systems established by prior permit conditions.

10.12 SEVERABILITY

The provisions of this chapter are severable. If a section, sentence, clause or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

10.13 EFFECTIVE DATE

The effective date of this chapter shall be, as to each particular area within the Commission's jurisdiction, the effective date of the zoning map for such particular area adopted pursuant to this chapter, except as otherwise provided by 12 M.R.S.A., ~~Section~~ § 685-A(6).

10.13-A MORATORIUM (expired)

10.13-B CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS

1. **Approval Criteria:** In approving applications submitted to it pursuant to 12 M.R.S.A. § 685-A(10) and § 685-B, the commission may impose such reasonable terms and conditions as the commission may deem appropriate in order to satisfy the criteria of approval and purpose set forth in these statutes, rules and the Comprehensive Land Use Plan.

“The commission shall approve no application, unless:

- A. Adequate technical and financial provision has been made for complying with the requirements of the ~~state's~~ State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, sections 4807 to 4807-G, the Site Location of Development Law site location of development laws, Title 38; sections 481 to 488-490, the

~~Minimum Lot Size Law, sections 4807 to 4807-G; and the natural resource protection laws, Title 38, chapter 3, subchapter I, article 5-A, sections 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; and~~

- B. Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods, and
- C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal, and
- D. ~~Uses of topography, soils and subsoils meet standards of the current Soil Suitability Guide for Land Use Planning in Maine, or which are adaptable to the proposed use pursuant to said guide and~~ The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water, and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; and
- E. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto.
- F. In the case of an application for a structure upon any lot in a subdivision, that the subdivision has received the approval of the commission.

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected. The commission shall permit the applicant to provide evidence on the economic benefits of the proposal as well as the impact of the proposal on energy resources." 12 M.R.S.A. ~~§ 685-A(4),~~ Section 685-A, Subsection 4.

In addition, the applicant must demonstrate "evidence of sufficient right, title or interest in all of the property that is proposed for development or use." 12 M.R.S.A., §685-B(2)(D)

2. **Review Standards for Structures Adjacent to Lakes:** ~~The review standards listed set forth below shall be considered in evaluating whether must be met for all subdivisions and commercial, industrial, and other non-residential structures and uses proposed on land adjacent to lakes in order for the proposal to satisfy meet the criterion set forth in Section 10.13-B,1,C above:~~
 - a. **Natural and cultural resource values:** The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment (Appendix C of this chapter).
 - b. **Water quality:** The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
 - c. **Traditional uses:** The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;

- d. **Regional diversity:** The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;
- e. **Natural character:** Adequate provision has been made to maintain the natural character of shoreland;
- f. **Lake management goals:** The proposal is consistent with the management intent of the affected lake's classification; and
- g. **Landowner equity:** Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.

In applying ~~the above criteria~~ these criteria, the Commission shall consider all relevant information available including the Maine Wildlands Lake Assessment Findings (see Appendix C of this chapter ~~these regulations~~), and relevant provisions of the Comprehensive Land Use Plan ~~and its Amendments~~.

Sub-Chapter II SUBDISTRICTS & LAND USE STANDARDS

10.14 DEVELOPMENT SUBDISTRICTS AND LAND USE STANDARDS

Pursuant to the Commission's Comprehensive Land Use Plan, the following Development Subdistricts are established:

A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)

1. Purpose

The purpose of this subdistrict is to allow for commercial, industrial and other development that is not compatible with residential uses. Designation of commercial, industrial and other similar areas of intensive development as D-CI Development Subdistricts will ensure that other land values and community standards are not adversely affected, and will provide for the location and continued functioning of important commercial and industrial facilities.

2. Description

The D-CI Development Subdistrict shall include:

- a. Areas having existing commercial, industrial or other buildings, structures or uses, that are incompatible with residential uses, including the following:
 - (1) Areas of 2 or more acres devoted to intensive, commercial and/or industrial buildings, structures or uses; except that saw mills and chipping mills and structures devoted to composting of septage, sludge or other residuals affecting an area of 5 acres or less in size shall not be included in this subdistrict unless such areas are part of a larger pattern of development which otherwise meets the criteria for D-CI zoning;
 - (2) Areas of 2 or more acres devoted to the commercial extraction of minerals including, but not limited to, borrow pits for sand, fill or gravel, peat extraction and the mining of metals and rock;
 - (3) Areas of 2 or more acres devoted to refuse disposal including, but not limited to, dumps and sanitary land fill operations;
 - (4) Areas used for aircraft landing and takeoff and the storage and maintenance of aircraft;
 - (5) Areas of 2 or more acres used for the storage of junk, oil products, or industrial or commercial materials or inventory;

- (6) Areas of 2 or more acres devoted to buildings, structures or uses similar to those listed in 10.14, A, 2, a, (1) through (5) that are incompatible with residential uses; and
- (7) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet provided the uses thereof are incompatible with residential uses.

The designated D-CI Subdistrict boundary shall include all those areas described in (1) through (7) above, as well as adjoining areas directly related to, and necessary for, the conduct of those activities.

~~b. Sites wholly within 1,000 feet of those areas identified in Subsection 2, a, above subject to and in accordance with the following conditions:~~

- ~~(1) Prior to the deadline, established pursuant to Section 5.19 of Chapter V of the Commission's Rules and Regulations, for the filing of written statements following the close of the public hearings on the adoption of district boundaries for the block in which such site is located, the owner or lessee of such site shall have submitted to the Commission a reasonable plan or proposal for development on the land of such owner or lessee which is consistent with the purposes of this subdistrict together with a map showing the boundary lines of such proposed development sufficient to locate the same on an official district map;~~
- ~~(2) No Development Subdistrict extended or created pursuant to this Subsection 2, b shall extend into any area which would otherwise be placed in a Protection Subdistrict, other than a P-SL or P-GP Protection Subdistrict; and~~
- ~~(3) Inclusion of any site in a Development Subdistrict pursuant to this Subsection 2, b shall not be construed as either constituting the Commission's approval of such plan or proposal or releasing such owner or lessee from the requirements of demonstrating the suitability of such site for development in accordance with 12 M.R.S.A., Section 685-B, Subsection 4 and the Commission's Rules and Regulations relating thereto.~~

eb. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A., Section 685-B(4) and the Commission's Rules and Regulations relating thereto. Where such an area is not adjacent to a D-CI Development Subdistrict and redistricted for the purpose of allowing for commercial mineral extraction, once such operations are complete the D-CI Development Subdistrict designation shall automatically revert to the prior subdistrict designation.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-CI Development Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter.

- (1) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing but not including hunting and trapping;

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- (2) Non-permanent docking and mooring structures;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Wildlife and fishery management practices;
- (5) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) Surveying and other resource analysis;
- (9) Agricultural management activities;
- (10) Forest management activities, except for timber harvesting;
- (11) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (12) Water crossings of minor flowing waters;
- (13) Signs;
- (14) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (15) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility; and
- (16) Filling and grading;
- (17) Public trailered ramps and private, commercial and public hand-carry launches; and
- (18) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1).

b. Uses Requiring a Permit

The following uses may be allowed within D-CI Development Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, subject to the applicable requirements set forth in Section 10.17, of this chapter and, where within 250 feet of certain lakes, subject to the applicable requirements of Section 10.14, A, 3, e and f below:

- (1) Agricultural management activities which do not comply with standards established for such activities in Section 10.17, A, of this chapter;
- (2) Timber harvesting;
- (3) Land management roads;
- (4) Water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17, A, of this chapter, and water crossings of standing waters and of major flowing waters;
- (5) Any commercial and industrial uses and subdivisions for uses permitted in this subdistrict;
- (6) Commercial sporting camps;
- (7) Utility facilities, excluding service drops;
- (8) Level B and C road projects, except for water crossings as provided for in 10.14, A, 3, a;
- (9) Shoreland alterations, ~~including marinas, permanent docking facilities and boat ramps and ways, but~~ excluding water crossings of minor flowing waters; trailered ramps and hand-carry launches;

- (10) Trailered ramps and hand-carry launches addressed in 10.14,A,3,a which are not in conformance with the standards for such activities in 10.17,B of this chapter, private and commercial trailered ramps, and water-access ways;
- ~~(10 11)~~ Water impoundments;
- ~~(11 12)~~ Filling and grading, except as provided in Section 10.14,A,3,a, and draining, ~~dredging and alteration of or altering~~ the water table or water level for other than mineral extraction;
- ~~(12 13)~~ Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17, A;
- ~~(13 14)~~ Level B mineral exploration activities;
- ~~(14 15)~~ Mineral extraction including the use of mineral processing equipment and associated structural development;
- ~~(15 16)~~ Solid waste disposal;
- ~~(16 17)~~ Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (18) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1);
- (19) Peat extraction, including the use of any related processing equipment;
- (20) Driveways;
- ~~(17 21)~~ Other structures, uses or services that are essential to the uses listed in Section 10.14, A, 3, a, and b; and
- ~~(18 22)~~ Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

c. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-CI Development Subdistricts.

d. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.16, D, 3, e.

e. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to proposed subdivisions and commercial and industrial structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of

future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.17, B, 1, g, except where clearly inappropriate due to site characteristics.
- f. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.17, B, 1, g except where clearly inappropriate due to site characteristics.

B. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)

1. Purpose

The purpose of the D-GN Development Subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas.

2. Description

The General Development Subdistrict shall include:

- a. Areas with the following patterns of existing intensive development use:
 - (1) Areas where 4 or more principal buildings exist within a 500 foot radius provided that one or more of such buildings is other than a single family detached dwelling unit; and all such buildings are compatible with such residential units; or
 - (2) Recorded and legally existing subdivisions, other than for exclusively single family detached residential purposes, having 4 or more lots; or
 - (3) Areas of 2 acres or more devoted to intensive non-residential development, other than that land devoted to forest and agricultural management activities, provided that such uses are compatible with residential uses. Such areas shall include but not be limited to:
 - i) Existing intensive development used for recreational purposes;
 - ii) Existing commercial sporting camps or campgrounds;
 - iii) Existing motels, hotels and development accessory thereto;
 - iv) Existing groups of stores and restaurants including related parking and landscaped areas; or
 - (4) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet, provided the uses thereof are compatible with residential uses.

The designated D-GN Development Subdistrict boundaries shall include all buildings, paved surfaces, and areas directly related to, and necessary for, the conduct of those activities associated with the above described principal buildings, as well as other intervening areas between such buildings, paved surfaces, and areas.

- ~~b. Sites wholly within 1,000 feet of those areas identified in Subsection 2, a, above subject to and in accordance with the following conditions:~~

- ~~(1) Prior to the deadline, established pursuant to Section 5.19 of Chapter V of the Commission's Rules and Regulations, for the filing of written statements following the~~

~~close of the public hearings on the adoption of district boundaries for the block in which such site is located, the owner or lessee of such site shall have submitted to the Commission a reasonable plan or proposal for development on the land of such owner or lessee which is consistent with the purposes of this subdistrict together with a map showing the boundary lines of such proposed development sufficient to locate the same on an official district map;~~

~~(2) No Development Subdistrict extended or created pursuant to this Subsection 2, b, shall extend into any area which would otherwise be placed in a Protection Subdistrict, other than a P-SL or P-GP Protection Subdistrict; and~~

~~(3) Inclusion of any site in a Development Subdistrict pursuant to this Subsection 2, b, shall not be construed as either constituting the Commission's approval of such plan or proposal or releasing such owner or lessee from the requirements of demonstrating the suitability of such site for development in accordance with 12 M.R.S.A., Section 685 B, Subsection 4 and the Commission's Rules and Regulations relating thereto.~~

eb. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A., Section 685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within General Development Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Level A mineral exploration activities, excluding associated access ways;
- (5) Surveying and other resource analysis;
- (6) Signs;
- (7) Level A road projects;
- (8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (9) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (10) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (11) Non-permanent docking or mooring structures;
- (12) Agricultural management activities;
- (13) Forest management activities, except for timber harvesting;
- (14) Water crossings of minor flowing waters;

- (15) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility; ~~and~~
- (16) Filling and grading;
- (17) Public trailered ramps and commercial and public hand-carry launches except on Management Class 1 and 2 lakes;
- (18) Driveways associated with residential uses; and
- (19) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1).

b. Uses Requiring a Permit

The following uses may be allowed within D-GN Development Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., ~~Section §~~ 685-B, subject to the applicable requirements set forth in Section 10.17 of this ~~c~~Chapter and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section ~~10.14,B,3,f~~ 10.14, A, 3, f and g below:

- (1) Agricultural management activities which do not meet the standards established for such activities in Section 10.17, A, of this chapter;
- (2) Timber harvesting;
- (3) Land management roads;
- (4) Water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17, A, of this chapter and water crossings of standing waters and of major flowing waters;
- (5) Residential: ~~Single-family detached and two-family dwellings, units;~~ multi-family dwellings; and residential subdivisions;
- (6) Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries; ~~and cemeteries;~~
- (7) Commercial and Industrial: Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses; and subdivisions for uses permitted in this subdistrict;
- (8) Utility facilities compatible with residential uses, other than service drops;
- (9) Public or private recreation facilities including, but not limited to, campgrounds, parks, playgrounds, golf courses, commercial sporting camps, and campsites;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities, and water-access ways, trailered boat ramps, hand-carry launches, and water crossings of minor flowing waters;
- (11) Trailered ramps and hand-carry launches addressed in 10.14,B,3,a which are not in conformance with the standards for such activities in 10.17,B of this chapter and private hand-carry launches;
- ~~(11)~~ 12 Water impoundments;
- ~~(12)~~ 13 Level B and C road projects, except for water crossings as provided for in 10.14, B, 3, a;
- ~~(13)~~ 14 Filling and grading, except as provided in 10.14, B, 3, a, and draining, dredging and alteration of the water table or water level for other than mineral extraction;

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- (14 ~~15~~) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17, A;
- (15 ~~16~~) Level B mineral exploration activities;
- (16 ~~17~~) Home occupations;
- (18) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. § 1142;
- (19) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- (20) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1).
- (17 ~~21~~) Other structures, uses or services that are essential to the uses listed in Section 10.14, B, 3, a and b; and
- (18 ~~22~~) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

c. Special Exceptions

The following uses may be allowed within D-GN Development Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Auto service stations or repair garages;
- (2) Stores, commercial recreational uses, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet; and
- (3) Light industrial uses and other commercial uses having a gross floor area of more than 2,500 square feet.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Public trailered ramps and commercial and public hand-carry launches on Management Class 1 and 2 lakes, commercial and private trailered ramps, marinas, permanent docking facilities, and water-access ways. Marinas, permanent docking facilities and boat ramps and ways.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-GN Development Subdistrict.

e. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.16, D, 3, e.

- f. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial, industrial, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.17, B, 1, g, except where clearly inappropriate due to site characteristics.
- g. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.17, B, 1, g, except where clearly inappropriate due to site characteristics.

C. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)

1. Purpose

The purpose of the Planned Development Subdistrict is to allow for large scale, well planned developments. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PD Development Subdistrict petition is granted, it shall not provide the basis for subsequent redistricting of the area to another Development Subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to Development Subdistricts pursuant to Section 10.08.

The D-PD Subdistricting process is designed to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to afford the applicant reasonable guidance in formulating an acceptable development proposal.

2. Description

Areas separated from existing development patterns, proposed for residential, recreational, commercial or industrial use or some combination of those uses, for which a comprehensive development plan (which treats the entire parcel as an entity) has been submitted to, and reviewed and approved by the Commission.

- a. A D-PD Development Subdistrict proposed for predominantly residential and/or recreational land uses shall contain a minimum of 30,000 square feet of building floor area and shall include at least 150 contiguous acres. (A predominance of uses shall exist when the majority of the gross building floor area is devoted to such uses.)
- b. A D-PD Development Subdistrict proposed for predominantly commercial and/or industrial land uses shall contain a minimum of 30,000 square feet of gross building floor area and shall include at least 50 contiguous acres.
- c. A D-PD Development Subdistrict proposed for metallic mineral mining activities or Level C mineral exploration activities and shall include at least 50 contiguous acres.

In any of the above cases, no development, other than access roads and utility lines shall be less than 400 feet from any property line. (This dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.) Furthermore, the project shall be reasonably self-contained and self-sufficient and to the extent practicable provide for its own water and sewage services, road maintenance, fire protection, solid waste disposal and police security.

3. Permitted Uses

All uses approved in the Final Development Plan shall be permitted. For metallic mineral mining activities and Level C mineral exploration activities, all uses within the D-PD Development Subdistrict require a permit in accordance with Chapter 13 and Chapter 10 of the Commission's Rules. No other use

shall be permitted except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.

4. Ownership

An application for the creation of a D-PD Development Subdistrict may be filed only by the owner or lessee of all lands to which the application pertains.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that his proposal satisfies the criteria established for the creation of D-PD Development Subdistrict.

6. Procedure

The procedures set forth below and those set forth in paragraphs 7, 8, 9, and 10 apply to all developments except those related to metallic mineral mining and Level C mineral exploration activities; Those activities are governed by the procedures set forth in Chapters 12 and 13 of the Commission's rules.

The Planned Development review procedure shall consist of three stages:

- (1) Preapplication Conference;
- (2) Submission of Preliminary Development Plan; and
- (3) Submission of Final Development Plan.

The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Preliminary Development Plan that meets the requirements specified herein. No decision thereon can be made until a Public Hearing is held. Thereafter, the Commission may approve or deny the petition. An approval will permit a subdistrict amendment to D-PD Development Subdistrict and will include a P.D. Permit that specifies under what conditions, if any, the Commission will accept the Preliminary Development Plan proposal as the standard against which the Final Development Plan is judged. No development will be allowed until a Final Development Plan is submitted and approved.

7. Preapplication Conference

A preapplication conference shall be held with the staff of the Commission and representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-PD application shall be discussed. The conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 ~~V~~, ~~Section 5.04~~ of the Commission's Rules and Regulations.

8. Preliminary Development Plan

a. Application

The Preliminary Development Plan shall include: evidence that the proposal conforms with the Commission's Comprehensive Land Use Plan and the purpose and description of a Planned Development as contained herein; evidence showing that the permit criteria set forth in 12 M.R.S.A., Section 685, B, 4 will be satisfied; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, the staff

shall make known its findings and recommendations, in writing, to the Commission and a public hearing shall be held in accordance with Chapter 5 ~~V~~, ~~Section 5.05~~ of the Commission's Rules and Regulations.

The following items are required to be submitted with any Preliminary Development Plan application:

Written Statements

- (1) A legal description of the property boundaries proposed for redistricting, including a statement of present and proposed ownership.
- (2) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property shall not, of itself, be sufficient evidence to satisfy this last requirement.
- (3) A reasonably complete development schedule and construction program that indicates when the project and stages thereof will begin and be completed. The schedule is to specify what percentage of the total project is represented by each stage and what buildings, floor areas and land areas are included in each such stage.
- (4) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.
- (5) Statements to satisfy the Commission that the project is realistic, and can be financed and completed. Such statements shall demonstrate that the applicant has the financial resources and support to achieve the proposed development and that a sufficient market exists for the goods and/or services the development will provide.
- (6) A statement of the environmental impact of the proposed development which sets forth the reasonably foreseeable adverse effects and measures to be taken by the applicant to minimize such effects.
- (7) A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently designated within Protection Subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.

Maps

- (8) A location map (drawn on a USGS topographic map base or LURC Land Use Map) that indicates the area for which a D-PD Development Subdistrict designation is sought. This map should show all existing subdistricts.
- (9) A map showing existing site conditions including contours at 10 foot intervals, water courses, unique natural conditions, forest cover, swamps, lakes, ponds, existing buildings,

road boundaries, property lines and names of adjoining property owners, scenic locations and other prominent topographical or environmental features.

- (10) A soils map of at least medium intensity that covers those portions of the site where any development is proposed. The description should use the soil group designations utilized in the Subsurface Waste Water Disposal Rules or the USDA Soil Series names.
- (11) A site plan that shows the approximate location and size of all existing and proposed buildings, structures and other improvements, including roads, bridges, beaches, dumps, wells, sewage disposal facilities, storm drainage, cut and fill operations and general landscape planting. The plan should show the approximate proposed lot lines, the location of open spaces, parks, recreational areas, parking areas, service and loading areas and notations of what is proposed to be in common or private ownership.
- (12) A map or description of the approximate type, size and location of proposed utility systems including waste disposal, water supply, and electric and telephone lines. Where a public water supply, and/or a central sewage collection and/or treatment system is proposed, evidence shall be required to show that these facilities will meet applicable governmental requirements and that the soils are suitable for such sewage disposal system.

Where the Preliminary Development Plan involves a staged development and the applicant cannot reasonably make available the maps required pursuant to paragraph (11) of this Section, covering all future stages of development, he shall submit such maps covering only the initial development stage, together with sketch plans covering all other development stages. Such plans shall describe all proposed land uses, densities, circulation patterns and building locations and are to be in sufficient detail to permit the Commission to determine if the site can support the entire development program, especially in terms of soil suitability, traffic circulation, and water supply and sewage waste disposal.

b. Hearings and Criteria for the Approval of a Preliminary Development Plan

The Commission shall schedule a public hearing within 45 (forty-five) days after a complete Preliminary Development Plan application is filed, unless the applicant requests, in writing that this time be extended.

The public hearing notification and proceedings shall meet the requirements of Chapter V of the Commission's Rules and Regulations. Within 45 days after the close of the record of the public hearing, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission shall ensure that the proposal:

- (1) Conforms with the objectives and policies of the Comprehensive Land Use Plan and 12 M.R.S.A., Chapter 206-A;
- (2) Incorporates, where the land proposed for inclusion in the D-PD Development Subdistrict is in a Protection Subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under such Protection Subdistrict;
- (3) Utilizes the best reasonably available site for the proposed use;
- (4) Conserves productive forest and/or farm land;

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- (5) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (6) Envisions a project that is reasonably self-sufficient in terms of necessary public services;
- (7) Provides for safe and efficient traffic circulation; and
- (8) Utilizes the best practical technology to reduce pollution, waste and energy consumption.

b. Approval or Denial of Preliminary Development Plan

- (1) If, after weighing all the evidence, the Commission approves the Preliminary Development Plan application, the D-PD Development Subdistrict shall be designated on the official district map and recorded in accordance with the provisions of Section 10.04 of this chapter. Simultaneously with such approval, a P.D. Permit will be issued. The P.D. Permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the Final Development Plan. The terms of the P.D. Permit will be in writing and shall be deemed to be incorporated in the D-PD Development Subdistrict.
- (2) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.
- (3) Within a maximum of 18 months following a Commission decision to designate an area as a D-PD Development Subdistrict, the applicant shall file a Final Development Plan containing in detailed form the information required in Subsection 10 below. At its discretion, and for good cause shown, the Commission may extend for a period not in excess of 6 months, the deadline for filing of the Final Development Plan.
- (4) If the applicant fails for any reason to apply for final approval by submitting a Final Development Plan within the prescribed time, the D-PD Development Subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

9. Application Fee

The application fee to be submitted with the Preliminary Development Plan shall be the fee specified in Chapter 1, Section 4 of the Commission's rules. No fee shall be required at the Final Development Plan stage.

10. Final Development Plan

a. Application

The final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved P.D. Permit issued.

- (1) An application for final approval may be for all of the land which is the subject of the Preliminary Development Plan or for a section thereof. The application, once deemed complete by the staff, shall be reviewed and acted upon by the Commission within 30-90 days.

- (2) The Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the Final Development Plan submission shall include:
- (a) Drawings that include all the information required on the site plan under the Preliminary Development Plan (Section 10.14, C, 8, a, (11),) plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.
 - (b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.
 - (c) If individual sewage disposal system are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Human Services Department Form HHE-200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.
 - (d) Drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.
 - (e) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the Planned Development.
- (3) The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Preliminary Development Plan and shall conform with applicable state regulations, including 12 M.R.S.A., Section 685-B, 4. In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types. •
- (4) A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Preliminary Development Plan. The burden shall, nevertheless, be on the applicant to show good cause for any variation between the Preliminary Development Plan and the Final Plan submitted for final approval.

b. Approval or Denial of Final Development Plan

Upon accepting a Final Development Plan, the Commission shall issue a certified Permit, pursuant to 12 M.R.S.A., Section 685-B, for the Final Development Plan. Such Permit may contain reasonable conditions as the Commission may deem appropriate.

c. Amendments to the Final Development Plan

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Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change shall be so authorized which may cause any of the following:

- (1) The addition of a land use not previously approved in the Preliminary Development Plan;
- (2) A material change in the site, scope or nature of the project;
- (3) A material increase in traffic volume;
- (4) A material reduction in open space, landscaping, or parking; or
- (5) A material change giving rise to adverse environmental impact.

All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in 10.14, C, 8, b.

d. Time for Construction

If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 24 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved plan shall become null and void and the D-PD Development Subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

D. RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS)

1. Purpose

The purpose of the D-RS Development Subdistrict is to set aside certain areas for single family residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in and adjacent to existing residentially developed areas.

2. Description

The D-RS Development Subdistrict shall include:

- a. Areas with the following existing patterns of intensive residential development:
 - (1) Areas where four or more single family detached dwelling units exist within a 500 foot radius; or
 - (2) Recorded and legally existing single family detached residential subdivisions, including mobile home parks, having 4 or more lots; or
 - (3) Areas surrounding those described in (1) or (2) above which contain neighborhood or associated uses that primarily serve such residences. Such areas may include, without limitation, residential accessory buildings, neighborhood parks and public open spaces, schools, day nurseries, places of worship, cemeteries, but shall not include industrial uses.

The designated D-RS Development Subdistrict boundaries shall include all single family dwelling units and accessory buildings and uses, paved areas and areas directly related to, and necessary for, the conduct of those activities associated with the above described single family detached dwelling units, as well as other intervening areas between such buildings, paved surfaces and areas. Furthermore, in the case of recorded and legally existing single family residential subdivisions, the D-RS Development Subdistrict boundaries shall encompass the entire Subdivision.

- ~~b. Sites wholly within 1,000 feet of those areas identified in Subsection 2, a, above subject to and in accordance with the following conditions:~~
 - ~~(1) Prior to the deadline, established pursuant to Section 5.19 of Chapter V of the Commission's Rules and Regulations, for the filing of written statements following the close of the public hearings on the adoption of district boundaries for the block in which such site is located, the owner or lessee of such site shall have submitted to the Commission a reasonable plan or proposal for development of the land of such owner or lessee which is consistent with the purposes of this subdistrict, together with a map showing the boundary lines of such proposed development sufficient to locate the same on an official district map;~~
 - ~~(2) No Development Subdistrict extended or created pursuant to this Subsection 2, b, shall extend into any area which would otherwise be placed in a Protection Subdistrict, other than a P-SL, or P-GP Protection Subdistrict; and~~

~~(3) Inclusion of any site in a Development Subdistrict pursuant to this Subdistrict 2, b shall not be construed as either constituting the Commission's approval of such plan or proposal or releasing such owner or lessee from the requirements of demonstrating the suitability of such site for development in accordance with the 12 M.R.S.A., Section 685-B, Subsection 4 and the Commission's Rules and Regulations relating thereto.~~

eb. Areas which the Commission determines both meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A., Section 685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RS Development Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping.
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (4) Wildlife and fishery management practices;
- (5) Level A road projects;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Surveying and other resource analysis;
- (8) Signs;
- (9) Non-permanent docking or mooring structures;
- (10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (11) Agricultural management activities;
- (12) Forest management activities, except for timber harvesting;
- (13) Water crossings of minor flowing waters;
- (14) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (15) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility; and
- (16) Filling and grading;
- (17) Public trailered ramps and public hand-carry launches except on Management Class 1 and 2 lakes;
- (18) Driveways associated with residential uses; and

- (19) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1).

b. Uses Requiring a Permit

The following uses may be allowed within D-RS Development Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., ~~Section §~~ 685-B, subject to the applicable requirements set forth in Section 10.17 of this Chapter and, where within 250 feet of ~~certain~~ Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section ~~10.14.D.3,f-10.14, A, 3, f~~ and g below:

- (1) Agricultural management activities which do not comply with standards established for such activities in Section 10.17, A, of this chapter;
- (2) Timber harvesting;
- (3) Land management roads;
- (4) Water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17, A, of this chapter, and water crossings of standing waters and of major flowing waters;
- (5) Residential: Single family detached and two-family dwellings, units and subdivisions for uses permitted in this subdistrict;
- (6) Public and Institutional: Places of worship, public, private and parochial schools, day nurseries, ~~cemeteries~~, and public parks and recreation areas;
- (7) Utility facilities compatible with residential uses other than service drops;
- (8) Level B and C road projects, except for water crossings as provided for in 10.14, D, 3, a;
- (9) Shoreland alterations, excluding marinas, permanent docking facilities, ~~and water-access ways, trailed-boat ramps, hand-carry launches,~~ and water crossings of minor flowing waters;
- (10) Trailer ramps and hand-carry launches addressed in 10.14.D.3,a which are not in conformance with the standards for such activities in 10.17.B of this chapter and private and commercial trailer ramps;
- ~~(10 11)~~ Water impoundments;
- ~~(11 12)~~ Campsites;
- ~~(12 13)~~ Filling and grading, except as provided in 10.14, D, 3, a, and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- ~~(13 14)~~ Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17, A;
- ~~(14 15)~~ Level B mineral exploration activities;
- ~~(15 16)~~ Home occupations;
- (17) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- (18) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1).
- (19) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. § 1142;
- ~~(16 20)~~ Other structures, uses or services that are essential to the uses listed in Section 10.14, D, 3, a and b; and
- ~~(17 21)~~ Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

c. Special Exceptions

The following uses may be allowed within D-RS Residential Development Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Public trailered ramps and public hand-carry launches on Management Class 1 and 2 lakes, commercial and private trailered boat-ramps, marinas, permanent docking facilities, and water-access ways; and
- (2) Multi-family dwellings.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS Development Subdistricts.

e. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.16, D, 3, e.

f. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.17, B, 1, g, except where clearly inappropriate due to site characteristics.

g. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.17, B, 1, g, except where clearly inappropriate due to site characteristics.

E. MARITIME DEVELOPMENT SUBDISTRICT (D-MT)

1. Purpose

The purpose of the Maritime Development Subdistrict is to reserve a reasonable portion of the waterfront in coastal plantations and townships for water-dependent uses. The intention is to protect commercial water dependent uses, particularly commercial fishing activities, from other competing but incompatible use; to conserve points of public access to coastal waters; and to give preference in identified areas to commercial water-dependent uses over recreational and residential uses.

2. Description

A.a. D-MT1: Areas above the normal high water mark of tidal waters in which the existing pattern of development is predominately commercial fishing activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

- (1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,
- (2) are proposed for development which is consistent with the purposes of this subdistrict,
- (3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A., Section 685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:
 - (a) shelter from prevailing winds and waves,
 - (b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,
 - (c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
 - (d) historical use of the area for commercial fishing activities.

B.b. D-MT2: Areas above the normal high water mark of tidal waters in which the existing pattern of development is predominately water-dependent activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

- (1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,
- (2) are proposed for development which is consistent with the purposes of this subdistrict,
- (3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A., Section 685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:
 - (a) shelter from prevailing winds and waves,
 - (b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,

- (c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
- (d) historical use of the area for water-dependent activities.

3. Land Use Standards

A.a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within the D-MT Maritime Development Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses;
- (2) Motorized vehicular traffic on roads;
- (3) Wildlife and fishery management practices;
- (4) Surveying and other resource analysis;
- (5) Signs;
- (6) Non-permanent docking or mooring structures;
- (7) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (8) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations; and
- (9) Filling and grading; and
- (10) Public trailered ramps and private, commercial and public hand-carry launches.

B.b. Uses Requiring a Permit

The following uses may be allowed within (D-MT) Maritime Development Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Commercial fishing activities, except as provided for in Subsection C below;
- (2) Water-dependent uses, except as provided for in Subsection C below;
- (3) Ferry service facilities;
- (4) Permanent docking facilities, and water-access ways, and mooring structures;
- (5) Utility substation, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar public utility structures which do not meet the definitions of Section 3, A, (7) of this chapter;
- (6) Filling and grading, except as provided in 10.14, E, 3, a, and draining, dredging and alteration of the water table or water level;
- (7) Other structures, uses or services that are essential to the uses permitted;
- (8) Retail sales of shellfish and/or finfish, solely ancillary to a permitted use such as a finfish or shellfish buying or off-loading stations and under the same ownership as the permitted use; and
- (9) Trailered ramps and hand-carry launches addressed in 10.14,E,3,a which are not in conformance with the standards for such activities in 10.17.B of this chapter and commercial and private trailered ramps;
- (10) Driveways; and

- (9 11) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

E.c. Special Exceptions

The following uses may be allowed within D-MT Maritime Development Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) the proposed use will not unreasonably obstruct navigation channels or unreasonably preclude boating support facilities elsewhere in the harbor; and (b) the proposed use is designed and located, to the extent feasible, so that it does not significantly interfere with the needs of the local fishing industry; and (c) the proposed use, if not a water-dependent use: (i) will not replace an existing water-dependent use; and (ii) will not substantially reduce existing public access to marine or tidal waters.

(1) Commercial

The following commercial uses shall be permitted as special exceptions in the D-MT2 subdistricts:

- (a) On-premise restaurants, retail and service establishments provided they are accessory to ferry service facilities;
- (b) Restaurants, occupying not more than 900 square feet of floor area, provided that such establishments cater primarily to persons directly associated with other permitted uses in this district; and
- (c) Retail sales of packaged or bulk foods, toiletries, hardware and other daily necessities as an ancillary business to a permitted use.

(2) Industrial

The following industrial use shall be permitted as a special exception in both the D-MT1 and D-MT2 subdistricts:

- (a) Facilities for combined marine and general construction provided that the primary use of the site is for the marine segment of the contractor's business.

(3) Marine

The following marine uses shall be permitted as special exceptions in both the D-MT1 and D-MT2 subdistricts:

- (a) Fabrication of marine related goods, including fishboat equipment, provided that a location on the water is essential for their production; and
- (b) Fish by-products processing.

The following marine uses shall be permitted as special exceptions in the D-MT2 subdistrict:

- (c) Harbor and marine supplies and services, such as ship chandler, provided that sales are primarily for purpose of serving water-dependent uses or that the applicant can demonstrate that the business is essential to water dependent uses;
- (d) Excursion services which do not displace existing water dependent uses, or occupy docking and berthing space which had been actively and substantially used by commercial fishing boats and vessels within the preceding twelve (12) month

- period; and which do not sell any product except for the excursion service; and which provide for all parking space outside of this zone or district; and
- (e) Publicly owned wharves ~~and boat launching facilities~~ for general public access to the shore, provided that the facility or facilities do not unreasonably interfere with permitted commercial fishing uses and which provide for all parking space outside of this zone or district.

(4) Residential

The following residential use shall be permitted as a special exception in the D-MT2 subdistrict:

- (a) Single family detached dwelling units, home occupations, and transient accommodations of less than six (6) units per principal building.

D.d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in a D-MT Maritime Development Subdistrict including without limitation the conversion of existing structures which are currently used for commercial fishing activities to any noncommercial fishing activities for use, including but not limited to residential or recreational uses.

10.15 MANAGEMENT SUBDISTRICTS AND LAND USE STANDARDS

Pursuant to the Commission's Comprehensive Land Use Plan, the following Management Subdistricts are established:

A. GENERAL MANAGEMENT SUBDISTRICTS (M-GN)

1. Purpose

The purpose of the M-GN Management Subdistrict is to permit forestry and agricultural management activities to occur with minimal interferences from unrelated development in areas where the Commission finds that the resource protection afforded by Protection Subdistricts is not required.

2. Description

These are areas which are appropriate for forest or agricultural management activities and that do not require the special protection afforded by the Protection Subdistricts or the M-NC or M-HP Management Subdistricts. Also included within M-GN Subdistricts shall be areas which do not qualify for inclusion in any other subdistrict.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-GN Management Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter.

- (1) Forest management activities;
- (2) Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;
- (3) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (4) The operation of machinery and the erection of buildings and other structures used primarily for agricultural or forest management activities;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (7) Surveying and other resource analysis;
- (8) Mineral extraction operations, less than 5 acres in size, ~~for road purposes;~~
- (9) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;

- (10) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (11) Campsites;
- (12) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (13) Level A and B road projects;
- (14) Wildlife and fishery management practices;
- (15) Signs;
- (16) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (17)* Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A, Chapter 13: Maine Hazardous Waste, Septage and Solid Waste Management Act; ~~and~~
- (18) Filling and grading;
- (19) Checkpoint buildings;
- (20) Creation, alteration or maintenance of constructed ponds, other than those described in section 10.15, A, 3, a, (2) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the standards in Section 10.17,A,3,b,(1);
- (21) Parking areas, roads, signs and similar facilities associated with public trailered ramps and private, commercial, and public hand-carry launches; and
- (22) Driveways associated with residential uses.

~~*Note: The Commission adopted subsection 3, a, (17) above, with the understanding that it will reconsider this matter in October 1991. This is the date that the Department of Environmental Protection's sludge "Comprehensive Research Program" is scheduled to complete its studies of the makeup of sludge and impacts of sludge spreading.~~

b. Uses Requiring a Permit

The following uses may be allowed within M-GN Management Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (2) Level B mineral exploration activities;
- (3) Mineral extraction operations
 - (a) ~~affecting an area less than 5 acres in size, for road purposes and which are not in conformance with the standards for such activities established in Section 10.17,A of this Chapter;~~
 - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres or greater in size, for road purposes; and
 - (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
- (4) Portable mineral processing equipment except as provided for in 10.15, A, 3, a (9) above;
- (4 5) Sawmills and chipping mills on sites of less than 5 acres;
- (5 6) Water impoundments;
- (6 7) Campgrounds;
- (7 8) ~~Single-family and two-family dwellings unit;~~
- (8 9) Utility facilities, excluding service drops;
- (9 10) Solid waste disposal facilities affecting an area less than 2 acres in size;
- (10 11) Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;

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- (~~11~~ 12) Level C road projects;
- (~~12~~ 13) Non-commercial structures utilized for educational, scientific, or nature observation purposes;
- (~~13~~ 14) Commercial sporting camps having a total gross floor area of no more than 8,000 square feet for all principal buildings concerned;
- (14 15) Filling and grading, except as provided in 10.15, A, 3, a, and draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (~~15~~ 16) Home occupations;
 - (17) Structures devoted to the storage of sand or salt;
 - (18) Land management roads which are not in conformance with the Guidelines of Chapter 15 of the Commission's rules;
 - (19) Creation, alteration or maintenance of constructed ponds, other than those described in section 10.15, A, 3, a, (2) above, which are 1 acre or more in size, or such ponds less than 1 acre which exceed the standards of Section 10.17,A,3,b,(1);
 - (20) Family burying grounds of not more than ¼ acre, in accordance with 13 M.R.S.A. § 1142;
 - (21) Parking areas, roads, signs and similar facilities associated with commercial and private trailered ramps and such facilities addressed in Section 10.15,A,3,a which are not in conformance with the standards for such activities in Section 10.17,B of this chapter;
 - (22) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
 - (23) Peat extraction affecting an area less than 30 acres in size;
 - (24) Remote rental cabins;
- (~~16~~ 25) Other structures, uses, or services that are essential to the uses listed in Section 10.15, A, 3, a and b; and
- (~~17~~ 26) Other structures, uses, or services which the Commission determines are consistent with the purposes of this Subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect.

c. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-GN Management Subdistricts.

B. HIGHLY PRODUCTIVE MANAGEMENT SUBDISTRICT (M-HP)

1. Purpose

The purpose of this subdistrict is to ensure the continued availability of products from high yield or high value forest and/or agricultural lands by reserving areas for these uses.

2. Description

Areas identified by the Commission, not including those in Protection Subdistricts or in existing patterns of development, that are identified as prime or unique forest or agricultural land of national, statewide or local importance. In selecting areas for designation in this subdistrict, the Commission shall consider the following:

- a. Prime or unique agricultural lands currently in use for food, fiber, feed, forage, and oil seed crops that are determined in accordance with rules and regulations hereinafter adopted by the Commission as amendments to these Standards.
- b. Prime or unique forest lands currently held for commercial production of forest trees that are determined in accordance with the rules and regulations hereinafter adopted by the Commission as amendments to these Standards.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-HP Management Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Forest management activities;
- (2) Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;
- (3) Land management roads;
- (4) The operation of machinery and the erection of buildings and other structures used primarily for agricultural or forest management activities;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Service drops;
- (7) Surveying and other resource analysis;
- (8) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (9) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (10) Wildlife and fishery management practices;
- (11) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (12) Signs;
- (13) Level A road projects;

- (14)* Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A, Chapter 13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
- (15) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations; ~~and~~
- (16) Filling and grading; ~~and~~
- (17) Creation, alteration or maintenance of constructed ponds, other than those described in section 10.15, B, 3, a, (2) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the standards in Section 10.17,A,3,b,(1).

~~*Note: The Commission adopted subsection 3, a, (14) above, with the understanding that it will reconsider this matter in October 1991. This is the date that the Department of Environmental Protection's sludge "Comprehensive Research Program" is scheduled to complete its studies of the makeup of sludge and impacts of sludge spreading.~~

b. Uses Requiring a Permit

The following uses may be allowed within M-HP Management Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (2) Level B mineral exploration activities;
- (3) Mineral extraction operations for road purposes;
- (4) Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;
- (5) Campsites;
- (6) Level B road projects;
- (7) ~~Single-family detached dwellings-unit;~~
- (8) Home occupations;
- (9) Driveways;
- (10) Creation, alteration or maintenance of constructed ponds, other than those in section 10.15, B, 3, a, (2) above, which are 1 acre or more in size, or such ponds less than 1 acre which exceed the standards of Section 10.17,A,3,b,(1);
- (9-11) Other structures, uses, or services that are essential for the uses listed in Section 10.15, B, 3, a and b; and
- (40 12) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect.

c. Special Exceptions

The following uses may be allowed within M-HP Management Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible, and (c) such other

conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Utility facilities excluding service drops;
- (2) Water impoundments;
- (3) Sawmills and chipping mills on sites of less than 2 acres;
- (4) Level C road projects; and
- (5) Filling and grading, except as provided in ~~10.15, B, 3, a, Section 10.15, B, 3, a,~~ and draining, ~~dredging and alteration of or altering~~ the water table or water level for other than mineral extraction;

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-HP Management Subdistricts.

C. NATURAL CHARACTER MANAGEMENT SUBDISTRICT (M-NC)

1. Purpose

The purpose of the Natural Character Management Subdistrict is to maintain some of the areas that characterize the natural outdoor flavor and spirit of certain large undeveloped areas of the jurisdiction and to permit only forestry and agricultural practices and primitive recreation. Unrelated development that might interfere with these activities and natural values will not be permitted.

2. Description

Areas which the Commission determines:

- a. are appropriate for forest management activities;
- b. shall comprise certain few large areas which are remote and have a natural and wild character; the area is significant because of a variety and concentration of important features which in the aggregate include significant topographic features and distinctive recreation resources characteristic of the "Maine Woods" in their totality; such resources include, but are not limited to, hiking trails, canoe streams, and scenic overviews; such features include, but are not limited to, lakes, remote ponds, mountains and valleys;
- c. comprise at least 10,000 contiguous acres of land and water area; and
- d. support only those land use activities which do not appreciably detract from the natural character of the area.

Any proposal for inclusion of an area within an M-NC Management Subdistrict, unless it is made by the owner or owners of such area, shall be considered by the Commission only when a written statement has been made stating how such area meets the criteria stated above. Such statements shall be available to the public at the time of publication of notice for the public hearing at which such proposal shall be heard.

The M-NC Management Subdistrict may surround different Protection, Management, and Development Subdistricts. In delineating boundaries for the M-NC Subdistrict, the Commission may consider property ownership or township boundaries, ridge lines, shorelines, watershed boundaries, roadways, or other rights of way or other appropriate natural or man-made features.

3. Land Use Standards

- a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-NC Management Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Forest management activities;
- (2) Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;

- (3) Land management roads;
- (4) The operation of machinery and the erection of buildings and other structures used primarily for agricultural or forest management activities;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Service drops;
- (7) Surveying and other resource analysis;
- (8) Mineral extraction operations affecting an area less than 5 acres in size, for road purposes;
- (9) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, portaging, tent and shelter camping, cross country skiing, and snowshoeing;
- (10) Campsites;
- (11) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (12) Wildlife and fishery management practices;
- (13) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (14) Signs listed as exempt in Section 10.17, B of this chapter;
- (15) Level A and B road projects;
- (16)* Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A, Chapter 13: Maine Hazardous Waste, Septage and Solid Waste Management Act; and
- (17) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations; and
- (18) Filling and grading; and
- (19) Creation, alteration or maintenance of constructed ponds, other than those described in section 10.15, C, 3, a, (2) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the standards in Section 10.17.A.3.b.(1);

~~*Note: The Commission adopted subsection 3, a, (16) above, with the understanding that it will reconsider this matter in October 1991. This is the date that the Department of Environmental Protection's sludge "Comprehensive Research Program" is scheduled to complete its studies of the makeup of sludge and impacts of sludge spreading.~~

b. Uses Requiring a Permit

The following uses may be allowed within M-NC Management Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (2) Level B mineral exploration activities;
- (3) Mineral extraction operations affecting an area 5 acres or greater in size, for road purposes; mineral extraction operation, affecting an area less than 5 acres in size, for road purposes and which are not in conformance with the standards established for such activities in Section 10.17, A of this chapter;
- (4) Water impoundments;
- (5) Campgrounds;

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- (6) Filling and grading, except as provided in 10.15, C, 3, a, and draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (7) Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;
- (8) Remote camps;
- (9) Driveways;
- (10) Creation, alteration or maintenance of constructed ponds, other than those described in section 10.15, C, 3, a, (2) above, which are 1 acre or more in size, or such ponds less than 1 acre which exceed the standards of Section 10.17,A,3,b,(1);
- ~~(9)~~ 11) Other structures, uses, or services that are essential for the exercise of uses listed in Section 10.15, C, 3, a and b; and
- ~~(10)~~ 12) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect.

c. Special Exceptions

The following uses may be allowed within M-NC Management Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Utility facilities;
- (2) Non-exempt signs; and
- (3) Level C road projects.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-NC Management Subdistricts.

10.16 PROTECTION SUBDISTRICTS AND LAND USE STANDARDS

Pursuant to the Commission's Comprehensive Land Use Plan, the following Protection Subdistricts are established:

A. AQUIFER PROTECTION SUBDISTRICT (P-AR)

1. Purpose

The purpose of the P-AR Protection Subdistrict is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.

2. Description

Areas identified by the Commission as having soil rated as highly permeable and/or surficial geologic units that are highly permeable and are hydrologically connected through highly fractured bedrock units to a ground water supply which is currently, or anticipated to be, used for public, industrial or agricultural purposes, or areas identified by the Commission as aquifer recharge areas based on studies by appropriate qualified persons or agencies where the commission determines that such areas warrant water quality protection.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-AR Protection Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Service drops;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Non-permanent docking and mooring structures;
- (7) Surveying and other resource analysis;
- (8) Signs;
- (9) Agricultural management activities, except for fertilizer application;
- (10) Forest management activities, except for fertilizer application;
- (11) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (12) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (13) Level A road projects; and
- (14) Filling and grading;
- (15) Private, commercial, and public hand-carry launches; and
- (16) Driveways associated with residential uses.

b. Uses Requiring a Permit

The following uses may be allowed within P-AR Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, subject to the applicable requirements set forth in Section 10.17 of this chapter, and provided that the recharge capability of the area remains the same as it would be under the area's natural state:

- (1) Agriculture management activities which are not in conformance with the standards for such activities in Section 10.17, A, of this chapter;
- (2) Application of fertilizers for forest or agricultural management activities;
- (3) Land management roads and water crossings;
- (4) Level B road projects;
- (5) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (6) Mineral extraction for road purposes affecting an area less than 30 acres in size, provided the unreclaimed area is less than 15 acres;
- (7) Shoreland alterations, excluding marinas, permanent docking facilities, ~~and~~ water-access ways, trailered boat ramps, and hand-carry launches;
- ~~(8)~~ Hand-carry launches addressed in Section 10.16.A.3.a which are not in conformance with the standards for such activities in Section 10.17.B of this chapter;
- ~~(9)~~ Single-family detached dwellings ~~units~~, and campgrounds and campsites, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
- ~~(10)~~ Utility facilities, excluding service drops;
- ~~(11)~~ Water impoundments;
- ~~(12)~~ Home occupations;
- ~~(13)~~ Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- ~~(14)~~ Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- ~~(15)~~ Peat extraction affecting an area less than 30 acres in size;
- ~~(16)~~ Other structures, uses or services that are essential for uses listed in Section 10.16, A, 3, a and b; and
- ~~(17)~~ Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-AR Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level C road projects;
- (2) Level B mineral exploration activities;
- (3) Public, commercial and private trailered and boat ramps, permanent docking facilities and water-access ways; and

- (4) Filling and grading, except as provided in 10.16, A, 3, a, and draining, dredging and alteration of the water table or water level for purposes other than mineral extraction.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AR Protection Subdistricts.

B. FLOOD PRONE AREA PROTECTION SUBDISTRICT (P-FP)

1. Purpose

The purpose of the P-FP Protection Subdistrict is to regulate certain land use activities in flood prone areas in order to minimize the human and financial costs of floods and flood cleanup programs, by protecting adjacent, upstream and downstream property from flood damage, by minimizing danger from malfunctioning water supply and waste disposal systems in flood prone areas; and to comply with the cooperative agreement between the Land Use Regulation Commission and the ~~Department of Housing and Urban Development~~ Federal Emergency Management Agency (FEMA) regarding the regulation of land use so that flood insurance can be made available to persons in flood prone areas.

2. Description

Areas located within the 100 year frequency flood plain as identified by the Commission after consideration of relevant data including, without limitation, identification of areas as flood prone by state or federal agencies including the Final Flood Hazard Studies and accompanying Flood Insurance Rate Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-FP Protection Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter and 44 CFR, Section 60.3(d)(a-e) of the National Flood Insurance Program regulations:

- (1) Primitive recreational uses, including fishing, hunting, hiking, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Level A mineral exploration activities, including associated access ways;
- (5) Signs;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (8) Campsites;
- (9) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (10) Level A road projects;
- (11) Service drops;
- (12) Non-permanent docking and mooring structures;
- (13) Forest management activities;
- (14) Land management roads and water crossings of minor flowing waters;
- (15) Agricultural management activities;
- (16) Mineral extraction affecting an area less than 5 acres in size, for road purposes; and
- (17) Filling and grading;

- (18) Public trailered ramps and private, commercial, and public hand-carry launches;
- (19) Driveways associated with residential uses; and
- (20) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1).

b. Uses Requiring a Permit

The following uses may be allowed within P-FP Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., § 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter and 44 CFR, Section 60.3(d)(a-e) of the National Flood Insurance Program regulations:

- (1) Agriculture management activities and land management roads not in conformance with the standards for such activities in Section 10.17, A of this chapter;
- (2) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (3) Level B mineral exploration activities;
- (4) Mineral extraction operations affecting an area 5 to 30 acres or greater in size provided the unreclaimed area is less than 15 acres, for road purposes; mineral extraction operations, affecting an area less than 5 acres in size, for road purposes which are not in conformance with the standards established for such activities in Section 10.17, A of this chapter;
- (5) Water impoundments;
- (6) Shoreland alterations, excluding marinas, permanent docking facilities and water access ways, and trailered and boat ramps, and hand-carry launches;
- (7) Trailered ramps and hand-carry launches addressed in 10.16,B,3,a which are not in conformance with the standards for such activities in 10.17.B of this chapter and commercial trailered ramps;
- ~~(7)~~ (8) Filling and grading, except as provided in 10.16, B, 3, a, and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- ~~(8)~~ (9) Level B and C road projects;
- ~~(9)~~ (10) Campgrounds;
- ~~(10)~~ (11) Utility facilities, except for service drops;
- (12) Water crossings of tidal waters, standing waters and major flowing waters;
- (13) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- (14) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1);
- ~~(11)~~ (15) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.16, B, 3, a and b; and
- ~~(12)~~ (16) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-FP Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other

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uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Private trailered ~~and boat~~-ramps, permanent docking facilities and water-access ways.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FP Protection Subdistricts.

C. FISH AND WILDLIFE PROTECTION SUBDISTRICT (P-FW)

1. Purpose

The purpose of this subdistrict is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

2. Description

This subdistrict shall include wildlife and fishery habitat the Commission determines are in need of special protection pursuant to the following standards:

- a. Significant fish spawning nursery and feeding areas, ~~and~~ critical habitat of endangered and threatened fish and wildlife species ascertained by state or federal agencies, and habitat of fish or wildlife species needing special protection by other means, including by a state fish or wildlife conservation plan.
- b. The shelter portions of deer wintering areas when the following conditions are met:
 - (1) The following must be shown for all shelter portions of deer wintering areas proposed for a P-FW subdistrict:
 - (a) Documentation of use as a deer wintering area during a minimum of two years over the most recent 10 year period at the time of designation; for at least one of such years, such documentations shall be based upon ground observation by a wildlife biologist of the Department of Inland Fisheries and Wildlife during or following a period of winter conditions, but no later than May 1 in any year, showing extent of deer use for winter shelter as evidenced by deer tracks, current and past deer browsing, deer pellet depositions, and/or bedding sites, such that a population of at least 20 deer per square mile in the shelter area may be estimated. A P-FW Subdistrict may be established for an area with an estimated population of fewer than 20 deer per square mile if, in the Commission's judgement, it is necessary to meet the purpose of the P-FW Subdistrict. In this regard, the Commission may be guided by "Planning for Maine's Inland Fish and Wildlife Resources, 1986-1991", of the Maine Department of Inland Fisheries and Wildlife, and associated documents, including the white-tailed deer assessment and strategic plan, as they may be amended from time to time; and
 - (b) Occurrence of forest stands that are composed of over 50 percent conifer stems and contain a conifer crown closure of over 50 percent with predominant tree heights of over 35 feet; and
 - (2) The Maine Department of Inland Fisheries and Wildlife (MDIFW) has submitted to the Commission a status report containing the following information:
 - (a) Deer population and deer habitat goals for the state and the applicable Deer Wildlife Management District (DMD)(WMD) – see Map 10.16-1;
 - (b) Estimated current population of deer in the state and the applicable ~~(DMD)(WMD)~~;
 - (c) Amount of land designated as P-FW Subdistricts in the applicable ~~(DMD)(WMD)~~;
 - (d) Existing information on the amount of deer wintering habitat in organized towns within the applicable ~~(DMD)(WMD)~~;
 - (e) Amount and location of land designated as P-FW Subdistricts in the subject township and all townships abutting the subject township;

- (f) A qualitative and, if available, quantitative assessment, based on existing information, of the importance of the area proposed as a P-FW Subdistrict to other wildlife species of particular significance, including those identified by state or federal agencies as Endangered, Threatened, Special Concern, Indeterminate Status, or Watch List; and
- (3) The combined area of the shelter portions of deer wintering areas designated as P-FW or P-4 Subdistricts within the applicable ~~(DMD)~~(WMD) must not exceed 3.5% of the area of that ~~(DMD)~~(WMD); and
- (4) The Department of Inland Fisheries and Wildlife has consulted with the landowner in one of the following ways:
 - (a) The Department of Inland Fisheries and Wildlife has offered, in writing, to the landowner whose land is under consideration for designation as a P-FW Subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, and has met with the landowner following such survey for the purpose of reaching agreement as to the area to be designated as a P-FW Subdistrict. In making its offer, the Department may require prior agreement by the landowner to reasonably limit activities that would affect designation of the area while it remains under consideration:
 - (i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-FW Subdistrict;
 - (ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported in writing to the Commission by the Department and the landowner; or
 - (b) The Department of Inland Fisheries and Wildlife has not offered, in writing, to the landowner whose land is under consideration for designation as a P-FW Subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, but has met with the landowner following its ground survey for the purpose of reaching agreement as to the area to be designated as a P-FW Subdistrict:
 - (i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-FW Subdistrict;
 - (ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported to the Commission by the Department and the landowner. Notwithstanding that disagreement, if the Commission finds that the area meets the criteria for designation as a P-FW Subdistrict and applies the P-FW designation to the area, within two years of the date of that subdistrict designation, the landowner may request reconsideration of the designation if the landowner has obtained new information indicating the area did not meet the criteria set forth in 10.16,C,2,b,(1) at the time of designation. The Commission will give the Department at least 90 days notice of its receipt of a request for reconsideration prior to deciding that request.
- c. Upon request or agreement by the landowner, the configuration of a P-FW Protection Subdistrict may be modified in order to provide the subdistrict with boundaries of reasonably regular shape.
- d. The provisions of Section 10.16,C,2,b, as amended on June 20, 1991, shall apply only to proposals to rezone areas to the P-FW Subdistrict that are submitted to the Commission after June 20, 1991.

- e. The Commission may change a P-FW Subdistrict by reducing its size or by changing it to another Subdistrict designation if it finds by substantial evidence that:
- (1) The area designated as a P-FW Subdistrict is no longer substantially used as a wintering area by deer and has not been so used for a period of ten years; and
 - (2) The change is consistent with the Comprehensive Land Use Plan; and
 - (3) The change is more appropriate for the protection and management of the resource within the affected area.

Alternatively, the Commission may approve such a subdistrict change if the owner of the affected land designated as P-FW and the Commissioner of the Department of Inland Fisheries and Wildlife agree that such change is appropriate or the area is not needed to meet the deer management objectives established by the Department.

Notwithstanding the above, where a P-4 or P-FW Protection Subdistrict has been established for the purposes of protecting a deer wintering area, that subdistrict shall not be reduced in size as a result of timber harvesting activities which would cause such subdistrict to no longer satisfy the requirements of Section 10.16,C,2,b,(1),(b).

- f. Coastal nesting islands or portions thereof, to be zoned as P-FW will be determined by the following:
- (1) Documentation of use by significant numbers of island nesting sea birds through an on-site investigation as reported in the U.S. Fish and Wildlife Service, Maine Cooperative Wildlife Research Unit's Maine Sea Bird Inventory. Breeding population estimates shall be based upon counts of individual nesting pairs and/or visual estimate of the total nesting population of a species.
 - (2) An island or portion thereof will be considered essential to the maintenance of sea bird populations when: (a) it provides habitat for one percent or more of Maine's total island breeding population of a particular species, or (b) the sum of such percentages for all species on the island is 1 or greater (the individual percentage is determined by dividing the island breeding population by Maine's total island breeding population for a particular species as determined by the latest information available from the Maine Sea Bird Inventory), or (c) when, in the Commission's judgement, protection of an island or portion thereof is essential to the maintenance of the distribution and abundance of a specific species of sea bird.

The colonial sea bird species considered in the above determination include, but are not limited to: common eider (*Somateria moullissima*), Atlantic puffin (*Fratercula arctica*), razorbilled auk (*Alca torda*), black guillemot (*Cepphus grylle*), snowy egret (*Leucophogx thula*), glossy ibis (*Plegadis falcinellus*), arctic tern (*Sterna paradisaea*), common tern (*Sterna hirundo*), roseate tern (*Sterna dougallii*), herring gull (*Larus argentatus*), great black-backed gull (*Larus marinus*) laughing gull (*Larus arcticilla*), Leach's petrel (*Oceanodroma leucorhoa*), double-crested cormorant (*Phalacrocorax auritus*), black-crowned night heron (*Nycticorax nycticorax*), and great blue heron (*Ardea herodias*).

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-FW Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter:

(provided, however, only wildlife and fishery management practices approved by the Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall be permitted without prior approval of the Commission from May 1st to July 15th in P-FW Protection subdistricts established for colonial nesting sea birds).

- (1) Non-permanent docking and mooring structures in the shelter portion of deer wintering areas;
- (2) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (3) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Those signs listed as exempt in Section 10.17, B of this chapter;
- (6) Wildlife and fishery management practices;
- (7) Service drops;
- (8) Level A mineral exploration activities, excluding associated access ways;
- (9) Level A road projects;
- (10) Surveying and other resource analysis;
- (11) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (12) Forest management activities and land management roads, provided that timber harvesting and land management road construction are carried out in conformance with the following:
 - (a) Applicant shall confer with the appropriate Biologist of the Department of Inland Fisheries and Wildlife as to how the proposed activity is to occur within the P-FW Protection Subdistrict; at the landowner's option, the applicant may also confer with a Forester of the Bureau of Forestry;
 - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
 - (c) If a plan acceptable to the parties can be reached, the applicant shall notify the Commission in writing with a copy of the field investigation report by the Biologist (and the Forester where he also has been consulted) which states how and over what time period the activity is to occur -- the notification letter shall be signed by the person responsible for the proposed activity and the field investigation report shall be signed by the Biologist (and the Forester, where applicable);
 - (d) Applicant may proceed with activity in conformity with the plan 14 days after notification to the Commission unless within such time period the Commission disapproves the plan;
 - (e) Applicant shall notify the Commission of completion of activity so that a follow-up field investigation may be carried out by the Commission or its designee.
- (13) Water crossings of minor flowing waters.
- (14) Mineral extraction for road purposes involving less than one (1) acre of land, provided that such activity is carried out in conformance with the following:
 - (a) Applicant shall confer with the appropriate biologist of the Department of Inland Fisheries and Wildlife for the purpose of developing a plan as to how the proposed activity is to occur within the P-FW Protection Subdistrict and within what time period;
 - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;

- (c) If a plan acceptable to the parties can be reached, the applicant shall submit a copy of the agreed-upon plan, signed by both parties, to the Commission;
- (d) Applicant may proceed with activity in conformity with the plan 14 days following receipt of the plan by the Commission unless, within such time period, the Commission disapproves the plan;
- (e) Applicant shall notify the Commission of completion of the activity so that a follow-up field investigation may be carried out by the Commission or its designee.

b. Uses Requiring a Permit

The following uses may be allowed within P-FW Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Timber harvesting and land management roads for which agreement cannot be reached pursuant to Section 10.16, C, 3, a;
- (2) Water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17, A; water crossings of standing waters and of major flowing waters;
- (3) Campsites;
- (4) Agriculture management activities;
- (5) Utility facilities excluding service drops;
- (6) Level B road projects;
- (7) Shoreland alterations and non-permanent docking and mooring structures, except as provided for in Section 10.16, C, 3, a, but excluding marinas, permanent docking facilities, and water-access ways, trailered and boat ramps and hand-carry launches;
- (8) Signs other than those listed as exempt in Section 10.17, B of this chapter;
- (9) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17, A;
- (10) Home occupations;
- (11) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- ~~(12)~~ Filling and grading;
- ~~(13)~~ Land application of septage, sludge and other residuals, and related storage and composting activities;
- ~~(14)~~ Other structures, uses or services that are essential for uses listed in Section 10.16, C, 3, a and b; and
- ~~(15)~~ Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-FW Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

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- (1) Level C road projects;
- (2) Level B mineral exploration activities;
- (3) Mineral extraction for road purposes involving one (1) ~~or more~~ to 5 acres of land;
- (4) Water impoundments;
- (5) Single family detached dwelling units; ~~and~~
- (6) Permanent docking facilities, ~~and~~ water-access ways, trailered and boat-ramps and hand-carry launches; and
- (7) Driveways.

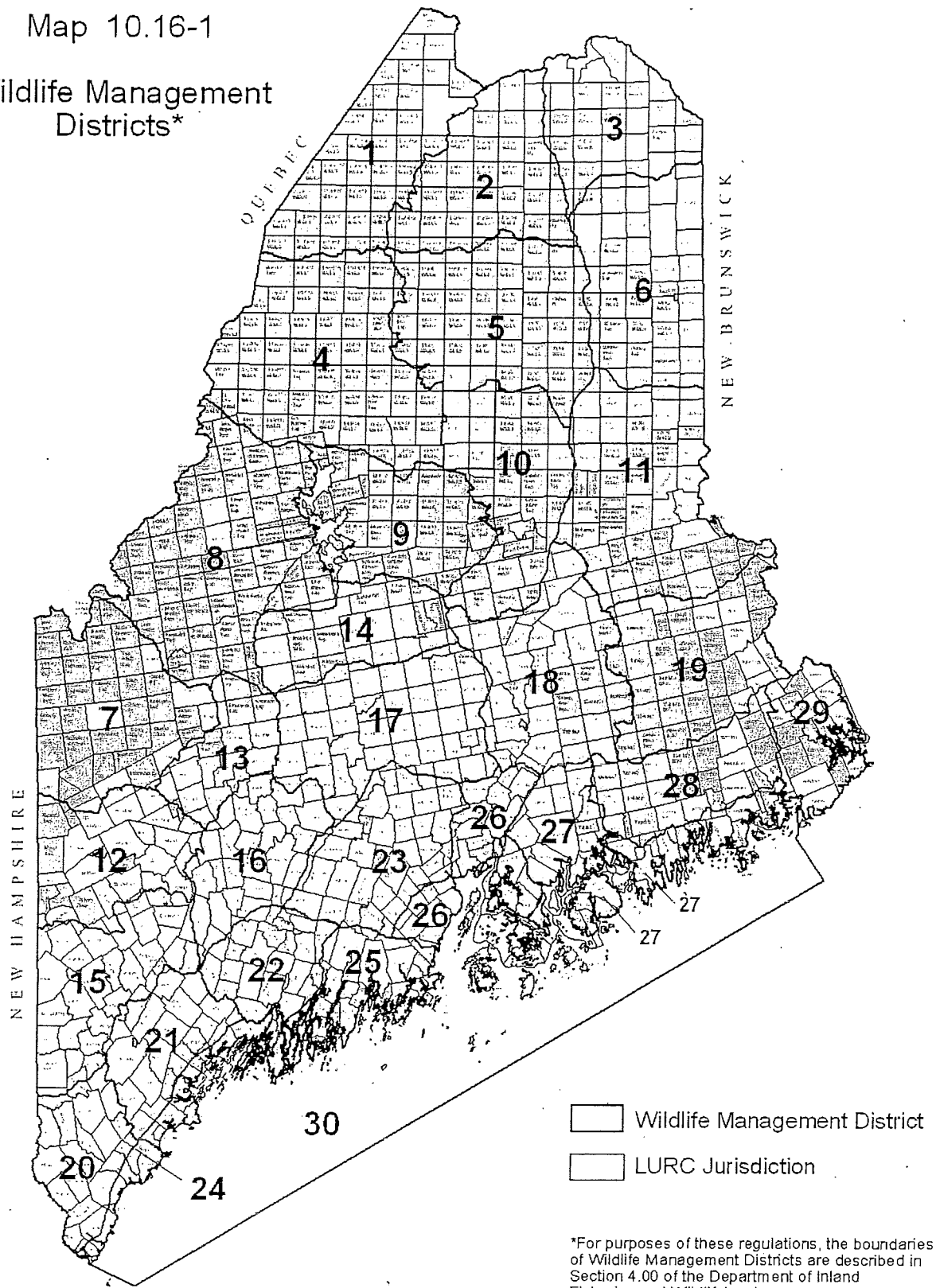
d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FW Protection Subdistricts.

Note: Map 10.16-1 is deleted and replaced with the following map.

Map 10.16-1

Wildlife Management Districts*



- Wildlife Management District
- LURC Jurisdiction

*For purposes of these regulations, the boundaries of Wildlife Management Districts are described in Section 4.00 of the Department of Inland Fisheries and Wildlife's rules.

9/27/00

D. GREAT POND PROTECTION SUBDISTRICT (P-GP)

1. Purpose

The purpose of the Great Pond Subdistrict is ~~not to wholly preclude to regulate~~ residential and recreational development on Great Ponds, ~~but to regulate these areas so that development will not degrade the waters, to protect water quality,~~ recreation potential, fishery habitat, ~~or~~ and scenic character, ~~provided that Types of development which are not allowed pursuant to the standards set forth for this Subdistrict shall may be permitted upon approval of an application to redistrict the land involved to an appropriate Development Subdistrict in accordance with Section 10.08 of this chapter.~~

2. Description

Areas within 250 feet of the normal high water mark, measured as a horizontal distance landward of such high water mark, of those standing bodies of water 10 acres or greater in size.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-GP Protection Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Service drops;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Surveying and other resource analysis;
- (7) Signs;
- (8) Non-permanent docking or mooring structures;
- (9) Agricultural management activities;
- (10) Forest management activities;
- (11) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations.
- (12) Level A road projects;
- (13) Land management roads, and water crossings of minor flowing waters;
- (14) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; ~~and~~
- (15) Filling and grading-;
- (16) Public trailered ramps and commercial and public hand-carry launches;
- (17) Driveways associated with residential uses; and
- (18) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1).

b. Uses Requiring a Permit

The following uses may be allowed within P-GP Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Agricultural management activities which are not in conformance with the standards for such activity in Section 10.17, A of this chapter;
- (2) Timber harvesting which is not in conformance with the standards for such activity in Section 10.17, A of this chapter;
- (3) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17, A of this chapter; water crossings of standing waters and of major flowing waters;
- (4) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.16,D,3,a-10.16,D,3,a;
- (5) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (6) Level B mineral exploration activities;
- (7) Mineral extraction for road purposes no greater than 5 acres in size;
- (8) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered boat ramps, hand-carry launches and water crossings of minor flowing waters;
- (9) Trailered ramps and hand-carry launches addressed in 10.16,D,3,a which are not in conformance with the standards for such activities in 10.17,B of this chapter, commercial trailered ramps and private hand-carry launches;
- (910) Filling and grading, except as provided in 10.16, D, 3, a and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- ~~(1011)~~ Campsites;
- ~~(1112)~~ Water impoundments;
- ~~(1213)~~ Utility facilities other than service drops;
- ~~(1314)~~ Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- ~~(1415)~~ Single family detached dwelling units except that only remote camps will be allowed in P-GP Protection Subdistricts within M-NC Management Subdistricts;
- ~~(1516)~~ Home occupations;
- ~~(1617)~~ Land application of septage, sludge and other residuals, and related storage and composting activities;
- (18) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- (19) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1);
- ~~(1720)~~ Other structures, uses, or services that are essential for uses listed in Section 10.16, D, 3, a and b; and
- ~~(1821)~~ Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-GP Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant

shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Campgrounds;
- (2) Commercial sporting camps of up to 8,000 square feet in floor area for all principal buildings concerned; and
- (3) Retail stores and restaurants with a gross floor area of no more than 2,000 square feet.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Permanent docking facilities, and water-access ways, and private trailered and boat-ramps;
and
- (5) Peat extraction affecting an area less than 5 acres in size;

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-GP Protection Subdistricts.

e. Water Quality Limiting Lakes

Water Quality Limiting Lakes shall be those bodies of standing water 10 acres or greater in size where the Commission determines from available information that the maximum number of allowable dwelling units, as determined by minimum shoreline frontage requirements for such body of water, would give rise to a significant risk of increasing the phosphorus concentration of the water by 5 parts per billion or more.

With respect to future development, including subdivisions, near such bodies of water, the Commission may impose additional and/or more protective standards with respect to clearing, frontage and setback requirements, sewage disposal, and other aspects of such development so as to reasonably assure that the above stated maximum allowable change in phosphorus concentration for such bodies of water is not exceeded.

The methodology used to identify water quality limiting lakes is shown in Appendix A of this chapter.

E. MOUNTAIN AREA PROTECTION SUBDISTRICT (P-MA)

1. Purpose

The purpose of the P-MA Protection Subdistrict is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

2. Description

- a. Areas above 2,700 feet in elevation, except where the Commission determines from substantial evidence presented to it that designation otherwise would not jeopardize significant natural, recreational or historic resources and where such other designation would be consistent with the purpose, intent and provisions of the Comprehensive Land Use Plan and 12 M.R.S.A., Chapter 206-A.

Evidence submitted for consideration in determining whether areas above 2,700 feet in elevation should not be included in a Mountain Area Protection Subdistrict shall include the following:

- (1) Proof that the area meets the definition of the subdistrict in which it is proposed to be placed;
 - (2) A soils map showing soil type or soil group names, and a description of their characteristics, demonstrating that the area possesses the following soil conditions:
 - (a) Depth to bedrock of 20" or more,
 - (b) Well or moderately well drained,
 - (c) Slope of less than 25%,
 - (d) A mature soil profile, and
 - (e) Nutrient content and pH status proper to encourage the establishment of vegetation.
 - (3) A topographic map indicating the area to be excluded from the P-MA Protection Subdistrict;
 - (4) A description of scenic conditions and recreational opportunities which shows that there are no areas of scenic value or recreational opportunity which will be unreasonably impaired by excluding such area from the P-MA Protection Subdistrict;
 - (5) A description of the land use history of the area; and
 - (6) Other information pertinent to the suitability of the area, pursuant to 12 M.R.S.A., Section 685-B, 4 for the specific use proposed.
- b. Mountain areas the Commission identifies below 2,700 feet in elevation when vegetative cover, geology, degree of slope, soil type, and climatic conditions indicate the need to protect such areas in order to achieve the purpose of the P-MA Subdistrict.

Evidence submitted for consideration in determining whether areas below 2,700 feet in elevation should be included in a P-MA Protection Subdistrict shall include the following:

- (1) A soils map showing soil types or groups and a description of their characteristics demonstrating that the area possesses the following soil conditions:
 - (a) Depth to bedrock of less than 20",
 - (b) Less than moderately well drained,

- (c) Slope of 25% or greater,
 - (d) Soil profile which is not mature, and
 - (e) Nutrient content and pH status not conducive to the establishment of vegetation.
- (2) A topographic map indicating the area to be included in the P-MA Protection Subdistrict;
 - (3) A description of scenic conditions and recreational opportunities in the area which demonstrates that the same should be included in the P-MA Protection Subdistrict;
 - (4) A description of the land use history of the area; and
 - (5) Other information pertinent to the suitability of the area for inclusion in P-MA Protection Subdistrict.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-MA Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Non-permanent docking and mooring structures;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Wildlife and fishery management practices;
- (5) Service drops;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Signs listed as exempt in Section 10.17, B of this chapter;
- (8) Surveying and other resource analysis;
- (9) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (10) Forest and agricultural management activities, except for timber harvesting; and
- (11) Level A road projects.

b. Uses Requiring a Permit

The following uses may be allowed within P-MA Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Timber harvesting;
- (2) Land management roads and water crossings;
- (3) Water impoundments;
- (4) Campsites;
- (5) Filling, grading, draining, ~~dredging or alteration of~~ and altering the water table or water level for other than mineral extraction;
- (6) Level B road projects;
- (7) Trails;
- (8) Signs other than those listed as exempt in Section 10.17, B of this chapter;
- (9) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17, A;

- (10) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (11) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (12) Other structures, uses, or services that are essential for exercise of uses listed in Section 10.16, E, 3, a and b; and
- (13) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-MA Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., ~~Section § 685-A(10),~~ 40 and subject to the applicable requirements set forth in Section 10.17 of this Chapter, provided that the applicant shows by substantial evidence that (a) ~~there~~ there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Utility facilities;
- (2) Level C road projects;
- (3) Structures relating to downhill skiing and other mountain related recreation facilities; ~~and~~
- (4) Level B mineral exploration activities; and
- (5) Driveways.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-MA Protection Subdistricts.

F. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

1. Purpose

The purpose of this subdistrict is to provide for the more efficient and effective management of single or multiple Protection Subdistricts (and in some cases adjoining Management Subdistricts) than can be realized through the use of other Protection Subdistricts and their related standards. Resource Plans for such areas that are consistent with the requirements of paragraphs 2 through 89 below may be submitted to the Commission for review, and upon approval, such areas shall be designated as P-RP Protection Subdistricts.

“~~Lake~~ Concept plans,” as outlined in the Comprehensive Land Use Plan, are included under the purpose of this subdistrict.

2. Description

P-RP Protection Subdistricts shall be designated in areas where the Commission has approved a Resource Plan that:

- i)a. Incorporates standards, which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable; and
- ii)b. Establishes procedures that reduce the need for repetitious permit applications to the Commission; and
- iii)c. Complies with the criteria established below for their review; and
- iv)d. Has as its primary purpose the protection of those resources in need of protection or, in the case of ~~lake~~-concept plans, includes in its purpose the protection of those resources in need of protection.

3. Permitted Uses

Unless the Commission otherwise provides in approving the Resource Plan, those uses that are specified in the approved Resource Plan shall be allowed without a permit. The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a Development Subdistrict provided such subdivision is consistent with the purpose and intent of this subdistrict.

4. Ownership

Before the Commission shall consider an application, the applicant shall submit proof that he owns or leases the area for which the Resource Plan is proposed.

5. Application Procedures

All P-RP Protection Subdistrict applications shall include at least the following information:

- a. A statement of how the proposed Resource Plan conforms with the purpose of this subdistrict and what objectives will be achieved by the proposed redistricting;
- b. A copy of an existing district map on which the area of the proposed P-RP Protection Subdistrict is clearly shown;

- c. A description of the management procedures, conservation easements, covenants, agreements or other formalized procedures that the applicant proposes to use to replace the restrictions and regulations that currently apply. The description shall specify how the Resource Plan achieves equal or better protection of resources in the area than the subdistrict(s) which would otherwise apply;
- d. A copy of all those formal procedures and agreements that will ensure the continued protection of the resources; and
- e. A statement that specifies the expiration date (if any) of the proposed Resource Plan, and of the procedures the applicant may wish to use to extend the provisions thereof.

When the Resource Plan application involves structural development, it shall include, in addition to (a) through (e) above:

- f. Forms, plans, and exhibits as are required by the Commission;
- g. Evidence that the proposal will conform with 12 M.R.S.A., Section 685-B; and
- h. A covenant stating that no subdivision of the designated area will take place, except as approved by the Commission as part of an approved lake-concept plan.

6. Criteria for Review

The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:

- i)a. The plan conforms with redistricting criteria;
- ii)b. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
- iii)c. The plan conforms with the Commission's Comprehensive Land Use Plan;
- iv)d. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of lake concept plans, this means that any development gained through any waiver of the adjacency criteria is matched by comparable conservation measure;
- v)e. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of lake concept plans, includes in its purpose the protection of those resources in need of protection;
- vi)f. In the case of lake-concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and
- vii)g. In the case of lake-concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

7. Approval or Denial of Resource Plan

The Commission, after staff review and recommendation, shall approve or deny the redistricting application. If the Resource Plan proposal contemplates structural development, except as provided in Section 10.16, F, 3, the Commission may simultaneously with its approval of the P-RP Protection Subdistrict, grant, grant with conditions, or deny, applications for such permits as are required for structural development.

Upon approval of the Resource Plan, a P-RP Protection Subdistrict shall be designated on the official District Map and recorded in accordance with the provisions of Section ~~10.03~~10.04 of this ~~c~~Chapter.

8. Duration of Plan

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The provisions of an approved and recorded Resource Plan shall apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan shall continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. The Resource Plan shall be for a minimum of 10 years and may be extended upon approval of the Commission and the applicant. The Resource Plan shall become invalidated if the provisions therein are not complied with.

At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning of equivalent areas. Any variation from existing regulations or development occurring as a result of a resource plan cannot be used to justify a subsequent re-zoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the resource plan area upon its expiration.

In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements.

9. Amendments

Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.16,F,6 above. An increase in the size of a P-RP Protection Subdistrict may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

G. RECREATION PROTECTION SUBDISTRICT (P-RR)

1. Purpose

The purpose of this subdistrict is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

2. Description

P-RR: Trails, and areas surrounding bodies of standing and flowing water and other areas which the Commission identifies as providing or supporting unusually significant opportunities for primitive recreational experiences.

Bodies of standing water so classified include, but are not limited to, those found to meet the definition of Management Class 1 or Management Class 6 Lakes.

In the case of Management Class 1 Lakes, the Protection District shall extend 1/4 mile out from and around the body of water; in the case of Management Class 6 Lakes, the Protection District shall extend 1/2 mile out from and around the body of water; and in the case of trails and bodies of flowing water, the Protection District shall extend 250 feet on each side of the trail or body of flowing water, measured from the center of the trail or the normal high water mark of the water, provided that such distance may be decreased where a lesser distance will satisfy the purpose of this subdistrict. The extent, as delineated above, of any P-RR Protection Subdistrict may be increased upon land owner agreement.

The river segments within the Commission's jurisdiction identified as meriting special protection in the Governor's Executive Order on Maine Rivers Policy, issued July 6, 1982, based upon the 1982 Maine Rivers Study of the Department of Conservation, shall qualify as bodies of flowing water appropriate for protection within this subdistrict.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-RR Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter;

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic and snowmobiling with the following exceptions:
 - (a) in the instance of trails designated as P-RR, such traffic and snowmobiling is allowed only on those portions of such trails which are located within the right-of-way of a roadway or utility line;
 - (b) within any P-RR Protection Subdistrict surrounding a body of standing water, such traffic is allowed only in connection with forest or agricultural management activities or in connection with access to and use of existing remote camps; but snowmobiling shall be allowed in such subdistrict;

- (3) Wildlife and fishery management practices;
- (4) Service drops;
- (5) Level A mineral exploration activities, including associated access ways, provided that such access ways located in P-RR Protection Subdistricts established to protect bodies of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of the mineral exploration activity, further provided that, when approval for such is legally required, the Bureau of Forestry approves the discontinuance of such access ways, which approval the operator shall request;
- (6) Surveying and other resource analysis;
- (7) Those signs listed as exempt in Section 10.17, B of this chapter;
- (8) Forest and agricultural management activities, except for timber harvesting in P-RR Protection Subdistricts established to protect a trail. Timber harvesting in a P-RR Subdistrict established to protect a body of flowing water shall be carried out in compliance with the standards for timber harvesting in P-SL1 Subdistricts as set forth in Section 10.17, A, 5 of this chapter. Skid trails, skid roads, and winter haul roads in P-RR Subdistricts established to protect a body of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of timber harvesting, provided that, wherever such approval is legally required, the Bureau of Forestry approves discontinuation of such road, which approval the owner shall request;
- (9) ~~Non-permanent docking and mooring structures in P-RR subdistricts established to protect a body of standing water, provided such facilities serve an existing non-commercial remote camp;~~
- (10) Land management roads provided:
 - (a) the Commission is notified (according to Section 10.20 of this chapter) in advance of commencing construction on the road;
 - (b) the road, if in P-RR Protection Subdistricts around a body of standing water, shall be located no closer than 1,000 feet from the normal high water mark of the body of water so zoned. The road shall be discontinued, gated, obstructed, or otherwise made impassable to two wheel drive vehicles within three years of construction of the road, provided that, wherever such approval is legally required, the Bureau of Forestry approves discontinuation of such road, which approval the owner shall request;
 - (c) the road, if located in a P-RR Protection Subdistrict established to protect a trail, follows the shortest practicable route in traversing such subdistricts;
 - (d) the road, if located in a P-RR Subdistrict established to protect a body of flowing water, follows the shortest practicable route in traversing such subdistrict and is built in compliance with the road standards for P-SL1 Subdistricts as set forth in Section 10.17, A, 4 of this chapter;
- (11) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (12) Water crossings of minor flowing waters in P-RR Protection Subdistricts, except as provided in Section 10.16, G, 3, b, (6) below;
- (13) Level A road projects;
- (14) Skid trails, skid roads, and winter haul roads in P-RR Protection Subdistricts established to protect a trail or body of flowing water, provided the skid trail or road follows the shortest practicable route in traversing such subdistrict and traverses such subdistrict the fewest number of times practicable;
- (15) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (16) Mineral extraction for road purposes in P-RR Subdistricts established to protect bodies of flowing water, provided that such activity:

- (a) is not visible from the body of flowing water which the P-RR Subdistrict was established to protect;
- (b) avoids use of the P-RR Subdistrict, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
- (c) does not exceed 2 acres in size.

b. Uses Requiring a Permit

The following uses may be allowed within P-RR Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter.

- (1) Land management roads not in conformance with the Standards in 10.16, G, 3, a above. In the case of P-RR Subdistricts around bodies of standing water, the Commission shall, among other factors, consider the following:
 - (a) whether there is any reasonable alternative route for the road;
 - (b) whether reasonable and adequate provisions will be made by the applicant to make the road impassable to two wheel drive vehicles following termination of the road's use; and
 - (c) whether the construction and use of the road will adversely affect the resources protected by the P-RR Subdistrict;
- (2) Signs other than those listed as exempt in Section 10.17, B of this chapter;
- (3) Campsites;
- (4) Level B road projects;
- (5) Timber harvesting in P-RR Protection Subdistricts except as provided for in 10.16, G, 3, a above;
- (6) Water crossings of major flowing waters; water crossings of all flowing waters surrounded by a P-RR Protection Subdistrict established to protect such waters;
- (7) Level A mineral exploration activities, including associated access ways, which are not in conformance with Section 10.16, G, 3, a, (5) or Section 10.17, A;
- (8) Mineral extraction for road purposes less than 5 acres in size, not in conformance with the standards in Section 10.16, G,3,a,(16) above, in P-RR Subdistricts established to protect bodies of flowing water;
- (9) Shoreland alterations, excluding marinas, permanent and non-permanent docking facilities, and water-access ways, anchoring devices, trailered and boat ramps, hand-carry launches, and water crossings of minor flowing waters;
- (10) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (11) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (~~11~~12) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.16, G, 3, a and b; and
- (~~12~~13) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

c. Special Exceptions

The following uses may be allowed within P-RR Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant

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shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level C road projects;
- (2) Utility facilities other than service drops;
- (3) Level B mineral exploration activities;
- (4) Mineral extraction for road purposes, except as provided in Sections 10.16, G, 3, a and b above;
- (5) Filling and grading; and
- (6) Permanent ~~and non permanent~~ docking facilities, and water-access ways, hand-carry launches, except as provided in Section 10.16,G,3,a; anchoring devices; and non-commercial public trailered boat ramps serving the public on rivers and streams zoned P-RR to protect flowing waters.

d. Prohibited uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RR Protection Subdistricts.

H. SOILS AND GEOLOGY PROTECTION SUBDISTRICTS (P-SG)

1. Purpose

The purpose of this subdistrict is to protect areas that have precipitous slopes or unstable characteristics from uses or development that can cause accelerated erosion, water sedimentation, mass movement, or structural damage, all of which could cause public danger or threaten public health.

2. Description

Areas, 10 acres or more in size, identified by the Commission as having average slopes greater than 60 percent, or areas, 10 acres or more in size, identified by the Commission as having unstable soil which, due to a combination of slope, vegetation, soil type and underlying geology, are subject to accelerated erosion or mass movement.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-SG Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Non-permanent docking and mooring structures;
- (5) Level A mineral exploration activities, excluding associated access ways;
- (6) Surveying and other resource analysis;
- (7) Signs;
- (8) Forest management activities, excluding timber harvesting;
- (9) Agricultural management activities;
- (10) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (11) Level A road projects; and
- (12) Service drops.

b. Uses Requiring a Permit

The following uses may be allowed within P-SG Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Agricultural management activities not in conformance with the standards for such use in Section 10.17, A;
- (2) Timber harvesting;
- (3) Level B and C road projects;
- (4) Land management roads and water crossings;

- (5) Shoreland alterations, excluding marinas, permanent docking facilities and boat ramps and ways;
- (6) Filling, grading, draining, dredging, and alteration of the water table or level for other than mineral extraction;
- (7) Utility facilities, except service drops;
- (8) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17, A;
- (9) Level B mineral exploration activities;
- (10) Mineral extraction for road purposes not to exceed 30 acres in size provided the unreclaimed area is less than 15 acres;
- (11) Trails;
- (12) Water impoundments;
- (13) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- ~~(14)~~ Other structures, uses, or services that are essential for the exercise of uses listed in Section 10.16, H, 3, a and b; and
- ~~(15)~~ Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-SG Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., §685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Driveways;

e.d. Prohibited Uses

All uses not expressly allowed, with or without a permit, or by special exception, shall be prohibited in P-SG Protection Subdistricts.

I. SHORELAND PROTECTION SUBDISTRICT (P-SL)

1. Purpose

The purpose of the P-SL Protection Subdistrict is to regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.

2. Description

P-SL1: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of (a) tidal waters, and (b) flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2: Areas within 75 feet of the normal high water mark, measured as a horizontal distance landward of such high water mark, of (a) the normal high water mark of stream channels upstream from the point where such channels drain 50 square miles; (b) the upland edge of those coastal and inland wetlands zoned as P-WL Protection Subdistricts identified pursuant to in Section 10.16, K, 2, b-10.16, K, 2, a, (1)(b) and (c) and (2) and (3) hereof; and (c) the normal high water mark of standing bodies of water less than 10 acres in size, but excluding standing bodies of water which are less than three acres in size and which are not fed or drained by a flowing water.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-SL Protection Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Service drops;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (7) Surveying and other resource analysis;
- (8) Signs;
- (9) Forest management activities;
- (10) Land management roads, and water crossings of minor flowing waters;
- (11) Level A road projects;
- (12) Mineral extraction, affecting an area less than 2 acres, for road purposes;
- (13) Non-permanent docking or mooring structures;
- (14) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (15) Filling and grading; and

- (16) ~~Agricultural management activities and construction or maintenance of farm or livestock ponds or irrigation ditches, excluding cranberry cultivation and water impoundments for agricultural irrigation purposes.;~~
- (17) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1);
- (18) Public trailered ramps, and public and commercial hand-carry launches; and
- (19) Driveways associated with residential uses;

b. Uses Requiring a Permit

The following uses may be allowed within P-SL Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Forest and agricultural management activities which are not in conformance with the standards for such activities in Section 10.17, A, and cranberry cultivation;
- (2) Land management roads, and water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17, A; water crossings of tidal waters, standing waters, and of major flowing waters;
- (3) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17, A;
- (4) Level B mineral exploration activities;
- (5) Mineral extraction for road purposes affecting an area of 2 to 5 acres or more in size and such activities affecting an area of less than 2 acres which are not in conformance with the standards for such activities in Section 10.17, A of this chapter;
- (6) Level B and C road projects, other than crossings of minor flowing waters as provided for in Section 10.16.I.3.a-10.16, I, 3, a;
- (7) Filling and grading, except as provided in 10.16, I, 3, a and draining, dredging, and alteration of water table or water level for other than mineral extraction;
- (8) Non-commercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (9) Campgrounds and campsites;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities, and water-access ways, trailered boat ramps, hand-carry launches and water crossings of minor flowing waters;
- (11) Trailered ramps and hand-carry launches addressed in 10.16.I.3.a which are not in conformance with the standards for such activities in 10.17,B of this chapter, private hand-carry launches and commercial trailered ramps;
- ~~(12)~~ Water impoundments;
- ~~(13)~~ Single family detached dwelling units, provided, however, only remote camps will be allowed with a permit where the P-SL Protection Subdistrict is contiguous with an M-NC Management Subdistrict;
- ~~(14)~~ Utility facilities, excluding service drops;
- ~~(15)~~ Home occupations;
- ~~(16)~~ Land application of septage, sludge and other residuals, and related storage and composting activities;
- (17) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;

- (18) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1);
- (19) Peat extraction affecting an area less than 5 acres in size;
- (1620) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.16, I, 3, a and b; and
- (1721) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

The following uses may be allowed within P-SL Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible, and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial sporting camps involving a total gross floor area of no more than 8,000 square feet for all principal buildings concerned; and
- (2) Industrial and commercial structures of less than 8,000 square feet which rely on the water resource for their existence.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Permanent docking facilities, ~~and~~ water-access ways, and private trailered and boat-ramps.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-SL Protection Subdistricts.

J. UNUSUAL AREA PROTECTION SUBDISTRICT (P-UA)

1. Purpose

To protect areas of significant natural, recreational, historic, scenic, scientific or aesthetic value which are susceptible to significant degradation by man's activities, and for which protection cannot adequately be accomplished by inclusion in any of the other subdistricts.

2. Description

Areas identified by the Commission as important in preserving the historic, scenic, scientific, recreational, aesthetic or water resources of the region or State and which have special land management requirements which cannot adequately be accomplished within another subdistrict, provided that the area is essential to the values sought to be preserved and is no larger than reasonable to protect such values. P-UA Protection Subdistricts shall include, but are not limited to, historic or archeological sites or structures, scientific phenomena, natural areas, or important water supply sources. Federal and State Parks and lands, except for public reserved lots, that are not included in P-RP Protection Subdistricts may be placed in this subdistrict.

3. Land Use Standards**a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within Unusual Area Protection Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Level A mineral exploration activities, excluding associated access ways;
- (5) Surveying and other resource analysis;
- (6) Service drops;
- (7) Level A road projects;
- (8) Campsites owned or operated by Federal or State agencies;
- (9) Non-permanent docking and mooring structures;
- (10) Those signs listed as exempt in Section 10.17, B of this chapter;
- (11) Forest management activities, except timber harvesting;
- (12) Agricultural management activities on Federal or State owned land;
- (13) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations; ~~and~~
- (14) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (15) Public trailered ramps, and public hand-carry launches.

b. Uses Requiring a Permit

The following uses may be allowed within P-UA Protection Subdistricts upon issuance of a permit from the Commission subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Timber harvesting;
- (2) Campsites except as provided for in Section 10.16, J, 3, a, (8);
- (3) Campgrounds owned or operated by Federal or State agencies;
- (4) Agricultural management activities, except as provided for in 10.16, J, 3, a, (12);
- (5) Land management roads and water crossings;
- (6) Shoreland alterations, excluding marinas, permanent docking facilities, and water-access ways, trailered and boat ramps, and hand-carry launches;
- (7) Trailered ramps and hand-carry launches addressed in 10.16,J,3,a which are not in conformance with the standards for such activities in 10.17,B of this chapter, and private and commercial hand-carry launches;
- (78) Level B road projects;
- (89) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.17,A;
- (910) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (11) Driveways;
- (12) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (1013) Other structures, uses or services that are essential for the uses listed in Section 10.16, J, 3, a and b; and
- (114) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

The following uses are allowed upon issuance of a permit from the Commission according to 12 M.R.S.A., Section 685-B and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant can show by substantial evidence that the use is compatible with and will not detract from the values of the resources protected by the P-UA Protection Subdistricts:

- (1215) Single family detached dwelling units;
- (1316) Campgrounds except as provided for in Section 10.16, J, 3, b,(3);
- (1417) Level C road projects;
- (1518) Non-exempt signs;
- (1619) Water impoundments;
- (1720) Retail stores and restaurants with a gross floor area of no more than 1,000 square feet;
- (1821) Home occupations; and
- (1922) Filling and grading.

c. Special Exceptions

The following uses may be allowed within P-UA Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other

conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level B mineral exploration activities;
- (2) Mineral extraction for road purposes affecting an area less than 5 acres in size;
- (3) Utility facilities excluding service drops; and
- (4) Permanent docking facilities, ~~and~~ water-access ways, and commercial and private trailered boat ramps; and
- (5) Peat extraction affecting an area less than 5 acres in size;

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a P-UA Protection Subdistrict.

K. WETLAND PROTECTION SUBDISTRICT (P-WL)

1. Purpose

The purpose of the P-WL Protection Subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection subdistrict also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this subdistrict shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

2. Description

- a. Surface water bodies and areas meeting the definition of coastal or freshwater wetlands shall be included in Wetland Protection Subdistricts as described below:

(1) P-WL1: Wetlands of special significance:

- (1a) Areas enclosed by the normal high water mark of flowing waters, stream channels, and standing waters, ~~except as provided in 10.16,K,2,a,(3),(b) for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;~~
- (2b) Coastal wetlands, together with areas below the high water mark of tidal waters and extending seaward to the limits of the State's jurisdiction; or
- (3c) Freshwater wetlands, as follows:
- (ai) Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
 - (bi) Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, ~~unless the 20,000 or more square foot area is the result of an artificial pond or impoundment of 30 acres or less wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;~~
 - (eii) That are inundated with floodwater during a 100 year flood event;
 - (div) Containing significant wildlife habitat;
 - (ev) Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; or
 - (fvi) Within 25' of a stream channel.

- (2) P-WL2:
 - (a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
 - (b) Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.
 - (3) P-WL3: Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.
- b. Areas meriting protection as P-WL1, P-WL2, or P-WL3 subdistricts will be identified by the Commission after consideration of relevant data including, without limitation, identification of freshwater and coastal wetlands 15,000 sq. ft. or larger by the National Wetlands Inventory and, when on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- c. Wetland subdistricts described in 10.16, K, 2, a above and identified on the Commission Land Use Guidance maps may contain inclusions of upland areas or other wetland types smaller than 15,000 sq. ft. that do not conform to the description of wetland subdistricts in 10.16, K, 2, a. Such inclusions will be regulated in accordance with the mapped P-WL Subdistrict in which they are located.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-WL Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
- (5) Level A road projects;
- (6) Surveying and other resource analysis;
- (7) Signs;
- (8) Non-permanent docking or mooring structures;
- (9) Forest management activities;
- (10) Land management roads in P-WL3 Subdistricts, other than water crossings, and land management roads in P-WL1 or P-WL2 Subdistricts, other than water crossings, that alter less than 43,560 square feet of such subdistricts.
- (11) Water crossings of minor flowing waters;
- (12) Boating, with the exception of the use of personal watercraft on bodies of standing water listed in Appendix D of these rules;
- (13) Use of sea or ski planes;

- (14) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (15) Fish weirs and traps;
- (16) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (17) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
 - (a) the line extension does not cross or run beneath a coastal wetland, river, stream, or brook;
 - (b) the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
 - (c) the total length of the extension is less than 2,000 feet;
- (18) ~~Agricultural management activities and construction or maintenance of farm or livestock ponds or irrigation ditches, excluding cranberry cultivation and water impoundments for agricultural irrigation purposes; and~~
- (19) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within a P-WL2 or P-WL3 Subdistrict which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1);
- (1920) Filling, grading, draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 Subdistrict;
- (21) Motorized recreational gold prospecting within the normal high water mark of flowing waters;
- (22) Public trailered ramps and private, commercial, and public hand-carry launches within a P-WL2 or P-WL3 Subdistrict or within the normal high water mark of flowing waters, stream channels, or standing waters;
- (23) Moorings except as provided for in 10.16.K.3.b(10); and
- (24) Driveways associated with residential uses within P-WL 2 and P-WL3 Subdistricts.

b. Uses Requiring a Permit

Except as provided for in 10.16, K, 3, a, (20), the following uses may be allowed within P-WL Protection Subdistricts upon issuance of a permit from the Commission according to 12 M.R.S.A., §685-B and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Cranberry cultivation;
- (2) Land management roads which are not in conformance with the standards for such uses in Section 10.17, A, or which will alter 43,560 sq. ft. or more of a P-WL1 or P-WL2 Subdistrict;
- (3) Level B road projects, other than crossings of minor flowing waters as provided for in Section 10.16,K,3,a,(11);
- (4) Water crossings of minor flowing waters which are not in conformance with the standards for such uses in Section 10.17, A, and water crossings of tidal waters, standing waters, and of major flowing waters;
- (5) Shoreland alterations, ~~excluding marinas, permanent docking facilities and ways, boat ramps, marinas, permanent docking facilities, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting; but including such facilities in P-WL Subdistricts which immediately abut a D-CI Subdistrict, except as provided for in 10.16,K,3,a,(19);~~
- (6) Trailered ramps and hand-carry launches addressed in 10.16.K.3.a which are not in conformance with the standards for such activities in 10.17.B of this chapter ;

- (67) Filling, grading, ~~draining~~, and dredging, other than for riprap associated with water crossings and except as provided for in Section 10.16,K,3,a-10.16,K,3,a and e;
- (78) Water impoundments;
- (9) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters
 - (a) of less than 4,300 square feet in size within a P-WL2 or P-WL3 Subdistrict which exceed the standards of 10.17, A, 3, b, (1);
 - (b) 4,300 square feet in size or greater within a P-WL2 or P-WL3 Subdistrict; and
 - (c) within P-WL1 subdistrict;
- (10) Motorized recreational gold prospecting which is not in conformance with the standards for such use in Section 10.17,A;
- (11) Moorings associated with commercial marinas, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;
- (12) Peat extraction affecting an area less than 30 acres in size;
- (13) Driveways associated with non-residential uses within P-WL2 and P-WL3 Subdistricts; driveways associated with residential uses within P-WL2 and P-WL3 Subdistricts which are not in conformance with the standards of 10.17, A, 8; driveways within P-WL1 Subdistricts;
- (814) Other structures, uses or services that are essential to the uses listed in Section 10.16, K, 3, a and b; and
- (915) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

c. Special Exceptions

Except as provided for in 10.16, K, 3, a, (20), The following uses may be allowed within P-WL Protection Subdistricts as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S.A., §685-A(10) and subject to the applicable requirements set forth in Section 10.17 of this chapter provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses or resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level C road projects;
- (2) Utility facilities, including service drops except as provided for in 10.16, K, 3, a, (17);
- (3) ~~Alteration-Draining or altering~~ of the water table or water level for other than mineral extraction;
- (4) Level A mineral exploration activities, except as provided for in Section 10.16, K, 3, a, (4), and Level B mineral exploration activities; and
- (5) Marinas, permanent docking facilities and water-access ways, trailered and boat-ramps and hand-carry launches, except as provided in 10.16,K,3,a and b,(5).

d. Uses Prohibited

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-WL Subdistricts.

L. SPECIAL RIVER TRANSITION PROTECTION SUBDISTRICT (P-RT)

1. Purpose

The purpose of this subdistrict is to protect the special resource values of the flowing waters and shorelands of Maine's outstanding river segments as defined in 12 M.R.S.A., Section 403, while allowing for responsible land management and compatible development in those communities situated as transition areas between unorganized townships and municipalities outside of the Commission's jurisdiction. Such areas are subject to different pressures and uses than those in less developed areas of the jurisdiction.

2. Description

Areas within 250 feet of special rivers as identified in The Maine Rivers Act, 12 M.R.S.A., Section 403, that are transition areas because they (a) are on the downstream ends of these rivers within the Commission's jurisdiction, and thus are situated between municipalities outside the Commission's jurisdiction and less developed upstream areas, and (b) have established communities and substantial development either on or proximate to the shoreline.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-RT Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter.

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Service drops;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Surveying and other resource analysis;
- (7) Those signs listed as exempt in Section 10.17, B of this chapter;
- (8) Forest and agricultural management activities provided they are carried out in compliance with the standards for timber harvesting in P-SL1 Subdistricts as set forth in Section 10.17, A, 5 of this chapter;
- (9) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (10) Level A road projects;
- (11) Skid trails, skid roads, and winter haul roads, provided the skid trail or road follows the shortest practicable route in traversing the subdistrict and traverses the subdistrict the fewest number of times practicable;
- (12) Water crossings for skid trails, skid roads, and winter haul roads of minor flowing waters in P-RT Protection Subdistricts, except where P-RT Protection Subdistricts have been established specifically to protect such waters and their shorelands as provided in Section 10.16, L, 3, b, (9) of this chapter;

- (13) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; ~~and~~
- (14) Mineral extraction from existing pits for road purposes, provided that such activity:
 - (a) is not visible from the body of flowing water which the P-RT Subdistrict was established to protect;
 - (b) avoids use of the P-RT Subdistrict, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
 - (c) does not exceed 2 acres in size; ~~and~~
- (15) Driveways associated with residential uses;

b. Uses Requiring a Permit

The following uses may be allowed within P-RT Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter.

- (1) Single family detached dwelling units, provided the setback from the normal high water mark is a minimum of 125 feet;
- (2) Signs other than those listed as exempt in Section 10.17, B of this chapter;
- (3) Campsites;
- (4) Shoreland alterations, ~~and~~ non-permanent docking structures excluding marinas, permanent docking facilities ~~and~~ water-access ways, ~~and~~ trailed boat ramps and hand-carry launches;
- (5) Level B road projects provided that such roads are set back as far as practicable from the normal high water mark and screened from the river by existing vegetation;
- (6) Timber harvesting in P-RT Protection Subdistricts except as provided for in 10.16, L, 3, a, (8) above.
- (7) Land management roads provided:
 - (a) no reasonable alternative route outside of the P-RT Subdistrict exists;
 - (b) they are set back as far as practicable from the normal high water mark;
 - (c) they follow the shortest practicable route in traversing the subdistrict;
 - (d) they are screened from the river by existing vegetation; and
 - (e) they are built in compliance with the road standards for P-SL1 Subdistricts as set forth in Section 10.17, A, 4 of this chapter.
- (8) Water crossings of major flowing waters;
- (9) Water crossings for skid trails, skid roads and winter haul roads of minor flowing waters surrounded by a P-RT Protection Subdistrict established specifically to protect such waters and their shorelands;
- (10) Level A mineral exploration activities, including associated access ways, which are not in conformance with Section 10.17, A, 3 of this chapter;
- (11) Mineral extraction from existing pits less than 5 acres in size for road purposes, not in conformance with the standards of Section 10.16,L,3,a,(14) of this chapter;
- (12) Mineral extraction from new sites for road purposes less than 5 acres in size when the developer demonstrates that no reasonable alternative mining sites exist outside of the P-RT Subdistrict. When new sites must be located within the P-RT Subdistrict, they shall be set back as far as practicable from the normal high water mark and no less than 75 feet and shall be screened from the river by existing vegetation;
- (13) Filling and grading;
- (14) Home occupations;
- (15) Land application of septage, sludge and other residuals, and related storage and composting activities;

- (16) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- (17) Creation, alteration or maintenance of constructed ponds which are not fed or drained by a flowing water;
- (18) Other structures, uses or services that are essential for the exercise of uses listed in Sections 10.16,L,3,a and b; and
- (19) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

c. Special Exceptions

The following uses may be allowed within P-RT Protection Subdistricts' as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level C road projects, provided that:
 - (a) no reasonable alternative route outside of the P-RT Subdistrict exists and that;
 - (b) such roads are set back as far as practicable from the normal high water mark; and
 - (c) they are screened from the river by existing vegetation.
- (2) Utility facilities other than service drops;
- (3) Level B mineral exploration activities; and
- (4) Permanent docking facilities, and water-access ways; and non-commercial boat public trailered ramps, and hand-carry launches serving the public on rivers and streams zoned P-RT.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RT Protection Subdistricts.

M. ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)

1. Purpose

The purpose of this subdistrict is to maintain and protect the existing natural values of the accessible, undeveloped, high value lakes within the Commission's jurisdiction. This is the class of lakes described as Management Class 2 lakes in the Commission's Comprehensive Land Use Plan. It is the intent of this subdistrict to restrict development but not to regulate timber harvesting beyond the extent to which it is regulated within Great Pond Protection Subdistricts (P-GP).

2. Description

Areas surrounding bodies of standing water classified as Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes).

The protection subdistrict shall extend 500 feet from and around the body of water measured from the normal high water mark.

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-AL Protection Subdistricts, subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Wildlife and fishery management practices;
- (4) Service drops;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Surveying and other resource analysis;
- (7) Those signs listed as exempt in Section 10.17,B of this chapter;
- (8) Agricultural management activities;
- (9) Forest management activities;
- (10) Non-permanent docking and mooring structures;
- (11) Land management roads;
- (12) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (13) Water crossings of minor flowing waters;
- (14) Level A road projects; and
- (15) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (16) Driveways associated with residential uses; and
- (17) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with 10.17, A, 3, b, (1).

b. Uses Requiring a Permit

The following uses may be allowed within P-AL Protection Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-B, and subject to the applicable requirements set forth in Section 10.17 of this chapter:

- (1) Single family detached dwelling units provided that such dwelling units are limited to an average density per landownership of one dwelling unit per shore mile. Parcels existing as of November 17, 1988 that have less than 1 mile of shoreline are allowed one dwelling unit within that shoreline area provided that other applicable standards are met. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
- (2) Agricultural management activities which are not in conformance with the standards for such activities in Section 10.17,A of this chapter;
- (3) Timber harvesting which is not in conformance with the standards for such activity in Section 10.17,A of this chapter;
- (4) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards for such activities in Section 10.17,A of this chapter; water crossings of standing waters and major flowing waters;
- (5) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.16,M,3,a;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards for such activities in Section 10.17,A of this chapter;
- (7) Level B mineral exploration activities;
- (8) Signs other than those listed as exempt in Section 10.17,B of this chapter;
- (9) Mineral extraction for road purposes less than 5 acres in size, provided that such activity:
 - (a) is not visible from the body of standing water which the P-AL Subdistrict was established to protect; and
 - (b) avoids use of the P-AL Subdistrict, except where necessary to provide gravel for land management operations where alternative sources are unavailable or impractical;
- (10) Filling, grading, draining, dredging or alteration of the water table or water level for other than mineral extraction;
- (11) Campsites;
- (12) Water impoundments;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (14) Shoreland alterations, excluding marinas, permanent docking facilities, and water-access ways, trailered boat ramps, hand-carry launches, and water crossings of minor flowing waters;
- (15) Home occupations;
- (16) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (17) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of 10.17, A, 8;
- (18) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which exceed the standards of 10.17, A, 3, b, (1);
- (1719) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.16,M,3,a and b; and

10.16,M...P-AL

- (1&20) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

c. Special Exceptions

The following uses may be allowed within P-AL Protection Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., Section 685-A(10), and subject to the applicable requirements set forth in Section 10.17 of this chapter, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; and further provided that there shall be no more than one development unit per shore mile except as provided in 10.16,M,3,b,(1), such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

- (1) Campgrounds;
- (2) Commercial sporting camps of up to 8,000 sq. ft. in floor area for all principal buildings concerned.

The following uses may be allowed as special exceptions provided the applicant shows, in addition to the criteria listed above, by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Utility facilities other than service drops; and
- (4) Permanent docking facilities, and water-access ways, trailered and boat-ramps, and hand-carry launches ~~and ways available for public use.~~

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AL Protection Subdistricts.

e. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.16, D, 3, e.

10.17 GENERAL LAND USE STANDARDS

Section A

A. This section contains land use standards for the following land use activities:

1. Agricultural Management Activities
2. Clearing
3. Mineral Exploration and Extraction
4. Roads and Water Crossings
5. Timber Harvesting
6. Filling and Grading
7. Motorized Recreational Gold Prospecting
8. Driveways Associated with Residential Structures and Uses

Activities not in conformance with the standards of Section 10.17, A, may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved; an applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with such standards, shall be conducted in a manner which produces no ~~unreasonably~~ undue adverse impact upon the resource protected or neighboring uses.

The documents referenced within this Section may be obtained from the Commission's office in Augusta, or any of its regional offices, ~~or from local offices of the Maine Cooperative Extension Service.~~

1. AGRICULTURAL MANAGEMENT ACTIVITIES

The following requirements shall apply to agricultural management activities in all Development and Protection Subdistricts:

- a. All spreading or disposal of manure shall be accomplished in ~~conformance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land" published by the University of Maine and the Maine Soil and Water Conservation in July, 1972~~ accordance with the manure best management practices, described in the publication, "Strategy for Managing Non-Point Source Pollution from Agricultural Sources and Best Management System Guidelines," developed by the Maine Non-point Source Agricultural Task Force, 1991.
- b. All disposal of waste potatoes shall be accomplished in conformance with the "Maine Guidelines for Field Disposal of Waste Potatoes" published by the University of Maine in September, 1974.
- c. Exposed mineral soil created by tilling of soil shall occur no closer to the normal high water mark of any standing, flowing, or tidal water than is indicated by the following table, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 50 feet:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

2. CLEARING

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, or agricultural management, public trailered ramps or hand-carry launches:

a. A vegetative buffer strip shall be retained within:

- (1) 50 feet of the right-of-way or similar boundary of any public roadway,
- (2) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and
- (3) 100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.

b. Within this buffer strip, vegetation shall be maintained as follows:

- (a1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
- (b2) Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other woody vegetation is maintained. No more than 30% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
- (e3) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
- (d4) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.

- (e5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 sq. ft., these openings shall be established with native tree species.
- bc. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period, except to allow for the development of permitted uses. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone.
- ed. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

3. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

- a. Mineral Exploration: The following requirements shall apply to mineral exploration activities:
 - (1) All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
 - (2) Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil 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

The provisions of this subsection (2) apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection do not apply where access ways cross such waters;

- (3) Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged;
- (4) Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream;
- (5) In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.

b. Mineral Extraction: The following requirements shall apply to mineral extraction activities in all subdistricts:

- (1) No portion of any ground area disturbed by the extraction activity on a face sloping toward the water, shall be closer to the normal high water mark of a flowing, standing, or tidal body of water, or wetland identified as a P-WL1 Subdistrict than is indicated by the following table provided, however, no portion of such ground area on a back face shall be closer than 50 feet:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark <u>or Upland Edge</u> (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark <u>or Upland Edge</u> (Feet Along Surface of the Ground)
0	55
10	90
20	130
30	170
40	210
50	250
60	290
70	330

- (2) No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property;

- (3) Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body. Any such control device shall be deemed part of the extraction area for the purposes of Subsection (1), above;
- (4) A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
- (5) If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

4. ROADS AND WATER CROSSINGS

The following road and water crossing requirements shall apply to such activities in P-WL1, P-WL2, P-SL, P-FP, P-GP Protection and all Development Subdistricts:

- a. The following requirements shall apply to construction and maintenance of roads:
 - (1) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing, standing or tidal body of water or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
 - (2) Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
 - (3) Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
 - (4) In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil 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

This requirement shall not apply to road approaches to water crossings or wetlands.

- (5) Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in subsection (4) above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;
- (6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
- (a) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
- (b) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
- (c) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in paragraph (4) and (5) above;
- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
- (e) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade Percent	Spacing Feet
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

b. The following requirements shall apply to water crossings when surface waters are unfrozen:

- (1) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the stream channel.

- (2) Culvert and bridge sizes may be smaller than provided in paragraph (1) if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:
- (a) removing culverts prior to the onset of frozen ground conditions;
 - (b) using water bars in conjunction with culverts; or
 - (c) using road dips in conjunction with culverts.
- (3) Culverts utilized in water crossings shall:
- (a) be installed at or below stream bed elevation;
 - (b) be seated on firm ground;
 - (c) have soil compacted at least halfway up the side of the culvert;
 - (d) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - (e) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.
- c. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- (1) Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:
- (a) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
 - (i) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional

culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet;

- (ii) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
 - (iii) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
- (b) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- (2) Road construction on soils with organic layers in excess of 4 feet in thickness:
- (a) Such construction shall only take place under frozen ground conditions.
 - (b) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
 - (c) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
 - (i) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
 - (ii) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.

- d. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
- e. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

(1) Water bars shall

- (a) be constructed and maintained across the road at intervals established below:

Road Grade Percent	Distance Between Water Bars Feet
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- (b) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
- (c) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
- (d) extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

(2) Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:

- (a) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
- (b) it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the stream channel; or
- (c) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.

- f. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in paragraphs b and e of this Section:

- (a) The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.

- (b) The United States Geological Survey (USGS) Methods; specifically: U.S. Geological Survey. 1975. "A Technique for Estimating the Magnitude and Frequency of Floods in Maine." Open- file Report 75-292.
- g. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of this Section, are subject to the provisions of Section 10.11 of this chapter.
- h. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
- i. Except that subsection j below always applies, trail crossings of minor flowing waters shall be exempt from the standards of this section, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of this section, including specifically subsections 10.17, A, 4, b, d, e, f, j and k.

- j. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
- k. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in subsection i above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state the manner in which the water crossing size requirements of this section will be satisfied.

5. TIMBER HARVESTING

The following requirements apply to timber harvesting within all Development and Protection Subdistricts except as otherwise hereinafter provided:

- a. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by a P-SL1 Protection Subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.17, A, 4, b and e;
- b. Timber harvesting operations in P-SL1 and P-GP Protection Subdistricts shall be conducted in the following manner:
- (1) Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.

- (2) At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
- (3) Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4 1/2 feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
- (4) No accumulation of slash shall be left within 50 ft. of the normal high water mark of surface water protected by the P-SL1 and P-GP Protection Subdistricts. In such subdistricts, at distances greater than 50 ft. from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 ft. above the ground.
- c. Except as provided in subsection g of this section, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil 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

The provisions of this subsection c apply only on a face sloping toward the water; provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection c do not apply where skid roads cross such waters;

- d. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of standing or tidal waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more;
- e. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of this subsection e may be modified according to the provisions of subsection g of this section;

- f. Except as provided in subsection g of this section, skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
- g. Timber harvesting operations in P-SL2 Protection Subdistricts along stream channels upstream from the point where they drain 300 acres or less, and in P-WL Protection Subdistricts adjacent to such P-SL2 Protection Subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing subsections c, e, and f provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such stream channel drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;
- h. Harvesting operations in P-SL2 Protection Subdistricts along stream channels downstream from the point where they drain 300 acres or more and along standing bodies of water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;
- i. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state whether or not such operations will be conducted according to the provisions of subsection g of this section; and
- j. In addition to the foregoing minimum requirements, except as provided for in subsection g, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

6. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein. The purpose of this section is to allow minor filling and/or grading of land without a permit, provided the performance standards set forth below are met. If the standards are not met, a permit is required.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, or the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

- 1a. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
- 2b. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN General Management Subdistricts which are greater than 250 feet from water bodies and wetlands. In such General Management Subdistrict areas, the provisions of subsections 4 and 6 of this section shall apply; and
- 3c. Clearing of areas to be filled or graded is subject to the Clearing Standards of Section 10.17, A, 2; and
- 4d. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
- 5e. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of surface water bodies or upland edge of wetlands identified as P-WL1 Subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark <u>or Upland Edge</u> (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark <u>or Upland Edge</u> (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- 6f. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Soil Stabilization contained in Appendix B of this chapter.

7. Motorized Recreational Gold Prospecting

- a. Motorized recreational gold prospecting may only be performed from June 15 to September 15, and only with written permission of the landowner(s).
- b. The activity must not cause an undue adverse effect on natural resources. The area must be kept free of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
- c. Limitations on Equipment:
 - (1) Equipment must not have any fuel, oil, or hydraulic leaks, nor cause any other unlicensed discharge.
 - (2) Power Limit: Motorized equipment must not exceed six horsepower.
 - (3) Nozzle Diameter: The inside diameter of a suction dredge intake nozzle must not exceed four inches.
 - (4) Sluice Size: The area of a sluice must not exceed ten square feet.
 - (5) Use of a flume to transport water outside of a stream channel is prohibited.
- d. Prohibition of Chemicals: Use of mercury, nitric acid or other chemicals for extraction is prohibited.
- e. Specific Restrictions on Methods of Operation:
 - (1) No motorized recreational gold prospecting may occur in a manner that:
 - (a) disturbs a stream bank, including but not limited to digging into the bank, or dredging or altering water flow within a stream channel in a manner that causes the bank to erode or collapse.
 - (b) removes or damages vegetation, or woody debris such as root wads, stumps or logs within a stream channel, on the bank, or on nearby upland, including cutting or abrasion of trees.
 - (c) diverts, dams, or otherwise obstructs a stream.
 - (d) deposits soil, rocks, or any other foreign material from outside of the channel into a stream.
 - (e) deposits stream bottom sediments or rocks onto the bank or upland.
 - (2) Upon completion of one or more consecutive days of prospecting, dredge spoils must be smoothed out and dredge holes refilled below the normal high water mark of the stream in order to restore the approximate original contours of the stream bottom and must not deflect the current.

f. Closed Areas: Motorized recreational gold prospecting is prohibited within the following areas.

- (1) Stream channels narrower than four feet wide.
- (2) Any area designated as Essential Wildlife Habitat by the Maine Department of Inland Fisheries and Wildlife (MDIFW) unless it is determined by MDIFW that (i) there will be no significant harm to the Essential Wildlife Habitat and (ii) the activity will not violate protection guidelines adopted pursuant to the Maine Endangered Species Act.
- (3) The Allagash Wilderness Waterway and all waterbodies within 800 feet of normal high water mark of the watercourse.
- (4) Aroostook County
 - (a) Aroostook River: T9 R5 WELS, T9 R7 WELS, T9 R8 WELS, Oxbow Pt., T10 R6 WELS.
 - (b) St. Croix Stream: St. Croix Twp., T9 R5 WELS.
 - (c) (Big) Machias River: T12 R8 WELS, T11 R8 WELS, T11 R7 WELS, T10 R7 WELS, Garfield Pt.
 - (d) Musquacook Stream: T11 R11 WELS, T12 R11 WELS, T13 R11 WELS, T13 R12 WELS.
 - (e) Allagash River and all waterbodies within 800 feet of normal high water mark of the watercourse: T11 R13 WELS, T12 R13 WELS, T13 R12 WELS, T13 R13 WELS, T14 R11 WELS, T14 R12 WELS, T15 R10 WELS, T15 R11 WELS.
 - (f) Chemquasabamticook Stream: T11 R13 WELS, T11 R14 WELS, T11 R15 WELS, T12 R13 WELS.
 - (g) St. John River: T11 R16 WELS, T12 R15 WELS, T12 R16 WELS, T13 R14 WELS, T13 R15 WELS, T14 R13 WELS, T14 R14 WELS, T15 R13 WELS, T16 R12 WELS, T16 R13 WELS, surrounding Hunnewell Island in St. John Pt., Hamlin.
 - (h) Northwest Branch St. John River downstream from outlet of Beaver Pond: T11 R17 WELS, T12 R17 WELS.
 - (i) Big Black River: T14 R14 WELS, T14 R15 WELS, T14 R16 WELS, T15 R13 WELS, T15 R14 WELS.
 - (j) Fish River from Mud Pond to St. Froid Lake: T13 R8 WELS, T14 R8 WELS, T14 R7 WELS, T13 R7 WELS, T14 R6 WELS.
 - (k) Smith Brook: T13 R8 WELS, T14 R8 WELS.
 - (l) Red River: T14 R8 WELS.
 - (m) McLean Brook: T17 R4 WELS.
 - (n) Macwahoc Stream: Macwahoc Pt., North Yarmouth Academy Grant, Upper Molunkus Twp.
 - (o) Molunkus Stream: Macwahoc Pt., North Yarmouth Academy Grant, T1 R 5 WELS, Benedicta Twp., Silver Ridge Twp.
 - (p) Mattawamkeag River: Reed Pt.
 - (q) East Branch Mattawamkeag River: Forkstown Twp., T3 R3 WELS, T4 R3 WELS.
 - (r) West Branch Mattawamkeag River: T3 R3 WELS, T4 R3 WELS.
 - (s) Wytopitlock Stream: Reed Pt., Upper Molunkus Twp., T2 R4 WELS, Glenwood Pt., T3 R4 WELS.
 - (t) Goddard Brook: T15 R5 WELS.
 - (u) Unnamed stream connecting Cross Lake and Square Lake: Square Lake Twp.
 - (v) Unnamed stream flowing east into Square Lake at Goddard Cove: Square Lake Twp.

- (u) Unnamed stream flowing northeast into Square Lake one mile northwest of Limestone Pt.: Square Lake Twp.
- (5) Franklin County
- (a) Moose River downstream from Number One Brook: Beattie Twp., Lowelltown Twp.
 - (b) Kennebago River and its tributaries: Davis Twp., Stetsontown Twp., Seven Ponds Twp., Chain of Ponds Twp., Massachusetts Gore, Tim Pond Twp.
 - (c) Cupsuptic River tributaries: Seven Ponds Twp.
 - (d) Spencer Stream: Kibby Twp., Skinner Twp.
 - (e) North Branch Dead River: Jim Pond Twp.
 - (f) Sandy River: Sandy River Plt., Township E.
 - (g) West Branch Carrabassett River: Freeman Twp., Salem Twp.
 - (h) Carrabassett River, Main Stem: Mount Abram Twp.
- (6) Hancock County
- (a) The following townships in their entirety: T9 SD, T10 SD, T16 MD, T22 MD, T28 MD, T34 MD, T35 MD, T41 MD, T4 ND.
 - (b) Passadumkeag River: T3 ND.
- (7) Kennebec County
- (a) Sebasticook River: Unity Twp.
- (8) Oxford County
- (a) Cupsuptic River and its tributaries: Lower Cupsuptic Twp., Upper Cupsuptic Twp., Oxbow Twp., Parkertown Twp., Lynchtown Twp.
 - (b) Kennebago River and its tributaries: Lower Cupsuptic Twp., Upper Cupsuptic Twp., Oxbow Twp.
 - (c) Rapid River: Magalloway Twp.
 - (d) Bear River: Grafton Twp.
- (9) Penobscot County
- (a) East Branch Penobscot River: Grindstone Twp., Soldiertown Twp., T3 R7 WELS, T4 R7 WELS, T4 R8 WELS, T5 R8 WELS, T6 R8 WELS.
 - (b) Wassataquoik Stream: T4 R8 WELS, T3 R7 WELS, T3 R8 WELS.
 - (c) Seboeis River: T3 R7 WELS, T4 R7 WELS, T5 R7 WELS, T6 R7 WELS, T7 R7 WELS.
 - (d) Sawtelle Brook: T6 R7 WELS.
 - (e) Munsungan Stream: T8 R8 WELS.
 - (f) Millinocket Stream: T8 R8 WELS.
 - (g) Aroostook River: T8 R8 WELS.
 - (h) Ayers Brook: Summit Twp.
 - (i) Madagascal Stream: Grand Falls Twp.
 - (j) Mattagodus Stream: Kingman Twp., Webster Plt., Prentiss Twp., Carroll Plt.
 - (k) Mattawamkeag River: Kingman Twp., Drew Plt.
 - (l) Molunkus Stream: Kingman Twp.
 - (m) Wytopitlock Stream: Drew Plt.
 - (n) Passadumkeag River: Summit Twp., Grand Falls Twp., T3 R1 NBPP, Lakeville.
 - (o) Penobscot River: Argyle Twp., Mattamiscontis Twp., T2 R8 NWP.
 - (p) West Branch Penobscot River: TA R7 WELS, T3 Indian Purchase, T4 Indian Purchase.
 - (q) Millinocket Stream: T3 Indian Purchase, T1 R8 WELS.

(10) Piscataquis County

- (a) East Branch Pleasant River: T5 R9 NWP.
- (b) West Branch Pleasant River: Shawtown Twp., Beaver Cove, Bowdoin College Grant East, Katahdin Iron Works Twp., Williamsburg Twp.
- (c) West Branch Penobscot River: T1 R9 WELS, T2 R9 WELS, T2 R10 WELS, T3 R11 WELS.
- (d) Allagash River and all waterbodies within 800 feet of normal high water mark of the watercourse: T10 R12 WELS, T10 R13 WELS.
- (e) Allagash Stream and all waterbodies within 800 feet of normal high water mark of the watercourse: Eagle Lake Twp., T8 R14 WELS.
- (f) Webster Brook: T6 R11 WELS.
- (g) Millinocket Stream: T7 R9 WELS.
- (h) Munsungan Stream: T8 R9 WELS.
- (i) Chemquasabamticook Stream: T10 R15 WELS.
- (j) Stream between Lower Portage Pond and Spider Lake: T9 R11 WELS.
- (k) Stream in wetland on south end of Churchill Lake: T9 R12 WELS.
- (l) Stream between Webster Lake and Telos Pond and all waterbodies within 800 feet of normal high water mark of the watercourse: T6 R11 WELS.
- (l) Kennebec River: Big Squaw Twp.
- (m) East Branch Piscataquis River: Blanchard Twp.
- (n) West Branch Piscataquis River: Blanchard Twp.

(11) Somerset County

- (a) Dead River: Pierce Pond Twp., T3 R4 BKP WKR, Bowtown Twp., West Forks Plt.
- (b) Spencer Stream and Little Spencer Stream: T3 R4 BKP WKR, T3 R5 BKP WKR, King and Bartlett Twp., T5 R6 BKP WKR.
- (c) Kennebec River above junction with Dead River: West Forks Plt., Moxie Gore, Chase Stream Twp., Indian Stream Twp., Sapling Twp., Taunton & Raynham Academy Grant Twp.
- (d) Moxie Stream: Moxie Gore.
- (e) Parlin Stream: Parlin Pond Twp.
- (f) Doucie Brook: T9 R17 WELS.
- (g) Gulliver Brook: Plymouth Twp.
- (h) Moose River: Holeb Twp., Attean Twp., T5 R7 BKP WKR, Bradstreet Twp.
- (i) Cold Stream: West Forks Plt., Johnson Mountain Twp.
- (j) Baker Branch St. John River: T9 R17 WELS, T8 R17 WELS, T7 R17 WELS.
- (k) Southwest Branch St. John River: T9 R17 WELS, Big Ten Twp.
- (l) Northwest Branch St. John River: Big Ten Twp.
- (m) St. John River: Big Ten Twp., R10 T16 WELS, T9 R17 WELS.

(12) Washington County

- (a) The following townships and town in their entirety: T18 MD BPP, T19 MD BPP, T24 MD BPP, T25 MD BPP, T30 MD BPP, T31 MD BPP, T36 MD BPP, T37 MD BPP, T42 MD BPP, T43 MD BPP, T5 ND BPP, No. 14 Twp., No. 21 Twp., T18 ED BPP, T19 ED BPP, T26 ED BPP, T27 ED BPP, Devereaux Twp., Marion Twp., Edmunds Twp., Baring.
- (b) Tomah Stream: Forest Twp., Codyville Plt., Lambert Lake Twp.
- (c) Baskahegan Stream: Brookton Twp.
- (d) St. Croix River: Fowler Twp., Dyer Twp., Lambert Lake Twp.

8. Driveways Associated with Residential Structures and Uses

a. Applicability: The following requirements apply to the construction of driveways for single family and two family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.

- (1) Other Permits: If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.
- (2) Length: If the length of a proposed driveway is greater than 1000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.

b. Waterbody Setback:

- (1) Minimum Setback: The minimum water body setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
 - (a) 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
 - (b) 75 feet from the nearest shoreline of a tidal water; and
 - (c) 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
- (2) Exceptions to Waterbody and Wetland Setback Requirements:
 - (a) The water body and wetland setback requirements do not apply to approaches to waterbody or wetland crossings.
 - (b) A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the waterbody:
 - (i) In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal structure farthest from the normal high water mark of the waterbody, but in no case closer than 50 feet from the normal high water mark of the waterbody; or
 - (ii) To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Section 10.17.B.1.g.(5).

c. Property Line Setback:

- (1) Minimum Setback: The minimum property line setback for a driveway is 15 feet.
- (2) Exceptions to Property Line Setback:
 - (a) A shared driveway need not meet the minimum setback.
 - (b) The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
 - (c) A lesser setback may be allowed with a permit upon written permission of the abutting landowner.

- d. Road Frontage: The lot to be served by the driveway must have a minimum of 100 feet of road frontage.
- e. Entry onto Roadways, including State Highways: The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.
- f. Crossings of Flowing Waters: If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Section 10.17,A,4,b.
- g. Wetlands Alteration: The driveway must not alter any portion of a mapped P-WL1 Wetland Protection Subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 Wetland Protection Subdistrict without a permit.
- h. Maximum Slope: The driveway must not have a sustained slope of more than 8%.
- i. Erosion and Sedimentation Control:

 - (1) The driveway must be located, designed and constructed so that:

 - (a) It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
 - (b) It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.
 - (2) Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
- j. Fill Material: Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.

Section B, General Land Use Standards

B. This Section contains land use standards covering the following activities and subjects:

1. Dimensional Requirements
2. Pesticide Application
3. Signs
4. Subsurface Sewage-Waste Water Disposal
5. Water Impoundments
6. Boat-Trailered Ramps, Hand-carry Launches, and Water-access Ways and Permanent Docking Facilities
7. Wetland Alterations
8. Service Drops
9. Subdivision and Lot Creation

Except as hereinafter provided, activities not in conformance with the standards of Section 10.17,B are prohibited.

1. DIMENSIONAL REQUIREMENTS

The following dimensional requirements shall apply to all lots on which building structural development is proposed unless otherwise provided by subsection g:

a. Minimum Lot Size

(1) Residential Uses

~~Except as provided for in Section 10.17, B, 1, g, the following minimum lot sizes shall apply to dwelling units: The minimum lot size for residential uses is 40,000 square feet per dwelling unit except:~~

- ~~(a) Where a each dwelling unit is to use a sanitary common or community sewer but and not on-site subsurface sewage-waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit;~~
- ~~(b) Where a dwelling unit is to use on-site subsurface sewage disposal, but not facilities for piped water, the minimum lot size shall be 20,000 square feet per unit;~~
- ~~(c) Where a dwelling unit is to use on-site subsurface sewage disposal and facilities for piped water, the minimum lot size for each such unit shall be as set forth in the following table:~~

(2) Commercial, industrial, and other nonresidential uses

~~Except as provided for in Section 10.17, B, 1, g, the following minimum lot sizes shall apply to commercial, industrial, and other nonresidential uses involving one or more buildings: The minimum lot size for commercial, industrial, and other nonresidential uses involving one or more buildings is 40,000 square feet for each such use.~~

- ~~(a) Where such buildings are to use a sanitary sewer but not on-site subsurface sewage disposal, the minimum lot size shall be 40,000 square feet;~~
- ~~(b) Where such buildings are to use on-site subsurface sewage disposal, but not facilities for piped water, the minimum lot size shall be 40,000 square feet;~~

*** Soils Profile Chart Is Deleted ***

- ~~(c) Where such buildings are to use on-site subsurface sewage disposal and facilities for piped water, the minimum lot size shall be as set forth in the above table for each 300 gallons of sewage generated by such buildings, but shall not be less than 40,000 square feet. The amount of sewage to be generated by such buildings shall be as estimated in Table 7-2 of the Subsurface Waste Water Disposal Rules. Upon a demonstration by the applicant, based upon some other reliable measure of estimated sewage flow, that a proposed use will result in a sewage flow which is significantly less than that estimated under the Subsurface Waste Water Disposal Rules, the Commission may employ such alternative estimate of sewage flow for purposes of applying this section.~~

b. Minimum Shoreline Frontage

- (1) For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:
 - (a) 150 feet per dwelling unit for residential uses, and
 - (b) 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
- (2) For lots fronting on a body of flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:
 - (a) 200 feet per dwelling unit for residential uses, and
 - (b) 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
- ~~(3) The shoreline shall be the normal high water mark of tidal water, coastal or inland wetland designated as a P-WL Protection Subdistrict, standing body of water, or flowing water.~~
- (3) In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.

- (4) Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.
- (5) The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

c. Minimum Road Frontage

- (1) The minimum road frontage shall be:
 - (a) 100 feet per dwelling unit for residential uses, and
 - (b) 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
- (2) These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
- (3) Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
- (4) Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
- (5) In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

d. Minimum Setbacks

- (1) The minimum setbacks for structures, other than those described in Subsection 10.17.B.1,d,(2) and except as provided in Subsection 10.17.B.1,g shall be are:
 - (a) 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 Protection Subdistricts;
 - (b) 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - (c) 50 feet from the traveled portion of all roadways except as provided for in subsection (d) below;
 - (c) 50 feet from the traveled portion of all roadways except as provided for in subsection (d) and (e) below;
 - (d) 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County); ~~and~~
 - (e) 20 feet from the traveled portion of all roadways on coastal islands; and

(ef) 15 feet from side and rear property lines.

These setbacks also apply to parking areas for trailered ramps or hand-carry launches and those structures within a sporting camp complex constructed solely for the housing of guests.

- (2) The minimum setbacks for ~~multiple family dwelling unit housing~~ multi-family dwellings and commercial, industrial, and other nonresidential principal and accessory structures shall be are:
- (a) 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, ~~or~~ and from the upland edge of wetlands designated as P-WL1 Protection Subdistricts;
 - (b) 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - (c) 75 feet from the traveled portion of the nearest roadway except as provided for in (d) below; and
 - (d) 20 feet from the traveled portion of all roadways on coastal islands; and
 - (e) 25 feet from the side and rear property lines.

Except as provided for in subsection d.(1) above, these setbacks also apply to all other structures within a sporting camp complex, including, but not limited to, a main lodge, dining area, workshop and parking area.

- (3) ~~"Setback" shall mean the minimum horizontal distance from the lot line, shoreline, or road to the nearest part of the building.~~
- (4) ~~The shoreline shall be the normal high water mark of a tidal water, coastal or inland wetland designated as a P-WL Protection Subdistrict, body of standing water, or flowing water.~~
- (53) These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
- (6) ~~With respect to garages accessory to residential uses, the minimum road setback shall be 20 feet.~~
- (74) Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

e. Maximum Lot Coverage

- (1) The maximum lot coverage shall be 30% for all uses involving one or more buildings.

- (2) "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including paved driveways, sidewalks, parking lots and other impervious surfaces.

f. Maximum Building Height

- (1) Except as provided for in (2) below, the maximum building height shall be:
 - (a) 75 feet for residential uses; and
 - (b) 100 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
- (2) Structures within 500 feet of the normal high water mark of a standing body of water 10 acres or greater shall be no higher than the screening vegetation or 25 feet, whichever is greater. The Commission may apply this provision at greater distances from the normal high water mark of standing bodies of water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Standing bodies of water having such scenic values are shown in Appendix C.
- (3) Features of buildings which contain no floor area such as chimneys, towers, ventilators and spires may exceed these maximum heights with the Commission's approval.

g. Exceptions to Dimensional Requirements

- (1) The Commission may reduce dimensional requirements for individual buildings in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development. The Commission may approve a cluster development on land that could be developed under normal applicable standards provided that the cluster development provides for the efficient use of land and the protection of a significant amount of open space, in accordance with the following:
 - (a) Cluster development within the shoreland area shall provide for the protection of developable shorefront as open space through the creation of individual lots with reduced shore frontage or through clusters of dwellings on commonly-owned land. To the extent practicable, open space provided shall be in a contiguous block and shall be located adjacent to other areas protected by conservation measures or protective zoning.
 - (b) Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation on the face thereof to indicate that no further subdivision or conversion of use is allowed.
 - (c) If any or all of the common open space is to be reserved for ownership by the residents of the subdivision, the by-laws of the proposed homeowner's association shall specify maintenance responsibilities. Such by-laws shall be submitted to the Commission as part of the subdivision application.
 - (d) To avoid unsafe conditions resulting from direct access to public roads, no individual lot or dwelling unit for which road frontage has been reduced as

provided above shall have vehicular access directly onto a public road existing at the time of development.

(e) Notwithstanding Section 10.17,B,1,g,(1) above, the Commission may waive the provision that dimensional requirements for individual dwellings in a cluster development be met, in the aggregate, where the following conditions are satisfied:

- i) dimensional requirements, in the aggregate, are not waived by more than 50%;
- ii) site conditions are suitable for increased density;
- iii) increased density would not adversely affect resources; and
- iv) the specific benefits afforded by the cluster approach will prevent the loss of important natural features.

(2) The dimensional requirements applicable to D-PD Development Subdistricts shall be established by the Commission pursuant to the provisions of Section 10.14, C, provided that the shoreline setback requirements hereof shall not be reduced.

~~(3) To the extent consistent with 12 M.R.S.A., Section 685-B, 4 the Commission may reduce the minimum lot size required to no less than 20,000 square feet in the case of residential uses and no less than 40,000 square feet in the case of nonresidential uses involving one or more buildings if the applicant demonstrates:~~

~~(a) That such a lesser lot size provides sufficient area of suitable soil to accommodate the principal building and accessory structures, the on-site subsurface sewage disposal facility, a site for an alternative on-site subsurface sewage disposal system, and all applicable setback and other requirements for structures and disposal systems, and~~

~~(b) Where the site proposed by the applicant has soils or is in an area where ground water contamination may occur, that the density of development in the vicinity of the proposed site will not be greater than the density allowed pursuant to subsections a through f of these dimensional requirements. Areas comprising rapidly permeable outwash deposits or shallow soils over fractured bedrock shall be considered areas where ground water contamination may occur.~~

(43) Notwithstanding any other provisions of these ~~regulations~~ rules, in a proposed subdivision ~~or in other areas where there is or is likely to be~~ that has or is likely to have relatively dense development, the Commission may increase the minimum lot size ~~required where~~ when the Commission determines that:

(a) ~~That such a A~~ larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and the on-site subsurface sewage waste water disposal, including a replacement system; disposal facility, a site for an alternative on-site subsurface sewage disposal system, and all applicable setback and other requirements for structures and disposal systems, and

(b) ~~Where the site proposed by the applicant has soils or is in an area where ground water contamination may occur, that~~ The density of development in the vicinity of the proposed site may be greater than the density allowed pursuant to subsections a through f of these dimensional requirements. is likely to cause nitrate or other

contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.

- (54) Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, sewage waste water disposal, and other aspects of ~~such~~ the development to reasonably assure that ~~such~~ undue adverse impact is ~~avoided~~does not occur.
- (65) An exception may be made to the shoreline, road, and or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT Maritime Development Subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT Maritime Development Subdistrict.
- (76) An exception may be made to the minimum extent necessary to the shoreline frontage and lot size requirement on tidal waters for structures necessary for commercial fishing activities or water dependent uses within a D-MT Maritime Development Subdistrict where such reduction would better serve the purpose of this subdistrict.
- (87) Where development is proposed in the vicinity of a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.16, D, 3, e.
- (98) To the extent consistent with 12 MRSA, Section 685-B, 4, the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
- (a) the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
 - (b) the facility is sited and buffered to fit harmoniously into the surrounding environment.
- (109) The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.
- (10) Notwithstanding the provisions of Section 10.11 of this chapter, structures necessary for disabled persons to gain access to buildings may be located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
- (a) A person with a disability as defined in 5 M.R.S.A. § 4553 resides in or regularly uses the dwelling or facility;

- (b) The encroachment into the standard setback distance applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
- (c) The access structure is necessary to create an accessible route;
- (d) The access structure cannot reasonably or feasibly be created without encroachment into the standard setback distance; and
- (e) The design of the access structure minimizes the need for encroachment into the standard setback distance.

SUMMARY OF SHORELINE
FRONTAGE, SETBACK AND CLEARING REQUIREMENTS
FOR SINGLE FAMILY DWELLINGS

	Tidal, Flowing water <50 sqmi, Lakes <10 ac	Lake Mgmt Class 2	Flowing water >50 sqmi Other lakes >10 ac
FRONTAGE	150'	200'a	200'
SETBACK	75'	100'a	100'
CLEARING FOR DEVELOPMENT	75' (30%)	100'(30%) 400'(40%)	100'(30%) 150'(40%)

a: Density limitation of an average of 1 dwelling unit per shore mile on Management Class 2 lakes.

Note: This summary of shoreline dimensional requirements is provided only as a guide to the frontage, setback, and clearing standards of Section 10.17 for single family dwellings. See text of Section 10.17 for complete requirements.

2. PESTICIDE APPLICATION

Pesticide application in any of the subdistricts will not require a permit from the Commission provided such application is in conformance with applicable State and Federal statutes and regulations.

3. SIGNS

a. On-Premise Signs

Subject to the provisions of this chapter, owners or occupants of real property may erect and maintain on-premise signs advertising the sale or lease thereof or activities being conducted thereon. Such signs, except roof signs, shall be subject to the regulations set forth below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (sq. ft.)	Maximum Aggregate Area of all Signs for Facility Being Advertised (sq ft.)
D-CI, D-GN, M-GN, M-HP	32	64
D-RS, M-NC & All Protection Subdistricts	8	16

- (2) On-premise signs shall not be located more than 1,000 ft. from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 sq. ft., except signs advertising a subdivision which shall be limited in size as provided by Subsection (1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 ft. above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs, including all roof signs, which are not in conformance with the preceding requirements may be allowed only under the provisions of a permit from the Commission.

b. Criteria for Sign Approval

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A., Section 685-B(4) as well as the following:

- (1) that the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;

- (2) that the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- (3) that the sign will not constitute a hazard to the flow of traffic; and
- (4) that the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.17, B, 3, a.

c. Exempt Signs

The following signs are exempt from the requirements of this chapter, except as indicated in Section 10.17, B, 3, d of this chapter:

- (1) Signs identifying stops or fare zone limits of common carriers;
- (2) Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- (3) Residential directional signs, each of which does not exceed 4 sq. ft. in area, along roadways other than limited access highways;
- (4) Traffic control signs or devices;
- (5) Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 sq. ft. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- (6) Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- (7) Memorial signs or tablets;
- (8) Signs erected by county fairs and expositions for a period not to exceed six weeks;
- (9) Directional signs visible from a public roadway with a total surface area not to exceed 4 sq. ft. providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- (10) Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- (11) Official business directional signs as defined and authorized by 23 M.R.S.A., Chapter 21.

The preceding dimensional and/or time limitations may be exceeded only under the provisions of a permit from the Commission.

d. Regulations Applying to All Signs

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained visible from a public roadway which:

- (1) Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- (2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- (3) Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- (4) Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- (5) Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- (6) Is in violation of, or at variance with, any other applicable State law or regulation;
- (7) Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- (8) Is not clean or in good repair; or
- (9) Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

4. ~~SUBSURFACE SEWAGE~~ WASTE WATER DISPOSAL

a. No permit ~~shall~~ will be issued for a project with subsurface ~~sewage~~ waste water disposal unless an acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules.

- ~~(1) There is an area of suitable soils according to the Subsurface Waste Water Disposal Rules of sufficient size to accommodate the proposed system;~~
- ~~(2) An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules.~~

- ~~(3) In lieu of (1) and/or (2) above, the applicant demonstrates to the Commission's satisfaction that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.~~

~~No development shall be permitted which utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.~~

- ~~b. The Commission will not require a permit for conversion from primitive to combined septic systems provided authorization is obtained from the local plumbing inspector or the Department of Human Services, Division of Health Engineering, and provided there are no limitations on combined septic systems established by easement, deed covenant, or prior permit conditions.~~

5. WATER IMPOUNDMENTS

The establishment of impoundment water levels and the maintenance of impoundments shall conform to the provisions of ~~12 M.R.S.A., Chapter 6~~ 38 M.R.S.A., Subchapter I, Article 3-A, Maine Dam Inspection, Registration and Abandonment Act.

6. BOAT TRAIERED RAMPS, HAND-CARRY LAUNCHES AND WATER-ACCESS WAYS AND PERMANENT DOCKING FACILITIES

~~Wherever boat ramps and ways or permanent docking facilities are allowed by special exception, the following criteria shall apply:~~

Except as provided for in section d, trailered ramps, hand-carry launches, water-access ways and permanent docking facilities require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, section 10.13-B, and the Criteria for Wetland Alterations, section 10.17, B, 7, in addition to any applicable requirements set forth in these rules.

- a. Private Trailered Boat-Ramps, Hand-carry Launches, and Water-access Ways:

Private trailered ramps are allowed by special exception in the following subdistricts: General (D-GN) and Residential (D-RS) Development Subdistricts and Aquifer (P-AR), Floodplain (P-FP), Fish and Wildlife (P-FW), Great Pond (P-GP), Shoreland (P-SL), Unusual Area (P-UA), Wetland (P-WL) and Accessible Lake (P-AL) Protection Subdistricts.

Private hand-carry launches are allowed by special exception in the following subdistricts: Fish and Wildlife (P-FW), Recreation (P-RR), Significant Wetlands (P-WL1), River Transition (P-RT), and Accessible Lake (P-AL) Protection Subdistricts.

Private water-access ways are allowed by special exception in the following subdistricts: General (D-GN) and Residential (D-RS) Development Subdistricts and Aquifer (P-AR), Floodplain (P-FP), Fish and Wildlife (P-FW), Great Pond (P-GP), Recreation (P-RR), Shoreland (P-SL), Unusual Area

(P-UA), Wetland (P-WL), River Transition (P-RT), and Accessible Lake (P-AL) Protection Subdistricts.

Wherever private trailered ramps, or hand-carry launches, or water access ways are allowed by special exception, the following apply:

For private, noncommercial boat ramps, and ways, other than those which the Commission may permit under the terms of a shorefront subdivision permit, publicly accessible boat ramp_s, or ways, including private facilities available for a fee, located within 15 road miles of the applicant's proposed development_s, shall constitute an alternative site reasonably available to the applicant.

For a proposed private trailered ramp, hand-carry launch or set of water-access ways, the following constitutes "an alternative site reasonably available" to the applicant:

- (1) an existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant's proposed development,
- (2) a proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant's proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

b. Facilities Associated with Shorefront Subdivisions

Shorefront subdivisions may be permitted no more than one trailered ramp, hand-carry launch or set of water-access ways, and one permanent dock. Any such facility must comply with section 10.17.B.6.e, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

c. Maintenance of Trailered Ramps and Hand-carry Launches

Maintenance: Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of section 10.17.B.6.e, to minimize erosion, sedimentation, and transport of phosphorus into the waterbody.

d. Notification for Trailered Ramps and Hand-carry Launches

Public trailered ramps and public hand-carry launches are allowed without a permit within the shoreland zone of all waterbodies except those identified as Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement trailered ramps and hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

(1) Every notification must be on a form provided by the Commission and must include:

- (a) a project design plan indicating all dimensions (width, height, length) relative to the normal high water mark including any associated structures that may be seasonal in nature;

- (b) photographs of the area in which this activity is proposed, with a site map showing the location of the proposed project and the perspectives of the photographs submitted;
 - (c) documentation that application for a lease or easement to submerged lands has been filed with the Bureau of Parks and Lands and, if applicable, that the owner of the flowage rights has been contacted for permission; work on the project 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, and, if applicable, that written permission has been obtained from the owner of the flowage rights;
 - (d) certification from the Department of Environmental Protection that all reasonably available measures have been taken to minimize phosphorus transport to the water body; and
 - (e) a statement that the project will be accomplished in conformance with the standards of section 10.17,B,6; that the project shall be maintained so as to minimize erosion, sedimentation, and transport of phosphorus into the waterbody; and that the appropriate fishery biologist at either the Department of Inland Fisheries and Wildlife or the Department of Marine Resources has been contacted to determine the best timing of construction to minimize any potential impacts to fisheries;
- (2) At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if applicable, and to all landowners/leasees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission, any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.
- (3) The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which section d and e are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of sections d and e and impacts on existing uses or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of sections d and e are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.
- (4) Expiration: A notification expires 2 years from the date of acceptance by the Commission.
- e. Design and Construction Standards for Trailered Ramps and Hand-carry Launches

Unless otherwise indicated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in section 10.17.B,6,d, and to all commercial or private trailered ramps and hand-carry launches.

- (1) Erosion Prevention and Control During Construction: Eroded soil or fill material from disturbed areas must be prevented from entering a waterbody. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991.
- (2) Avoidance of Waterbodies: No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the waterbody being accessed, identified as P-WL1 on the Commission's zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other waterbody, except that an access roadway may cross a stream if requirements of Section 10.17.A,4, pertaining to water crossings, are met.
- (3) Maintenance of Vegetated Buffer: Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the waterbody's vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the waterbody. In the case of private trailered ramps, if the lot does not have a well established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the waterbody, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.
- (4) Runoff Diversion: Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the waterbody. For private facilities, the total land area above the normal high water mark that drains directly into the waterbody along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.
- (5) Trailered Ramps
 - (a) A public trailered ramp having a slope in excess of 8% must be hard-surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.
 - (b) Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.

- (c) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;
 - (d) The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps;
 - (e) The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;
 - (f) Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and
 - (g) The total area disturbed in the construction of private facilities shall not exceed 1000 square feet within 50 feet of the normal high water mark.
- (6) Associated Docking Systems: For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.
- (7) Hand-carry Launch: A hand-carry launch must meet the following specifications:
- (a) The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;
 - (b) The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
 - (c) The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff; and
 - (d) A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark.
 - (e) Filled or cut slopes at or below the normal high water mark must be protected with riprap.
- Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.
- (8) Geoweb: Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the waterbody.
- (9) Concrete: Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
- (10) Washing: No washing of tools, forms, or similar material may occur in or adjacent to the waterbody or wetland.

- (11) Lumber: The use of untreated lumber is preferred. Wood treated with creosote or pentachlorophenol must not be used below the normal high water mark. Lumber pressure-treated with chromated copper arsenate (CCA) may be used, 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.
- (12) Machinery in Water: Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the existing water level.
- (13) Debris: Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or waterbody. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. § 1301 et seq.
- (14) Dimensional requirements: The shoreline frontage requirement for public boat launches may be waived to no less than 200 feet provided the applicant demonstrates there will be no undue adverse impact to existing uses in the project area.

fb. Permanent Docks:

(1) General Criteria for Docks on Tidal and Non-Tidal Waters

(a) Review Criteria: Wherever permanent docking facilities are allowed by special exception, the following criteria apply in addition to the Criteria for Approval, Section 10.13-B and the Criteria for Wetland Alterations, Section 10.17, B,7. Temporary docking facilities are preferred to permanent facilities. Permanent docking facilities will be approved only where the applicant has demonstrated by substantial evidence that the siting, location and size of such structure will not interfere with navigation and:

- 1.(i) It is infeasible to utilize a non-permanent facility due to unusual or extraordinary physical conditions of the site; or
- 2.(ii) In the case of public or institutional activities, a permanent structure is necessary for public safety and convenience; or
- 3.(iii) In the case of ~~conforming~~ commercial or industrial activities, a dock is a reasonably necessary accessory structure, and a non-permanent dock is not feasible or adequate to provide for public safety and convenience.

7. WETLAND ALTERATIONS

The following requirements apply to wetland alterations for Uses Requiring a Permit and Special Exceptions in Section 10.16, K, 3.

a. Procedural Requirements

(1) Transition

Wetland Protection (P-WL) Subdistricts identified on the Commission's Land Use Guidance Maps that were adopted prior to the adoption of this section will be regulated according to standards applying to wetlands of special significance (P-WL1 Subdistrict), as defined herein, until the Commission adopts amended Land Use Guidance Maps pursuant to this section, unless the applicant demonstrates, through delineation or other means acceptable to the Commission, that the P-WL is not a wetland of special significance.

(2) Area of Project Alteration

- (a) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- (b) If a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland or 20,000 or more square feet of a P-WL2 or P-WL3 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, as provided in the Commission's General Land Use Standards in Section 10.17, B, 7, b.
- (c) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.

(3) Level of Permit Review

The level of permit review required depends upon the size of the proposed wetland alteration and the wetland subdistrict involved. If any part of the overall project requires a higher level of review, then the whole overall project will be reviewed under that higher tier, unless otherwise authorized by the Commission.

- (a) Tier 1 reviews are for projects altering 4,300 up to 15,000 sq. ft. of P-WL2 or P-WL3 wetlands.
- (b) Tier 2 reviews are for projects altering 15,000 up to 43,560 sq. ft. of P-WL2 or P-WL3 wetlands not containing critically imperiled (S1) or imperiled (S2) natural communities.
- (c) Tier 3 reviews are for projects altering any area of P-WL1 wetlands, 15,000 up to 43,560 square feet of P-WL2 or P-WL3 wetlands containing critically imperiled (S1) or imperiled (S2) natural communities, or 43,560 sq. ft. or more of P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.

- (d) When wetland delineation is required, the level of permit review required will be determined by the type of wetland indicated through delineation.

b. General Land Use Standards

(1) Avoidance

- (a) Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project.
- (b) Projects requiring Tier 2 or Tier 3 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 and Tier 3 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

(2) Minimal Alteration

Projects requiring Tier 1, Tier 2 or Tier 3 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.

(3) Water Quality

Projects requiring Tier 1, Tier 2 or Tier 3 review must comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality classification standards contained in 38 M.R.S.A. 465.

(4) Erosion Control

Projects requiring Tier 1 or Tier 2 review must use erosion control measures to prevent sedimentation of surface waters. A 25-foot buffer strip must be maintained between the activity and any surface waters.

(5) Compensation

Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve no net loss of wetland functions and values.

- (a) For projects requiring Tier 2 or Tier 3 review, the Commission may require compensation when it determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project.
- (b) The Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to

determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

(6) No Unreasonable Impact

The following standards apply only to applications requiring Tier 3 review:

- (a) Even if a project has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on the wetland. A project will be determined to have an "unreasonable impact" if the Commission makes one or more of the following findings:

(i) Existing uses

The activity will unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

(ii) Soil erosion

The activity will cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

(iii) Harm to habitats; fisheries

The activity will unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater or marine fisheries or other aquatic life.

In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.

(iv) Interference with natural water flow

The activity will unreasonably interfere with the natural flow of any surface or subsurface water.

(v) Flooding

The activity will unreasonably cause or increase the flooding of the alteration area or adjacent properties.

(vi) Sand supply

If the activity is on or adjacent to a sand dune, it will unreasonably interfere with the natural supply or movement of sand within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system.

(vii) Outstanding river segments

If the proposed activity is a crossing of any outstanding river segment as identified in Section 10.16, G, the applicant cannot demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.

(viii) Dredging

If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant cannot demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable.

(ix) In determining if an activity will have an unreasonable impact, the Commission shall consider:

- [a] The area of wetland that will be affected by the alteration and the degree to which the wetland is altered, including wetland beyond the physical boundaries of the project;
- [b] The functions and values provided by the wetland;
- [c] Any proposed compensation and the level of uncertainty regarding it; and
- [d] Cumulative effects of frequent minor alterations on the wetland.

(b) Activities may not occur in, on or over any wetland of special significance containing threatened or endangered species unless the applicant demonstrates that:

- (i) The wetland alteration will not disturb the threatened or endangered species; and
- (ii) The overall project will not affect the continued use or habitation of the site by the species.

(c) When considering whether a single activity is reasonable in relation to the direct and cumulative impacts on the resource, the Commission shall consider factors such as the degree of harm or benefit to the resource; the frequency of similar impacts; the duration of the activity and ability of the resource to recover; the proximity of the activity to protected or highly developed areas; traditional uses; the ability of the activity to perform as intended; public health or safety concerns addressed by the activity; and the type and degree of benefit from the activity (public, commercial or personal).

8. SERVICE DROPS

A permit is not required for a service drop provided one of the following conditions is met:

- a. The Commission has issued a permit for the structure or development to be served; or
- b. The Commission has confirmed, in writing, that the structure or development to be served is exempt from the Commission's permitting requirements.

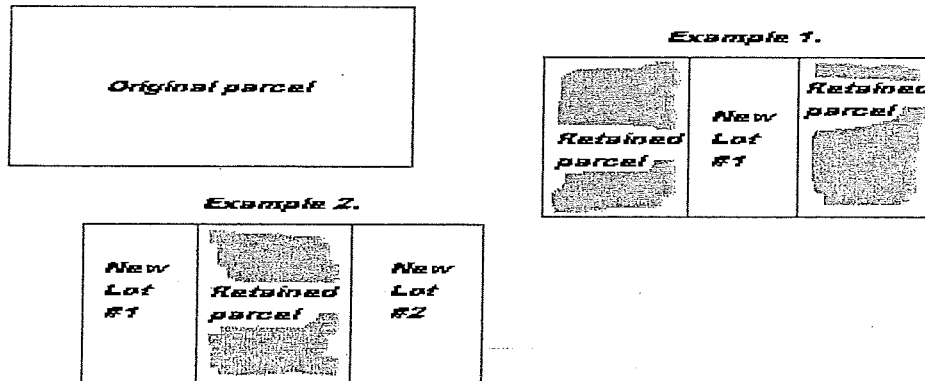
9. SUBDIVISION AND LOT CREATION

This section governs the division of lots and the creation of subdivisions.

a. Counting Parcels, Lots, or Dwelling Units Under the Definition of Subdivision:

(1) Lots Created by Dividing a Parcel

When a parcel is divided, the land retained by the person dividing land is always counted in determining the number of lots created unless the lot retained qualifies for any of the exemptions listed in subsection 6 below. This figure illustrates two examples:



Two examples where two new lot lines were drawn, each resulting in the creation of three parcels.

These divisions of land, if undertaken in under five years (exemptions are not considered in this example), would constitute a subdivision, because the parcel(s) retained by the person dividing the land is (are) counted in determining whether a third lot was created.

(2) Subdivision Created by the Placement of Dwelling Units

The placement of three or more dwelling units on a single lot within a five-year period creates a subdivision. The division of one lot into two parcels coupled with the placement of one or two dwelling units on either or both lots does not create a subdivision.

(3) Parcels Originally Part of a Subdivision

A lot or parcel which, when sold, leased or developed, was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner is counted as a lot under the subdivision definition. The Commission, however, will not require a subdivision permit be obtained for such lot, unless the intent of such transfer or development is to avoid the objectives of Title 12, Chapter 206-A;

(4) Remote Rental Cabins:

In order to foster primitive recreational opportunities on large tracts of land, up to eight remote rental cabins within a single contiguous ownership larger than 5,000 acres within a township shall be allowed without subdivision review. Placement of more than eight remote rental cabins within such an ownership requires subdivision review by the Commission.

(5) Existing parcels

For the purposes of the definition of subdivision in 12 M.R.S.A. § 682(2) and in these rules, an “existing parcel” shall include the contiguous area within one township, plantation, or town owned or leased by one person or group of persons in common ownership.

(6) Exempt lots

The following divisions are exempt when counting lots for purposes of subdivision, unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206-A:

(a) Large Lot Land Division

A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria as a large lot land division:

- (i) The lot is at least 40 acres in size;
- (ii) No portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in 38 M.R.S.A. § 436-A;
- (iii) The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and

When 3 to 10 lots of at least 40 acres in size are created within any 5-year period, a land division plan must be filed for the Commission’s review by the person creating the 3rd lot within 60 days of the creation of that lot. A “Guide to Certification of Plans for Large Lot Land Divisions” is available from the Commission that details submission requirements.

The Commission shall determine whether the plan qualifies under 12 M.R.S.A. § 682, (2), ordinarily within 15 days of receipt of the plan. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located.

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision. [12 M.R.S.A. § 682]¹

(b) Retained Lots

A lot is not counted as a lot for the purposes of subdivision if it is retained by the person dividing the land, is larger than 100 acres, and for a period of at least 5 years:

- (i) is retained and not sold, platted, leased, conveyed or further divided;
- (ii) is used primarily for forest or agricultural management activities, or natural resource conservation purposes; and
- (iii) is not used for residential or commercial lodging purposes;

(c) Transfers to an Abutter and Contiguous Lots

A lot transferred to an abutting owner of land is not counted as a lot for the purposes of subdivision. Where a lot is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots are considered merged for regulatory purposes except for

- (i) lots that are part of a subdivision approved by the Commission;
- (ii) a land division certified by the Commission as qualifying under 12 M.R.S.A. § 682(2); or
- (iii) as provided in Section 10.11 of the Commission's rules;

(d) Divisions by Inheritance, Court Order, or Gifts:

Divisions of land accomplished solely by inheritance, by court order, or by bona fide gift to a person related to the donor by blood, marriage, or adoption are not counted as lots for the purposes of this subsection, provided that as to lots transferred by gift, such lots are not further divided or transferred within a 5-year period of the gift.

(e) Conservation Lots

¹NOTE: Public Law 1987, chapter 864, specified that this provision "applies to any division of land occurring after April 19, 1988, except as otherwise provided in this section. Notwithstanding ~~Maine Revised Statutes, Title 1 M.R.S.A. section § 302,~~ this Act applies to any application for subdivision approval submitted after April 19, 1988.

"For the purposes of Title 12 M.R.S.A. chapter 206-A, this Act does not apply to sale or lease of lots containing 40 or more acres if a plan of those lots was filed with the registry of deeds and the State Tax Assessor on or before April 1988."

Private and Special Law 1991, chapter 92, specified that "If a complete application is filed with the Maine Land Use Regulation Commission pursuant to chapter 16 of the rules of the commission by July 1, 1993, lots are deemed to meet the applicability provisions of section 4 of those rules when those lots:

1. Contain at least 40 acres but not more than 100 acres;
2. Are shown on a plan of lots filed with the applicable registry of deeds and the State Tax Assessor between April 20, 1988 and September 30, 1989; and
3. Are not located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of coastal or freshwater wetland as those terms are defined in ~~Maine Revised Statutes, Title 38 M.R.S.A., § 436-A.~~

Sale, lease or other conveyance of any lot that is shown on a plan that meets the requirements of subsection 2, but that does not meet the requirements of subsection 1 or 3, is subject to subdivision review and approval by the Maine Land Use Regulation Commission under chapter 10 of its rules."

A lot transferred primarily for the conservation and protection of natural resources, including protection of wildlife habitat or ecologically sensitive areas, or for public outdoor recreation to a qualified conservation holder is not counted as a lot for the purposes of this subsection. For a period of at least twenty (20) years following such transfer, the lot must be limited by deed restriction or conservation easement to such uses and the lot may not be further divided, nor transferred, except to a qualified conservation holder.

For the purposes of this subsection a qualified conservation holder is :

- (i) the State of Maine acting by the following: Baxter State Park Authority, Department of Conservation or Department of Inland Fisheries and Wildlife;
- (ii) the United States acting by the U.S. Forest Service of the Department of Agriculture, or the U.S. Fish and Wildlife Service or Park Service of the Department of Interior; or
- (iii) a nonprofit, tax-exempt nature conservation organization qualifying under Section 501(c)(3) of the Internal Revenue Code

(f) Large Lots Managed for Forest or Agricultural Management Activities or Conservation

A lot transferred or retained following transfer containing at least 5,000 acres is not counted as a lot for the purposes of this subsection, provided the lot is managed solely for the purposes of forest or agricultural management activities or conservation and the lot is not further divided for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit primitive recreation on the lot.

b. Subdivision Approval Criteria

(1) Redistricting Considerations

Subdivisions are allowed only in appropriate subdistricts, as designated in Sections 10.14 - 10.16.

The Commission may approve subdivisions which include land area designated within subdistricts where subdivision is otherwise prohibited, regardless of the suitability of that land for development purposes, provided:

- (i) The land area shall comprise a single lot;
- (ii) The lot is 100 acres or less in size;
- (iii) The lot is not to be further divided; and
- (iv) The lot is subject to subdivision permit conditions prohibiting residential, commercial, industrial or other development uses.

(2) Subdivision Review and Approval

The criteria for approval of any subdivision application will be those listed in Section 10.13-B of the Commission's rules. Policies outlined in the Commission's Comprehensive Land Use Plan will be used in the review of subdivision applications. In addition, the Commission will use the applicable provisions of Section 10.17, A and B of the Commission's rules in the review of subdivision layout and design.

(3) Subdivisions Along Shorelines

In addition to the criteria listed in b (1) and (2), subdivisions along shorelines of lakes are subject to criteria outlined in the waterbody's management class designation. Management class designations are defined in Section 10.02. Lakes in each class are identified in Appendix C of the Commission's rules.

c. Spaghetti-lots

A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit [12 M.R.S.A., § 682-A].

d. Subdivision Filing with Registry of Deeds and Sale of Lots

(1) Filing requirements

Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission's Director with the County Registry of Deeds where the real estate is located [12 M.R.S.A., § 685B (6)].

(2) Certificates of Compliance

The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled [12 M.R.S.A., § 685-B (8)].

e. Notification requirements for all land divisions

(1) Large Lot Land Divisions

Large lot land divisions require that a plan be filed for Commission review. See Section 10.17, B, 9, a.(6),(a) above.

(2) Other Land Divisions

All other land divisions that occur by platting, sale, lease, or other conveyance, regardless of whether a subdivision is created, require a notification to be submitted to the Commission within 60 days of the division by the person creating the division [12 M.R.S.A., § 685-B, (6-B)]. The notification form is available from the Commission.

~~C. The following shall guide the Commission's consideration of applications for permits in all Subdistricts:~~

~~In addition to its consideration of the criteria set forth in Section 685 B of the Commission's statute and such other criteria as may be set forth in this Chapter or in other applicable laws and regulations, the~~

10.17,B,9

~~Commission shall not issue a permit for any activity requiring the same unless it determines that such activity, as so permitted, will be carried out in a manner reasonably consistent with the resources, uses and purposes of the Subdistrict in which such activity is proposed to take place.~~

Sub-Chapter III ADMINISTRATION

10.18 PENALTIES FOR VIOLATION

A person violating a provision of this Chapter ~~shall be~~ is subject to the provisions of 12 M.R.S.A. § 685-C(8), ~~Section 685-C, subsection 8.~~

10.19 APPEALS

The appeal of a decision of the Commission or Commission's staff ~~shall~~ must be taken in accordance with Chapter 4 of these ~~rules and applicable statutes~~ Regulations.

10.20 NOTIFICATION FORMAT

Where a written notification is required by this Chapter, such notification ~~shall~~ must be submitted in advance of the date on which the activity, which is the subject of the notification, is commenced. Except as provided in Section 10.17.B.6, § such notification shall must state the:

- ~~(1)~~ A. Location of the proposed project by use of the USGS Topographic Map or an official Commission zoning Land Use Guidance Map of the area;
- ~~(2)~~ B. Nature of the proposed project; and
- ~~(3)~~ C. Time period of the proposed project;

Such notification ~~shall~~ must also state that the activity or project will be accomplished in conformance with the applicable minimum standards of Section 10.17 of this chapter and ~~shall~~ must be signed by a duly authorized person who shall be responsible for the execution of the activity.

10.21 EXPIRATION OF PERMIT

If a development or use requiring a permit is not substantially started within the time period specified in the permit conditions of approval, or is not completed within the time period specified, the permit lapses and further development or activity is prohibited thereafter unless and until a new permit is granted, an extension is granted prior to the expiration date, or the Commission otherwise specifically authorizes.

When a permit holder has filed a timely, complete and sufficient application for renewal of a permit before the permit's expiration date, the existing permit does not expire until the application has been finally determined by the Commission.

APPENDIX A

SAMPLE DETERMINATIONS TO IDENTIFY WATER QUALITY LIMITING LAKES

Purpose

The purpose of the following is to determine those lakes where a density of one dwelling unit per 150* feet of shoreline of the lake would increase the phosphorus concentration of the lake water by 5 parts per billion or more.

Method

The maximum change in phosphorus loading will be determined by:

$$(1) \Delta L = \Delta P \times DA \times R$$

where	Δ	= change
	L	= phosphorus loading
	ΔP	= phosphorus concentration
	ΔP	= .005 grams/meters ³ (approximately equivalent to 5 parts per billion)
	R	= run-off coefficient (average annual run-off)
	DA	= drainage area

Assuming 1/4 time occupancy, four people per dwelling, and a contribution of $.4 \times 10^3$ grams of phosphorus per person per year to the body of water, the water quality limitation to shoreline development is:

$$(2) \frac{\text{max. } \Delta L}{.4 \times 10^3 \text{ grams per year}} = \text{number of dwelling units}$$

If development was allowed to a density of 1 dwelling unit per 150 feet of shoreline, the maximum number of dwellings allowed according to shoreline length only would be:

$$(3) \frac{\text{shoreline length}}{150 \text{ feet}} = \text{number of dwelling units}$$

If (3) is greater than (2), the lake is a water quality limiting lake;

If (2) is greater than (3), the lake is not a water quality limiting lake;

*Since the minimum shore lot frontage on Great Ponds is 100 feet measured as a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline, and due to the irregularity of shoreline, the actual average shoreline measure along the normal high water mark for such lot is estimated to be 150 feet.

Sample 1

Madawaska Lake, Aroostook County

Characteristics:

Drainage area	= $82.9 \times 10^6 \text{m}^2$
Run-off coefficient	= .5 m/year
Shoreline length	= 54,000 feet
ΔP	= .005 grams

Calculations:

$$(1) \text{ Maximum } \Delta L = 20.7 \times 10^4 \text{ grams per year}$$

(2) Number of dwelling units allowed based on water quality limitations = 518 dwelling units

(3) Number of dwelling units allowed based on shoreline length = 360 dwelling units

Result: Madawaska Lake is not a water quality limiting lake.

Sample 2

Tomah Lake, Washington County

Characteristics:

Drainage Area	= $1.8 \times 10^6 \text{m}^2$
Run-off coefficient	= .6 m/year
Shoreline length	= 7,000 feet
ΔP	= .005 grams

Calculations:

(1) Maximum $\Delta L = 5.4 \times 10^3$ grams per year

(2) Number of dwelling units allowed based on water quality limitations = 14 dwelling units.

(3) Number of dwelling units allowed based on shoreline length = 47 dwelling units.

Result: Tomah Lake is a water quality limiting lake.

APPENDIX B

GUIDELINES FOR SOIL VEGETATIVE STABILIZATION

Areas of disturbed soil, including but not limited to areas that are filled, graded or otherwise disturbed during construction projects, should be stabilized according to the following guidelines. These guidelines do not apply to forest management activities and are not strict regulations, and therefore alternative methods of stabilizing soil may be used. However, whenever soil stabilization or stabilization of disturbed areas is required by regulation or by the terms of individual permits, individuals must assure that either these guidelines, or measures equally effective in stabilizing disturbed areas of soil are employed.

The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and the avoidance of sedimentation or pollution of water bodies. All stabilization measures must be maintained so that grass or other vegetation remains intact and healthy, otherwise these measures will be ineffective.

In General:

1. Sterile soils such as sands and gravels should be covered with 2 to 4 inches of ~~topsoil~~ soil medium that will support vegetative growth. ~~to provide a growth medium for vegetation.~~
 2. Disturbed soil areas should be graded such that runoff water is either minimized or eliminated from running over the site.
 32. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period.
 43. Disturbed areas which cannot be seeded between May 1 and September 15 should be mulched with hay, straw or some other suitable material to keep them as stable as possible over the winter, and particularly during spring runoff the following year. ~~Generally, one bale of hay for each 500 square feet of area provides a stabilizing mulch.~~ For over-wintering, mulch must be ted tacked down, as it is easily blown around on frozen ground, leaving areas of soil exposed. Mulch hay should be applied at a depth of 4 inches, or between 150 to 200 lbs. per 1000 square feet, over the disturbed site. Mulched over-wintered areas should be prepared and seeded the following spring as soon as conditions allow.
- It is not recommended that disturbed areas be seeded after September 15th ("dormant seeding") for a number of reasons. Among the reasons, seeding rates are doubled, which is more expensive; timing is critical to ensure that germination does not occur before the following spring; there is an increased risk of sedimentation because sites are generally wetter in the fall; the thicker mulch must be removed in the spring in order to allow the germinating seed to survive; and the application of fertilizer during this time increases the risk of leaching or runoff loss of nutrients into water bodies.
54. Seeding preparation, in addition to providing ~~topsoil or loam~~ a soil medium that will support vegetative growth if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked prior to seeding. After the area is seeded, it should be lightly watered and then mulched with 70 to 90 lbs. (2 standard bales) per 1,000 square feet of weed free hay or straw to protect the seed. ~~Keep~~ Keep the site stable and moist, and allow the seed to germinate and grow.
 65. For accurate liming as well as fertilization, it is recommended that you have the soil analyzed to determine the specific nutrient requirements of your site.

Lime should be applied at a rate of approximately ~~100~~ 140 pounds to 1000 square feet of area. This rate may vary depending on the natural conditions of the soil on the site. 10-5-20 fertilizer should be applied at a rate of 18.5 lbs. per 1000 square feet of area. Following the establishment of

vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

76. In shoreland areas in particular, fertilizers should be of the "quick release" low phosphorus type, such as ~~5-5-10 or 10-5-10~~ 12-4-8 mixtures. ~~They should be applied at a rate of 24~~ 8 pounds per 1000 square feet of area. If you are near water bodies, it is important not to apply more than approximately this amount of fertilizer, as excess may be washed into streams or lakes and contribute to lowering water quality and such things as algae blooms in lakes.

Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

Fertilizers should never be applied right before thunder storms or before spring runoff, because the great amounts of water running over the land will wash the fertilizer, particularly phosphorus, into water bodies. However, a light watering after the fertilizer is applied will help bind the phosphorus to the soil.

87. There are many combinations of grasses that can be used. One combination particularly good for providing soil stability, generally referred to as the Soil Conservation Mixture, consists of: (Proportions, by weight)

Creeping Red Fescue	35%
Kentucky Bluegrass	25%
Annual Rye Grass	15%
Perennial Rye Grass	10%
Red Top	10%
White Dutch Clover	5%
*Oats - See Below	

This seed would be applied at a rate of 1 pound per 1000 square feet. These particular grasses do best if mowed no closer than 2-1/2 to 3 inches from the ground. Of course, other seed mixtures are available.

It is important, in choosing a mixture, to choose one suitable for the site being stabilized. There are many different types of seeding mixtures designed for particular site conditions such as shade, sun, and drainage. Any mix should contain some seed which germinates rapidly to provide the quickest stabilization possible while awaiting the germination of the remaining types.

- (*) For quick germination, oats are very good. They germinate in 7 to 10 days. They should be planted at a rate of approximately 1 to 1-1/2 bushels per acre, in addition to the basic grass mixture. Oats should be mowed when they reach knee height to allow the germinating grasses to receive sunlight.

Alternatives:

As indicated above, other stabilization programs may be used, provided they are equivalently effective in stabilizing disturbed areas and preventing accelerated soil erosion and sedimentation of water bodies. Further assistance may be obtained, including in some cases site-specific recommendations, as follows:

Local Soil and Water Conservation Districts
~~The Maine Soil and Water Conservation Commission~~
 The USDA Soil Conservation Service Natural Resource Conservation Service
Maine Department of Environmental Protection, Lakes Program
 Landscaping Professionals
 Reputable Lawn and Garden Supply Dealers

The Maine Soil and Water Conservation Commission has produced the The following documents may provide valuable assistance to those developing a soil stabilization plan:

APPENDIX B

~~"Environmental Quality Handbook – Maine – Erosion and Sedimentation Control on Commercial, Industrial, Residential, Recreational, and Governmental Construction Sites"~~

~~Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (Cumberland County Soil & Water Conservation District and Maine Department of Environmental Protection, 1991)~~

~~Strategy for Managing Nonpoint Source Pollution From Agricultural Sources and Best Management Guidelines (NPS Agricultural Task Force, 1991)~~

~~Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations, Best Management Practices (Maine Forest Service, 1991)~~

~~which may provide valuable assistance to you in developing a soil stabilization plan.~~

APPENDIX C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

LEGEND TO APPENDIX C:

Resource Ratings:

FSH = Fisheries	O = Outstanding
WLD = Wildlife*	S = Significant
SC = Scenic	P = Present
SH = Shore Character	m = missing information
BOT = Botanic	+,- = resource needing further field checking due to public comment
CLT = Cultural	(+ = positive comment;
PHY = Physical	- = negative comment)

An "" after the wildlife rating indicates an outstanding wildlife value due to an especially concentrated and diverse wildlife value -- one of the criteria for a Management Class 2 Lake.

Resource Class:

- 1A** = lakes of statewide significance with two or more outstanding values
- 1B** = lakes of statewide significance with one outstanding value
- 2** = lakes of regional significance (with no outstanding values but at least one significant resource value)
- 3** = lakes of local or unknown significance (either had no significant or outstanding natural value or information was inadequate to make a determination)

Land Use:

- INAC** = Relatively Inaccessible--has no road passable with a 2-wheel drive car within approximately 1/4 mile of the lake shore
- AC** = Relatively Accessible
- UNDEV** = Relatively Undeveloped--has less than one development unit per shore mile, taken as an average over the entire lake (a development unit is defined as a single residence, small sporting camp cluster, or similar development)
- DEV** = Relatively Developed

Management Class:

- 1 = least accessible, undeveloped high value lakes
 - 1/6 = meets criteria for Mgmt Class 1, but adequately protected by Mgmt Class 6 zoning (remote ponds)
- 2 = accessible, undeveloped lakes with exceptional values
- 3 = lakes potentially suitable for development
- 4 = high value, developed lakes
- 5 = heavily developed lakes
- 6 = remote ponds

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W		RESOURCE RATINGS					RESOURCE	LAND USE		MGNT		
	LAKE#	TOWN NAME	REG	SIZE (AC)	FSH	WLD	SC	SH	BOT	CLT	PHY	CLASS	ACCESS	DEV	CLASS
ABBIE P	3360	BOWMANTOWN TWP	D	12	S							2	AC	DEV	
ABOL DEADWATER	2058	T02 R10 WELS	F	150	O					S		1B	AC	UNDEV	
ACKLEY P	2200	MT CHASE	F	19			S					2	AC	UNDEV	
ALDER L	1778	T11 R04 WELS	G	160								3	AC	UNDEV	
ALDER P	0120	T03 R05 BKF WKR	D	108								3	INAC	UNDEV	
ALDER P	2504	ALDER BROOK TWP	E	37	S		S			S		2	AC	UNDEV	
ALLAGASH L	9787	T08 R14 WELS	E	4260	O	O	O	O		S	O	1A	AC	UNDEV	2
ALLAGASH P	2970	T09 R15 WELS	G	89	S					S		2	AC	UNDEV	
ALLEN P	4516	T35 MD	C	83	m	S	S-					2	INAC	DEV	
ALLEN P (LOWER)	4504	T34 MD	C	51	m							3	INAC	UNDEV	
ALLEN P (MIDDLE)	4502	T34 MD	C	32	m							3	AC	UNDEV	
ALLEN P (UPPER)	4500	T34 MD	C	44	m							3	AC	UNDEV	
ALLIGATOR L	4498	T34 MD	C	1159	O		O	S				1A	AC	UNDEV	2
ALLIGATOR P	0502	TA R11 WELS	E	47	S							2	INAC	UNDEV	6
AMBEJEJUS L	PAMB	T01 R09 WELS	F	3289	S		S	S		O	S	1A	AC	DEV	3,5
ANDERSON P	4426	T10 SD	C	16	m							3	INAC	UNDEV	
ARNOLD P	3332	COBURN GORE	D	148	S		O			O		1A	AC	DEV	4
ATKINS P	4176	T08 R09 WELS	G	32								3	INAC	UNDEV	
ATTEAN P	2682	ATTEAN TWP	E	2745	O		O	O	O		O	1A	AC	UNDEV	2
ATWOOD P	4250	T05 R08 WELS	F	50	S		S					2	INAC	UNDEV	
AUSTIN P	0278	BALD MTN TWP T2R3	D	684	S							2	AC	UNDEV	
AUSTIN P	2410	T05 R17 WELS	E	43								3	INAC	UNDEV	
AUSTIN P (LITTLE)	0244	BALD MTN TWP T2R3	D	110	S							2	AC	UNDEV	
AVERY P	3001	T07 R15 WELS	E	60								3	AC	UNDEV	
AZISCOHOS L	3290	LINCOLN PLT	D	6700	O	O	S	S		O	S	1A	AC	DEV	
AZISCOHOS P	3106	MAGALLOWAY PLT	D	12	S							1B	INAC	UNDEV	6
B LAKE	1718	HAMMOND	G	66	m							3	INAC	UNDEV	
B POND	0478	TB R11 WELS	F	644	O		S			S		1B	AC	UNDEV	
BAIT P	0978	T04 INDIAN PURCHASE	F	20								3	AC	UNDEV	
BAKER FLOWAGE	0272	MAYFIELD TWP	D	40		S				S		2	INAC	UNDEV	
BAKER L	2400	T07 R17 WELS	E	1231	S					S	S	2	AC	UNDEV	
BAKER P	0422	BOWDOIN COL GR WEST	E	10	m							3	INAC	UNDEV	6
BAKER P	4060	MOXIE GORE	D	93								3	AC	UNDEV	
BAKER P	4122	TOMHEGAN TWP	E	74								3	AC	UNDEV	
BAKER P	5110	T05 R06 BKP WKR	E	270	O		S					1B	AC	UNDEV	
BAKER STREAM P	7104	BALD MTN TWP T2R3	D	12	S							2	AC	DEV	5
BALD MOUNTAIN P	0314	BALD MTN TWP T2R3	D	1152	O	O	O	O				1A	AC	UNDEV	2
BARBLESS P	4384	T07 SD	C	10								3	AC	UNDEV	
BARKER P	3118	BOWMANTOWN TWP	D	35	S							2	AC	UNDEV	
BARREN P	1220	T19 MD BPP	C	11								3	AC	UNDEV	
BARRETT P	2658	HOLEB TWP	E	34	S							2	AC	UNDEV	
BARTLETT P	1986	T10 R09 WELS	G	77	S	S						2	AC	UNDEV	
BARTLEY P (BIG)	2656	HOLEB TWP	E	10								3	INAC	UNDEV	
BARTLEY P (LITTLE)	2664	HOLEB TWP	E	10								3	INAC	UNDEV	
BASIN P	0042	PIERCE POND TWP	D	80	S	S						2	INAC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE(AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE ACCESS DEV	MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT	PHY				
BASKAHEGAN L	1078	BROOKTON TWP	F	6944	S	O				S	S	1B	AC	UNDEV	
BAY P (WEST)	4396	T07 SD	C	249		O						1B	INAC	UNDEV	1
BEAN P	0656	T02 R12 WELS	E	16	m							3	INAC	UNDEV	6
BEAN P	1880	T11 R17 WELS	G	44						P		3	AC	UNDEV	
BEAN P (LOWER)	0646	RAINBOW TWP	E	37	S	S						2	INAC	UNDEV	6
BEAN P (MIDDLE)	0648	RAINBOW TWP	E	10		S						2	INAC	UNDEV	6
BEAN P (UPPER)	0650	RAINBOW TWP	E	25	S	S				S		2	INAC	UNDEV	6
BEAN POT P	4026	T05 R15 WELS	E	52								3	AC	UNDEV	
BEANS (BEAN) P	0204	PLEASANT RIDGE PLT	D	20	S							2	INAC	UNDEV	
BEAR BROOK BOG	4020	T06 R15 WELS	E	15	m	S						2	INAC	UNDEV	6
BEAR P	0528	TA R11 WELS	E	12								3	AC	UNDEV	
BEAR P	0636	RAINBOW TWP	E	30	S					S		2	INAC	UNDEV	6
BEAR P	0882	ELLIOTTSVILLE TWP	E	17	m							3	INAC	UNDEV	
BEAR P	2136	T03 R09 NWP	F	10								3	INAC	UNDEV	
BEAR P	2934	T02 R13 WELS	E	81	S							2	INAC	UNDEV	
BEAR P	4018	T06 R15 WELS	E	138		S	O					1B	INAC	UNDEV	6
BEAR P	4480	T28 MD	C	19	m							3	AC	UNDEV	
BEATTIE P	5066	BEATTIE TWP	E	27	S							2	INAC	DEV	6
BEAU L	9785	T19 R11 WELS	G	2003	S			S	S	S		1B	AC	UNDEV	3
BEAVER MOUNTAIN L	3562	SANDY RIVER PLT	D	543	S		S					2	AC	DEV	5
BEAVER P	0484	SHAWTOWN TWP	E	27	S							2	INAC	UNDEV	6
BEAVER P	0670	T03 R11 WELS	E	15	m		S	S				2	INAC	UNDEV	6
BEAVER P	1662	T14 R05 WELS	G	10								3	AC	UNDEV	
BEAVER P	1872	T12 R17 WELS	G	70						P		3	AC	UNDEV	
BEAVER P	2636	FORSYTH TWP	E	10								3	AC	UNDEV	
BEAVER P	3076	T08 R05 WELS	G	67								3	AC	UNDEV	
BEAVER P	3310	MAGALLOWAY PLT	D	179	O		O-					1A	AC	UNDEV	2
BEAVER P	3354	SEVEN PONDS TWP	D	20	S							2	AC	DEV	5
BEAVER P	3588	TOWNSHIP D	D	20	S							2	AC	UNDEV	
BEAVER P	7309	T42 MD BPP	C	20	m							3	INAC	UNDEV	
BEAVER P	8739	RANGELEY PLT	D	14								3	AC	UNDEV	
BEAVER P	9756	ALDER BROOK TWP	E	12								3	AC	UNDEV	
BEAVER P (BIG)	0610	RAINBOW TWP	E	45	S							2	INAC	UNDEV	6
BEAVER P (BIG)	4162	T07 R09 WELS	F	329	S	+	S	+		+		2	INAC	UNDEV	
BEAVER P (LITTLE)	0612	T03 R11 WELS	E	10	m							3	INAC	UNDEV	6
BEAVER P (LITTLE)	3312	MAGALLOWAY PLT	D	50	S							2	AC	DEV	
BEAVER P (LITTLE)	4164	T07 R09 WELS	G	122	S							2	AC	UNDEV	
BEAVER P (LITTLE)	9700	RAINBOW TWP	E	8								3	INAC	UNDEV	6
BEAVER TAIL P	1536	T14 R09 WELS	G	128	S	S+						2	AC	UNDEV	
BEAVERDAM L (NORTH)	1312	T26 ED BPP	C	147	S							3	AC	UNDEV	
BEAVERDAM L (SOUTH)	1232	T26 ED BPP	C	160	m							3	INAC	UNDEV	
BECK P	5142	T03 R05 BKP WKR	D	32	S					O		1B	AC	UNDEV	
BEN L	1638	WALLAGRASS PLT	G	37	S							2	AC	UNDEV	
BENJAMIN P	2684	ATTEAN TWP	E	121	m		S+	S+				2	INAC	UNDEV	6
BENSON P (BIG)	0864	T07 R09 NWP	E	320	O		O+			S		1B	AC	UNDEV	2
BERRY P	2550	JOHNSON MOUNTAIN TWP	E	35						S		2	INAC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
				FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
BERRY P	2930	T02 R13 WELS	E 71	S							2	AC	UNDEV	
BERRY P (LITTLE)	2554	JOHNSON MOUNTAIN TWP	E 12								3	AC	UNDEV	
BERRY P (LITTLE)	2932	T02 R13 WELS	E 15								3	INAC	UNDEV	
BIG BOG	2412	T05 R18 WELS	E 1064								3	AC	UNDEV	
BIG BROOK L	1480	T14 R10 WELS	G 60								3	INAC	UNDEV	
BIG L	1288	NO 21 TWP	C 10305	O	O	+		O	O		1A	AC	DEV	3
BIGELOW P	3318	MAGALLOWAY PLT	D 10								3	AC	UNDEV	
BILL MORRIS P	0128	T03 R05 BKP WKR	D 23	S							2	INAC	UNDEV	
BILLINGS P	1970	T11 R09 WELS	G 64								3	AC	UNDEV	
BILLINGS P #1	3108	PARMACHENEE TWP	D 20						S-		2	INAC	UNDEV	
BILLINGS P #2	3110	PARMACHENEE TWP	D 10						S-		2	INAC	UNDEV	
BIRCH RIDGE P # 1	0514	TA R11 WELS	E 11	S							2	INAC	UNDEV	6
BISHOP P	1572	T13 R07 WELS	G 13								3	AC	UNDEV	
BLACK BROOK DWTR	9706	T02 R12 WELS	E 30								3	INAC	UNDEV	
BLACK BROOK L (BIG)	1860	CASWELL PLT	G 62								3	INAC	UNDEV	
BLACK BROOK L (LIT)	1862	CASWELL PLT	G 13								3	INAC	UNDEV	
BLACK BROOK P	0040	PIERCE POND TWP	D 47		S						2	INAC	UNDEV	
BLACK BROOK P	4062	MOXIE GORE	D 333	S	S						2	AC	UNDEV	
BLACK BROOK P #1	1184	T19 MD BPP	C 13								3	AC	UNDEV	
BLACK BROOK P #6	1192	T25 MD BPP	C 19								3	AC	UNDEV	
BLACK CAT P	3086	T08 R06 WELS	G 27	m							3	INAC	UNDEV	
BLACK L	1506	T15 R09 WELS	G 147	O		S					1B	INAC	UNDEV	1/6
BLACK L	1568	T16 R09 WELS	G 10								3	INAC	UNDEV	
BLACK P	0454	T01 R12 WELS	E 127								3	AC	UNDEV	
BLACK P	1622	ST JOHN PLT	G 21	S							2	AC	UNDEV	
BLACK P	2896	T06 R14 WELS	E 1450	m					S		2	AC	UNDEV	
BLACK P (LITTLE NO)	1508	T15 R09 WELS	G 6	S		S					2	INAC	UNDEV	6
BLACK P (LITTLE SO)	1510	T15 R09 WELS	G 7	S		S					2	INAC	UNDEV	6
BLACK P (LOWER)	7724	OXBOW TWP	D 30	O							1B	AC	DEV	
BLACK P (UPPER)	3362	BOWMANTOWN TWP	D 30	S							2	AC	UNDEV	
BLACK SPRUCE P	2844	T08 R10 WELS	G 12								3	AC	UNDEV	
BLAKE L	1648	T16 R06 WELS	G 128	S							2	AC	UNDEV	
BLAKESLEE L	5114	T05 R06 BKP WKR	E 55	O		S					1B	AC	UNDEV	
BLANCHARD P	5056	ALDER STREAM TWP	D 9							O	1B	INAC	UNDEV	
BLANCHARD P #1	2366	LANG TWP	D 4							O	1B	AC	UNDEV	
BLOOD (DUCK) P	2928	T02 R13 WELS	E 48	S							2	AC	UNDEV	
BLOOD L	1458	T14 R16 WELS	G 18								3	INAC	UNDEV	
BLUE P	1468	T13 R13 WELS	G 11								3	AC	UNDEV	
BLUFF P	0434	FRENCHTOWN TWP	E 10	S						S	2	INAC	UNDEV	6
BLUFFER P	2794	T08 R11 WELS	G 40	S	+	+		+		+	2	INAC	UNDEV	
BLUFFER P (LITTLE)	2796	T08 R11 WELS	G 12	S	+						2	INAC	UNDEV	
BLUFFER P (UPPER)	2798	T08 R11 WELS	G 15	S	+						2	INAC	UNDEV	6
BOARDWAY P (BIG)	0494	TA R11 WELS	E 15	S						S	2	INAC	UNDEV	6
BOARDWAY P (LITTLE)	0496	TA R11 WELS	E 10							S	2	INAC	UNDEV	
BOBS P	2426	T04 R17 WELS	E 27								3	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS						PHY	RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT	CLT			ACCESS	DEV	
BOG L	1376	MARION TWP	C	25		S					O	1B	INAC	UNDEV	
BOG L	1664	T14 R05 WELS	G	28		S						2	AC	UNDEV	
BOG P	0530	TA R11 WELS	E	40								3	INAC	UNDEV	
BOG P	0944	T03 R09 NWP	F	44								3	AC	UNDEV	
BOG P	2680	ATTEAN TWP	E	95				+	+		S	2	INAC	UNDEV	
BOG P	2864	T07 R12 WELS	E	35								3	INAC	UNDEV	
BOGUS MEADOW P	4380	T07 SD	C	26	S	O	S					1B	INAC	UNDEV	1
BOODY P	3000	T08 R08 WELS	G	28								3	AC	UNDEV	
BOOT P	0816	T07 R09 NWP	E	17								3	INAC	UNDEV	
BOTTLE L	4702	LAKEVILLE	F	281	S		S					2	AC	DEV	5
BOTTLE P	2070	T02 R09 WELS	F	90			S					2	INAC	UNDEV	
BOULDER P	2672	T05 R07 BKP WKR	E	30	m							3	INAC	UNDEV	6
BOUNDARY P	5070	BEATTIE TWP	E	70	S				S			2	AC	UNDEV	
BOUNDARY P (SOUTH)	3346	MASSACHUSETTS GORE	D	10	S							2	INAC	UNDEV	
BOWLES L	1154	T31 MD BPP	C	64		S						2	AC	UNDEV	
BOWLIN P	2188	T05 R08 WELS	F	115	S		S					2	AC	UNDEV	3
BOWLIN P (LITTLE)	2194	T05 R07 WELS	F	34	S							2	INAC	UNDEV	6
BOYD L	2158	ORNEVILLE TWP	F	1005	S					S	O	1B	AC	DEV	5
BRACEY P	4508	T34 MD	C	14	S							2	AC	UNDEV	
BRACKETT P	0290	BLANCHARD PLT	E	10	m							3	INAC	UNDEV	6
BRADFORD P	3651	MORO PLT	G	12	m							3	INAC	UNDEV	
BRALEY L	1696	T03 R04 WELS	F	147								3	AC	UNDEV	
BRANCH L (EAST)	2130	T03 R09 NWP	F	1100							S	2	AC	UNDEV	
BRANCH L (SOUTH)	2144	SEBOEIS PLT	F	2035	S	S				S		2	AC	DEV	
BRANCH P (1ST WEST)	0440	SHAWTOWN TWP	E	119	O			+				1B	AC	DEV	
BRANCH P (2ND&3RD W)	0442	SHAWTOWN TWP	E	214	O		S+					1B	AC	UNDEV	
BRANCH P (EAST)	2822	T07 R11 WELS	E	45	S							2	INAC	UNDEV	
BRANCH P (MIDDLE)	0912	T05 R09 NWP	F	34	O							1B	INAC	UNDEV	1/6
BRANDY P	1704	WEBBERTOWN TWP	G	28								3	AC	UNDEV	
BRANDY P	2898	CHESUNCOOK TWP	E	650		S						2	INAC	UNDEV	
BRANDY P	9651	T39 MD	F	723	S	O					S	1B	AC	DEV	3
BRASSUA L	4120	ROCKWOOD STRIP-EAST	E	8979	S					O		1B	AC	DEV	3
BRAYLEY P	2706	T07 R10 WELS	F	6								3	INAC	UNDEV	6
BROKEN BRIDGE P	3264	ALBANY TWP	A	20	S							2	AC	UNDEV	
BROWN P	0788	BOWDOIN COL GR WEST	E	18	S							2	AC	UNDEV	
BROWN P	4178	T08 R09 WELS	G	104	S							2	INAC	UNDEV	
BRULEAU P	1456	T14 R15 WELS	G	35								3	INAC	UNDEV	
BUCK P	0644	RAINBOW TWP	E	6								3	INAC	UNDEV	6
BUCKLEY P	2840	T08 R10 WELS	G	18	S	+	+					2	INAC	UNDEV	
BURNHAM P	0392	BIG SQUAW TWP	E	426	S	S						2	AC	UNDEV	
BURNT P	1996	T09 R07 WELS	G	10								3	INAC	UNDEV	
BURNTLAND L	4792	T35 MD	C	80	S	S						2	AC	UNDEV	
BURNTLAND P	1878	T12 R17 WELS	G	70							P	3	INAC	UNDEV	
BURNTLAND P	2624	DENNISTOWN PLT	E	10								3	AC	UNDEV	
BUTLER P	0056	LEXINGTON TWP	D	28						S		2	INAC	UNDEV	
BUTLER P	0166	FLAGSTAFF TWP	D	18								3	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
BUTLER P	5132	KING & BARTLETT TWP	D	45	S							2	AC	UNDEV	
BUTTERFIELD L	1848	CASWELL PLT	G	13	S				O			1B	AC	UNDEV	
C POND	3278	C SURPLUS	D	173	S	S	O	S			+	1B	INAC	DEV	
CALL P	0140	LOWER ENCHANTED TWP	D	16								3	AC	UNDEV	
CAMERON BOG	9511	HAMMOND	G	18								3	INAC	UNDEV	
CAMP P	0822	T07 R09 NWP	E	11								3	AC	UNDEV	
CAMPBELL L	4794	T35 MD	C	35	m					S-		2	AC	DEV	
CAMPBELL P	2574	BLAKE GORE	E	15								3	AC	DEV	5
CANADA FALLS L	2516	PITTSTON ACAD GRANT	E	2627	S	S				S	O	1B	AC	UNDEV	
CAPE HORN P	2568	PRENTISS TWP	E	22								3	INAC	UNDEV	6
CAREY L	3014	T08 R06 WELS	G	93								3	INAC	UNDEV	
CARIBOU L	1692	T03 R04 WELS	F	256						S		2	INAC	UNDEV	
CARIBOU L	CHCA	T02 R12 WELS	E	4600	O	O			O	O	O	1A	AC	DEV	3
CARIBOU P	0176	MT ABRAM TWP	D	10	S							2	AC	UNDEV	
CARIBOU P	1976	T11 R09 WELS	G	12		S						2	AC	UNDEV	
CARIBOU P (BIG)	4142	T07 R10 WELS	F	64	S		S	S	O			1B	INAC	UNDEV	1
CARIBOU P (LITTLE)	4144	T07 R10 WELS	G	10						+		3	INAC	UNDEV	
CARLISLE P	1766	T08 R03 WELS	G	21	m							3	INAC	UNDEV	
CARLOE P	9656	T26 ED BPP	C	20	m							3	INAC	UNDEV	
CARPENTER P	0275	T07 R11 WELS	E	160	S							2	AC	UNDEV	
CARR P	1598	T13 R08 WELS	G	307	S	S						2	AC	UNDEV	
CARRY P	0678	T03 R11 WELS	E	17	S					S		2	AC	UNDEV	
CARRY P	1684	T16 R04 WELS	G	64	S					S		2	INAC	UNDEV	
CARRY P	3016	T08 R07 WELS	G	15								3	INAC	UNDEV	
CARRY P (EAST)	0044	CARRYING PLC TWN TWP	D	267	O					S		1B	AC	DEV	
CARRY P (MIDDLE)	0046	CARRYING PLC TWN TWP	D	126	S					S		2	AC	DEV	
CARRY P (WEST)	0048	CARRYING PLC TWN TWP	D	675	O					O		1A	AC	DEV	4
CASSIDY DEADWATER	2944	T04 R15 WELS	E	236		S					P	2	AC	UNDEV	
CATHANCE L	9661	NO 14 TWP	C	2905	O	O				S	O	1A	AC	DEV	4
CATHANCE L (LITTLE)	1382	NO 14 TWP	C	140	S							2	AC	UNDEV	
CAUCOMGOMOC L	4012	T06 R14 WELS	E	5081	O	O*	S	S		S	O	1A	AC	UNDEV	2
CEDAR L	2004	T03 R09 NWP	F	685	S							2	AC	DEV	5
CEDAR P	0474	TB R10 WELS	F	65	O						S	1B	INAC	UNDEV	1/6
CEDAR P	2654	HOLEB TWP	E	5								3	INAC	UNDEV	6
CEDAR P	2846	T08 R10 WELS	G	15								3	AC	UNDEV	
CENTER P	1582	T10 R08 WELS	G	128	S							2	INAC	UNDEV	
CENTER P	4040	SOLDIERTOWN T2R3NBKP	E	51	S	+				S		2	INAC	DEV	
CHAIN L (FIRST)	1236	T26 ED BPP	C	336	O					S	O	1A	AC	DEV	4
CHAIN L (LOWER)	4732	T05 ND BPP	C	179	S	S						2	INAC	UNDEV	
CHAIN L (MIDDLE)	4734	T04 ND	F	221	S		S					2	AC	UNDEV	
CHAIN L (SECOND)	1234	T26 ED BPP	C	589	O					S	O	1A	AC	DEV	4
CHAIN L (THIRD)	1314	T26 ED BPP	C	157	S							2	INAC	DEV	
CHAIN L (UPPER)	4736	T04 ND	F	717	S							2	AC	UNDEV	
CHAIN OF PONDS	5064	CHAIN OF PONDS TWP	D	700	O	O	O	S		S	O	1A	AC	UNDEV	2
CHAIRBACK P (EAST)	0802	T07 R09 NWP	E	46	S					S		2	INAC	UNDEV	6

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WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS	
	LAKE#	TOWN NAME		REG	SIZE(AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		ACCESS
CHAIRBACK P (WEST)	0796	T07 R09 NWP	E	47	O						S	1B	INAC	UNDEV	1/6
CHALK P	3270	ALBANY TWP	A	25	m							3	AC	DEV	
CHALK P	4478	T22 MD	C	32								3	AC	UNDEV	
CHAMBERLAIN L	2882	T07 R12 WELS	E	11084	O	O				O		1A	AC	UNDEV	
CHAMBERLAIN P	3026	T07 R06 WELS	G	20								3	INAC	UNDEV	
CHANDLER DEADWATER	9179	T09 R08 WELS	G	14	S							2	AC	UNDEV	
CHANDLER L	1994	T09 R08 WELS	G	401	S		O	S				1B	AC	UNDEV	
CHANDLER P	2834	T08 R10 WELS	G	115	S		S			+		2	AC	UNDEV	
CHARLES (CHARLIE) P	1454	T14 R15 WELS	G	60								3	AC	UNDEV	
CHASE L	2752	T09 R10 WELS	G	403	S		S	+		O		1B	AC	UNDEV	
CHASE P	3632	MORO PLT	G	10								3	AC	UNDEV	
CHASE P	5050	JIM POND TWP	D	14		S						2	AC	DEV	
CHASE P (FIRST)	1538	T14 R09 WELS	G	12	S	S						2	INAC	UNDEV	
CHASE P (SECOND)	1540	T14 R09 WELS	G	182	S		S			S		2	INAC	UNDEV	
CHASE P (THIRD)	1542	T14 R09 WELS	G	102	S							2	AC	UNDEV	
CHASE STREAM P	4080	CHASE STREAM TWP	D	75			S					2	AC	DEV	
CHASE STREAM P	4093	MISERY TWP	E	31	S							2	INAC	UNDEV	6
CHASE STREAM P (LIT)	5798	MISERY TWP	E	17	S							2	AC	UNDEV	
CHENEY P	2494	HAMMOND TWP	E	99	S					S		2	AC	UNDEV	3
CHESUNCOOK L	0662	T03 R12 WELS	E	23070	O	O*	+		O	O	O	1A	AC	UNDEV	
CHESUNCOOK L	CHCH	T03 R12 WELS		18470	O	O*	+		O	O	O	1A	AC	UNDEV	2
CHESUNCOOK P	0672	T03 R11 WELS	E	272	S		O	O			O	1A	INAC	UNDEV	6
CHUB P	5100	HOBBS TOWN TWP	E	24	S							2	AC	DEV	
CHURCH P	0538	TA R10 WELS	F	53	S		+					2	AC	UNDEV	
CHURCHILL L	2856	T09 R12 WELS	G	2923	O	O*				S	S	1A	AC	UNDEV	2
CHURCHILL L (LITTLE)	9806	T10 R13 WELS	G	25							O	1B	AC	UNDEV	
CLARKSON P	2854	T09 R13 WELS	G	38								3	INAC	UNDEV	
CLAYTON L	1882	T11 R14 WELS	G	166	S						P	2	AC	UNDEV	
CLAYTON L	1958	T12 R08 WELS	G	264	S							2	AC	UNDEV	3
CLAYTON P	2406	T06 R17 WELS	E	75	m							3	INAC	UNDEV	6
CLEAR L	1938	T10 R11 WELS	G	614	O		O	S				1A	AC	UNDEV	2
CLEAR P	5074	LOWELLTOWN TWP	E	21	m+							3	INAC	UNDEV	6
CLEARWATER P	2476	PRENTISS TWP	E	11							P	3	INAC	UNDEV	6
CLEARWATER P	2692	ATTEAN TWP	E	34			+	+		O-		1B	INAC	UNDEV	1/6
CLIFF L	2780	T09 R12 WELS	G	563	O		O	S			+	1A	AC	UNDEV	2
CLIFFORD L	1304	T27 ED BPP	C	954	O	O*	+					1A	AC	UNDEV	4 2
CLIFFORD P	0624	RAINBOW TWP	E	17	S							2	INAC	UNDEV	6
CLISH P	5158	T05 R20 WELS	E	21	S							2	INAC	UNDEV	6
CLOUD P	0906	ELLIOTTSTVILLE TWP	E	20								3	INAC	UNDEV	
COFFEELOS P	2712	T06 R11 WELS	E	198	O		+					1B	AC	UNDEV	
COFFEELOS P (LITTLE)	2716	T06 R11 WELS	E	11								3	AC	UNDEV	
COLD BROOK L	3050	T03 R04 WELS	F	47								3	AC	UNDEV	
COLD STREAM P	2538	MISERY TWP	E	205	O		S+					1B	AC	UNDEV	
COLE P	4676	WEBSTER PLT	F	20								3	AC	UNDEV	
COMPASS P	2072	T02 R09 WELS	F	100							P	3	AC	UNDEV	
CONIC L	7511	BARING PLT	C	32	m							3	INAC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
				FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
COOPER P	0540	TA R10 WELS	F 271	S			+				2	INAC	UNDEV	
CORNER P	2998	T09 R16 WELS	G 60							P	3	INAC	UNDEV	
COW P	2376	LANG TWP	D 62	S							2	AC	UNDEV	
COW P	2938	T01 R13 WELS	E 61								3	AC	UNDEV	
CRANBERRY L (LOWER)	1174	T30 MD BPP	C 285	S		O-					1B	AC	DEV	
CRANBERRY L (UPPER)	1176	T30 MD BPP	C 134	S		O-					1B	AC	UNDEV	
CRANBERRY P	2916	LOBSTER TWP	E 46								3	AC	UNDEV	
CRANBERRY P	3066	SQUAPAN TWP	G 45								3	AC	UNDEV	
CRANBERRY P	3068	T09 R05 WELS	G 96								3	AC	UNDEV	
CRANBERRY P	3314	MAGALLOWAY PLT	D 100								3	AC	UNDEV	
CRANBERRY P	7509	BARING PLT	C 25								3	AC	UNDEV	
CRANBERRY P	8603	WYMAN TWP	D 12								3	INAC	UNDEV	
CRANBERRY P #1	3018	T08 R06 WELS	G 47								3	INAC	UNDEV	
CRANBERRY P #2	3020	T08 R06 WELS	G 25								3	INAC	UNDEV	
CRANBERRY P (L,NOTCH)	0784	BOWDOIN COL GR WEST	E 7								3	INAC	UNDEV	6
CRATER P	0468	TB R11 WELS	F 15								3	INAC	UNDEV	
CRATER P	0487	T15 R09 WELS	G 12	S		O	S			+	1B	AC	UNDEV	
CRAWFORD L	1302	NO 21 TWP	C 1677	O	S					S	1B	AC	UNDEV	
CRAWFORD P	0520	TA R11 WELS	E 390	O			+	+			1B	AC	UNDEV	
CRESCENT P	0652	RAINBOW TWP	E 11								3	AC	UNDEV	
CRESCENT P	2964	T09 R15 WELS	G 320	O		S	S			P	1B	AC	UNDEV	
CROCKER P	0361	ALBANY TWP	A 10	S							2	AC	UNDEV	
CROCKER P	2626	DENNISTOWN PLT	E 227	S						S	2	AC	UNDEV	
CROCKETT P	0286	BLANCHARD PLT	E 12	S							2	AC	UNDEV	
CROOKED BROOK L	7393	FOREST TWP	F 58								3	AC	UNDEV	
CROSBY P	3330	COBURN GORE	D 150	O	S	O					1A	AC	UNDEV	2
CROSS L	1494	T18 R10 WELS	G 44								3	INAC	UNDEV	
CROSS L	1674	T17 R05 WELS	G 2515	S			+	O	S		1B	AC	DEV	5
CRYSTAL P	4778	T40 MD	F 19	S							2	AC	UNDEV	
CUNLIFFE L	1890	T12 R13 WELS	G 134	S							2	AC	UNDEV	
CUNLIFFE P	1450	T13 R16 WELS	G 45								3	AC	UNDEV	
CUNNINGHAM P	2518	PITTSTON ACAD GRANT	E 13								3	AC	UNDEV	
CUPSUPTIC L	MLCU	ADAMSTOWN TWP	D 2199	O	O	O	S			S-	1A	AC	DEV	4
CUPSUPTIC P	7726	OXBOW TWP	D 20	S							2	AC	UNDEV	
CURRIER P (FIFTH)	2770	T09 R11 WELS	G 12								3	AC	UNDEV	
CURRIER P (FIRST)	2768	T09 R11 WELS	G 20	O		S					1B	INAC	UNDEV	1/6
CURRIER P (SECOND)	2774	T09 R11 WELS	G 28	O							1B	INAC	UNDEV	1/6
CURRIER P (SIXTH)	2754	T09 R10 WELS	G 10								3	AC	UNDEV	
CUT L	3022	T07 R06 WELS	G 294								3	AC	UNDEV	
CUT P	1706	DUDLEY TWP	G 26								3	INAC	DEV	
CUXABEXIS L	2892	T05 R12 WELS	E 592	S	S						2	AC	UNDEV	
DAGGETT P	4006	T07 R14 WELS	E 461	S							2	AC	UNDEV	
DAISEY P	0594	T02 R10 WELS	F 11	S							2	INAC	UNDEV	6
DAVIDSON P	3060	HERSEYTOWN TWP	F 87		S						2	AC	UNDEV	
DAVIS (WAPITI) P	2196	T05 R07 WELS	F 69	S		O					1B	AC	DEV	5

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS						RESOURCE CLASS	LAND USE		MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT		PHY	ACCESS		DEV
DAVIS P.	5112	T05 R06 BKP WKR	E	15								3	INAC	UNDEV	
DEAD P	1180	T25 MD BPP	C	12								3	AC	UNDEV	
DEAD STREAM P	4066	WEST FORKS PLT	D	67								3	AC	DEV	5
DEADWATER (LOWER)	0946	T03 R09 NWP	F	15								3	AC	UNDEV	
DEADWATER P (LOWER)	1978	T11 R09 WELS	G	13								3	INAC	UNDEV	
DEADWATER P (UPPER)	0794	BOWDOIN COL GR WEST	E	10								3	INAC	UNDEV	
DEADWATER P (UPPER)	1980	T11 R10 WELS	G	38								3	AC	UNDEV	
DEADWATER P (UPPER)	2736	T10 R11 WELS	G	35	S							2	AC	UNDEV	
DEASEY PONDS	2304	T03 R07 WELS	F	23						S		2	AC	UNDEV	
DEBOULLIE L	1512	T15 R09 WELS	G	262	O	O	O	S			+	1A	INAC	UNDEV	1
DEBSCONEAG DEADWATER	2076	T02 R10 WELS	F	500	O	O					S	1A	INAC	UNDEV	1
DEBSCONEAG L (1ST)	2060	T02 R10 WELS	F	320	O		O	S	O		S+	1A	INAC	UNDEV	1
DEBSCONEAG L (2ND)	0586	T02 R10 WELS	F	189	S							2	INAC	UNDEV	
DEBSCONEAG L (3RD)	0584	T01 R10 WELS	F	1011	O		O	S		S	S	1A	INAC	UNDEV	1
DEBSCONEAG L (4TH)	0582	T01 R11 WELS	E	227	O		S+	S			S	1B	AC	DEV	
DEBSCONEAG L (5TH)	0602	RAINBOW TWP	E	83	S		S	S				2	INAC	UNDEV	
DEBSCONEAG L (8TH)	0608	RAINBOW TWP	E	10								3	INAC	UNDEV	
DEBSCONEAG P (6TH)	0580	T01 R11 WELS	E	31	S					S	S	2	INAC	UNDEV	6
DEER L	4512	T34 MD	C	38	S							2	AC	DEV	5
DEER L	9587	CASWELL PLT	G	10								3	INAC	UNDEV	
DEER P	1624	ST JOHN PLT	G	14	m							3	AC	UNDEV	
DEER P	2922	T03 R13 WELS	E	181	S	S						2	AC	UNDEV	
DEER P	3366	BOWMANTOWN TWP	D	15								3	AC	UNDEV	
DEER P	5128	KING & BARTLETT TWP	D	30	S							2	AC	UNDEV	
DEMO P	4114	ROCKWOOD STRIP-WEST	E	192	S	S						2	AC	UNDEV	
DENNY P	1524	T15 R09 WELS	G	25	O					+		1B	AC	UNDEV	
DEPOT L	1448	T13 R16 WELS	G	883							S	2	AC	UNDEV	
DESOLATION P	2996	T08 R16 WELS	G	70	S	S	+				P	2	AC	UNDEV	
DICKEY P	1676	T17 R05 WELS	G	13	S							2	INAC	UNDEV	
DILL P	2378	DALLAS	D	11		S						2	INAC	UNDEV	
DINGLEY P	2458	T04 R05 NBKP	E	71	S							2	INAC	UNDEV	
DINGLEY P (LITTLE)	2462	T04 R05 NBKP	E	17	S							2	INAC	UNDEV	6
DINGLEY P (UPPER)	2464	T04 R05 NBKP	E	20	S							2	INAC	UNDEV	6
DIPPER P	4042	PITTSTON ACAD GRANT	E	13						O	S	1B	INAC	UNDEV	6
DIXON P	9911	PIERCE POND TWP	D	17	O		+					1B	INAC	UNDEV	1/6
DOLBY P	2124	TA R07 WELS	F	1900		O					S	1B	AC	UNDEV	
DOLE P	2454	DOLE BROOK TWP	E	704	S							2	AC	UNDEV	
DONNELL P	4412	T09 SD	C	1120	O		O	O			S	1A	AC	DEV	4
DORITY P	2496	HAMMOND TWP	E	34	S							2	AC	UNDEV	
DOUGHNUT P	0616	RAINBOW TWP	E	12	S							2	INAC	UNDEV	6
DOUGLAS P	5044	KIBBY TWP	D	20								3	INAC	UNDEV	
DOWNING P	4428	T10 SD	C	70		O						1B	AC	UNDEV	
DRAKE L	1336	FOREST TWP	F	236								3	AC	UNDEV	
DUBOIS P	2478	PRENTISS TWP	E	18	m						P	3	INAC	UNDEV	6
DUCK L	4698	LAKEVILLE	F	256	S		S	S				2	AC	DEV	
DUCK L	4746	T04 ND	F	1222	O		S	S				1B	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
DUCK P	0257	T04 R11 WELS	E	21	S							2	AC	UNDEV	
DUCK P	1698	T02 R04 WELS	F	26								3	AC	UNDEV	
DUCK P	2894	T05 R12 WELS	E	470	m	S						2	AC	UNDEV	
DUCK P (BIG)	2954	E MIDDLESEX CANAL GR	E	79	S							2	AC	UNDEV	
DUCK P (LITTLE)	2956	E MIDDLESEX CANAL GR	E	11								3	INAC	UNDEV	
DUDLEY RIPS P	9572	T04 R09 NWP	F	20								3	INAC	UNDEV	
DUNCAN P	2480	PRENTISS TWP	E	143	S							2	AC	UNDEV	
DURGIN P	9855	JOHNSON MOUNTAIN TWP	E	15	S							2	AC	UNDEV	
EAGLE L	1634	T16 R06 WELS	G	5581	O					S		1B	AC	DEV	
EAGLE L	4514	T34 MD	C	260	m					S		2	AC	DEV	
EAGLE L (BIG)	2858	EAGLE LAKE TWP	G	8288	O	O*		O	O	P		1A	AC	UNDEV	2
EAGLE P	3090	DREW PLT	F	49								3	INAC	UNDEV	
EAST L	1464	T17 R14 WELS	G	2551								3	AC	UNDEV	
EAST L (LITTLE)	1466	T17 R14 WELS	G	189		S						2	INAC	UNDEV	
EBEEMEE L	0914	T05 R09 NWP	F	940			S	S		O	S	1B	AC	DEV	5
EBEEMEE L (UPPER)	0966	T04 R09 NWP	F	196							S	2	AC	DEV	3
ECHO L	2766	T09 R11 WELS	G	115	S		S			S		2	AC	UNDEV	
ED JONES P	1886	T12 R15 WELS	G	15								3	INAC	UNDEV	
EDDY P	3546	SANDY RIVER PLT	D	9								3	INAC	UNDEV	6
EGG P	0666	T03 R12 WELS	E	10								3	AC	UNDEV	
ELAINE P	0011	LOWELLTOWN TWP	E	12								3	INAC	UNDEV	
ELBOW L	PELB	T03 INDIAN PURCHASE	F	895	S		O	S		S		1B	AC	DEV	3
ELBOW P (LOWER)	1952	T10 R10 WELS	G	36			S					2	AC	UNDEV	
ELBOW P (MIDDLE)	1950	T10 R10 WELS	G	52	S	S	S					2	AC	UNDEV	
ELBOW P (UPPER)	1948	T10 R11 WELS	G	88	S							2	AC	UNDEV	
ELLIS P	4086	CHASE STREAM TWP	D	85	O							1B	AC	DEV	
ELLIS P (LOWER)	2870	T07 R14 WELS	E	77						S		2	AC	UNDEV	
ELLIS P (UPPER)	2992	T07 R14 WELS	E	160						S		2	INAC	UNDEV	
ELM P	2446	ELM STREAM TWP	E	250		S						2	AC	UNDEV	
ELM P (LITTLE)	2444	ELM STREAM TWP	E	45								3	INAC	UNDEV	
ENCHANTED P	0150	UPPER ENCHANTED TWP	E	330	O	O	O	O			S+	1A	INAC	UNDEV	1
ENCHANTED P (LITTLE)	0148	UPPER ENCHANTED TWP	E	35	O							1B	INAC	UNDEV	1/6
ENCHANTED P (LOWER)	0142	LOWER ENCHANTED TWP	D	20	m							3	AC	UNDEV	
ENDLESS L	0942	T03 R09 NWP	F	1499	S					S	S	2	AC	UNDEV	3
ENOCH L	1328	FOWLER TWP	C	18								3	INAC	DEV	
EVERETT P	5134	KING & BARTLETT TWP	D	20	S							2	AC	UNDEV	
EYELET P	1910	T12 R12 WELS	G	13								3	INAC	UNDEV	
FALLS P	1490	T18 R10 WELS	G	256	S	S						2	AC	UNDEV	3
FARRAR P	1974	T11 R10 WELS	G	51	S							2	AC	UNDEV	
FELKER P	5120	KING & BARTLETT TWP	D	50	S							2	AC	UNDEV	
FEMALE P	0574	T01 R12 WELS	E	102	S		S					2	INAC	UNDEV	
FEMALE P (LITTLE)	0578	T01 R12 WELS	E	15								3	INAC	UNDEV	
FERGUSON P	1592	T14 R08 WELS	G	51	S							2	AC	UNDEV	
FIRST L	1152	T37 MD BPP	C	217	m	S						2	AC	UNDEV	
FISH P	0096	PIERCE POND TWP	D	10								3	INAC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE(AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
FISH P	2524	THORNDIKE TWP	E	211	S							2	AC	UNDEV	
FISH P	3324	LINCOLN PLT	D	20		S						2	AC	UNDEV	
FISH P	4054	MOXIE GORE	D	15	S							2	INAC	DEV	5
FISH P	6910	HOBBS TOWN TWP	E	275			S			S		2	AC	UNDEV	
FISH P (BIG)	2660	HOLEB TWP	E	64	S		S					2	AC	UNDEV	
FISH P (LITTLE)	2512	ALDER BROOK TWP	E	35	S					S		2	INAC	UNDEV	
FISH P (LITTLE)	2666	HOLEB TWP	E	18								3	INAC	UNDEV	
FISH RIVER L	0009	T13 R08 WELS	G	2642	S	S	O-	S		S		1A	AC	UNDEV	3
FISHER P #2	2560	T04 R05 NBKP	E	10						O		1B	AC	UNDEV	
FISHER P (BIG)	2940	T02 R12 WELS	E	60								3	INAC	UNDEV	
FISHER P (LITTLE)	2942	T02 R12 WELS	E	35			S					2	INAC	UNDEV	
FITZGERALD P	0269	BIG SQUAW TWP	E	550	S							2	AC	UNDEV	
FLAGSTAFF L	0038	DEAD RIVER TWP	D	20300	O	O*	S	S				1A	AC	UNDEV	2
FLATIRON P	2006	T03 R09 NWP	F	284	S							2	AC	DEV	
FLATIRON P	2372	DAVIS TWP	D	30	S							2	AC	UNDEV	
FLETCHER P # 1	9736	BRASSUA TWP	E	12		S						2	AC	UNDEV	
FLETCHER P # 2	9734	BRASSUA TWP	E	20		S						2	AC	UNDEV	
FLINN P	3036	T01 R05 WELS	F	269								3	INAC	UNDEV	
FOGG P	0426	BOWDOIN COL GR WEST	E	23	S							2	INAC	UNDEV	6
FOGG P	2534	LONG POND TWP	E	54			S	O				1B	AC	UNDEV	
FOLEY P	2488	COMSTOCK TWP	E	124	O							1B	AC	UNDEV	
FOLEY P (LITTLE)	2492	COMSTOCK TWP	E	35	m							3	INAC	UNDEV	6
FOSS P	0388	KINGSBURY PLT	E	110	S							2	AC	DEV	
FOURTH L	1130	T37 MD BPP	C	32	m	S						2	AC	UNDEV	
FOURTH L	2820	T07 R11 WELS	E	64	S		S	S				2	AC	UNDEV	
FOWLER P	0686	T03 R11 WELS	E	19	S		O	S				1B	INAC	UNDEV	1/6
FOX P	1472	T17 R12 WELS	G	23	S							2	AC	UNDEV	
FOX P	4438	T10 SD	C	77	S	O	O	S				1A	AC	UNDEV	
FOX P	7734	LOWER CUPSUPTIC TWP	D	20		S						2	AC	UNDEV	
FROST P	0680	T03 R11 WELS	E	198	S					O		1B	AC	DEV	
FROST P	2455	T04 R05 NBKP	E	170	S							2	AC	UNDEV	
FROST P (LITTLE)	0668	T03 R12 WELS	E	35	S	S						2	INAC	UNDEV	6
FROST P FLOWAGE	2562	T04 R05 NBKP	E	70								3	AC	UNDEV	
FRYPAN P	4074	SQUARETOWN TWP	D	30	m							3	AC	UNDEV	
FURLONG P	3488	ALBANY TWP	A	17	m							3	AC	UNDEV	
GALILEE P	1526	T15 R09 WELS	G	9	S		S					2	INAC	UNDEV	
GAMMON P	0024	FREEMAN TWP	D	97		S						2	INAC	UNDEV	
GARDNER L	1358	MARION TWP	C	3886	O	O			S	O		1A	AC	UNDEV	
GARDNER L	1528	T15 R09 WELS	G	288	O	O	O					1A	INAC	UNDEV	1/6
GARDNER P	2192	T05 R07 WELS	F	30								3	INAC	UNDEV	
GASSABIAS L	4782	T41 MD	F	896	S		S			S		2	AC	UNDEV	
GAUNTLET P	0472	TB R10 WELS	F	11	S		O					1B	INAC	UNDEV	1/6
GERARD P	1868	CASWELL PLT	G	19	m							3	INAC	UNDEV	
GETCHELL L (LOWER)	1122	T43 MD BPP	C	58	m				+	S		2	AC	UNDEV	
GETCHELL L (UPPER)	1120	T43 MD BPP	C	51	m					S-		2	AC	UNDEV	
GILBERT P	1556	ST JOHN PLT	G	12	m							3	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W		RESOURCE RATINGS					RESOURCE	LAND USE		MGNT		
	LAKE#	TOWN NAME	REG	SIZE(AC)	FSH	WLD	SC	SH	BOT	CLT	PHY	CLASS	ACCESS	DEV	CLASS
GILMAN P	0004	LEXINGTON TWP	D	242		O	S					1B	AC	UNDEV	
GILMAN P	3638	MORO PLT	G	19	m							3	AC	UNDEV	
GLAZIER L	9789	T18 R10 WELS	G	1120	S			S				2	AC	UNDEV	3
GLAZIER P	1898	T11 R12 WELS	G	10								3	INAC	UNDEV	
GOOSE P	1218	T24 MD BPP	C	16								3	AC	UNDEV	
GORDON P	0146	UPPER ENCHANTED TWP	E	28	S							3	AC	UNDEV	6
GORDON P (LITTLE)	0134	LOWER ENCHANTED TWP	D	15	S							2	AC	UNDEV	
GOULD P	0620	RAINBOW TWP	E	12	m							3	INAC	UNDEV	6
GRACE P	0152	UPPER ENCHANTED TWP	E	150	O							1B	AC	UNDEV	
GRAHAM L	4350	T08 SD	C	7865	S	O				O		1A	AC	DEV	3
GRAND FALLS FLOWAGE	7437	FOWLER TWP	C	6691	O	O						1A	AC	UNDEV	4
GRAND L (EAST)	1070	FOREST CITY TWP	F	16070	O	O				S+		1A	AC	UNDEV	
GRAND L (WEST)	1150	T06 ND BPP	C	14340	O	O	O	O		O		1A	AC	DEV	3
GRAND LAKE SEBOIS	3011	T08 R07 WELS	G	2483	S	S	S			O		1B	AC	UNDEV	
GRANTS P	3348	MASSACHUSETTS GORE	D	20	S							2	INAC	UNDEV	
GRASS P	0104	PIERCE POND TWP	D	70	O	S						1B	AC	UNDEV	
GRASS P	2778	T09 R12 WELS	G	50								3	INAC	UNDEV	
GRASS P	3646	MORO PLT	G	55	S							2	AC	UNDEV	
GRASSY P	0660	T02 R12 WELS	E	54	S							2	AC	UNDEV	
GRASSY P	1252	T19 MD BPP	C	10								3	AC	UNDEV	
GRAY LEDGE DEADWATER	9750	T03 R09 NWP	F	70	m							3	INAC	UNDEV	
GREAT WORKS P	1386	EDMUNDS TWP	C	50	S	O						1B	INAC	UNDEV	1
GREELY P	2380	DALLAS	D	42		S						2	INAC	UNDEV	
GREELY P (LITTLE)	2382	DALLAS	D	15	S	S						2	INAC	UNDEV	
GREELY P (THIRD)	2388	DALLAS	D	14								3	INAC	UNDEV	
GREEN L #1	4518	T35 MD	C	83	m							3	AC	UNDEV	
GREEN L #2	4790	T35 MD	C	64			S					2	AC	DEV	
GREEN MTN P	3666	T06 R06 WELS	F	10	O							1B	INAC	UNDEV	1/6
GREEN P	2256	T03 R01 NBPP	F	110	S							2	INAC	UNDEV	
GREEN P	3648	MORO PLT	G	16	S							2	AC	UNDEV	
GREENBUSH P	2346	JIM POND TWP	D	24		S						2	AC	UNDEV	
GREENLAW P	1570	T12 R07 WELS	G	109	S							2	AC	UNDEV	
GREENWOOD P	0464	TB R11 WELS	F	19	S							2	INAC	UNDEV	
GREENWOOD P (BIG)	0884	ELLIOTTSVILLE TWP	E	211	O		O					1A	AC	UNDEV	4
GREENWOOD P (LITTLE)	0886	ELLIOTTSVILLE TWP	E	61	S		O					1B	AC	UNDEV	
GRENIER P (BIG)	2456	T04 R05 NBKP	E	110	S							2	AC	UNDEV	
GREY P	1894	T12 R13 WELS	G	28								3	INAC	UNDEV	
GROVER L (LITTLE)	7325	T31 MD BPP	C	17	m							3	AC	UNDEV	
GROVER P	1244	T31 MD BPP	C	68	S							2	AC	UNDEV	
GULL P	3532	DALLAS	D	281	S							2	AC	DEV	
HADLEY L #1	1224	T24 MD BPP	C	15								3	AC	UNDEV	
HADLEY L #2	1226	T24 MD BPP	C	36								3	AC	UNDEV	
HAFEY P	1498	T18 R11 WELS	G	23	S							2	INAC	UNDEV	6
HALE P	2062	T02 R10 WELS	F	168	S							2	AC	UNDEV	
HALE P	2508	ALDER BROOK TWP	E	40	m+							3	INAC	UNDEV	6

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS	
	LAKE#	TOWN NAME		REG	SIZE(AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		ACCESS
HALE P	3652	MORO PLT	G	38	S							2	AC	UNDEV	
HALEY P	3534	DALLAS	D	170	S							2	AC	UNDEV	
HALL P	2566	PRENTISS TWP	E	19	S							2	INAC	UNDEV	6
HALL P	5092	T05 R07 BKP WKR	E	42	m							3	INAC	UNDEV	6
HAMMOND P	7431	MARION TWP	C	18								3	INAC	UNDEV	
HANCOCK P	0082	LEXINGTON TWP	D	320	S					S		2	AC	DEV	
HARDY P	0958	LAKE VIEW PLT	F	125								3	INAC	UNDEV	
HARRINGTON L	0700	T03 R11 WELS	E	1332	O	S	S	S		S	O	1A	AC	UNDEV	
HARRINGTON P	0702	T03 R11 WELS	E	40	m		O					1B	INAC	UNDEV	1/6
HARROW L	1934	T10 R11 WELS	G	467	S	S	S			S		1B	AC	UNDEV	
HARROW L (LITTLE)	1936	T10 R11 WELS	G	40		S						2	AC	UNDEV	
HATHAN BOG (UPPER)	8837	COBURN GORE	D	55	m	S						2	INAC	UNDEV	
HATHORN P	4242	T04 R08 WELS	F	15	S							2	INAC	UNDEV	6
HATHORN P (LITTLE)	2298	T04 R08 WELS	F	8								3	INAC	UNDEV	6
HAY L	2178	T06 R08 WELS	F	588	S		S					2	AC	UNDEV	
HAY P	2824	T07 R11 WELS	E	19	S							2	AC	UNDEV	
HAY P	4252	T06 R08 WELS	F	134	S	S	S					2	AC	UNDEV	
HAYDEN P	0264	MAYFIELD TWP	D	10		S						2	INAC	UNDEV	
HAYMOCK L	2814	T07 R11 WELS	E	704	S		S	S		S		1B	AC	UNDEV	
HAYWIRE P	9769	T01 R05 WELS	F	25								3	INAC	DEV	
HEDGEHOG P	0284	BLANCHARD PLT	E	11								3	AC	UNDEV	
HEDGEHOG P	0556	T01 R11 WELS	E	5								3	INAC	UNDEV	6
HEDGEHOG P	0790	BOWDOIN COL GR WEST	E	40	S							2	AC	UNDEV	
HELEN P	0094	PIERCE POND TWP	D	15	O							1B	INAC	UNDEV	1/6
HENDERSON P	0532	TA R11 WELS	E	195	S		S	S				2	INAC	UNDEV	
HEWES BROOK P	1606	T14 R07 WELS	G	24								3	INAC	UNDEV	
HIGH P	0092	PIERCE POND TWP	D	7	O							1B	INAC	UNDEV	1/6
HILLS P	3686	PERKINS TWP	D	22								3	AC	DEV	5
HILTON P # 1	0304	KINGSBURY PLT	E	13								3	INAC	UNDEV	
HOBART BOG	7451	EDMUNDS TWP	C	30	S	O						1B	INAC	UNDEV	1
HOBART L	1388	EDMUNDS TWP	C	90	m							3	INAC	UNDEV	
HOBART P	2166	T06 R07 WELS	F	15								3	AC	UNDEV	
HOLBROOK P	0632	RAINBOW TWP	E	224	S		S	O				1B	INAC	UNDEV	6
HOLBROOK P (LITTLE)	9708	T03 R11 WELS	E	46			S	S				2	INAC	UNDEV	
HOLEB P	2652	HOLEB TWP	E	1055	S		O	O	O		P	1A	AC	DEV	4
HORSE L	1136	T37 MD BPP	C	26	m							3	AC	UNDEV	
HORSEBACK P	2164	T07 R07 WELS	F	10								3	INAC	UNDEV	
HORSERACE PONDS	0626	RAINBOW TWP	E	50	O		O	S		O		1A	INAC	UNDEV	1/6
HORSESHOE L	4706	LAKEVILLE	F	400	S		S					2	INAC	UNDEV	
HORSESHOE L	4788	T35 MD	C	202	m							3	AC	UNDEV	
HORSESHOE P	0102	PIERCE POND TWP	D	15								3	INAC	UNDEV	
HORSESHOE P	0412	BOWDOIN COL GR WEST	E	160	O		S+	S-		S-		1B	AC	DEV	
HORSESHOE P	1926	T11 R10 WELS	G	23	S		O	S				1B	AC	UNDEV	
HORSESHOE P	2540	PARLIN POND TWP	E	50	m		S+	S+				2	INAC	UNDEV	
HORSESHOE P	2686	ATTEAN TWP	E	50	m+			+				3	INAC	UNDEV	6
HORSESHOE P	3336	COBURN GORE	D	37		S						2	AC	UNDEV	3

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W	RESOURCE RATINGS							RESOURCE	LAND USE		MGNT	
	LAKE#	TOWN NAME		REG	SIZE(AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		CLASS
HORSESHOE P	4082	CHASE STREAM TWP	D	27	O							1B	AC	UNDEV	
HORSESHOE P	4102	EAST MOXIE TWP	D	25								3	INAC	UNDEV	
HORSESHOE P	5150	T03 R05 BKP WKR	D	29		S						2	INAC	UNDEV	
HORSESHOE P	9277	T16 R09 WELS	G	15	S							2	INAC	UNDEV	6
HORSESHOE P	9823	T18 MD BPP	C	12	m							3	AC	UNDEV	
HOT BROOK L (LOWER)	1072	T08 R04 NBPP	F	713								3	INAC	UNDEV	
HOT BROOK L (UPPER)	1076	T08 R04 NBPP	F	912								3	AC	UNDEV	
HOT P	2168	T06 R07 WELS	F	70								3	AC	UNDEV	
HOULTON P	1460	T13 R16 WELS	G	19								3	INAC	UNDEV	
HOUND BROOK L	1326	DYER TWP	C	140	m							3	INAC	UNDEV	
HOUSTON P	0916	T07 R09 NWP	E	694	S		S			S-		2	AC	UNDEV	
HOUSTON P (LITTLE)	0920	KATAHDIN IRN WKS TWP	F	27	O					S		1B	INAC	UNDEV	6
HUDSON P (LITTLE)	2742	T10 R10 WELS	G	12								3	AC	UNDEV	
HUDSON P (LOWER)	1954	T10 R10 WELS	G	108	S		O	S				1B	AC	UNDEV	
HUDSON P (UPPER)	1928	T11 R10 WELS	G	32	O		O					1A	INAC	UNDEV	1
HUMPBACK BOG	4488	T28 MD	C	32	S	S						2	INAC	UNDEV	
HUNNEWELL L	1554	ST JOHN PLT	G	64	S							2	AC	UNDEV	
HUNTLEY P	3640	MORO PLT	G	13								3	INAC	UNDEV	
HURD P	2064	T02 R10 WELS	F	640	S		O	S				1B	AC	DEV	
HURD P (BIG)	4014	T06 R15 WELS	E	250	S		O			S		1B	AC	UNDEV	
HURD P (LITTLE)	0596	T02 R10 WELS	F	60	S		O	S		S		1B	INAC	UNDEV	1/6
HURD P (LITTLE)	4016	T06 R15 WELS	E	180		S	S					2	INAC	UNDEV	
HURRICANE P	5046	KIBBY TWP	D	20		S						2	INAC	UNDEV	
HURRICANE P	5166	T05 R20 WELS	E	54	S							2	AC	UNDEV	
HUSSEY P	0292	BLANCHARD PLT	E	15								3	INAC	DEV	
HUSTON BROOK P	7304	DEAD RIVER TWP	D	7	O							1B	AC	UNDEV	
HUTCH P	2498	HAMMOND TWP	E	11								3	INAC	UNDEV	
HUTCHINSON P	0492	TA R11 WELS	E	15								3	INAC	UNDEV	
HUTCHINSON P	3494	ALBANY TWP	A	96	S							2	AC	DEV	5
IMLOS P	2714	T06 R11 WELS	E	10								3	AC	UNDEV	
INDIAN & DAM PONDS	0814	T07 R09 NWP	E	299	S		S			S		2	AC	UNDEV	
INDIAN L	1242	T19 ED BPP	C	13						S-		2	INAC	UNDEV	
INDIAN P	0002	LEXINGTON TWP	D	53								3	AC	UNDEV	
INDIAN P	0782	BOWDOIN COL GR WEST	E	70	S							2	AC	UNDEV	
INDIAN P	2866	T07 R12 WELS	E	1222	S							2	AC	UNDEV	
INDIAN P	4090	SAPLING TWP	E	3746	S	O				S		1B	AC	DEV	3
INDIAN P (BIG)	0324	LITTLE SQUAW TWP	E	280	S							2	AC	DEV	
INDIAN P (BIG)	5076	LOWELLTOWN TWP	E	97	S							2	INAC	UNDEV	
INDIAN P (LITTLE)	2808	T07 R12 WELS	E	117						S		2	AC	UNDEV	
INDIAN P (LITTLE)	4070	SQUARETOWN TWP	D	25								3	AC	UNDEV	
INDIAN P (LITTLE)	5078	LOWELLTOWN TWP	E	22								3	INAC	UNDEV	
IRA BOG	0332	LITTLE SQUAW TWP	E	28		S						2	AC	UNDEV	
IRELAND P	4168	T07 R08 WELS	F	30	O							1B	INAC	UNDEV	1/6
IRON P	5106	T05 R06 BKP WKR	E	32	S							2	AC	DEV	
IRONBOUND P	2510	ALDER BROOK TWP	E	40	O		O	O		O		1A	AC	UNDEV	2

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	PRINCIPAL		IP&W	RESOURCE RATINGS							RESOURCE	LAND USE		MGNT	
	LAKE#	TOWN NAME		REG	SIZE (AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		CLASS
ISLAND (CHASE) P	1942	T10 R10 WELS	G	214	S		S					2	AC	UNDEV	
ISLAND P	1516	T15 R09 WELS	G	32	S							2	AC	UNDEV	
ISLAND P	1586	T14 R08 WELS	G	27	S							2	AC	UNDEV	
ISLAND P	4094	CHASE STREAM TWP	D	24	O							1B	AC	UNDEV	
ISLAND P (BIG)	3352	SEVEN PONDS TWP	D	350	S		S					2	AC	UNDEV	
ISLAND P (LITTLE)	3350	SEVEN PONDS TWP	D	50	S							2	AC	UNDEV	
ISLAND P (UPPER)	2740	T10 R10 WELS	G	45								3	INAC	UNDEV	
ISTHMUS P	2000	T08 R08 WELS	G	23								3	INAC	UNDEV	
JACK P	4140	T07 R10 WELS	F	10								3	INAC	UNDEV	
JACKSON BROOK L	1334	FOREST TWP	F	480								3	AC	DEV	
JACKSON P	0182	CONCORD TWP	D	32			O	S				1B	AC	UNDEV	
JACKSON P # 2	0704	T03 R11 WELS	E	12	S		O	O				1A	AC	UNDEV	2
JACKSON P #1	0684	T03 R11 WELS	E	23								3	INAC	UNDEV	6
JERRY P	2122	TA R07 WELS	F	66	S							2	AC	UNDEV	
JERRY P	2190	T05 R07 WELS	F	272	S		O	S				1B	INAC	UNDEV	1
JEWETT P	0050	PLEASANT RIDGE PLT	D	32								3	AC	UNDEV	
JEWETT P	0460	SPENCER BAY TWP	E	13	S							2	INAC	UNDEV	
JIM P	5054	JIM POND TWP	D	320	O	O	O	S+				1A	AC	UNDEV	2
JIM P (LITTLE)	5090	JIM POND TWP	D	64	S							2	AC	UNDEV	
JIMMIES P	8259	T34 MD	C	26	m							3	AC	UNDEV	
JO-MARY L (LOWER)	0984	T01 R10 WELS	F	1910	S		O			S	S	1B	INAC	UNDEV	1
JO-MARY L (MIDDLE)	0986	T04 INDIAN PURCHASE	F	1152	S		O	S		S	S	1A	AC	DEV	3
JO-MARY L (UPPER)	0243	TA R10 WELS	F	1873	O		O	S			S	1A	AC	UNDEV	2
JO-MARY P	0476	TB R10 WELS	F	38	S							2	AC	UNDEV	
JO-MARY S DWTR (UP)	9630	T04 INDIAN PURCHASE	F	30						S		2	AC	UNDEV	
JOE POKUM P	5126	KING & BARTLETT TWP	D	13								3	INAC	UNDEV	
JOHNS P	0144	LOWER ENCHANTED TWP	D	15								3	AC	UNDEV	
JOHNS P	3956	DAVIS TWP	D	267	S							2	AC	UNDEV	
JOHNSON P	2986	T08 R14 WELS	E	197	S		O	S			O	1A	AC	UNDEV	
JOHNSTON P	0534	TA R10 WELS	F	59	S		O					1B	AC	UNDEV	
JONES P	0172	WYMAN TWP	D	36			O					1B	INAC	UNDEV	1
JONES P	1500	BIG TWENTY TWP	G	77	S							2	AC	UNDEV	
JONES P	2486	BALD MTN TWP T4R3	E	130	S							2	AC	UNDEV	
JONES P	3002	T07 R08 WELS	F	32	S							2	INAC	UNDEV	
JUNIOR L	4708	T05 R01 NBPP	F	3866	S		S	S		S		1B	AC	UNDEV	
JUNIPER KNEE P	0878	ELLIOTTSVILLE TWP	E	32	S							2	INAC	UNDEV	6
KAMANKEAG P	3954	DAVIS TWP	D	40	O		S					1B	AC	UNDEV	
KATAHDIN L	2016	T03 R08 WELS	F	717	S		O	O		S	S	1A	INAC	UNDEV	1
KEG L	4700	LAKEVILLE	F	378	S		S	S				2	INAC	UNDEV	
KELLY P	0654	T02 R12 WELS	E	60	S							2	INAC	UNDEV	6
KELLY P (LITTLE)	0658	T02 R12 WELS	E	21								3	INAC	UNDEV	
KENNEBAGO L (BIG)	2374	DAVIS TWP	D	1700	O	O	O	O		S-	O	1A	AC	DEV	4
KENNEBAGO L (LITTLE)	3958	STETSONTOWN TWP	D	190	O						+	1B	AC	DEV	
KIDNEY P	2926	E MIDDLESEX CANAL GR	E	45	m	S						2	AC	UNDEV	
KILGORE P	0108	PIERCE POND TWP	D	96	S	S						2	AC	UNDEV	
KILGORE P (UPPER)	0106	BOWTOWN TWP	D	12								3	INAC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W	RESOURCE RATINGS							RESOURCE	LAND USE		MGNT	
	LAKE#	TOWN NAME		REG	SIZE (AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		CLASS
KILLMAN P	4738	T04 ND	F	22	S							2	AC	UNDEV	
KIMBALL P	4245	T05 R08 WELS	F	64	S		S					2	INAC	UNDEV	
KING & BARTLETT L	5136	KING & BARTLETT TWP	D	538	O					S		1B	AC	UNDEV	
KING L (LITTLE)	5138	KING & BARTLETT TWP	D	90	S		S					2	AC	UNDEV	
KING P	0111	BOWTOWN TWP	D	16	S							2	INAC	UNDEV	
KINGSBURY P	0262	MAYFIELD TWP	D	390	S					S		2	AC	DEV	5
KINGSLEY BOG	0276	MAYFIELD TWP	D	10		S						2	AC	UNDEV	
KINGSLEY FLOWAGE	7148	MAYFIELD TWP	D	14		S				S		2	INAC	UNDEV	
KNEELAND P	3266	ALBANY TWP	A	16	m		S					2	AC	DEV	5
KNIGHTS P	0377	SQUARETOWN TWP	D	128						S		2	INAC	UNDEV	
KNOX L	1142	T36 MD BPP	C	51	m							3	AC	UNDEV	
KYLE P	2810	T07 R12 WELS	E	25								3	AC	UNDEV	
L POND	5062	SEVEN PONDS TWP	D	95	S							2	INAC	UNDEV	
LA POMKEAG L (LOWER)	3010	T08 R07 WELS	G	91								3	AC	UNDEV	
LA POMKEAG L (UPPER)	3012	T08 R07 WELS	G	217								3	AC	UNDEV	
LAMBERT L	1332	T11 R03 NBPP	F	605	S		S	S	S			1B	AC	DEV	
LANE BROOK P	3664	T06 R06 WELS	F	33								3	INAC	UNDEV	6
LANE P	2490	COMSTOCK TWP	E	24	S					O		1B	INAC	UNDEV	1/6
LANE P (LITTLE)	2502	HAMMOND TWP	E	18	S							2	AC	UNDEV	
LANG P	2542	PARLIN POND TWP	E	30	O							1B	INAC	UNDEV	1/6
LANG P (LITTLE)	2543	PARLIN POND TWP	E	13	O							1B	INAC	UNDEV	1/6
LARD P	2442	ELM STREAM TWP	E	14								3	INAC	UNDEV	
LAZY TOM P	0458	T01 R13 WELS	E	17	S							2	INAC	UNDEV	
LEAD MTN P (LO & MD)	4484	T28 MD	C	486	m		S					2	AC	DEV	
LEAD MTN P (UPPER)	4482	T28 MD	C	1021	S		S	S				2	AC	DEV	
LEADBETTER P	2764	T09 R11 WELS	G	98	S	S	S-					2	AC	UNDEV	
LEADBETTER P	2880	T07 R12 WELS	E	135								3	INAC	UNDEV	
LEADBETTER P (LT)	2700	T07 R11 WELS	E	147								3	INAC	UNDEV	
LEAVITT P	0546	T01 R11 WELS	E	50	S							2	AC	UNDEV	
LEDGE P	3554	SANDY RIVER PLT	D	6								3	INAC	UNDEV	6
LEITH P	4124	BRASSUA TWP	E	18		S						2	INAC	UNDEV	
LEONARD P	1988	T10 R09 WELS	G	38		S						2	INAC	UNDEV	
LEWIS P	2862	SOPER MOUNTAIN TWP	G	30						P		3	INAC	UNDEV	
LILY (MERRILL) P	0180	CONCORD TWP	D	25								3	AC	DEV	
LILY L	1164	T30 MD BPP	C	32								3	AC	UNDEV	
LILY L	1396	TRESCOTT TWP	C	31	S							2	AC	UNDEV	
LILY P	0178	CONCORD TWP	D	10								3	AC	UNDEV	
LINCOLN P	0988	T04 INDIAN PURCHASE	F	30								3	INAC	UNDEV	
LINCOLN P	3964	PARKERTOWN TWP	D	340	S	S						2	INAC	UNDEV	
LINE P	2806	T07 R11 WELS	E	20								3	INAC	UNDEV	
LINE P	5162	T05 R20 WELS	E	7								3	INAC	UNDEV	6
LINSCOTT P	1452	T13 R16 WELS	G	75								3	INAC	UNDEV	
LITTLE BOG	2404	T06 R17 WELS	E	128								3	AC	UNDEV	
LITTLE L	7513	BARING PLT	C	275	S							2	AC	UNDEV	
LITTLE P	0302	KINGSBURY PLT	E	10								3	INAC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W	REG	SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
						FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
LLOYD P	0462	BOWDOIN COL GR EAST	E		10								3	AC	UNDEV	
LOBSTER L	2948	LOBSTER TWP	E		3475	O	O	O	O	O	S	O	1A	AC	UNDEV	2
LOBSTER L (LITTLE)	2946	LOBSTER TWP	E		230	S							2	AC	UNDEV	
LOGAN P # 1	2080	T02 R09 WELS	F		29								3	INAC	UNDEV	
LOGAN P # 2	2082	T02 R09 WELS	F		20			O	S				1B	INAC	UNDEV	1
LOMBARD L	4690	LAKEVILLE	F		225	S		O					1B	AC	UNDEV	
LONE JACK P	2556	JOHNSON MOUNTAIN TWP	E		15								3	AC	UNDEV	
LONG (LITTLE LONG) P	5794	CHASE STREAM TWP	D		17	S			+				2	AC	UNDEV	
LONG (MARTIN) P	4108	THE FORKS PLT	D		26	S							2	AC	DEV	5
LONG BOG	0450	SHAWTOWN TWP	E		15	S							2	AC	UNDEV	
LONG BOG	2668	HOLEB TWP	E		19	m							3	INAC	UNDEV	6
LONG L	1264	T19 ED BPP	C		698	m							3	AC	UNDEV	
LONG L	1370	MARION TWP	C		130								3	AC	UNDEV	
LONG L	1682	T17 R03 WELS	G		6000	S					S		2	AC	DEV	
LONG L	1892	T12 R13 WELS	G		1203	O	O*				S	S	1A	AC	UNDEV	2
LONG P	0506	TA R11 WELS	E		371	O						S	1B	AC	UNDEV	
LONG P	0800	T07 R09 NWP	E		643	S		S			S-		2	AC	UNDEV	
LONG P	1200	T18 MD BPP	C		15								3	AC	DEV	5
LONG P	1596	T13 R08 WELS	G		13								3	AC	UNDEV	
LONG P	1922	T11 R10 WELS	G		128	S		S					2	AC	UNDEV	
LONG P	2536	LONG POND TWP	E		3053	S	S	O	S		S		1A	AC	DEV	3
LONG P	2646	FORSYTH TWP	E		98	S							2	AC	UNDEV	
LONG P	2690	ATTEAN TWP	E		37	m							3	INAC	UNDEV	6
LONG P	3116	LYNCHTOWN TWP	D		8						S-		2	AC	UNDEV	
LONG P	3320	MAGALLOWAY PLT	D		10								3	INAC	UNDEV	
LONG P	3356	SEVEN PONDS TWP	D		35	S							2	AC	UNDEV	3
LONG P	3582	TOWNSHIP E	D		254	S							2	INAC	DEV	
LONG P	4118	TAUNTON & RAYNHAM	E		173	S							2	AC	DEV	
LONG P	4430	T10 SD	C		205	S		S	S				2	AC	UNDEV	
LONG P	5124	KING & BARTLETT TWP	D		60	S	S						2	AC	UNDEV	
LONG P	9861	DOLE BROOK TWP	E		845	S		S	S				2	AC	UNDEV	
LONG P (LITTLE)	4424	T10 SD	C		55	S		O	S				1B	INAC	UNDEV	1/6
LONGLEY P	2886	T06 R13 WELS	E		749	S	S						2	INAC	UNDEV	
LONGLEY P (LITTLE)	2888	T06 R13 WELS	E		20								3	INAC	UNDEV	
LOON L	2384	DALLAS	D		168	S					S-		2	AC	DEV	5
LOON L	4024	T06 R15 WELS	E		1140	S	O	S	S			O	1A	AC	UNDEV	
LOON P	0453	T40 MD	F		13	S							2	AC	UNDEV	
LOON P	0554	T01 R11 WELS	E		5								3	INAC	UNDEV	6
LOON P	2688	ATTEAN TWP	E		37	O		+	+	+			1B	INAC	UNDEV	1/6
LOST P	0208	PLEASANT RIDGE PLT	D		18	S							2	INAC	UNDEV	
LOST P	0820	T07 R09 NWP	E		15								3	INAC	UNDEV	
LOST P	1658	T15 R06 WELS	G		10								3	INAC	UNDEV	
LOST P	1690	UPPER MOLUNKUS TWP	F		13								3	INAC	UNDEV	
LOST P	1924	T11 R10 WELS	G		58			+					3	INAC	UNDEV	
LOST P	1984	T10 R08 WELS	G		10								3	INAC	UNDEV	
LOST P	2420	RUSSELL POND TWP	E		45	S							2	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W		RESOURCE RATINGS						RESOURCE	LAND USE		MGNT	
	LAKE#	TOWN NAME	REG	SIZE(AC)	FSH	WLD	SC	SH	BOT	CLT	PHY	CLASS	ACCESS	DEV	CLASS
LOST P	2526	THORNDIKE TWP	E	10								3	INAC	UNDEV	
LOST P	2694	ATTEAN TWP	E	5								3	INAC	UNDEV	6
LOST P	2878	T07 R13 WELS	E	47								3	INAC	UNDEV	
LOST P	3030	T07 R07 WELS	F	38	S							2	AC	UNDEV	
LOST P	3042	UPPER MOLUNKUS TWP	F	18								3	INAC	UNDEV	
LOST P	5146	T03 R05 BKP WKR	D	15								3	AC	UNDEV	
LOVE L	1238	T19 ED BPP	C	672	S					O		1B	AC	UNDEV	
LOVEJOY P	4506	T34 MD	C	40	S							2	AC	DEV	
LOWELL L	4680	CARROLL PLT	F	115								3	AC	UNDEV	
LOWER P	8255	T35 MD	C	16								3	INAC	UNDEV	
LUCIA P	0810	T07 R09 NWP	E	46			S					2	AC	UNDEV	
LUCIFEE P	9755	T14 R08 WELS	G	13								3	AC	UNDEV	
LUCKY P	0402	SPENCER BAY TWP	E	93		S				S		2	AC	UNDEV	
LUNKSOOS L	2206	T04 R07 WELS	F	288	S		S	S				2	INAC	UNDEV	
LUTHER P	2528	THORNDIKE TWP	E	154	S							2	AC	UNDEV	
LYFORD P (BIG)	0438	SHAWTOWN TWP	E	152	O					O		1A	AC	DEV	4
LYFORD P(1ST LITTLE)	0430	BOWDOIN COL GR EAST	E	21	S							2	AC	UNDEV	
LYFORD P(2ND LITTLE)	0428	BOWDOIN COL GR EAST	E	18	S							2	AC	UNDEV	
MACHIAS L (BIG)	1960	T12 R08 WELS	G	692	S	S				S		2	AC	UNDEV	3
MACHIAS L (FIFTH)	1144	T36 MD BPP	C	1069	m					S		2	AC	UNDEV	
MACHIAS L (FIRST)	1140	T37 MD BPP	C	109	S					S		2	AC	DEV	
MACHIAS L (FOURTH)	1148	T05 ND BPP	C	1539	O	S	+			S		1B	AC	UNDEV	
MACHIAS L (LITTLE)	1578	NASHVILLE PLT	G	275	S	S						2	AC	UNDEV	3
MACHIAS L (SECOND)	1138	T37 MD BPP	C	192	S					S		2	AC	DEV	
MACHIAS L (THIRD)	1124	T42 MD BPP	C	2778	O	O	+	+	+	S	+	1A	AC	UNDEV	2
MACWAHOC L (LOWER)	3058	T02 R04 WELS	F	188								3	AC	UNDEV	
MACWAHOC L (UPPER)	3052	T03 R04 WELS	F	269	S							2	AC	UNDEV	
MADAGASCAL P (BIG)	2254	T03 R01 NBPP	F	750	S							2	AC	UNDEV	
MADAGASCAL P(LITTLE)	2258	T03 R01 NBPP	F	40	S							2	AC	UNDEV	
MADAWASKA L	1802	T16 R04 WELS	G	1526	S	S			O	S		1B	AC	DEV	5
MARBLE P	0280	BLANCHARD PLT	E	15	S							2	AC	UNDEV	
MARBLE P	2186	T05 R08 WELS	F	75	S		S	S	O		O	1A	INAC	UNDEV	1
MARCIAL L	1636	WALLAGRASS PLT	G	13								3	INAC	UNDEV	
MARTIN L	1858	CASWELL PLT	G	13								3	INAC	UNDEV	
MARY PETUCHE P	2474	PRENTISS TWP	E	10	S					O		1B	INAC	UNDEV	1/6
MASSACHUSETTS BOG	8597	MASSACHUSETTS GORE	D	30	O							1B	AC	UNDEV	
MATAGAMON L	4260	T06 R08 WELS	F	4165	S	O	S	S	O	O		1A	AC	UNDEV	
MATHERSON P	3072	T09 R05 WELS	G	45								3	AC	UNDEV	
MATHEWS P	2836	T08 R10 WELS	G	19	O							1B	INAC	UNDEV	1
MATTAMISCONTIS L	2140	T03 R09 NWP	F	1025	S							2	INAC	UNDEV	
MATTAMISCONTIS L(LT)	2138	T03 R09 NWP	F	275	S							2	AC	UNDEV	3
MATTASEUNK L	3040	MOLUNKUS TWP	F	576	S							2	AC	DEV	3
MATTAWAMKEAG L	1686	T04 R03 WELS	F	3330	S	O	S	O		S	S	1A	AC	UNDEV	
MAY P	2826	T07 R11 WELS	E	30								3	INAC	UNDEV	
MAYFIELD P	0260	MAYFIELD TWP	D	140	S							2	AC	DEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS						RESOURCE CLASS	LAND USE ACCESS DEV	MGNT CLASS		
					FSH	WLD	SC	SH	BOT	CLT				PHY	
MCCLUSKY L	1660	T14 R05 WELS	G	49	m						3	AC	UNDEV		
MCDUGAL P	4022	T06 R15 WELS	E	11							3	INAC	UNDEV		
MCGILVRY P	3082	T08 R06 WELS	G	25							3	INAC	UNDEV		
MCGOOSELEY P	4032	T04 R15 WELS	E	38		S					2	AC	UNDEV		
MCGOWAN P	1962	T11 R08 WELS	G	160							3	INAC	UNDEV		
MCKEEN L	1476	T14 R10 WELS	G	147	S	+					2	AC	UNDEV		
MCKENNA P	0688	T03 R11 WELS	E	53	m		O	S			1B	INAC	UNDEV	1/6	
MCKENNEY P	0154	UPPER ENCHANTED TWP	E	9							3	INAC	UNDEV	6	
MCKENNEY P	2650	HOLEB TWP	E	38	S					O	1B	AC	UNDEV		
MCLELLAN P	0364	ELLIOTTSVILLE TWP	E	15							3	INAC	UNDEV		
MCNALLY P (UPPER)	1930	T11 R10 WELS	G	83	S						2	AC	UNDEV		
MCPHERSON P	1992	T10 R10 WELS	G	77	S						2	AC	UNDEV		
MEDDYBEMPS L	0177	BARING PLT	C	6765	O				S		1B	AC	UNDEV		
MEDUNKEUNK L	2132	T02 R09 NWP	F	67	S						2	AC	DEV		
MESSER P	4244	T05 R08 WELS	F	27	S						2	INAC	UNDEV	6	
MESSER P (LITTLE)	5806	T05 R08 WELS	F	30							3	INAC	UNDEV		
METALLAK P	3326	TOWNSHIP C	D	75							3	INAC	UNDEV		
MIDDAY P	0890	ELLIOTTSVILLE TWP	E	12	m						3	INAC	UNDEV		
MIDDLE DEADWATER	1099	KOSSUTH TWP	F	50							3	AC	UNDEV		
MIDNIGHT P	2708	T06 R12 WELS	E	64							3	INAC	UNDEV		
MIDWAY P	3544	SANDY RIVER PLT	D	7							3	INAC	UNDEV	6	
MILE P	2982	T08 R14 WELS	E	66							3	INAC	UNDEV		
MILL (CLEAR) P	0200	PLEASANT RIDGE PLT	D	23	S						2	AC	UNDEV		
MILL PRIVILEGE L	4704	T05 R01 NBPP	F	109							3	AC	UNDEV		
MILLMAGASSETT L	3004	T07 R08 WELS	F	1410	S	O	+	+			1B	INAC	UNDEV	1	
MILLINOCKET L	2020	T01 R08 WELS	F	8960	S	O	S+	S+	+	S	S+	1A	AC	UNDEV	
MILLINOCKET L	4156	T07 R09 WELS	F	2701	S	S+	S	S	+	O	+	1A	AC	UNDEV	
MINISTER L (LITTLE)	0592	T02 R10 WELS	F	4							3	INAC	UNDEV	6	
MINISTER P (BIG)	0590	T02 R10 WELS	F	15	O						1B	INAC	UNDEV	1/6	
MINK MARSH P	1982	T10 R10 WELS	G	13	S	S					2	AC	UNDEV		
MINK P	1478	T14 R10 WELS	G	21							3	AC	UNDEV		
MISERY P	5800	MISERY TWP	E	36	S		S-	S+		+	2	AC	UNDEV		
MISERY P (UPPER)	5802	MISERY TWP	E	18	S						2	AC	UNDEV		
MITCHELL P	9757	T07 R09 WELS	F	30							3	AC	UNDEV		
MOCCASIN P	1590	T14 R08 WELS	G	32	O						1B	AC	UNDEV	1	
MOLUNKUS L	3038	MOLUNKUS TWP	F	1050	S						2	AC	DEV		
MONKEY P	0526	TA R11 WELS	E	30	S						2	INAC	UNDEV		
MONROE L	1126	T43 MD BPP	C	45	S	S					2	AC	UNDEV		
MONROE P (EAST)	9641	T43 MD BPP	C	10	S						2	AC	UNDEV		
MONROE P (WEST)	9811	T43 MD BPP	C	13	S						2	AC	UNDEV		
MONTEGAIL P	1196	T19 MD BPP	C	170	S						2	AC	UNDEV		
MOORE P	5096	BRADSTREET TWP	E	47	S				O		1B	AC	UNDEV		
MOOSE BOG	7688	BOWMANTOWN TWP	D	40	S	S					2	INAC	UNDEV		
MOOSE P	0118	BOWTOWN TWP	D	11	S						2	INAC	UNDEV		
MOOSE P	0902	ELLIOTTSVILLE TWP	E	14	m						3	AC	UNDEV		
MOOSE P (LITTLE)	4152	T07 R10 WELS	F	25							3	AC	UNDEV		

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS							PHY	RESOURCE CLASS	LAND USE ACCESS DEV	MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT						
MOOSE P (UPPER)	2828	T07 R10 WELS	F	35									3	INAC	UNDEV	
MOOSEHEAD L	0390	LITTLE SQUAW TWP	E	74890	O	O	O	O	O	O	O		1A	AC	DEV	
MOOSEHEAD L #1	MH01	COVE PT TWP	E	6091	O	O	O	S	O	O	O		1A	AC	DEV	
MOOSEHEAD L #2	MH02	BEAVER COVE	E	12066	O	O	O	S	O	O	O		1A	AC	DEV	
MOOSEHEAD L #3	MH03	LILY BAY TWP	E	6072	O	O	O	S	O	O	O		1A	AC	DEV	
MOOSEHEAD L #4	MH04	SANDBAR TRACT TWP	E	12046	O	O	S	S	O	O	O		1A	AC	DEV	
MOOSEHEAD L #5	MH05	SPENCER BAY TWP	E	4710	O	O	O	S	O	O	O		1A	AC	UNDEV	
MOOSEHEAD L #6	MH06	TOMHEGAN TWP	E	9925	O	O	O		O	O	O		1A	AC	DEV	
MOOSEHEAD L #7	MH07	DAYS ACADEMY GRANT	E	8037	O	O	O	S	O	O	O		1A	AC	DEV	
MOOSEHEAD L #8	MH08	NORTHEAST CARRY TWP	E	15802	O	O	O	O	O	O	O		1A	AC	DEV	
MOOSELEUK L	1990	T10 R09 WELS	G	422	S	O*	O-				O		1A	AC	UNDEV	2
MOOSELOOKMEGUNTIC L	3302	RICHARDSONTOWN TWP	D	16300	O	O	O	O			O		1A	AC	DEV	
MOOSELOOKMEGUNTIC L	MLML	RICHARDSONTOWN TWP	D	14101	O	O	S	O			O		1A	AC	DEV	
MOPANG L	1172	DEVEREAUX TWP	C	1487	O		S	S					1B	AC	UNDEV	
MOPANG L (FIRST)	7339	T30 MD BPP	C	27	S								2	AC	DEV	
MOPANG L (SECOND)	1170	DEVEREAUX TWP	C	145	S								2	AC	UNDEV	
MORANCY P	4394	T07 SD	C	64									3	AC	UNDEV	
MORRELL P	4262	T07 R08 WELS	F	40									3	INAC	UNDEV	
MOSQUITO BROOK P	1604	T14 R07 WELS	G	10	S								2	AC	UNDEV	
MOSQUITO P	4052	THE FORKS PLT	D	71	S	S	O	S					1B	AC	UNDEV	
MOUNTAIN BROOK P	0414	BOWDOIN COL GR WEST	E	21	O								1B	AC	UNDEV	
MOUNTAIN CATCHER P	4258	T06 R08 WELS	F	84	S								2	INAC	UNDEV	6
MOUNTAIN P	0432	BEAVER COVE	E	56	S						S		2	INAC	UNDEV	6
MOUNTAIN P	1956	T10 R10 WELS	G	80	S	S	S						2	AC	UNDEV	
MOUNTAIN P	2989	T08 R15 WELS	E	30									3	AC	UNDEV	
MOUNTAIN P	3540	RANGELEY PLT	D	35	O								1B	AC	UNDEV	
MOUNTAIN VIEW P	0488	TA R11 WELS	E	13	S								2	INAC	UNDEV	6
MOXIE BOG	7106	BALD MTN TWP T2R3	D	15	S								2	AC	UNDEV	
MOXIE P	3585	TOWNSHIP D	D	6									3	INAC	UNDEV	6
MOXIE P	4050	EAST MOXIE TWP	D	2370	S		O	S		S	P		1B	AC	DEV	
MOXIE P (LITTLE)	0316	EAST MOXIE TWP	D	73	S						O		1B	AC	UNDEV	
MT CATCHER P (LITTLE)	9922	T06 R08 WELS	F	13									3	INAC	UNDEV	
MUD BROOK FLOWAGE	9632	T02 R08 WELS	F	50			S						2	INAC	UNDEV	
MUD GAUNTLET DEADWTR	0470	TB R11 WELS	F	10									3	INAC	UNDEV	
MUD L	1680	T17 R04 WELS	G	972	S						S		2	AC	DEV	
MUD L	1688	T03 R03 WELS	F	122									3	INAC	UNDEV	
MUD L	1732	T04 R03 WELS	F	153									3	INAC	UNDEV	
MUD L	1866	CASWELL PLT	G	19									3	INAC	UNDEV	
MUD L	7399	FOREST CITY TWP	F	291									3	INAC	UNDEV	
MUD P	0330	LITTLE SQUAW TWP	E	10									3	INAC	UNDEV	
MUD P	0398	BEAVER COVE	E	249		S					S		2	INAC	UNDEV	
MUD P	0542	TA R10 WELS	F	225			S						2	AC	UNDEV	
MUD P	1496	T19 R11 WELS	G	21									3	INAC	UNDEV	
MUD P	1532	T15 R09 WELS	G	63									3	INAC	UNDEV	
MUD P	1546	T13 R08 WELS	G	30		S							2	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS					PHY	RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT			CLT	ACCESS	
MUD P	1600	T13 R07 WELS	G	19							3	INAC	UNDEV	
MUD P	1874	T12 R17 WELS	G	49							3	AC	UNDEV	
MUD P	2066	T02 R10 WELS	F	20							3	INAC	UNDEV	
MUD P	2182	T06 R08 WELS	F	254							3	AC	UNDEV	
MUD P	2340	TOWNSHIP 6 N OF WELD	D	6							3	INAC	UNDEV	6
MUD P	2360	TIM POND TWP	D	30	S						2	AC	UNDEV	
MUD P	2530	THORNDIKE TWP	E	50							3	AC	UNDEV	
MUD P	2618	BALD MTN TWP T4R3	E	12							3	INAC	UNDEV	
MUD P	2648	HOLEB TWP	E	17							3	AC	UNDEV	
MUD P	2696	ATTEAN TWP	E	90			S-				2	AC	UNDEV	
MUD P	2884	T06 R12 WELS	E	1357							3	INAC	UNDEV	
MUD P	2908	T04 R12 WELS	E	392	S				S		2	INAC	UNDEV	
MUD P	2968	T09 R15 WELS	G	173							3	INAC	UNDEV	
MUD P	3092	DREW PLT	F	250	O						1B	AC	UNDEV	
MUD P	3334	COBURN GORE	D	25							3	AC	UNDEV	
MUD P	3538	RANGELEY PLT	D	15							3	INAC	UNDEV	
MUD P	4056	MOXIE GORE	D	18							3	INAC	UNDEV	
MUD P	4084	CHASE STREAM TWP	D	20							3	INAC	UNDEV	
MUD P	5068	BEATTIE TWP	E	12							3	INAC	UNDEV	
MUD P	9917	JIM POND TWP	D	14	S						2	AC	DEV	3
MUD P (LITTLE)	0738	T04 R12 WELS	E	43							3	AC	UNDEV	
MUD P (LITTLE)	2180	T06 R08 WELS	F	15							3	INAC	UNDEV	
MULE BROOK DEADWATER	9796	T10 R10 WELS	G	23	+						3	AC	UNDEV	
MULE P	2422	RUSSELL POND TWP	E	14		S					2	INAC	UNDEV	
MUNSON L	1350	T18 ED BPP	C	40							3	INAC	UNDEV	
MUNSUNGAN L	4180	T08 R10 WELS	G	1415	O	O	S		O		1A	AC	UNDEV	2
MURPHY P	0486	TA R11 WELS	E	12							3	INAC	UNDEV	6
MURPHY P (BIG)	0638	RAINBOW TWP	E	15	S						2	INAC	UNDEV	6
MUSCALSEA P (BIG)	4036	RUSSELL POND TWP	E	14	m	S					2	INAC	UNDEV	6
MUSCALSEA P (LITTLE)	4034	RUSSELL POND TWP	E	11	m						3	INAC	UNDEV	6
MUSKRAT P	2532	THORNDIKE TWP	E	100							3	AC	UNDEV	
MUSQUACOOK L (1ST)	1914	T11 R11 WELS	G	698	S				S		2	AC	UNDEV	
MUSQUACOOK L (2ND)	1916	T11 R11 WELS	G	813	S				S		2	AC	UNDEV	
MUSQUACOOK L (3RD)	1918	T11 R11 WELS	G	397	S				S		2	AC	UNDEV	
MUSQUACOOK L (4TH)	1920	T10 R11 WELS	G	749	S	S	S		S		1B	AC	UNDEV	
MUSQUACOOK L (5TH)	1946	T10 R11 WELS	G	358		O	S		S		1B	AC	UNDEV	
MUSQUASH L (LITTLE)	1128	T37 MD BPP	C	26	m						3	AC	UNDEV	
MUSQUASH L (WEST)	1096	T06 R01 NBPP	C	1613	O	O	S		S		1A	AC	UNDEV	2
MUSQUASH P (FIRST)	0566	T01 R11 WELS	E	53					S		2	AC	UNDEV	
MUSQUASH P (SECOND)	0564	T01 R11 WELS	E	55					S		2	AC	UNDEV	
MUSQUASH P (THIRD)	0570	T01 R11 WELS	E	25							3	AC	UNDEV	
MYRICK P	4416	T10 SD	C	45		S					2	AC	DEV	
NAHMAKANTA L	0698	T01 R11 WELS	E	1024	O	O	O		S		1A	AC	UNDEV	2
NARRAGUAGUS L	4414	T16 MD	C	426	S	S			S		1B	INAC	DEV	
NARROW P	2976	T08 R14 WELS	E	151	S					O	1B	AC	UNDEV	
NESOURDNEHUNK DWTR	0600	T02 R10 WELS	F	300	O	O			S		1A	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL		IF&W		RESOURCE RATINGS					RESOURCE CLASS	LAND USE		MGNT CLASS	
		TOWN NAME		REG	SIZE (AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		ACCESS
NICATOUS L	4766	T40 MD		F	5165	S	O	O	O		S	1A	AC	DEV	4
NOLLESEMIC L	2128	T03 R09 NWP		F	660							3	AC	UNDEV	
NORTH P	0870	ELLIOTTSVILLE TWP		E	58	S		+				2	INAC	UNDEV	
NORTH P	1768	T08 R03 WELS		G	16	m						3	INAC	DEV	
NORTH P	3284	GRAFTON TWP		D	15							3	INAC	UNDEV	
NORTH P	9781	T14 R09 WELS		G	15	O					S	1B	INAC	UNDEV	1
NORTHWEST P	3342	MASSACHUSETTS GORE		D	45	S						2	INAC	UNDEV	
NORTHWEST P (LITTLE)	3344	MASSACHUSETTS GORE		D	10	S						2	INAC	UNDEV	
NORWAY L	9526	T05 R01 NBPP		F	92			S	S			2	AC	UNDEV	
NOTCH P	0786	BOWDOIN COL GR WEST		E	10	S						2	INAC	UNDEV	6
NOTCH P (BIG)	0328	LITTLE SQUAW TWP		E	12	S						2	INAC	UNDEV	6
NOTCH P (LITTLE)	0326	LITTLE SQUAW TWP		E	10	S						2	INAC	UNDEV	6
NUMBER NINE L	1756	T09 R03 WELS		G	120	S						2	AC	DEV	5
NUMBER THREE P	9635	T03 R01 NBPP		F	666	S		S	S	O		1B	AC	UNDEV	
OAK KNOLL B DEADWTR	2010	T03 R09 NWP		F	15							3	INAC	UNDEV	
ONAWA L	0894	ELLIOTTSVILLE TWP		E	1344	O	O	O	S		S	1A	AC	DEV	3
ORIE L	1094	T06 R01 NBPP		C	42	S						2	AC	UNDEV	
OTTER BOG	4408	T09 SD		C	13							3	AC	UNDEV	
OTTER L	1694	T03 R04 WELS		F	81							3	INAC	UNDEV	
OTTER P	0114	BOWTOWN TWP		D	77	S						2	AC	UNDEV	
OTTER P	1216	T24 MD BPP		C	12							3	INAC	UNDEV	
OTTER P	2860	SOPER MOUNTAIN TWP		G	40							3	AC	UNDEV	
OTTER P	2872	T08 R14 WELS		E	109							3	AC	UNDEV	
OTTER P	2924	T03 R13 WELS		E	25	S						2	INAC	UNDEV	
OTTER P	3074	T08 R05 WELS		G	64					S		2	AC	UNDEV	
OTTER P	3338	CHAIN OF PONDS TWP		D	30	S						2	AC	UNDEV	
OTTER P	3972	PARMACHENEE TWP		D	14		S					2	AC	UNDEV	
OTTER P	4110	SANDWICH ACAD GRANT		E	12	S						2	INAC	UNDEV	
OTTER P	7142	MAYFIELD TWP		D	25							3	AC	DEV	5
OTTER P	7344	CARRYING PLC TWN TWP		D	12							3	AC	DEV	
OTTER P (NORTH)	0116	BOWTOWN TWP		D	71	S						2	AC	UNDEV	
OXBROOK L (LOWER)	1106	T06 R01 NBPP		C	365	S		S	S			2	AC	DEV	
OXBROOK L (UPPER)	1104	T06 R01 NBPP		C	422	S		S	S			2	AC	UNDEV	
OXHEAD P (LOWER)	4768	T40 MD		F	20							3	AC	UNDEV	
OXHEAD P (MIDDLE)	4770	T40 MD		F	38	S						2	AC	UNDEV	
OXHEAD P (UPPER)	5808	T40 MD		F	87	S						2	AC	UNDEV	
PACKARD STREAM DWTR	9584	LAKE VIEW PLT		F	20							3	INAC	UNDEV	
PALIN P	0256	BRIGHTON PLT		D	10							3	AC	UNDEV	
PALMER P	0266	MAYFIELD TWP		D	40	S						2	AC	UNDEV	
PALMER P (LITTLE)	0268	MAYFIELD TWP		D	22							3	INAC	UNDEV	
PAPOOSE P	0338	LITTLE SQUAW TWP		E	3							3	INAC	UNDEV	6
PAPOOSE P (LITTLE)	3268	ALBANY TWP		A	19	m		S				2	AC	DEV	5
PARKER P	5148	T03 R05 BKP WKR		D	80							3	AC	UNDEV	
PARLIN P	2544	PARLIN POND TWP		E	543	S		S	S	S		1B	AC	DEV	
PARMACHENEE L	3966	LYNCHTOWN TWP		D	912	S	S			S	O	1B	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS						RESOURCE CLASS	LAND USE		MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT		PHY	ACCESS		DEV
PARTRIDGE P	2790	T08 R11 WELS	G	30								3	AC	UNDEV	
PARTRIDGE P (LOWER)	2788	T08 R11 WELS	G	12								3	AC	UNDEV	
PARTRIDGE P (UPPER)	2792	T08 R11 WELS	G	12								3	INAC	UNDEV	
PASSAMAGAMET L	0970	T01 R09 WELS	F	461			S	S	O			1B	INAC	UNDEV	1
PATRICK L	1380	MARION TWP	C	275	S							2	AC	UNDEV	
PATTE MILL P	6761	ALBANY TWP	A	26	m							3	AC	UNDEV	
PATTEN P	1330	GRAND LAKE STREAM PL	C	96								3	INAC	UNDEV	
PEAKED MOUNTAIN P	1254	T19 MD BPP	C	227	S					O		1B	AC	UNDEV	
PEAKED MOUNTAIN P	2208	T04 R07 WELS	F	61	S		S	S				2	INAC	DEV	
PEAKED MOUNTAIN P	5774	T10 R11 WELS	G	13	S							2	AC	UNDEV	
PEARL P # 1	0416	BOWDOIN COL GR WEST	E	10								3	INAC	UNDEV	
PEEP L	9821	T30 MD BPP	C	32	S							2	AC	DEV	5
PELLETIER B L (1ST)	1564	T16 R09 WELS	G	25	S							2	AC	UNDEV	
PELLETIER B L (2ND)	1566	T16 R09 WELS	G	26	S							2	AC	UNDEV	
PELLETIER B L (3RD)	1560	T16 R09 WELS	G	83	O	+						1B	AC	UNDEV	
PELLETIER B L (4TH)	1562	T16 R09 WELS	G	49	O							1B	AC	UNDEV	
PELLETIER B L (5TH)	1504	T15 R09 WELS	G	27	S					+		2	INAC	UNDEV	
PELLETIER B L (6TH)	1502	T15 R09 WELS	G	32	S							2	AC	UNDEV	
PEMADUMCOOK CHAIN L	0982	T01 R10 WELS	F	18300	S		O	S		O	S	1A	AC	DEV	3
PEMADUMCOOK L	PPEM	T01 R09 WELS	F	7356	S		O	S		S	S	1A	AC	UNDEV	3
PENMAN P	0113	T26 ED BPP	C	29								3	AC	DEV	5
PENNINGTON P	1612	T15 R06 WELS	G	45	S		S					2	AC	UNDEV	
PENOBSCOT L	0339	DOLE BROOK TWP	E	1019	O		O	S		S	O	1A	AC	UNDEV	2
PENOBSCOT P	0568	T01 R12 WELS	E	279	S		S			O		1B	AC	UNDEV	
PENOBSCOT P (LITTLE)	0560	T01 R11 WELS	E	38							S	2	AC	UNDEV	
PEPPERPOT P	3298	ADAMSTOWN TWP	D	50	m	S						2	AC	UNDEV	
PERCH P	1522	T15 R09 WELS	G	17	S							2	AC	UNDEV	
PETE'S P	1482	T13 R10 WELS	G	20	S							2	INAC	UNDEV	
PICKEREL L	1166	T30 MD BPP	C	23	m							3	AC	UNDEV	
PICKEREL P	4587	T32 MD	F	11								3	AC	UNDEV	
PICKEREL P (LITTLE)	1080	BROOKTON TWP	F	27	S							2	AC	DEV	
PICKEREL P (LITTLE)	4780	T34 MD	C	13	m							3	INAC	UNDEV	
PICKETT MOUNTAIN P	3658	T06 R06 WELS	F	173	S		S					2	AC	UNDEV	
PIERCE P	0086	PIERCE POND TWP	D	1650	O	S	O	S+		+		1A	AC	UNDEV	2
PIKE BROOK P (EAST)	9819	T18 MD BPP	C	12	S							2	AC	UNDEV	
PIKE BROOK P (WEST)	9667	T18 MD BPP	C	32	S							2	AC	UNDEV	
PILLSBURY P	2786	T08 R11 WELS	G	301			S					2	AC	UNDEV	
PILLSBURY P (LITTLE)	2800	T08 R11 WELS	G	45	S							2	AC	UNDEV	
PINE P	2990	T07 R15 WELS	E	16								3	INAC	UNDEV	
PINE P (BIG)	2920	T03 R13 WELS	E	164	S							2	AC	UNDEV	
PINE P (LITTLE)	9716	T03 R13 WELS	E	25								3	INAC	UNDEV	
PINE STREAM FLOWAGE	2906	T04 R13 WELS	E	167		S				O		1B	AC	UNDEV	
PISTOL L (LOWER)	4756	T03 ND	F	979	S	S	S	S				1B	AC	UNDEV	
PISTOL L (MIDDLE)	4750	T04 ND	F	112	S							2	AC	UNDEV	
PISTOL L (SIDE)	4752	T03 ND	F	147	S							2	AC	UNDEV	
PISTOL L (UPPER)	4748	T04 ND	F	128	S							2	INAC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE(AC)	RESOURCE RATINGS						RESOURCE CLASS	LAND USE		MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT		PHY	ACCESS		DEV
PITMAN P	0598	T02 R10 WELS	F	20								3	INAC	UNDEV	6
PLEASANT & MUD LAKES	3670	T06 R06 WELS	F	498	S		O					1B	AC	UNDEV	
PLEASANT L	1100	T06 R01 NBPP	C	1574	O		O	S	O			1A	AC	UNDEV	2
PLEASANT L	1728	T04 R03 WELS	F	1832	O		S			S		1B	AC	UNDEV	
PLEASANT L (BIG)	2756	T09 R11 WELS	G	979	S	S	O	S		S		1A	AC	UNDEV	
PLEASANT P	0224	THE FORKS PLT	D	1120	S					S	S	2	AC	DEV	5
PLEASANT P	2160	ORNEVILLE TWP	F	92	S							2	AC	DEV	
PLEASANT P (BIG)	0512	TA R11 WELS	E	195	S							2	AC	UNDEV	
PLEASANT P (LITTLE)	0510	TA R11 WELS	E	30								3	AC	UNDEV	
PLEASANT P (LITTLE)	1943	T10 R11 WELS	G	91	O	S						1B	AC	UNDEV	
PLEASANT RIVER L	1210	DEVEREAUX TWP	C	949	S							2	AC	DEV	
PLUNKETT P	3056	SILVER RIDGE TWP	F	435	S							2	AC	UNDEV	
POCKWOCKAMUS DEADWTR	9688	T02 R09 WELS	F	275						S		2	INAC	DEV	
POCKWOCKAMUS P	0245	T02 R09 WELS	F	46			S	S		S		2	AC	UNDEV	
POCUMCUS L	1110	T05 ND BPP	C	2201	O	O				S		1A	AC	UNDEV	3
POLAND P	2994	T07 R14 WELS	E	490	S	O	O	S			O	1A	AC	UNDEV	
POLAND P (UPPER)	PPUP	T07 R14 WELS	E	245	S	O	O	S			O	1A	INAC	UNDEV	1
POLLY P	0692	T03 R11 WELS	E	15	m							3	INAC	UNDEV	6
POLLYWOG P	0576	T01 R11 WELS	E	147	S							2	AC	UNDEV	
POND IN THE RIVER	3328	TOWNSHIP C	D	512	O	S	S		O			1A	AC	DEV	4
POOLER P	4106	THE FORKS PLT	D	10								3	AC	UNDEV	
PORK BARREL L	1102	T06 R01 NBPP	C	33								3	INAC	UNDEV	
PORTAGE P (LOWER)	2760	T09 R11 WELS	G	35			S			S		2	AC	UNDEV	
PORTAGE P (UPPER)	2762	T09 R11 WELS	G	96	S					S		2	AC	UNDEV	
PORTER P	4760	T03 ND	F	58	S							2	INAC	UNDEV	6
POSSUM P	1310	T26 ED BPP	C	30	m							3	AC	DEV	
PRATT L	1972	T11 R09 WELS	G	96	S	S						2	AC	UNDEV	
PRENTISS P	0562	T01 R11 WELS	E	12	S							2	AC	UNDEV	
PRESCOTT P	0898	ELLIOTTSTVILLE TWP	E	14	m							3	INAC	UNDEV	
PRESCOTT P	4058	MOXIE GORE	D	30		S						2	AC	UNDEV	
PRESLEY L	1870	T12 R17 WELS	G	202							P	3	AC	UNDEV	
PRESLEY L (LITTLE)	1876	T12 R17 WELS	G	32						S	P	2	INAC	UNDEV	
PRESQUE ISLE L	1758	T09 R03 WELS	G	38								3	AC	DEV	5
PRETTY P	1214	T24 MD BPP	C	27								3	AC	DEV	
PRETTY P	2802	T08 R11 WELS	G	45			S					2	INAC	UNDEV	
PRIESTLY L	1906	T10 R13 WELS	G	645	S		O			S	O	1A	AC	UNDEV	
PROCTOR P	3210	ALBANY TWP	A	45	m							3	AC	DEV	5
PRONG P	9791	BEAVER COVE	E	427	S	O	O	S				1A	AC	UNDEV	
PUDDING P	0932	BARNARD TWP	E	12								3	AC	DEV	
PUG (SILVER PUG) L	1308	T26 ED BPP	C	198	S							2	AC	DEV	
PUG L (HOSEA)	1306	T26 ED BPP	C	58	S							2	INAC	UNDEV	
PUG L (LOWER)	4694	LAKEVILLE	F	70	S							2	INAC	UNDEV	
PUG L (UPPER)	4696	LAKEVILLE	F	50	S							2	INAC	UNDEV	
PUGHOLE P	4786	T41 MD	F	70	S							1B	AC	UNDEV	
PUNCHBOWL P	0294	BLANCHARD PLT	E	40	S		O	S				1B	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE(AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE ACCESS DEV	MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT	PHY				
PUSHINEER P	1514	T15 R09 WELS	G	55	O							1B	AC	UNDEV	
QUAKISH L	2116	T03 INDIAN PURCHASE	F	1000	S	O				S	S	1B	AC	UNDEV	
RABBIT P	0366	ELLIOTTSVILLE TWP	E	10								3	INAC	UNDEV	6
RABBIT P	0552	T01 R11 WELS	E	10	m							3	INAC	UNDEV	6
RAGGED L	2936	T02 R13 WELS	E	2712	O		O	S		S		1A	AC	UNDEV	4
RAGGED P	2746	T09 R10 WELS	G	11	S							2	AC	UNDEV	
RAGGED P (LOWER E)	0996	T04 INDIAN PURCHASE	F	30			S			S		2	INAC	UNDEV	
RAGGED P (LOWER W)	0994	T04 INDIAN PURCHASE	F	30			S					2	INAC	UNDEV	
RAGGED P (UPPER E)	0998	T04 INDIAN PURCHASE	F	13						S		2	INAC	UNDEV	
RAGGED P (UPPER W)	0992	T04 INDIAN PURCHASE	F	40			S					2	INAC	UNDEV	
RAINBOW DEADWATERS	9698	RAINBOW TWP	E	58	O							1B	INAC	UNDEV	1/6
RAINBOW L	0614	RAINBOW TWP	E	1664	O		O	O		S		1A	INAC	UNDEV	1
RAINBOW P	4436	T10 SD	C	17								3	INAC	UNDEV	6
RANCOURT P	2632	DENNISTOWN PLT	E	23	S	S						2	INAC	UNDEV	
RANGELEY L	3300	RANGELEY PLT	D	6000	O	S	O	S	S	O	O	1A	AC	DEV	4
RAYS MILL P	0808	T07 R09 NWP	E	10								3	AC	UNDEV	
REDINGTON P	2318	REDINGTON TWP	D	37	S		S					2	AC	DEV	5
REED DEADWATER	2848	T08 R10 WELS	G	10	+	S						3	INAC	UNDEV	
REED P	3088	MACWAHOC PLT	F	19								3	AC	UNDEV	
REED P (BIG)	2842	T08 R10 WELS	G	90	O				O			1A	INAC	UNDEV	1
REED P (LITTLE)	2838	T08 R10 WELS	G	25	m+				+			3	INAC	UNDEV	6
RICHARDSON L	3308	RICHARDSONTOWN TWP	D	7100	O	O	O	O		O	S	1A	AC	DEV	
RICHARDSON L (LOWER)	RHLW	TOWNSHIP C	D	2900	O	S	S	O		S	S	1A	AC	DEV	
RICHARDSON L (UPPER)	RHUP	RICHARDSONTOWN TWP	D	4200	O	O	O	O		O		1A	AC	DEV	
RICHARDSON P (LO E)	3296	ADAMSTOWN TWP	D	54								3	AC	DEV	
RICHARDSON P (UP E)	3294	ADAMSTOWN TWP	D	85	S							2	AC	DEV	
RICHARDSON P (WEST)	3292	ADAMSTOWN TWP	D	423		S	O	S				1B	AC	DEV	
RIPOGENUS P	2910	T04 R12 WELS	E	76	m	S				S		2	INAC	UNDEV	6
RIVER L (LITTLE)	1118	T43 MD BPP	C	75	m+	S	+					2	INAC	UNDEV	
RIVER P	2092	T02 R09 WELS	F	125			S			S		2	AC	UNDEV	
ROACH P (FIRST)	0436	FRENCHTOWN TWP	E	3270	S		S	S	S	S		1B	AC	DEV	3
ROACH P (FOURTH)	0446	SHAWTOWN TWP	E	266	S		O	S				1B	INAC	UNDEV	1/6
ROACH P (SECOND)	0452	T01 R12 WELS	E	970	S		S			S	S	1B	AC	UNDEV	
ROACH P (SEVENTH)	0500	TA R11 WELS	E	33	S							2	INAC	UNDEV	6
ROACH P (SIXTH)	0480	SHAWTOWN TWP	E	48	S							2	INAC	UNDEV	6
ROACH P (THIRD)	0482	SHAWTOWN TWP	E	570	S		O	S				1B	AC	UNDEV	
ROARING BROOK P	0918	T07 R09 NWP	E	55	m							3	INAC	UNDEV	
ROBAR P	2014	T04 R08 WELS	F	12								3	INAC	UNDEV	
ROBAR P (BIG)	2296	T04 R08 WELS	F	7								3	INAC	UNDEV	6
ROBBINS BROOK P	9794	T12 R11 WELS	G	27	O							1B	INAC	DEV	
ROBERTS P	5164	T05 R20 WELS	E	19	m							3	AC	UNDEV	6
ROBINSON P	2436	T04 R17 WELS	E	34								3	INAC	UNDEV	
ROCK P	3340	CHAIN OF PONDS TWP	D	26	S							2	AC	UNDEV	
ROCK P	3542	SANDY RIVER PLT	D	7								3	INAC	UNDEV	
ROCK P	5108	T05 R06 BKP WKR	E	124	O		S+	S				1B	AC	UNDEV	
ROCKABEMA L	3636	MORO PLT	G	339	S		S	S				2	AC	DEV	3

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG SIZE(AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
				FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
ROCKY BOG	2008	T03 R09 NWP	F 15								3	INAC	UNDEV	
ROCKY L	1348	T18 ED BPP	C 1555	O	S					O	1A	AC	UNDEV	
ROCKY P	0676	T03 R11 WELS	E 16								3	INAC	UNDEV	
ROCKY P	1182	T25 MD BPP	C 32								3	AC	UNDEV	
ROCKY P	2018	T03 R08 WELS	F 16	S							2	INAC	UNDEV	
ROCKY P	4476	T22 MD	C 666	m							3	AC	UNDEV	3
ROCKY P (BIG)	0522	TA R11 WELS	E 115	S							2	INAC	UNDEV	
ROCKY P (LITTLE)	0524	TA R11 WELS	E 12	S							2	INAC	UNDEV	6
RODERIQUE P	0317	ROCKWOOD STRIP-WEST	E 44	S							2	AC	UNDEV	
ROLAND P	0031	DALLAS	D 26								3	INAC	UNDEV	
ROSS L	1888	T10 R15 WELS	G 2892	S			+		S	S	2	AC	UNDEV	
ROUND L	1240	T19 ED BPP	C 352	S	O						1B	AC	DEV	
ROUND MOUNTAIN P	1966	T11 R08 WELS	G 38	S						O	1B	AC	UNDEV	
ROUND MOUNTAIN P	5058	ALDER STREAM TWP	D 73	S+		S					2	AC	UNDEV	
ROUND P	0235	T03 R01 NBPP	F 10								3	AC	UNDEV	
ROUND P	0563	T10 SD	C 205								3	AC	UNDEV	
ROUND P	1470	T13 R12 WELS	G 697	O	O*					S	1A	AC	UNDEV	2
ROUND P	1594	T14 R08 WELS	G 90	S	S						2	AC	UNDEV	3
ROUND P	2670	APPLETON TWP	E 5								3	INAC	UNDEV	6
ROUND P	2914	LOBSTER TWP	E 93								3	AC	UNDEV	
ROUND P	3584	TOWNSHIP E	D 42	O							1B	INAC	DEV	5
ROUND P	4004	T07 R14 WELS	E 375	S		S	S				2	AC	UNDEV	
ROUND P	4076	SQUARETOWN TWP	D 60								3	AC	DEV	
ROUND P	4092	CHASE STREAM TWP	D 30	O							1B	AC	UNDEV	
ROUND P	4100	SAPLING TWP	E 40								3	INAC	UNDEV	
ROUND P	4158	T07 R09 WELS	G 30			+	+			+	3	INAC	UNDEV	
ROUND P	6755	ALBANY TWP	A 14	S							2	INAC	UNDEV	
ROUND P (LITTLE)	2874	EAGLE LAKE TWP	G 58	O	S					O	1A	INAC	UNDEV	1
ROUND P (LITTLE)	4382	T07 SD	C 13								3	INAC	UNDEV	
ROWE L	1964	T11 R08 WELS	G 252	S							2	AC	UNDEV	
ROWE P	0202	PLEASANT RIDGE PLT	D 205	S							2	AC	UNDEV	
ROWE P	4002	T07 R15 WELS	E 250	S		O	S			S	1B	AC	UNDEV	
RUM P	0780	BOWDOIN COL GR WEST	E 245	O							1B	AC	UNDEV	
RUMP P	3112	PARMACHENEE TWP	D 35	S						S-	2	AC	DEV	
RUSH P	3062	HERSEYTOWN TWP	F 243		O					S	1B	AC	UNDEV	
RUSH P	5130	KING & BARTLETT TWP	D 10								3	AC	UNDEV	
RUSSELL P	2424	RUSSELL POND TWP	E 152	S		S	S				2	AC	UNDEV	
RUSSELL P (LOWER)	2852	T09 R14 WELS	G 140								3	INAC	UNDEV	
RUSSELL P (MIDDLE)	2958	T09 R14 WELS	G 24								3	INAC	UNDEV	
RUSSELL P (UPPER)	2960	T09 R14 WELS	G 282	S							2	INAC	UNDEV	
RUSSELL P (1ST SO BR)	2978	T08 R14 WELS	E 40								3	INAC	UNDEV	
RUSSELL P (2ND SO BR)	2988	T08 R14 WELS	E 66								3	INAC	UNDEV	
SABAO L (LOWER)	4784	T35 MD	C 755	O						S	1B	AC	UNDEV	
SABAO L (UPPER)	4522	T41 MD	F 486	S		+	+	O	S	S	1B	AC	UNDEV	
SABBATH DAY P	3578	TOWNSHIP E	D 57	S							2	INAC	DEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE(AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
SADDLE P	4240	T07 R09 WELS	F	64	S		S					2	AC	UNDEV	
SADDLEBACK L	3536	DALLAS	D	358	S							2	AC	DEV	
SADDLEBACK P	3550	SANDY RIVER PLT	D	13	S							2	INAC	UNDEV	6
SADDLEROCK P	9662	TB R11 WELS	F	10						S		2	AC	UNDEV	
SAFFORD P	0006	LEXINGTON TWP	D	40					O			1B	AC	UNDEV	
SAG P	1484	T13 R10 WELS	G	10								3	INAC	UNDEV	
SAINT CROIX L	1774	ST CROIX TWP	G	416	S	S				S		2	AC	DEV	
SAINT FRANCIS L	2398	T08 R16 WELS	G	322							P	3	AC	UNDEV	
SAINT FROID L	1610	WINTERVILLE PLT	G	2400	S		+			S	S	2	AC	DEV	
SALMON P	1158	T30 MD BPP	C	11	S							2	AC	DEV	
SALMON P	2900	T04 R13 WELS	E	107								3	INAC	UNDEV	
SALMON P	4422	T10 SD	C	10	S		+					2	INAC	UNDEV	
SALMON STREAM L	3046	T01 R06 WELS	F	659			S			S		2	INAC	UNDEV	
SALMON STREAM L (LT)	3048	T01 R06 WELS	F	218								3	INAC	UNDEV	
SAM HILL L	1156	T31 MD BPP	C	46								3	AC	UNDEV	
SAMPSON P	0812	T07 R09 NWP	E	30								3	AC	UNDEV	
SANDY RIVER P (MID)	3566	SANDY RIVER PLT	D	70	S							2	AC	DEV	5
SANDY RIVER P(LOWER)	3564	SANDY RIVER PLT	D	17								3	AC	DEV	5
SANDY RIVER P(UPPER)	3568	SANDY RIVER PLT	D	28								3	AC	DEV	5
SAPONAC P	4722	GRAND FALLS TWP	F	922	S		S	S		S	P-	1B	AC	DEV	3
SAWTELLE DEADWATER	2174	T06 R07 WELS	F	218	S	O	S					1B	AC	UNDEV	
SAWTELLE P	3008	T07 R08 WELS	F	174		O						1B	INAC	UNDEV	1
SAWTELLE P (LITTLE)	5778	T07 R08 WELS	F	10		O						1B	INAC	UNDEV	1
SCHOODIC L	0956	LAKE VIEW PLT	F	7168	S		S			S	S	1B	AC	DEV	3,5
SCHOODIC L	1230	T18 MD BPP	C	389	S				O			1B	AC	UNDEV	
SCOTT DEADWATER (LT)	4010	T06 R14 WELS	E	24								3	INAC	UNDEV	
SCOTT P	1762	T08 R03 WELS	G	12		S						2	INAC	UNDEV	
SCOTT P (LITTLE)	4030	T05 R14 WELS	E	47		S						2	AC	UNDEV	
SCRAGGLEY L	9649	T06 R01 NBPP	C	2758	S		S	S		S		1B	AC	UNDEV	
SCRAGGLY L	4264	T07 R08 WELS	F	842	O		O	O	O	S	O	1A	AC	UNDEV	2
SCRIBNER BOG	4072	SQUARETOWN TWP	D	15		S						2	AC	UNDEV	
SCUTAZE STREAM DWTR	9586	LAKE VIEW PLT	F	22	m							3	AC	UNDEV	
SEARS P	9766	DOLE BROOK TWP	E	12								3	AC	UNDEV	
SEBOEIS DEADWATER	2172	T06 R07 WELS	F	60								3	INAC	UNDEV	
SEBOEIS L	0954	T04 R09 NWP	F	4201	S	S	O	S		S	S	1A	AC	UNDEV	
SEBOOMOOK L	4048	PLYMOUTH TWP	E	6448	S	O	S	S	S	S	O	1A	AC	UNDEV	
SECOND L	1134	T37 MD BPP	C	102	S							2	AC	DEV	
SECOND L	1268	T18 ED BPP	C	332	S							2	AC	UNDEV	
SECOND L	1374	MARION TWP	C	1650	S	O					O	1A	AC	UNDEV	
SECRET P	0907	ELLIOTTSVILLE TWP	E	12	S							2	INAC	UNDEV	6
SECRET P	3358	SEVEN PONDS TWP	D	10	S							2	INAC	UNDEV	
SEWALL DEADWATER P	2748	T09 R10 WELS	G	14	+	S	+					3	AC	UNDEV	
SHACK P	2912	LOBSTER TWP	E	69	m							3	AC	UNDEV	
SHAD P	2120	T03 INDIAN PURCHASE	F	112								3	AC	UNDEV	
SHADOW P	0331	LITTLE SQUAW TWP	E	17	S					S		2	AC	UNDEV	
SHALLOW L	2876	T07 R14 WELS	E	1110	m+	O						1B	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL		IF&W		RESOURCE RATINGS					RESOURCE CLASS	LAND USE		MGNT CLASS		
		TOWN NAME		REG	SIZE (AC)	FSH	WLD	SC	SH	BOT		CLT	PHY		ACCESS	DEV
SHALLOW L (LITTLE)	2868	T07	R14 WELS	E	308	m					S	P	2	INAC	UNDEV	
SHALLOW P	5052	JIM	POND TWP	D	52		S						2	AC	UNDEV	
SHAW L	7407	T06	R01 NBPP	C	211	S		S					2	INAC	UNDEV	
SHAW P	5152	T03	R04 BKP WKR	D	45								3	AC	DEV	
SHAW P (LOWER)	5154	T03	R04 BKP WKR	D	64		S						2	AC	UNDEV	
SHILLALAH P	4440	T10	SD	C	21	m							3	INAC	UNDEV	
SHIN P (LOWER)	2198	T05	R07 WELS	F	638	S		S			S		2	AC	DEV	5
SHIN P (UPPER)	2202	MT	CHASE	F	544	O		S			S		1B	AC	DEV	
SHINY L	7433	MARION	TWP	C	32	m							3	INAC	UNDEV	
SHIRLEY BOG (EAST)	9600	LITTLE	SQUAW TWP	E	70						S		2	AC	UNDEV	
SHIRLEY BOG (WEST)	0350	LITTLE	SQUAW TWP	E	275	S							2	AC	UNDEV	
SILVER L	0922	KATAHDIN	IRN WKS TWP	F	305	S		S	S		S		1B	AC	DEV	3
SILVER L	1656	T15	R05 WELS	G	13	S							2	AC	UNDEV	
SIMON P	1324	CODYVILLE	PLT	C	14								3	INAC	UNDEV	
SIMSQUISH L	1316	LAMBERT	LAKE TWP	C	115								3	INAC	UNDEV	
SING SING P	0558	T01	R11 WELS	E	50	S							2	INAC	UNDEV	
SKITACOOK L	1730	T04	R03 WELS	F	435								3	AC	UNDEV	
SLAUGHTER P	0690	T03	R11 WELS	E	66	O	+	O	S+		S	+	1B	INAC	UNDEV	1/6
SMITH (WEEKS) P	0254	BRIGHTON	PLT	D	160	S							2	AC	UNDEV	
SMITH BROOK P	1770	DUDLEY	TWP	G	32								3	INAC	UNDEV	
SMITH BROOK P	4184	T09	R10 WELS	G	12								3	INAC	UNDEV	
SMITH P	0896	ELLIOTTSTVILLE	TWP	E	10	S							2	INAC	UNDEV	
SMITH P	2012	T03	INDIAN PURCHASE	F	208	S							2	AC	DEV	5
SMITH P	2546	PARLIN	POND TWP	E	16	S							2	AC	UNDEV	
SMITH P	2638	FORSYTH	TWP	E	15	m					S		2	INAC	UNDEV	
SMITH P	3078	T08	R05 WELS	G	32								3	INAC	UNDEV	
SMITH P (LITTLE)	2112	T01	R08 WELS	F	24								3	INAC	UNDEV	
SNAKE P	2548	JOHNSON	MOUNTAIN TWP	E	8								3	INAC	UNDEV	6
SNAKE P	2702	T07	R11 WELS	E	275	S		S	S				2	INAC	UNDEV	
SNOW MOUNTAIN P	5060	ALDER	STREAM TWP	D	12	S							2	INAC	DEV	
SNOWSHOE L	3028	T07	R07 WELS	F	638	S		O					1B	AC	UNDEV	
SNOWSHOE P	2804	T08	R11 WELS	G	40								3	INAC	UNDEV	
SOCATEAN P #1	4044	PLYMOUTH	TWP	E	42	m							3	INAC	UNDEV	6
SOCATEAN P #2	4046	PLYMOUTH	TWP	E	14	m							3	INAC	UNDEV	6
SOLDIER P	2314	SOLDIERTOWN	T2R7WELS	F	42						S		2	INAC	UNDEV	
SOLDIER P	9783	WALLAGRASS	PLT	G	96	S							2	AC	DEV	5
SOLDIER P (LITTLE)	2308	SOLDIERTOWN	T2R7WELS	F	20			S			S		2	INAC	UNDEV	
SONGO P	3262	ALBANY	TWP	A	224	S				S	S		2	AC	DEV	5
SOPER BROOK DWTR	9674	T04	R11 WELS	E	20								3	AC	UNDEV	
SOPER LOGAN	2184	T06	R08 WELS	F	15								3	INAC	UNDEV	
SOPER P	2782	SOPER	MOUNTAIN TWP	G	246	S							2	INAC	UNDEV	
SOPER P (UPPER)	2784	T08	R11 WELS	G	76	m							3	AC	UNDEV	
SOULE P	4166	T07	R08 WELS	F	19								3	INAC	UNDEV	
SOURDNAHUNK L	2730	T05	R11 WELS	E	1394	O		S	S				1B	AC	UNDEV	
SOURDNAHUNK L (LIT)	2728	T05	R11 WELS	E	102	O		S					1B	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING

WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS						RESOURCE CLASS	LAND USE		MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT		PHY	ACCESS		DEV
SOUTH (PINE TREE) P	3560	SANDY RIVER PLT	D	25	S							2	INAC	UNDEV	
SOUTH P	0824	T07 R09 NWP	E	18								3	AC	UNDEV	
SPAUDLING P	9764	DOLE BROOK TWP	E	28	S							2	AC	UNDEV	
SPECK P	3288	GRAFTON TWP	D	9								3	INAC	UNDEV	6
SPECTACLE (SPEC) P	4450	OSBORN	C	1754	O							1B	AC	DEV	3
SPECTACLE L (LOWER)	1342	T19 ED BPP	C	26	m							3	INAC	UNDEV	
SPECTACLE L (UPPER)	1344	T19 ED BPP	C	26	m							3	AC	UNDEV	
SPECTACLE P	0282	BLANCHARD PLT	E	60	S							2	INAC	UNDEV	
SPECTACLE P	1580	T10 R08 WELS	G	122	S		S					2	AC	UNDEV	
SPECTACLE P	5122	KING & BARTLETT TWP	D	45	S	S						2	AC	UNDEV	
SPEDNIK L	0121	FOREST CITY TWP	F	17219	S	O	+			S+	+	1B	AC	UNDEV	
SPENCER L	5104	HOBBS TOWN TWP	E	1819	O		O	O	O	O		1A	AC	UNDEV	2
SPENCER P	0404	E MIDDLESEX CANAL GR	E	980	S	O*	O	S				1A	AC	UNDEV	2
SPENCER P	2450	COMSTOCK TWP	E	13								3	AC	UNDEV	
SPENCER P	3586	TOWNSHIP D	D	15	S							2	INAC	DEV	
SPENCER P	4754	T03 ND	F	38								3	AC	UNDEV	
SPENCER P (LITTLE)	2950	E MIDDLESEX CANAL GR	E	75		S				O		1B	AC	UNDEV	
SPIDER L	2758	T09 R11 WELS	G	890	S		O	S		S		1B	AC	UNDEV	
SPRING L	0170	T03 R04 BKP WKR	D	762	S	S				S		2	AC	DEV	
SPRING L	4758	T03 ND	F	435	S		S					2	AC	UNDEV	
SPRING P	2170	T06 R07 WELS	F	17								3	AC	UNDEV	
SPRING P	2832	T07 R10 WELS	G	15	O	+	+					2	INAC	UNDEV	6
SPRING RIVER L	4432	T10 SD	C	704	S		O	O				1A	AC	DEV	4
SPRUANCE P	0508	TA R11 WELS	E	15								3	INAC	UNDEV	
SPRUCE MOUNTAIN P	0466	TB R11 WELS	F	20	S		O			S		1B	INAC	UNDEV	1/6
SPRUCE P	0052	LEXINGTON TWP	D	49	S							2	AC	UNDEV	
SQUAPAN L	1654	SQUAPAN TWP	G	5120	S				S	S	P	2	AC	DEV	
SQUARE L	1672	T16 R05 WELS	G	8150	O		+			S	S+	1B	AC	DEV	
SQUAW P (BIG)	0334	LITTLE SQUAW TWP	E	91	O					S		1B	INAC	UNDEV	1/6
SQUAW P (LITTLE)	0336	LITTLE SQUAW TWP	E	25	O					S		1B	INAC	UNDEV	1/6
SQUIRREL P	1932	T11 R10 WELS	G	51								3	AC	UNDEV	
SQUIRTGUN FLOWAGE	7754	CHASE STREAM TWP	D	30								3	INAC	UNDEV	
ST JOHN L (LITTLE)	5168	T05 R20 WELS	E	90								3	AC	UNDEV	
ST JOHN P (FIFTH)	2414	T05 R17 WELS	E	1208	S					S		2	AC	UNDEV	
ST JOHN P (FOURTH)	2416	T05 R17 WELS	E	198	S							2	AC	UNDEV	
ST JOHN P (SECOND)	2432	T04 R17 WELS	E	105						+		3	INAC	UNDEV	6
ST JOHN P (THIRD)	2438	T04 R17 WELS	E	190	S					+		2	INAC	UNDEV	6
ST JOHN P (LOWER 1ST)	2428	T04 R17 WELS	E	29						+		3	INAC	UNDEV	6
ST JOHN P (UPPER 1ST)	2440	T04 R17 WELS	E	30						+		3	INAC	UNDEV	6
STERLING P	1574	T13 R07 WELS	G	38								3	AC	UNDEV	
STILES L	9659	T35 MD	C	51	m+							2	AC	UNDEV	
STINK P	1518	T15 R09 WELS	G	16	S							2	INAC	UNDEV	
STINK P & SNAKE BOG	2818	T07 R11 WELS	E	35								3	AC	UNDEV	
STONY BROOK P	0138	LOWER ENCHANTED TWP	D	15								3	AC	UNDEV	
STRATTON BROOK P	2317	WYMAN TWP	D	26		O	O					1A	AC	UNDEV	
STRATTON P	0618	RAINBOW TWP	E	15	S							2	INAC	UNDEV	6

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE ACCESS DEV	MGNT CLASS	
					FSH	WLD	SC	SH	BOT	CLT	PHY				
STURTEVANT P	3104	MAGALLOWAY PLT	D	518	S		O	S				1B	AC	DEV	
SUCKER BROOK P	0924	KATAHDIN IRN WKS TWP	F	22								3	AC	UNDEV	
SUGAR BERTH P	2634	DENNISTOWN PLT	E	23	S	S						2	AC	UNDEV	
SUMMIT P	2434	T04 R17 WELS	E	52								3	AC	UNDEV	
SUNDAY P	3316	MAGALLOWAY PLT	D	30	S	S						2	INAC	UNDEV	6
SUNDAY P	7674	LYNCHTOWN TWP	D	30								3	AC	UNDEV	
SUNKEN & ROCKY LAKES	1368	MARION TWP	C	1126		S				O		1B	AC	UNDEV	
SUNKEN P	3267	ALBANY TWP	A	26								3	INAC	UNDEV	
SUNSET P	0892	ELLIOTTSVILLE TWP	E	10	m							3	INAC	UNDEV	
SWEENEY BOG	9776	T06 R17 WELS	E	40								3	AC	UNDEV	
SWIFT RIVER P	3576	TOWNSHIP E	D	10	S							2	INAC	UNDEV	
SWIFT RIVER P (LIT)	3572	TOWNSHIP E	D	15	O							1B	INAC	UNDEV	1/6
SYSLADOBSIS L (LO)	4730	T05 ND BPP	F	5376	S		S	S+	O	S		1A	AC	DEV	4
SYSLADOBSIS L (UP)	4688	LAKEVILLE	F	1142	S		S	S		S		1B	AC	DEV	
TACK P	2134	T03 R09 NWP	F	10								3	INAC	UNDEV	
TARBOX P	4008	T06 R14 WELS	E	54								3	AC	UNDEV	
TEA P	2350	JIM POND TWP	D	90	S	S				O		1B	AC	DEV	
TELOS L & ROUND P	2710	T06 R11 WELS	E	2276	O	S	O	S		S		1A	AC	UNDEV	2
TEN THOUSAND ACRE P	4088	CHASE STREAM TWP	E	37	S							2	INAC	UNDEV	
TEN-FORTY P	9704	T02 R12 WELS	E	25	S							2	INAC	UNDEV	
TENMILE L	1058	FORKSTOWN TWP	F	45								3	INAC	UNDEV	
THANKSGIVING P	0288	BLANCHARD PLT	E	17	S							2	AC	DEV	
THE HORNS POND	8601	WYMAN TWP	D	10	S		O	O				1A	INAC	UNDEV	1
THIRD L	1132	T37 MD BPP	C	141	S							2	AC	UNDEV	
THIRD L	2704	T07 R10 WELS	F	474	S	+	S+	S		+		2	INAC	UNDEV	
THIRD L	8220	T28 MD	C	12								3	AC	DEV	
THISSELL P	2726	T05 R11 WELS	E	141	S		S					2	AC	UNDEV	
THOMPSON DEADWATER	1060	REED PLT	F	50								3	AC	UNDEV	
TILDEN P	4418	T10 SD	C	36	S		+					2	INAC	UNDEV	6
TIM P	2362	TIM POND TWP	D	320	O		O			+		1A	AC	UNDEV	2
TITCOMB P	4582	T32 MD	F	38	S							2	INAC	DEV	
TOBEY P	4078	JOHNSON MOUNTAIN TWP	E	20	O							1B	AC	UNDEV	
TOBEY P #1	2674	T05 R07 BKP WKR	E	35	m		O	S				1B	INAC	UNDEV	1/6
TOBEY P #2	2676	T05 R07 BKP WKR	E	32	m		S					2	INAC	UNDEV	6
TOBEY P #3	2678	T05 R07 BKP WKR	E	14	m		S	S				2	INAC	UNDEV	6
TOBY P	5102	HOBBS TOWN TWP	D	28	S							2	INAC	UNDEV	
TOGUE P	1530	T15 R09 WELS	G	388	O		S	+				1B	AC	UNDEV	
TOGUE P (LOWER)	2084	T02 R09 WELS	F	384	S		O	S		O		1A	AC	DEV	4
TOGUE P (UPPER)	2104	T02 R09 WELS	F	294	S		O	S		O		1A	AC	DEV	4
TOM YOUNG P	2952	E MIDDLESEX CANAL GR	E	25		S				S		2	AC	UNDEV	
TOMAH L	0135	FOREST TWP	F	56	S							2	INAC	UNDEV	
TOMAH L (LITTLE)	1320	CODYVILLE PLT	C	147			S					2	AC	UNDEV	
TOMHEGAN P	4038	W MIDDLESEX CANAL GR	E	356	S							2	AC	UNDEV	
TOTE ROAD P	0425	MORO PLT	G	25	S							2	AC	UNDEV	
TRICKEY P	2514	ALDER BROOK TWP	E	23	S							2	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
 WILDLANDS LAKE ASSESSMENT FINDINGS
 JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS	
				REG SIZE(AC)	FSH	WLD	SC	SH	BOT	CLT		PHY	ACCESS		DEV
TROUT L	1098	KOSSUTH TWP	F	5								3	INAC	UNDEV	6
TROUT L	1250	T31 MD BPP	C	21								3	AC	UNDEV	
TROUT P	0322	LITTLE SQUAW TWP	E	33	S							2	AC	DEV	
TROUT P	0448	SHAWTOWN TWP	E	145	S							2	AC	UNDEV	
TROUT P	0792	BOWDOIN COL GR WEST	E	20	S							2	INAC	UNDEV	6
TROUT P	2316	SOLDIERTOWN T2R7WELS	F	19	S		S			S		2	AC	UNDEV	
TROUT P	3260	MASON TWP	A	17	m		S		O			1B	INAC	UNDEV	1/6
TROUT P	4724	GRAND FALLS TWP	F	15	S							2	INAC	UNDEV	
TROUT P	5082	LOWELLTOWN TWP	E	55	m+							3	INAC	UNDEV	6
TRUESDALE P	2452	COMSTOCK TWP	E	46								3	AC	UNDEV	
TRUEWORTHY P	4762	T03 ND	F	10								3	INAC	UNDEV	
TUMBLEDOWN DICK P	0548	T01 R11 WELS	E	24	m							3	INAC	UNDEV	6
TUMBLEDOWN P	3512	TOWNSHIP 6 N OF WELD D	D	9								3	INAC	UNDEV	6
TUNK L	4434	T10 SD	C	2010	O	O	O	O		S	S	1A	AC	DEV	4
TURNER P	2402	T07 R16 WELS	E	104	S						P	2	AC	UNDEV	
TURNER P (BIG)	2642	FORSYTH TWP	E	111	O		+				S	1B	AC	UNDEV	
TURNER P (LITTLE)	2640	FORSYTH TWP	E	77	S							2	AC	UNDEV	
TURTLE P	0952	LAKE VIEW PLT	F	81	O							1B	INAC	UNDEV	1/6
TWIN (TROUT) PONDS	2102	T02 R09 WELS	F	60	O		O	S				1A	INAC	UNDEV	1/6
TWIN ISLAND P	5084	LOWELLTOWN TWP	E	84			+					3	AC	UNDEV	
TWIN L (NORTH)	PNTW	T04 INDIAN PURCHASE	F	3347	S		O	S		S	S	1A	AC	DEV	3
TWIN L (SOUTH)	PSTW	T04 INDIAN PURCHASE	F	3406	S		O	S		S		1B	AC	DEV	3,5
TWIN P	1908	T12 R12 WELS	G	15								3	INAC	UNDEV	
TWIN P #1	2210	T04 R07 WELS	F	11								3	INAC	UNDEV	
TWO MILE P	9765	T16 R13 WELS	G	12	m							3	INAC	UNDEV	6
UGH L	1884	T12 R14 WELS	G	79	S							2	AC	UNDEV	
UMBAGOG L	3102	MAGALLOWAY PLT	D	7850	S	O	+	+		S+	+	1B	AC	UNDEV	
UMBAZOOKSUS L	2890	T06 R13 WELS	E	1590	O	S				S+		1B	AC	UNDEV	
UMCOLCUS L	3080	T07 R05 WELS	G	630	S	S						2	AC	UNDEV	
UMSASKIS L	1896	T11 R13 WELS	G	1222	O	O*				S	S	1A	AC	UNDEV	2
UNKNOWN L (LOWER)	4740	T04 ND	F	179	S							2	AC	DEV	
UNKNOWN L (MIDDLE)	4742	T04 ND	F	90	S							2	AC	UNDEV	
UNKNOWN L (UPPER)	4744	T04 ND	F	58								3	INAC	UNDEV	
UNKNOWN P	5072	GORHAM GORE	E	12								3	INAC	UNDEV	
UNNAMED P	2879	T03 R04 WELS	F	11								3	AC	UNDEV	
UNNAMED P	2899	EDMUNDS TWP	C	24								3	AC	UNDEV	
UNNAMED P	6946	T03 R05 BKP WKR	D	15		S						2	AC	UNDEV	
UNNAMED P	6948	T03 R05 BKP WKR	D	12		S						2	AC	UNDEV	
UNNAMED P	6950	T03 R05 BKP WKR	D	20		S						2	AC	UNDEV	
UNNAMED P	7016	KING & BARTLETT TWP	D	12								3	AC	UNDEV	
UNNAMED P	7020	T12 R16 WELS	G	12								3	INAC	UNDEV	
UNNAMED P	7023	T11 R17 WELS	G	12								3	INAC	UNDEV	
UNNAMED P	7062	THE FORKS PLT	D	10								3	AC	DEV	5
UNNAMED P	7066	THE FORKS PLT	D	30								3	INAC	UNDEV	
UNNAMED P	7073	T06 R15 WELS	E	8								3	INAC	UNDEV	6
UNNAMED P	7115	COMSTOCK TWP	E	15	m							3	INAC	UNDEV	6

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS					RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT		CLT	PHY	
UNNAMED P	7134	MAYFIELD TWP	D	12						3	AC	UNDEV	
UNNAMED P	7314	HIGHLAND PLT	D	12						3	AC	DEV	
UNNAMED P	7319	T37 MD BPP	C	12	m					3	AC	UNDEV	
UNNAMED P	7320	LEXINGTON TWP	D	10		S				2	INAC	UNDEV	
UNNAMED P	7335	T30 MD BPP	C	10	m					3	AC	UNDEV	
UNNAMED P	7379	T19 MD BPP	C	10						3	INAC	UNDEV	
UNNAMED P	7389	T18 MD BPP	C	11						3	INAC	UNDEV	
UNNAMED P	7390	SQUARETOWN TWP	D	15						3	AC	UNDEV	
UNNAMED P	7397	FOREST TWP	F	40						3	AC	UNDEV	
UNNAMED P	7403	T08 R04 NBPP	F	30						3	INAC	UNDEV	
UNNAMED P	7421	FOWLER TWP	C	32						3	AC	UNDEV	
UNNAMED P	7462	WEST FORKS PLT	D	15						3	INAC	UNDEV	
UNNAMED P	7485	CODYVILLE PLT	C	10						3	INAC	UNDEV	
UNNAMED P	7498	LOWER ENCHANTED TWP	D	10						3	INAC	UNDEV	
UNNAMED P	7594	C SURPLUS	D	35						3	INAC	UNDEV	
UNNAMED P	7596	TOWNSHIP C	D	20						3	AC	UNDEV	
UNNAMED P	7700	MAGALLOWAY PLT	D	10						3	INAC	UNDEV	
UNNAMED P	7752	CHASE STREAM TWP	D	11						3	AC	UNDEV	
UNNAMED P	7776	APPLETON TWP	E	10						3	INAC	UNDEV	
UNNAMED P	7818	CHASE STREAM TWP	D	10						3	AC	DEV	5
UNNAMED P	7862	SEBOOMOOK TWP	E	22						3	INAC	UNDEV	
UNNAMED P	7864	SEBOOMOOK TWP	E	10						3	INAC	UNDEV	
UNNAMED P	7996	T07 R15 WELS	E	10						3	AC	UNDEV	
UNNAMED P	8038	T01 R09 WELS	F	10						3	INAC	UNDEV	
UNNAMED P	8062	T01 R10 WELS	F	10						3	INAC	UNDEV	
UNNAMED P	8120	T02 R09 WELS	F	20						3	AC	UNDEV	
UNNAMED P	8180	T02 R09 WELS	F	10						3	INAC	UNDEV	
UNNAMED P	8251	T41 MD	F	30						3	AC	UNDEV	
UNNAMED P	8289	T28 MD	C	10	m					3	AC	UNDEV	
UNNAMED P	8308	T04 R12 WELS	E	10						3	INAC	UNDEV	
UNNAMED P	8312	T04 R15 WELS	E	10						3	AC	UNDEV	
UNNAMED P	8314	T05 R11 WELS	E	10						3	AC	UNDEV	
UNNAMED P	8343	T10 SD	C	13						3	INAC	UNDEV	
UNNAMED P	8356	DOLE BROOK TWP	E	10						3	INAC	UNDEV	
UNNAMED P	8359	T08 SD	C	10						3	INAC	UNDEV	
UNNAMED P	8363	T08 SD	C	13						3	AC	UNDEV	
UNNAMED P	8369	T07 SD	C	37						3	AC	UNDEV	
UNNAMED P	8381	T03 ND	F	10						3	AC	UNDEV	
UNNAMED P	8385	T03 ND	F	19						3	AC	UNDEV	
UNNAMED P	8416	COMSTOCK TWP	E	20	m					3	INAC	UNDEV	6
UNNAMED P	8620	T04 R17 WELS	E	10						3	INAC	UNDEV	
UNNAMED P	8650	T05 R17 WELS	E	10						3	INAC	UNDEV	
UNNAMED P	8735	SALEM TWP	D	40						3	AC	DEV	5
UNNAMED P	8737	RANGELEY PLT	D	10						3	AC	UNDEV	
UNNAMED P	8807	FREEMAN TWP	D	10						3	INAC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS

JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W		RESOURCE RATINGS					RESOURCE	LAND USE	MGNT			
	LAKE#	TOWN NAME	REG	SIZE (AC)	FSH	WLD	SC	SH	BOT	CLT	PHY	CLASS	ACCESS	DEV	CLASS
UNNAMED P	8868	PARLIN POND TWP	E	7								3	INAC	UNDEV	6
UNNAMED P	8874	BRADSTREET TWP	E	10								3	INAC	UNDEV	
UNNAMED P	8886	BRADSTREET TWP	E	15								3	INAC	UNDEV	
UNNAMED P	8888	BRADSTREET TWP	E	10								3	INAC	UNDEV	
UNNAMED P	8890	SOLDIERTOWN T2R3NBKP	E	10								3	INAC	UNDEV	
UNNAMED P	8918	FORSYTH TWP	E	10								3	INAC	UNDEV	
UNNAMED P	8934	ATTEAN TWP	E	5								3	INAC	UNDEV	6
UNNAMED P	8942	HOLEB TWP	E	2								3	INAC	UNDEV	6
UNNAMED P	8958	MISERY TWP	E	10								3	INAC	UNDEV	
UNNAMED P	8976	T05 R07 BKP WKR	E	10								3	INAC	UNDEV	
UNNAMED P	8980	T05 R07 BKP WKR	E	10	m							3	INAC	UNDEV	6
UNNAMED P	9005	T05 R08 WELS	F	10								3	AC	UNDEV	
UNNAMED P	9007	T05 R08 WELS	F	18								3	INAC	UNDEV	
UNNAMED P	9013	T05 R07 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9017	T05 R07 WELS	F	10								3	AC	UNDEV	
UNNAMED P	9019	T05 R07 WELS	F	13								3	INAC	UNDEV	
UNNAMED P	9039	T04 R07 WELS	F	10								3	AC	UNDEV	
UNNAMED P	9061	T04 R08 WELS	F	12								3	INAC	UNDEV	
UNNAMED P	9067	T04 R08 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9069	T04 R08 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9071	T04 R08 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9081	T03 R08 WELS	F	25								3	INAC	UNDEV	
UNNAMED P	9085	T03 R08 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9097	PRENTISS PLT	F	10								3	INAC	UNDEV	
UNNAMED P	9099	PRENTISS PLT	F	20								3	INAC	UNDEV	
UNNAMED P	9102	KATAHDIN IRN WKS TWP	F	10								3	AC	UNDEV	
UNNAMED P	9107	KINGMAN TWP	F	10								3	INAC	UNDEV	
UNNAMED P	9109	DREW PLT	F	20								3	INAC	UNDEV	
UNNAMED P	9111	T03 R04 WELS	F	13								3	AC	UNDEV	
UNNAMED P	9113	T03 R04 WELS	F	11								3	INAC	UNDEV	
UNNAMED P	9130	TB R10 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9137	TD R02 WELS	G	10	S							2	INAC	UNDEV	
UNNAMED P	9150	TA R11 WELS	E	10								3	AC	UNDEV	
UNNAMED P	9201	BIG TWENTY TWP	G	10								3	AC	UNDEV	
UNNAMED P	9207	T18 R12 WELS	G	13								3	INAC	UNDEV	
UNNAMED P	9220	T02 R08 WELS	F	15								3	INAC	UNDEV	
UNNAMED P	9229	T14 R15 WELS	G	18								3	INAC	UNDEV	
UNNAMED P	9232	T08 R15 WELS	E	10								3	INAC	UNDEV	
UNNAMED P	9245	T13 R15 WELS	G	51								3	INAC	UNDEV	
UNNAMED P	9263	T16 R09 WELS	G	10								3	INAC	UNDEV	
UNNAMED P	9276	GRINDSTONE TWP	F	10								3	INAC	UNDEV	
UNNAMED P	9289	T16 R06 WELS	G	16								3	INAC	UNDEV	
UNNAMED P	9384	E MIDDLESEX CANAL GR	E	10								3	INAC	UNDEV	
UNNAMED P	9434	T15 R12 WELS	G	10								3	INAC	UNDEV	
UNNAMED P	9486	T09 R11 WELS	G	10								3	INAC	UNDEV	
UNNAMED P	9518	T10 R11 WELS	G	15								3	AC	UNDEV	

Appendix C

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	LAKE#	PRINCIPAL TOWN NAME	IF&W		RESOURCE RATINGS						RESOURCE	LAND USE	MGNT		
			REG	SIZE(AC)	FSH	WLD	SC	SH	BOT	CLT	PHY	CLASS	ACCESS	DEV	CLASS
UNNAMED P	9570	T04 R09 NWP	F	15								3	AC	UNDEV	
UNNAMED P	9588	KINGSBURY PLT	E	15								3	AC	UNDEV	
UNNAMED P	9608	SPENCER BAY TWP	E	20								3	AC	UNDEV	
UNNAMED P	9626	T03 INDIAN PURCHASE	F	25								3	INAC	UNDEV	
UNNAMED P	9628	T03 INDIAN PURCHASE	F	20								3	INAC	UNDEV	
UNNAMED P	9668	T05 R07 BKP WKR	E	12								3	AC	UNDEV	
UNNAMED P	9670	T05 R07 BKP WKR	E	15								3	INAC	UNDEV	
UNNAMED P	9672	SEBOOMOOK TWP	E	20								3	INAC	UNDEV	
UNNAMED P	9676	TA R11 WELS	E	15								3	INAC	UNDEV	
UNNAMED P	9678	T01 R11 WELS	E	25								3	AC	UNDEV	
UNNAMED P	9680	T01 R11 WELS	E	17								3	AC	UNDEV	
UNNAMED P	9684	T01 R12 WELS	E	13								3	INAC	UNDEV	
UNNAMED P	9692	T02 R09 WELS	F	12								3	INAC	UNDEV	
UNNAMED P	9702	T02 R12 WELS	E	31								3	AC	UNDEV	
UNNAMED P	9712	T03 R13 WELS	E	11								3	INAC	UNDEV	
UNNAMED P	9714	T03 R13 WELS	E	10								3	AC	UNDEV	
UNNAMED P	9718	LOBSTER TWP	E	15								3	AC	UNDEV	
UNNAMED P	9720	T04 R12 WELS	E	20		S						2	INAC	UNDEV	
UNNAMED P	9722	T04 R14 WELS	E	15								3	INAC	UNDEV	
UNNAMED P	9726	T06 R13 WELS	E	20								3	AC	UNDEV	
UNNAMED P	9738	DENNISTOWN PLT	E	20								3	INAC	UNDEV	
UNNAMED P	9740	DENNISTOWN PLT	E	20								3	AC	DEV	
UNNAMED P	9742	DENNISTOWN PLT	E	12								3	INAC	UNDEV	
UNNAMED P	9746	ATTEAN TWP	E	12	m							3	INAC	UNDEV	6
UNNAMED P	9748	SEBOEIS PLT	F	19								3	INAC	UNDEV	
UNNAMED P	9754	ALDER BROOK TWP	E	30								3	INAC	UNDEV	
UNNAMED P	9758	PRENTISS TWP	E	11								3	INAC	UNDEV	
UNNAMED P	9762	DOLE BROOK TWP	E	12								3	INAC	UNDEV	
UNNAMED P	9770	ELM STREAM TWP	E	30								3	INAC	UNDEV	
UNNAMED P	9772	ELM STREAM TWP	E	25								3	INAC	UNDEV	
UNNAMED P	9774	RUSSELL POND TWP	E	12								3	INAC	UNDEV	
UNNAMED P	9778	T08 R19 WELS	G	15								3	INAC	UNDEV	
UNNAMED P	9780	T07 R11 WELS	E	12								3	AC	UNDEV	
UNNAMED P	9784	T07 R09 WELS	F	12								3	INAC	UNDEV	
UNNAMED P	9786	T07 R09 WELS	F	12								3	INAC	UNDEV	
UNNAMED P	9802	T08 R10 WELS	G	15								3	INAC	UNDEV	
UNNAMED P	9808	T09 R14 WELS	G	10								3	AC	UNDEV	
UNNAMED P	9813	SOPER MOUNTAIN TWP	G	10								3	INAC	UNDEV	
UNNAMED P	9890	T07 R08 WELS	F	30								3	AC	UNDEV	
UNNAMED P	9898	T07 R08 WELS	F	25								3	AC	UNDEV	
UNNAMED P	9908	T07 R07 WELS	F	10								3	INAC	UNDEV	
UNNAMED P	9920	T06 R08 WELS	F	11								3	INAC	UNDEV	
UNNAMED P	9950	T06 R07 WELS	F	12								3	AC	UNDEV	
UNNAMED P	9972	T05 R08 WELS	F	10								3	INAC	UNDEV	
UPPER P	1521	T15 R09 WELS	G	17	O							2	AC	UNDEV	

ALPHABETICAL LIST OF LAKES SHOWING
WILDLANDS LAKE ASSESSMENT FINDINGS
JUNE 17, 1990

LAKE NAME	PRINCIPAL		IF&W	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS	
	LAKE#	TOWN NAME		REG SIZE(AC)	FSH	WLD	SC	SH	BOT	CLT		PHY	ACCESS		DEV
VILES P	5048	JIM POND TWP	D	11								3	INAC	UNDEV	
VINING L	1346	NO 14 TWP	C	19	S							2	INAC	UNDEV	
WABASSUS L	1116	T43 MD BPP	C	953	S				S			2	AC	UNDEV	
WADLEIGH DEADWATER	9091	T01 R06 WELS	F	58					S			2	AC	UNDEV	
WADLEIGH P	0572	T01 R11 WELS	E	225	S		S	S		S		1B	AC	DEV	
WADLEIGH P	2011	T04 INDIAN PURCHASE	F	97								3	AC	UNDEV	
WADLEIGH P	2972	T08 R15 WELS	E	157	O					O		1A	AC	UNDEV	
WADLEIGH P (LITTLE)	2974	T08 R15 WELS	E	15	m+		+			O		1B	INAC	UNDEV	1/6
WALLAGRASS (1ST&2ND)	1628	ST JOHN PLT	G	281	S		S					2	AC	DEV	
WALLAGRASS L (THIRD)	1552	ST JOHN PLT	G	45	S							2	AC	DEV	
WEBSTER L	2718	T06 R11 WELS	E	531	S	O						1B	AC	UNDEV	
WEBSTER P	4678	WEBSTER PLT	F	40	S				O			1B	AC	UNDEV	
WEEKS P	1968	T11 R08 WELS	G	13	S							2	AC	UNDEV	
WEIR P	4684	T03 R01 NBPP	F	45	S							2	AC	UNDEV	
WELMAN P (LOWER)	9760	PRENTISS TWP	E	20	S							2	INAC	UNDEV	
WELMAN P (UPPER)	2482	PRENTISS TWP	E	45	S							2	INAC	UNDEV	6
WEST L	0503	T03 ND	F	1344	O					S		1B	AC	DEV	
WEST L	1760	T09 R03 WELS	G	22	S							2	AC	UNDEV	
WHEELLOCK L	1614	ST JOHN PLT	G	160	S				O			1B	AC	UNDEV	
WHETSTONE P	0296	KINGSBURY PLT	E	256	S					S		2	AC	DEV	5
WHIPPLE P	5094	T05 R07 BKP WKR	E	112			S					2	AC	UNDEV	
WHITE CAP P	3960	SEVEN PONDS TWP	D	15								3	INAC	UNDEV	
WHITE P	1462	T13 R15 WELS	G	17								3	INAC	UNDEV	
WHITEHORSE L	2162	T07 R07 WELS	F	218	S					O		1B	AC	UNDEV	
WILLIAMS P	0734	T04 R11 WELS	E	10	S							2	AC	UNDEV	
WILLIAMS P	4486	T28 MD	C	19								3	AC	DEV	
WILSON HILL P	4064	WEST FORKS PLT	D	18								3	INAC	UNDEV	
WILSON HILL P (LT)	0162	JOHNSON MOUNTAIN TWP	E	20								3	INAC	UNDEV	
WILSON P (LITTLE)	0900	ELLIOTTSVILLE TWP	E	30	m							3	AC	UNDEV	
WILSON P (UPPER)	0410	BOWDOIN COL GR WEST	E	940	O	S	O	S		S		1A	AC	DEV	4
WING P	2319	SKINNER TWP	E	10								3	INAC	UNDEV	6
WITHEE P	0188	MAYFIELD TWP	D	37								3	INAC	UNDEV	
WITHEY BOG	4028	T05 R15 WELS	E	15								3	INAC	UNDEV	
WOOD P (BIG)	2698	ATTEAN TWP	E	2150	S	S	S		S-	O		1A	AC	DEV	
WOOD P (LITTLE BIG)	2630	DENNISTOWN PLT	E	713	S	S	S	S		O		1A	AC	UNDEV	
WOODMAN P	0622	RAINBOW TWP	E	6								3	INAC	UNDEV	6
WOODMAN P	2812	T07 R12 WELS	E	51								3	AC	UNDEV	
WOUNDED DEER P	2484	PRENTISS TWP	E	12								3	INAC	UNDEV	6
WYMAN L	7122	PLEASANT RIDGE PLT	D	3146	S							2	AC	UNDEV	
WYMAN P	0248	BRIGHTON PLT	D	218	S							2	INAC	UNDEV	
WYTOPIITLOCK L	1702	GLENWOOD PLT	F	1152	S	O						1B	AC	DEV	
YANKEETULADI P	9203	T19 R11 WELS	G	10					O			1B	AC	UNDEV	
YOKE PONDS	0504	TA R11 WELS	E	134	S							2	AC	DEV	
YORK P	3286	GRAFTON TWP	D	15								3	AC	UNDEV	

Appendix D
Lakes On Which the Use Of Personal Watercraft is Prohibited

LAKE NAME	LAKE #	COUNTY	TOWN NAME	SIZE (acres)
ALLAGASH L	9787	Piscataquis	T08 R14 WELS	4260
ALLIGATOR L	4498	Hancock	T34 MD	1159
ALLIGATOR P	0502	Piscataquis	TA R11 WELS	47
ATTEAN P	2682	Somerset	ATTEAN TWP	2745
AZISCOHOS P	3106	Oxford	MAGALLOWAY PLT	12
BAKER P	0422	Piscataquis	BOWDOIN COL GR WEST	10
BALD MOUNTAIN P	0314	Somerset	BALD MTN TWP T2R3	1152
BAY P (WEST)	4396	Hancock	T07 SD	249
BEAN P	0656	Piscataquis	T02 R12 WELS	16
BEAN P (LOWER)	0646	Piscataquis	RAINBOW TWP	37
BEAN P (MIDDLE)	0648	Piscataquis	RAINBOW TWP	10
BEAN P (UPPER)	0650	Piscataquis	RAINBOW TWP	25
BEAR BROOK BOG	4020	Piscataquis	T06 R15 WELS	15
BEAR P	0636	Piscataquis	RAINBOW TWP	30
BEAR P	4018	Piscataquis	T06 R15 WELS	138
BEATTIE P	5066	Franklin	BEATTIE TWP	27
BEAVER P	3310	Oxford	MAGALLOWAY PLT	179
BEAVER P	0670	Piscataquis	T03 R11 WELS	15
BEAVER P	0484	Piscataquis	SHAWTOWN TWP	27
BEAVER P (BIG)	0610	Piscataquis	RAINBOW TWP	45
BEAVER P (LITTLE)	9700	Piscataquis	RAINBOW TWP	8
BEAVER P (LITTLE)	0612	Piscataquis	T03 R11 WELS	10
BENJAMIN P	2684	Somerset	ATTEAN TWP	121
BENSON P (BIG)	0864	Piscataquis	T07 R09 NWP	320
BIRCH RIDGE P # 1	0514	Piscataquis	TA R11 WELS	11
BLACK I.	1506	Aroostook	T15 R09 WELS	147
BLACK P (LITTLE NO)	1508	Aroostook	T15 R09 WELS	6
BLACK P (LITTLE SO)	1510	Aroostook	T15 R09 WELS	7
BLUFF P	0434	Piscataquis	FRENCHTOWN TWP	10
BLUFFER P (UPPER)	2798	Piscataquis	T08 R11 WELS	15
BOARDWAY P (BIG)	0494	Piscataquis	TA R11 WELS	15
BOGUS MEADOW P	4380	Hancock	T07 SD	26
BOULDER P	2672	Somerset	T05 R07 BKP WKR	30
BOWLIN P (LITTLE)	2194	Penobscot	T05 R07 WELS	34
BRACKETT P	0290	Piscataquis	BLANCHARD PLT	10
BRANCH P (MIDDLE)	0912	Piscataquis	T05 R09 NWP	34
BRAYLEY P	2706	Piscataquis	T07 R10 WELS	6
BUCK P	0644	Piscataquis	RAINBOW TWP	6
CAPE HORN P	2568	Somerset	PRENTISS TWP	22
CARIBOU P (BIG)	4142	Piscataquis	T07 R10 WELS	64
CAUCOMGOMOC L	4012	Piscataquis	T06 R14 WELS	5081
CEDAR P	2654	Somerset	HOLEB TWP	5
CEDAR P	0474	Piscataquis	TB R10 WELS	65
CHAIN OF PONDS	5064	Franklin	CHAIN OF PONDS TWP	700
CHAIRBACK P (EAST)	0802	Piscataquis	T07 R09 NWP	46

App D

LAKE NAME	LAKE #	COUNTY	TOWN NAME	SIZE (acres)
CHAIRBACK P (WEST)	0796	Piscataquis	T07 R09 NWP	47
CHASE STREAM P	4093	Somerset	MISERY TWP	31
CHESUNCOOK L	CHCH	Piscataquis	T03 R12 WELS	18470
CHESUNCOOK P	0672	Piscataquis	T03 R11 WELS	272
CHURCHILL L	2856	Piscataquis	T09 R12 WELS	3720
CLAYTON P	2406	Somerset	T06 R17 WELS	75
CLEAR L	1938	Piscataquis	T10 R11 WELS	614
CLEAR P	5074	Franklin	LOWELLTOWN TWP	21
CLEARWATER P	2692	Somerset	ATTEAN TWP	34
CLEARWATER P	2476	Somerset	PRENTISS TWP	11
CLIFF L	2780	Piscataquis	T09 R12 WELS	563
<u>CLIFFORD L</u>	<u>1304</u>	<u>Washington</u>	<u>T27 ED BPP</u>	<u>954</u>
CLIFFORD P	0624	Piscataquis	RAINBOW TWP	17
CLISH P	5158	Somerset	T05 R20 WELS	21
CRANBERRY P(L,NOTCH)	0784	Piscataquis	BOWDOIN COL GR WEST	7
CROSBY P	3330	Franklin	COBURN GORE	150
CURRIER P (FIRST)	2768	Piscataquis	T09 R11 WELS	20
CURRIER P (SECOND)	2774	Piscataquis	T09 R11 WELS	28
DAISEY P	0594	Piscataquis	T02 R10 WELS	11
DEBOULLIE L	1512	Aroostook	T15 R09 WELS	262
DEBSCONEAG	2076	Piscataquis	T02 R10 WELS	500
DEBSCONEAG L (1ST)	2060	Piscataquis	T02 R10 WELS	320
DEBSCONEAG L (3RD)	0584	Piscataquis	T01 R10 WELS	1011
DEBSCONEAG P (6TH)	0580	Piscataquis	T01 R11 WELS	31
DINGLEY P (LITTLE)	2462	Somerset	T04 R05 NBKP	17
DINGLEY P (UPPER)	2464	Somerset	T04 R05 NBKP	20
DIPPER P	4042	Somerset	PITTSTON ACAD GRANT	13
DIXON P	9911	Somerset	PIERCE POND TWP	17
DONNELL P	4412	Hancock	T09 SD	1120
DOUGHNUT P	0616	Piscataquis	RAINBOW TWP	12
DUBOIS P	2478	Somerset	PRENTISS TWP	18
EAGLE L (BIG)	2858	Piscataquis	EAGLE LAKE TWP	8288
EDDY P	3546	Franklin	SANDY RIVER PLT	9
ENCHANTED P	0150	Somerset	UPPER ENCHANTED TWP	330
ENCHANTED P (LITTLE)	0148	Somerset	UPPER ENCHANTED TWP	35
FLAGSTAFF L	0038	Somerset	DEAD RIVER TWP	20300
FOGG P	0426	Piscataquis	BOWDOIN COL GR WEST	23
FOLEY P (LITTLE)	2492	Somerset	COMSTOCK TWP	35
FOWLER P	0686	Piscataquis	T03 R11 WELS	19
FROST P (LITTLE)	0668	Piscataquis	T03 R12 WELS	35
GARDNER L	1528	Aroostook	T15 R09 WELS	288
GAUNTLET P	0472	Piscataquis	TB R10 WELS	11
GORDON P	0146	Somerset	UPPER ENCHANTED TWP	28
GOULD P	0620	Piscataquis	RAINBOW TWP	12
GREAT WORKS P	1386	Washington	EDMUNDS TWP	50
GREEN MTN P	3666	Penobscot	T06 R06 WELS	10
HAFEY P	1498	Aroostook	T18 R11 WELS	23
HALE P	2508	Somerset	ALDER BROOK TWP	40
HALL P	5092	Somerset	T05 R07 BKP WKR	42

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LAKE NAME	LAKE #	COUNTY	TOWN NAME	SIZE (acres)
HALL P	2566	Somerset	PRENTISS TWP	19
HARRINGTON P	0702	Piscataquis	T03 R11 WELS	40
HATHORN P	4242	Penobscot	T04 R08 WELS	15
HATHORN P (LITTLE)	2298	Penobscot	T04 R08 WELS	8
HEDGEHOG P	0556	Piscataquis	T01 R11 WELS	5
HELEN P	0094	Somerset	PIERCE POND TWP	15
HIGH P	0092	Somerset	PIERCE POND TWP	7
HOBART BOG	7451	Washington	EDMUNDS TWP	30
HOLBROOK P	0632	Piscataquis	RAINBOW TWP	224
HORSERACE PONDS	0626	Piscataquis	RAINBOW TWP	50
HORSESHOE P	2686	Somerset	ATTEAN TWP	50
HORSESHOE P	9277	Aroostook	T16 R09 WELS	15
HOUSTON P (LITTLE)	0920	Piscataquis	KATAHDIN IRN WKS	27
HUDSON P (UPPER)	1928	Aroostook	T11 R10 WELS	32
HURD P (LITTLE)	0596	Piscataquis	T02 R10 WELS	60
IRELAND P	4168	Penobscot	T07 R08 WELS	30
IRONBOUND P	2510	Somerset	ALDER BROOK TWP	40
JACKSON P # 2	0704	Piscataquis	T03 R11 WELS	12
JACKSON P #1	0684	Piscataquis	T03 R11 WELS	23
JERRY P	2190	Penobscot	T05 R07 WELS	272
JIM P	5054	Franklin	JIM POND TWP	320
JO-MARY L (LOWER)	0984	Piscataquis	T01 R10 WELS	1910
JO-MARY L (UPPER)	0243	Piscataquis	TA R10 WELS	1873
JONES P	0172	Franklin	WYMAN TWP	36
JUNIPER KNEE P	0878	Piscataquis	ELLIOTTSVILLE TWP	32
KATAHDIN L	2016	Penobscot	T03 R08 WELS	717
KELLY P	0654	Piscataquis	T02 R12 WELS	60
LANE BROOK P	3664	Penobscot	T06 R06 WELS	33
LANE P	2490	Somerset	COMSTOCK TWP	24
LANG P	2542	Somerset	PARLIN POND TWP	30
LANG P (LITTLE)	2543	Somerset	PARLIN POND TWP	13
LEDGE P	3554	Franklin	SANDY RIVER PLT	6
LINE P	5162	Somerset	T05 R20 WELS	7
LOBSTER L	2948	Piscataquis	LOBSTER TWP	3475
LOGAN P # 2	2082	Piscataquis	T02 R09 WELS	20
LONG BOG	2668	Somerset	HOLEB TWP	19
LONG L	1892	Aroostook	T12 R13 WELS	1203
LONG P	2690	Somerset	ATTEAN TWP	37
LONG P (LITTLE)	4424	Hancock	T10 SD	55
LOON P	2688	Somerset	ATTEAN TWP	37
LOON P	0554	Piscataquis	T01 R11 WELS	5
LOST P	2694	Somerset	ATTEAN TWP	5
MACHIAS L (THIRD)	1124	Washington	T42 MD BPP	2778
MARBLE P	2186	Penobscot	T05 R08 WELS	75
MARY PETUCHE P	2474	Somerset	PRENTISS TWP	10
MATHEWS P	2836	Piscataquis	T08 R10 WELS	19
MCKENNA P	0688	Piscataquis	T03 R11 WELS	53

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LAKE NAME	LAKE #	COUNTY	TOWN NAME	SIZE (acres)
MCKENNEY P	0154	Somerset	UPPER ENCHANTED TWP	9
MESSER P	4244	Penobscot	T05 R08 WELS	27
MIDWAY P	3544	Franklin	SANDY RIVER PLT	7
MILLIMAGASSETT L	3004	Penobscot	T07 R08 WELS	1410
MINISTER L (LITTLE)	0592	Piscataquis	T02 R10 WELS	4
MINISTER P (BIG)	0590	Piscataquis	T02 R10 WELS	15
MOCCASIN P	1590	Aroostook	T14 R08 WELS	32
MOOSELEUK L	1990	Piscataquis	T10 R09 WELS	422
MOOSELOOKMEGUNTIC L	3302	Oxford	RICHARDSONTOWN TWP	16300
MOUNTAIN CATCHER P	4258	Penobscot	T06 R08 WELS	84
MOUNTAIN P	0432	Piscataquis	BEAVER COVE	56
MOUNTAIN VIEW P	0488	Piscataquis	TA R11 WELS	13
MOXIE P	3585	Franklin	TOWNSHIP D	6
MUD P	2340	Franklin	TOWNSHIP 6 N OF WELD	6
MUNSUNGAN L	4180	Piscataquis	T08 R10 WELS	1415
MURPHY P	0486	Piscataquis	TA R11 WELS	12
MURPHY P (BIG)	0638	Piscataquis	RAINBOW TWP	15
MUSCALSEA P (BIG)	4036	Somerset	RUSSELL POND TWP	14
MUSCALSEA P (LITTLE)	4034	Somerset	RUSSELL POND TWP	11
MUSQUASH L (WEST)	1096	Washington	T06 R01 NBPP	1613
NAHMAKANTA L	0698	Piscataquis	T01 R11 WELS	1024
NORTH P	9781	Aroostook	T14 R09 WELS	15
NOTCH P	0786	Piscataquis	BOWDOIN COL GR WEST	10
NOTCH P (BIG)	0328	Piscataquis	LITTLE SQUAW TWP	12
NOTCH P (LITTLE)	0326	Piscataquis	LITTLE SQUAW TWP	10
PAPOOSE P	0338	Piscataquis	LITTLE SQUAW TWP	3
PASSAMAGAMET L	0970	Piscataquis	T01 R09 WELS	461
PENOBSCOT L	0339	Somerset	DOLE BROOK TWP	1019
PIERCE P	0086	Somerset	PIERCE POND TWP	1650
PITMAN P	0598	Piscataquis	T02 R10 WELS	20
PLEASANT L	1100	Washington	T06 R01 NBPP	1574
POLAND P (UPPER)	PPUP	Piscataquis	T07 R14 WELS	245
POLLY P	0692	Piscataquis	T03 R11 WELS	15
PORTER P	4760	Hancock	T03 ND	58
RABBIT P	0366	Piscataquis	ELLIOTTSTVILLE TWP	10
RABBIT P	0552	Piscataquis	T01 R11 WELS	10
RAINBOW DEADWATERS	9698	Piscataquis	RAINBOW TWP	58
RAINBOW L	0614	Piscataquis	RAINBOW TWP	1664
RAINBOW P	4436	Hancock	T10 SD	17
REED P (BIG)	2842	Piscataquis	T08 R10 WELS	90
REED P (LITTLE)	2838	Piscataquis	T08 R10 WELS	25
RIPOGENUS P	2910	Piscataquis	T04 R12 WELS	76
ROACH P (FOURTH)	0446	Piscataquis	SHAWTOWN TWP	266
ROACH P (SEVENTH)	0500	Piscataquis	TA R11 WELS	33
ROACH P (SIXTH)	0480	Piscataquis	SHAWTOWN TWP	48
ROBAR P (BIG)	2296	Penobscot	T04 R08 WELS	7
ROBERTS P	5164	Somerset	T05 R20 WELS	19

App D

LAKE NAME	LAKE #	COUNTY	TOWN NAME	SIZE (acres)
ROCKY P (LITTLE)	0524	Piscataquis	TA R11 WELS	12
ROUND P	2670	Somerset	APPLETON TWP	5
ROUND P	1470	Aroostook	T13 R12 WELS	697
ROUND P (LITTLE)	2874	Piscataquis	EAGLE LAKE TWP	58
SADDLEBACK P	3550	Franklin	SANDY RIVER PLT	13
SAWTELLE P	3008	Penobscot	T07 R08 WELS	174
SAWTELLE P (LITTLE)	5778	Penobscot	T07 R08 WELS	10
SCRAGGLY L	4264	Penobscot	T07 R08 WELS	842
SECRET P	0907	Piscataquis	ELLIOTTSVILLE TWP	12
SLAUGHTER P	0690	Piscataquis	T03 R11 WELS	66
SNAKE P	2548	Somerset	JOHNSON MOUNTAIN	8
SOCATEAN P #1	4044	Somerset	PLYMOUTH TWP	42
SOCATEAN P #2	4046	Somerset	PLYMOUTH TWP	14
SPECK P	3288	Oxford	GRAFTON TWP	9
SPENCER L	5104	Somerset	HOBBS TOWN TWP	1819
SPENCER P	0404	Piscataquis	E MIDDLESEX CANAL GR	980
SPRING P	2832	Piscataquis	T07 R10 WELS	15
SPRUCE MOUNTAIN P	0466	Piscataquis	TB R11 WELS	20
SQUAW P (BIG)	0334	Piscataquis	LITTLE SQUAW TWP	91
SQUAW P (LITTLE)	0336	Piscataquis	LITTLE SQUAW TWP	25
ST JOHN P (SECOND)	2432	Somerset	T04 R17 WELS	105
ST JOHN P (THIRD)	2438	Somerset	T04 R17 WELS	190
ST JOHN P (LOWER 1ST)	2428	Somerset	T04 R17 WELS	29
ST JOHN P (UPPER 1ST)	2440	Somerset	T04 R17 WELS	30
STRATTON P	0618	Piscataquis	RAINBOW TWP	15
SUNDAY P	3316	Oxford	MAGALLOWAY PLT	30
SWIFT RIVER P (LIT)	3572	Franklin	TOWNSHIP E	15
TELOS L & ROUND P	2710	Piscataquis	T06 R11 WELS	2276
THE HORNS POND	8601	Franklin	WYMAN TWP	10
TILDEN P	4418	Hancock	T10 SD	36
TIM P	2362	Franklin	TIM POND TWP	320
TOBEY P #1	2674	Somerset	T05 R07 BKP WKR	35
TOBEY P #2	2676	Somerset	T05 R07 BKP WKR	32
TOBEY P #3	2678	Somerset	T05 R07 BKP WKR	14
TROUT L	1098	Washington	KOSSUTH TWP	5
TROUT P	5082	Franklin	LOWELLTOWN TWP	55
TROUT P	3260	Oxford	MASON TWP	17
TROUT P	0792	Piscataquis	BOWDOIN COL GR WEST	20
TUMBLEDOWN DICK P	0548	Piscataquis	T01 R11 WELS	24
TUMBLEDOWN P	3512	Franklin	TOWNSHIP 6 N OF WELD	9
TUNK L	4434	Hancock	T10 SD	2010
TURTLE P	0952	Piscataquis	LAKE VIEW PLT	81
TWIN (TROUT) PONDS	2102	Piscataquis	T02 R09 WELS	60
TWO MILE P	9765	Aroostook	T16 R13 WELS	12
UMSASKIS L	1896	Aroostook	T11 R13 WELS	1222
UNNAMED P	9746	Somerset	ATTEAN TWP	12
UNNAMED P	8980	Somerset	T05 R07 BKP WKR	10

App D

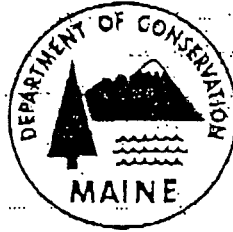
LAKE NAME	LAKE #	COUNTY	TOWN NAME	SIZE (acres)
UNNAMED P	8942	Somerset	HOLEB TWP	2
UNNAMED P	8934	Somerset	ATTEAN TWP	5
UNNAMED P	8416	Somerset	COMSTOCK TWP	20
UNNAMED P	7073	Piscataquis	T06 R15 WELS	8
UNNAMED P	7115	Somerset	COMSTOCK TWP	15
UNNAMED P (FERNALD)	8868	Somerset	PARLIN POND TWP	7
WADLEIGH P (LITTLE)	2974	Piscataquis	T08 R15 WELS	15
WELMAN P (UPPER)	2482	Somerset	PRENTISS TWP	45
WING P	2319	Franklin	SKINNER TWP	10
WOODMAN P	0622	Piscataquis	RAINBOW TWP	6
WOUNDED DEER P	2484	Somerset	PRENTISS TWP	12

10/11

Post-It® Fax Note	7671	Date	10/2/00	# of pages	1
To	Lucille Weeks	From	Fred Todd		
Co./Dept.	S-S	Co.	DOC/LURC		
Phone #		Phone #	287-4532		
Fax #	287-5874	Fax #			

LURC Misc Rule Changes Basis Statement

MAINE LAND USE REGULATION COMMISSION
Department of Conservation



BASIS STATEMENT and SUMMARY OF COMMENTS
for
MISCELLANEOUS RULE CHANGES
September 5, 2000

Public Hearing: June 8, 2000

STATUTORY AUTHORITY: 12 M.R.S.A. §§682; 685-A(3), (5), (7), (10); 685-C(3)

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT: The Maine Land Use Regulation Commission proposes changes to the Commission's rules including amendments to Chapter 1, General Provisions; Chapter 3, Delegation of Authority to Staff; Chapter 4, Rules of Practice (repealed and replaced); Chapter 5, Rules for Public Hearings; Chapter 7, Regulation of Public Utilities (repealed); Chapter 8, Variances (repealed); Chapter 10, Land Use Districts and Standards; Chapter 15, Guidelines for Roads in Management Districts; Chapter 16, Large Lot Land Divisions; and Chapter 17, Reestablishment of Commission Jurisdiction.

Most of these proposed changes are a result of Executive Order #6, FY94/95, which directed each state agency to review the factual and policy basis of its rules in light of current conditions. In addition, the Commission is proposing to amend its rules to incorporate recent changes in the LURC law and allow for recreational gold prospecting, residential driveways and small scale mineral extraction without a permit provided certain standards are followed.

EFFECTIVE DATE OF THE RULE AMENDMENT: October 17, 2000

Summary of Comments Filed with Ch. 1.

Administrative Procedure Act CHECKLIST

Agency: Maine Land Use Regulation Commission, Dept. of Conservation

Chapter Number and Title of Rule: Chapter 1, General Provisions; Chapter 3, Delegation of Authority to Staff; Chapter 4, Rules of Practice; Chapter 5, Rules for Public Hearings; Chapter 7, Regulation of Public Utilities; Chapter 8, Variances; Chapter 10, Land Use Districts and Standards; Chapter 15, Guidelines for Roads in Management Districts; Chapter 16, Large Lot Land Divisions; and Chapter 17, Reestablishment of Commission Jurisdiction

PROPOSED RULE:

1. Was this rule listed on the last or previous regulatory agenda? Yes
2. Date of notification of: Anyone on mailing list: May 3, 2000
Any trade, industry or professional group: May 3, 2000
Any trade publications: None
3. Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: May 2, 2000
4. Date Fact Sheet sent to Executive Director of Legislative Council: May 2, 2000
5. Date of publication in Secretary of State's rule-making ad: May 17, 2000
6. Date of hearing(s): June 8, 2000
7. Comment deadline: June 30, 2000

ADOPTED RULE:

8. Is the adopted rule consistent with what was proposed? Yes
(If not, please address the changes in the comments and responses section of your filing.)
9. Was the hearing continued? No Was the comment deadline extended? No
10. Was the comment period reopened because of numerous changes to the proposed rule? No
11. Was a second notice published in the rule-making ad? No When?
12. Is the person signing the Certification Statement (MAPA-1, #9) authorized by statute to adopt the rule for the department? Yes
13. Was the rule adopted within 120 days from the comment deadline? Yes
14. Was the rule approved and signed by the Office of the Attorney General within 150 days of the comment deadline? Yes
15. Is a Basis Statement included? Yes Are comments and responses included? Yes
Is a copy of the Fact Sheet included? Or submitted with proposed rule? Yes

LURC Chapter 10:
Boat Launch

MAINE LAND USE REGULATION COMMISSION
DEPARTMENT OF CONSERVATION

**RULE CHANGE
REGARDING BOAT LAUNCH DEFINITIONS**

Adopted by the Commission on
February 15, 2001

The rule change to Section 10.02 of Chapter 10, Land Use Districts and Standards, is as follows:

"56. Hand-carry Launch:

A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, ~~without the aid of a trailer or dolly~~, to or from the surface of a waterbody. Unless otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices."

"154. Trailered Ramp:

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer ~~attached to a motor vehicle or a trailer or dolly moved by hand~~ to be backed below the normal high water level of a waterbody in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float."

LURC Chapter 10:
Clearing

Land Use Regulation Commission
Maine Department of Conservation

Rules Regarding Cutting and Removal of Vegetation
Provisional Adoption: December 13, 2001

As Further Modified and Authorized by
Resolve of the Second Regular Session of the 120th Legislature
LD 2095: *Resolve, Regarding Legislative Review of Portions of Chapter 10, Section
17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for
Development, Major Substantive Rules of the Maine Land Use Regulation
Commission within the Department of Conservation*

Final Adoption: May 8, 2002

Section 10.17, A of the Land Use Regulation Commission's Rules

2. CLEARING

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

- a. A vegetative buffer strip shall be retained within:
 - (1) 50 feet of the right-of-way or similar boundary of any public roadway,
 - (2) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and
 - (3) 100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.
- b. Within this buffer strip, vegetation shall be maintained as follows:
 - (1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - (2) Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other woody vegetation is maintained. ~~No more than 30% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.~~

For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a body of standing water 10 acres or greater in size

shall be defined as maintaining a rating score of 12 or more in a 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a "well-distributed stand of trees and other vegetation" shall be defined as maintaining a rating score of 8 or more per 25-foot square (625 square feet) area as determined by the following rating system.

<u>Diameter of Tree at 4-1/2 feet Above</u>	<u>Points</u>
<u>Ground Level (inches)</u>	
<u>2 - 4 in.</u>	<u>1</u>
<u>> 4 - 12 in.</u>	<u>2</u>
<u>> 12 in.</u>	<u>4</u>

NOTE: As an example, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 = 9) may be removed from the plot provided that no cleared openings are created and all other requirements of this rule and other laws are followed.

The following shall govern in applying this rating system:

- (a) The 25-foot x 25-foot plots shall be established where the landowner or lessee proposes clearing within the required buffer;
 - (b) Each successive plot shall be adjacent to but not overlap a previous plot;
 - (c) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
 - (d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules.
- (3) In addition to subsection (2) above, No more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
- (34) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
- (45) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
- (56) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 sq. ft., these openings shall be established with native tree species.

- c. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period, ~~except to allow for the development of permitted uses.~~ In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
- d. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

3. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

- a. Mineral Exploration: The following requirements shall apply to mineral exploration activities:
 - (1) All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
 - (2) Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas a flowing, standing, tidal body of water, or wetland identified as a P-WL1 Subdistrict:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil 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

The provisions of this subsection (2) apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection do not apply where access ways cross such waters;

- (3) Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged;
- (4) Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream;
- (5) In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.

b. Mineral Extraction: The following requirements shall apply to mineral extraction activities in all subdistricts:

- (1) ~~No portion of any ground area disturbed by the extraction activity on a face sloping toward the water, shall be closer to the normal high water mark of a flowing, standing, tidal body of water, or wetland identified as a P-WL1 Subdistrict than is indicated by the following table provided, however, no portion of such ground area on a back face shall be closer than 50 feet:~~

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
0	50
10 or less	90 <u>100</u>
20	130
30	170
40	210
50	250
60	290
70	330

A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:

- (a) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, flowing water draining less than 50 square miles, tidal body of water, or wetland identified as a P-WL1 Subdistrict, and
 - (b) 100 feet of the normal high water mark of any standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.
- (2) No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property;
 - (3) Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Subsection (1), above;

- (4) A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
- (5) If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

6. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein. The purpose of this section is to allow minor filling and/or grading of land without a permit, provided the performance standards set forth below are met. If the standards are not met, a permit is required.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

- a. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and

- b. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN General Management Subdistricts which are greater than 250 feet from water bodies and wetlands. In such General Management Subdistrict areas, the provisions of subsections 4 d and 6 f of this section shall apply; and
- c. Clearing of areas to be filled or graded is subject to the Clearing Standards of Section 10.17, A, 2; and
- d. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
- e. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of ~~surface water~~ bodies flowing, standing, tidal bodies of water, or upland edge of wetlands identified as P-WL1 Subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
0	25
10 or less	45 <u>100</u>
20	65 <u>130</u>
30	85 <u>170</u>
40	105 <u>210</u>
50	125 <u>250</u>
60	145 <u>290</u>
70	165 <u>330</u>

- f. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Soil Vegetative Stabilization contained in Appendix B of this chapter.

EFFECTIVE DATE: *July 1, 2002*

LURC Chapter 10:
Variance and Miscellaneous Provisions

MISCELLANEOUS RULE CHANGES
Adopted May 8, 2002

10.02 DEFINITIONS

13. Campsite:

~~A "camping location without access to a pressurized water system that contains a maximum of 4 camping sites for transient occupancy by 8 or fewer people per site on which may be located a tent, a tent trailer, a pickup camper, a recreational vehicle, a registered trailer that is 28 feet or less in length or other similar device used for camping. A camping location that contains permanent structures other than outhouses, fireplaces, picnic tables, lean tos or hand operated water pumps is not a campsite." 12 M.R.S.A. § 682(15). For the purposes of the application of the Commission's rules, the statutory limits of "8 or fewer people per site" and of a "trailer that is 28 feet or less in length" are interpreted as design standards rather than incidental use standards; and a "campsite" may include tent platforms and picnic tables with shelters.~~

"A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan." 12 M.R.S.A. § 682(15).

Purpose: To make definitions in rule consistent with definitions in statute.

44. Expansion of a Structure:

~~The increase in the floor area of a structure, including attached decks and porches, or the increase in the height of a structure, or the enclosure or partial enclosure of legally existing decks, porches or other open areas.~~

Purpose: Since enclosure of decks has been considered an expansion, it has resulted in double counting deck space when considering expansion limits within shoreland buffers. See companion changes in Section 10.11 which still prohibit expansion of decks within 25 feet of the shoreline and otherwise require a permit for enclosures of decks and porches on nonconforming structures.

147. Subdivision:

~~"Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5 year period, whether this division is accomplished by platting of the land for~~

~~immediate or future sale, or by sale of the land by metes and bounds or by leasing. The term also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5 year period. (12 MRSA § 682)~~

“Except as provided in [12 M.R.S.A.] section 682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term “subdivision” also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.” (12 MRSA § 682 (2-A))

Refer to Section 10.17, B, 9, “Subdivision and Lot Creation” for additional criteria on types of lots that are included or are exempt from this definition.

Purpose: To make definitions in rule consistent with definitions in statute.

155. Transient Occupancy:

“Occupancy for 14 or fewer days in any 30 day period.” “Occupancy that does not exceed 90 consecutive days” 12 M.R.S.A. § 682(18). For the purposes of the application of the Commission’s rules regarding campsites, the Commission considers occupancy to mean the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site.

Purpose: To make definitions in rule consistent with definitions in statute.

10.07 EXEMPTIONS

retain A-D; add E.

E. Archaeological excavation adjacent to a body of standing water, flowing water, freshwater wetland, coastal wetland, or sand dune system does not require a permit from the Commission as long as the excavation is conducted by an archaeologist listed on the Maine Historic Preservation Commission level 1 or level 2 approved list, and that unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

Purpose: To provide for certain archaeological excavation without a permit as anticipated by a parallel exemption in the Natural Resources Protection Act.

10.10 VARIANCES

The Commission may grant variances pursuant to 12 M.R.S.A. § 685-A(10) and adopts this section to interpret and implement the statutory provision.

- A. **Petitions.** Any property owner or lessee may petition the Commission for permission to develop the property in a manner otherwise prohibited by the Commission's rules. A variance may be granted only for a use permitted in a particular zone. Variances may be granted only from dimensional requirements, but shall not be granted for establishment of uses otherwise prohibited by the Commission's rules.

Purpose: To make consistent with Municipal Shoreland Zoning Guidelines.

- B. **Granting of a Variance:** ~~The Commission may grant a variance where the Commission finds that strict compliance with the Commission's rules would cause unusual hardship or extraordinary difficulties because of exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site, that the proposed development is in keeping with the general spirit and intent of 12 M.R.S.A., Chapter 206-A and that the public interest is otherwise protected. [Note: The Commission interprets this standard as having the same legal meaning as the term, "undue hardship," in 30 A.M.R.S.A. § 4353(4)].~~

The commission may grant a variance when the commission finds that the proposed development is in keeping with the general spirit and intent of this chapter, that the public interest is otherwise protected and that strict compliance with the rules and standards adopted by this commission would cause unusual hardship or extraordinary difficulties because of the following:

1. The access and use needs of a person with a physical disability as defined in Title 5, section 4553, subsection 7-B who resides in or regularly uses a structure; this provision shall be applicable only where necessary for the use of residential structures; or
2. Exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site; or
3. Unusual circumstances that were not anticipated by the commission at the time the rules and standards were adopted.
4. In order to be granted a variance under either subsections 2 or 3 above, a petitioner must demonstrate, by substantial evidence, that:
 - a. The land in question can not yield a reasonable return unless a variance is granted;
 - b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. The granting of a variance will not alter the essential character of the locality; and
 - d. The hardship is not the result of action taken by the petitioner or a prior owner or lessee.

- C. **Issuance.** The Commission may issue a variance only after making written findings of fact and conclusions indicating that the petition, as modified by such terms and conditions as the Commission deems appropriate, has met the standards of Section 10.10.B. If the Commission denies the requested variance, it shall provide the petitioner with written explanation of the reasons for denial.

Purpose: To incorporate statutory variance provisions in 12 M.R.S.A. §685-A(10) into rule.

10.11 NONCONFORMING USES AND STRUCTURES

retain subsections A. and B. as they are.

C. Nonconforming Structures

1. **Expansion.** A permit is required for the expansion of a nonconforming structure. In addition to meeting permit requirements, expansions must also comply with the following limitations. These limitations do not apply to water dependent uses as defined in section 10.02.
 - a. **Certain Expansions Prohibited.** If any portion of a structure is located within 25 feet, horizontal distance, of the normal high water mark of a waterbody, expansion of that portion of the structure is prohibited. That portion beyond 25 feet may be expanded provided the size limitations in section C,1,b are met.
 - b. **Size of Structures Near Waterbodies Limited.** The maximum size of expansions of nonconforming structures is limited within areas described by either of the categories below:
 - (1) The area within 100 feet, horizontal distance, of the normal high water mark of standing bodies of water 10 acres or greater in size or flowing waters draining 50 square miles or more.
 - (2) The area within 75 feet, horizontal distance, of the normal high water mark of tidal waters or standing bodies of water less than 10 acres in size (but excluding standing bodies of water less than three acres in size not fed or drained by a flowing water).

Legally existing, principal and accessory structures located within these areas may be expanded subject to the other requirements of this section, provided that lot coverage limitations and other applicable land use standards are met. The maximum height of all structures within these areas shall be 25 feet, or existing structure height, whichever is greater. The maximum combined floor area for all structures within these areas may not exceed the limits in Table 1.

Table 1. Limitations on size of Structures Near Waterbodies

Closest Distance of Expansion from Waterbody	Maximum Combined Floor Area for all Structures not Meeting Waterbody Setbacks
Greater than 25 and less than 50 feet	1,000 square feet
Between 50, and 75 feet	1,500 square feet

Greater than 75 and less than 100 feet (if applicable setback is more than 75 feet)	2,000 square feet
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e. ~~Enclosure of Decks and Porches.~~ The complete or partial enclosure of legally existing decks and porches is considered an expansion, and is allowed if the provisions of C,1,a and C,1,b are met.

Purpose: To avoid the double counting of floor space for decks and porches that the current language of 10.11 results in by considering them "expansions". See companion changes to definition of "expansion of a structure" and subsection 6 below.

2. **Reconstruction or Replacement.** A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal.

a. **Meeting Setbacks to the Greatest Extent Possible.** Reconstruction or replacement must comply with current minimum setback requirements to the greatest possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors:

- size of lot,
- slope of the land,
- potential for soil erosion and phosphorus export to a waterbody,
- location of other legally existing structures on the property,
- location of the septic system and other on-site soils suitable for septic systems,
- type and amount of vegetation to be removed to accomplish the relocation,
- and,
- physical condition and type of existing foundation, if any.

b. **Reconstruction of Attached Decks.** Decks attached to a legally existing, nonconforming structure may be reconstructed in place with a permit, except that replacement of any portion of a deck that extends into or over the normal high water mark is prohibited.

c. **Permanent Foundations.** The addition of a permanent foundation beneath a legally existing, nonconforming structure constitutes a reconstruction subject to the provisions in section 10.11,C,2,a.

d. **Boathouses.** Except in a (D-MT) Maritime Development Subdistrict, boathouses shall not be reconstructed or replaced. Normal maintenance and repair, and renovation of a legally existing boathouse is allowed without a permit.

- e. **Sporting Camps.** A legally existing, nonconforming structure within a commercial sporting camp may be reconstructed in place, provided that the reconstruction occurs within 2 years of damage, destruction or removal and the Commission issues a permit (see 12 M.R.S.A. Section § 685-B(7-A). The Commission may, consistent with public health, safety and welfare, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be in the same location and within the same footprint as the original structure. Minor modifications to dimensions may be allowed provided the total square footage of the structure is not increased.
3. **Relocation.** In order to make it conforming or less nonconforming, a legally existing, nonconforming structure may be relocated within the boundaries of the lot upon the issuance of a permit. Cleared openings created as part of a relocation shall be stabilized and revegetated. Relocated structures that are altered such that they meet the definition of reconstruction shall meet the requirements of 10.11,C,2.
4. **Change of Use of a Nonconforming Structure.** The use of a nonconforming structure shall not be changed without permit approval.
5. **New, Detached Accessory Structures.** New, detached accessory structures associated with pre-1971 residences and operating farms are allowed without a permit if they meet all setbacks, do not cause lot coverage requirements to be exceeded and otherwise conform with the Commission's rules. Permits are required for all other new detached accessory structures.

The construction of new, detached accessory structures that do not meet waterbody setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the waterbody setback requirement. In this case, the new accessory structure shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, and shall be of a size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of section 10.11,C,1,b.

6. Enclosure of Decks and Porches. A permit is required for the complete or partial enclosure of decks and porches. Enclosure of decks and porches is not an expansion of floor area. The enclosure of the structure which results in additional stories is considered an expansion and must meet the provisions of Section 10.11.C.1.b. If any portion of the structure is located within 25 feet, horizontal distance, of the normal high water mark of a waterbody, complete or partial enclosure of that portion of the structure is prohibited.

Purpose: To avoid the double counting of floor space for decks and porches that the current language of 10.11 results in by considering them "expansions". See companion changes to definition of "expansion of a structure" and subsection 1,c above.

Retain subsections D. and E. as they are.

12.15

A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)

3. Land Use Standards

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-GN Management Subdistricts subject to the applicable requirements set forth in Section 10.17 of this chapter.

Retain (1) – (3)

- (4) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities;

Purpose: To provide for such buildings without a permit in management districts as now provided in 12 M.R.S.A. §685-A(5).

Note: make parallel change in M-HP and M-NC Subdistricts

.17 B

1. DIMENSIONAL REQUIREMENTS

d. Minimum Setbacks

- (1) The minimum setbacks for structures, other than those described in Subsection 10.17,B,1,d,(2) and except as provided in Subsection 10.17,B,1,g are:

retain (a) – (b)

~~(e)~~ 50 feet from the traveled portion of all roadways except as provided for in subsection (d) below;

~~(dc)~~ 50 feet from the traveled portion of all roadways except as provided for in subsection (d) and (e) or subsection (5) below;

~~(ed)~~ 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in subsection (5); and

~~(fe)~~ 20 feet from the traveled portion of all roadways on coastal islands; and

~~(ef)~~ 15 feet from side and rear property lines.

Purpose: Strike a redundant provision.

10.17B

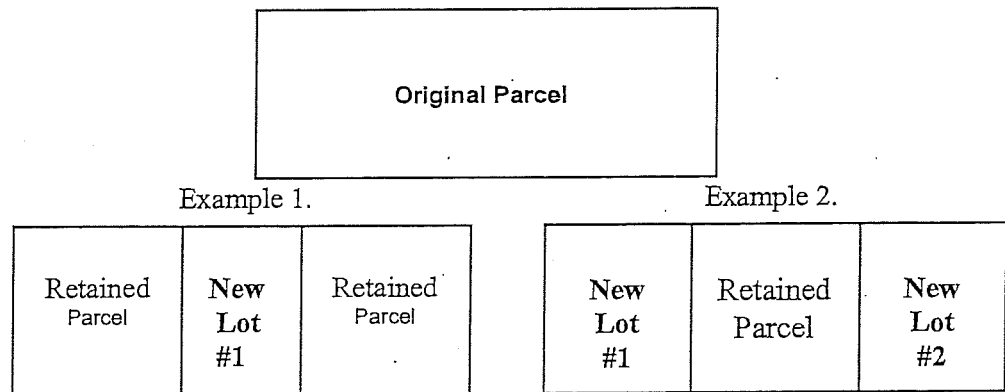
9. SUBDIVISION AND LOT CREATION

This section governs the division of lots and the creation of subdivisions.

a. Counting Parcels, Lots, or Dwelling Units Under the Definition of Subdivision:

(1) Lots Created by Dividing a Parcel

When a parcel is divided, the land retained by the person dividing land is always counted in determining the number of lots created unless the lot retained qualifies for any of the exemptions listed in subsection 6 below. This figure illustrates two examples:



Two examples where two new lot lines were drawn, each resulting in the creation of three parcels.

(2) Subdivision Created by the Placement of Dwelling Units

The placement of three or more dwelling units on a single lot within a five-year period creates a subdivision. The division of one lot into two parcels coupled with the placement of one or two dwelling units on either or both lots does not create a subdivision.

(3) Parcels Originally Part of a Subdivision

A lot or parcel which, when sold, leased or developed, was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner is counted as a lot under the subdivision definition. The Commission, however, will not require a subdivision permit be obtained for such lot, unless the intent of such transfer or development is to avoid the objectives of Title 12, Chapter 206-A;

(4) Remote Rental Cabins:

In order to foster primitive recreational opportunities on large tracts of land, up to eight remote rental cabins within a single contiguous ownership larger than 5,000 acres within a township shall be allowed without subdivision review.

Placement of more than eight remote rental cabins within such an ownership requires subdivision review by the Commission.

(5) Existing parcels

For the purposes of the definition of subdivision in 12 M.R.S.A. § 682(2) and in these rules, an "existing parcel" shall include the contiguous area within one township, plantation, or town owned or leased by one person or group of persons in common ownership.

(6) Exempt lots

The following divisions are exempt when counting lots for purposes of subdivision, unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206-A:

(a) ~~Large Lot Land Division~~ Transfer of Lots for Forest Management, Agricultural Management or Conservation of Natural Resources.

~~A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria as a large lot land division:~~

- ~~(i) The lot is at least 40 acres in size;~~
- ~~(ii) No portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in 38 M.R.S.A., § 436-A;~~
- ~~(iii) The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and~~

A lot or parcel is not considered a subdivision lot if the following conditions are met:

- (i) The lot is transferred and managed solely for forest management, agricultural management or conservation of natural resources;
- (ii) The lot is at least 40 acres in size;
- (iii) If the lot is less than 1,000 acres in size, no portion of the lot is located within 1,320 feet of the normal high water mark of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as these terms are defined in Title 38, section 436-A;
- (iv) The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and
- (v) When 3 to 10 lots each containing at least 40 acres in size are created within any 5-year period, a plan is recorded in accordance with section 685-B, subsection 6-A. Any subsequent division of a

lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds or any structural development unrelated to forest management, agricultural management or conservation creates a subdivision and may not occur without prior commission approval. 12 M.R.S.A. §682-B(4)

~~When 3 to 10 lots of at least 40 acres in size are created within any 5-year period, a land division plan must be filed for the Commission's review by the person creating the 3rd lot within 60 days of the creation of that lot. A "Guide to Certification of Plans for Large Lot Land Divisions" is available from the Commission that details submission requirements.~~

~~The Commission shall determine whether the plan qualifies under 12 M.R.S.A. § 682(2), ordinarily within 15 days of receipt of the plan. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located.~~

~~Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision. [12 M.R.S.A., § 682][†]~~

(b) Retained Lots

A lot is not counted as a lot for the purposes of subdivision if it is retained by the person dividing the land, is larger than 100 acres, and for a period of at least 5 years:

Purpose: This 100 acre limitation has proven to be a meaningless distinction

- (i) is retained and not sold, platted, leased, conveyed or further divided; and

[†]NOTE: ~~Public Law 1987, chapter 864, specified that this provision "applies to any division of land occurring after April 19, 1988, except as otherwise provided in this section. Notwithstanding 1 M.R.S.A. § 302, this Act applies to any application for subdivision approval submitted after April 19, 1988.~~

~~"For the purposes of 12 M.R.S.A. chapter 206-A, this Act does not apply to sale or lease of lots containing 40 or more acres if a plan of those lots was filed with the registry of deeds and the State Tax Assessor on or before April 1988."~~

~~Private and Special Law 1991, chapter 92, specified that "If a complete application is filed with the Maine Land Use Regulation Commission pursuant to chapter 16 of the rules of the commission by July 1, 1993, lots are deemed to meet the applicability provisions of section 4 of those rules when those lots:~~

- ~~1. Contain at least 40 acres but not more than 100 acres;~~
- ~~2. Are shown on a plan of lots filed with the applicable registry of deeds and the State Tax Assessor between April 20, 1988 and September 30, 1989; and~~
- ~~3. Are not located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of coastal or freshwater wetland as those terms are defined in 38 M.R.S.A., § 436-A.~~

~~Sale, lease or other conveyance of any lot that is shown on a plan that meets the requirements of subsection 2; but that does not meet the requirements of subsection 1 or 3, is subject to subdivision review and approval by the Maine Land Use Regulation Commission under chapter 10 of its rules."~~

- (ii) is used ~~primarily~~ solely for forest or agricultural management activities, or natural resource conservation purposes; ~~and.~~
- ~~(iii) is not used for residential or commercial lodging purposes;~~

Purpose: The combination of (ii) and (iii) had the effect of allowing use of the retained lot for only the purposes in (ii).

(c) Transfers to an Abutter and Contiguous Lots

A lot transferred to an abutting owner of land is not counted as a lot for the purposes of subdivision. Where a lot is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots are considered merged for regulatory purposes except for:

- (i) lots that are part of a subdivision approved by the Commission;
- (ii) a land division certified by the Commission as qualifying under 12 M.R.S.A. § 682 ~~-B (2)~~; or
- (iii) as provided in Section 10.11 of the Commission's rules;

(d) Divisions by Inheritance, Court Order, or Gifts:

Divisions of land accomplished solely by inheritance, or by court order, or by bona fide gift to a person related to the donor by blood, marriage, or adoption are not counted as lots for the purposes of this subsection, ~~provided that as to lots transferred by gift, such lots are not further divided or transferred within a 5 year period of the gift.~~

A division of land accomplished by bona fide gift, without any consideration paid or received, to a spouse, parent, grandparent, child, grandchild or sibling of the donor of the lot or parcel does not create a subdivision lot if the donor has owned the lot or parcel for a continuous period of 5 years immediately preceding the division by gift and the lot or parcel is not further divided or transferred within 5 years from the date of division. 12 M.R.S.A. §682-B(1)

(e) Conservation Lots

~~A lot transferred primarily for the conservation and protection of natural resources, including protection of wildlife habitat or ecologically sensitive areas, or for public outdoor recreation to a qualified conservation holder is not counted as a lot for the purposes of this subsection. For a period of at least twenty (20) years following such transfer, the lot must be limited by deed restriction or conservation easement to such uses and the lot may not be further divided, nor transferred, except to a qualified conservation holder.~~

~~For the purposes of this subsection a qualified conservation holder is:~~

- ~~(i) the State of Maine acting by the following: Baxter State Park Authority, Department of Conservation or Department of Inland Fisheries and Wildlife;~~
- ~~(ii) the United States acting by the U.S. Forest Service of the Department of Agriculture, or the U.S. Fish and Wildlife Service or Park Service of the Department of Interior; or~~

~~(iii) a nonprofit, tax exempt nature conservation organization qualifying under Section 501(c)(3) of the Internal Revenue Code~~

A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501 (c) (3) is not considered a subdivision lot if the following conditions are met:

(i) For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation ; and

(ii) The lot or parcel is not further divided or transferred except to another qualifying nonprofit, tax-exempt nature conservation organization or governmental entity. 12 M.R.S.A. §682-B(3)

(f) Transfer to Governmental Entity.

A lot or parcel transferred to a municipality or county of the State, the State or an agency of the State is not considered a subdivision lot if the following conditions are met:

(i) The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and

(ii) At the time of transfer the transferee provides written notice to the commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection. 12 M.R.S.A. §682-A(2)

(fg) Large Lots Managed for Forest or Agricultural Management Activities or Conservation

A lot transferred or retained following transfer containing at least 5,000 acres is not counted as a lot for the purposes of this subsection, provided the lot is managed solely for the purposes of forest or agricultural management activities or conservation and the lot is not further divided for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit primitive public outdoor recreation on the lot.

(h) Unauthorized Subdivision Lots in Existence For at Least 20 Years.

A lot or parcel that when sold or leased created a subdivision requiring a permit under this chapter is not considered a subdivision lot and is exempt from the permit requirement if the permit has not been obtained and the subdivision has been in existence for 20 or more

years. A lot or parcel is considered a subdivision lot and is not exempt under this subsection if:

(i) Approval of the subdivision under section 685-B was denied by the commission and record of the commission's decision was recorded in the appropriate registry of deeds;

(ii) A building permit for the lot or parcel was denied by the commission under section 685-B and record of the commission's decision was recorded in the appropriate registry of deeds;

(iii) The commission has filed a notice of violation of section 685-B with respect to the subdivision in the appropriate registry of deeds;
or

(iv) The lot or parcel has been the subject of an enforcement action or order and record of that action or order was recorded in the appropriate registry of deeds. 12 M.R.S.A. §682-B(5)

b. Subdivision Approval Criteria

(1) Redistricting Considerations

Subdivisions are allowed only in appropriate subdistricts, as designated in Sections 10.14 - 10.16.

The Commission may approve subdivisions which include land area designated within subdistricts where subdivision is otherwise prohibited, regardless of the suitability of that land for development purposes, provided:

- (i) The land area shall comprise a single lot;
- (ii) The lot is 100 acres or less in size;
- (iii) The lot is not to be further divided; and
- (iv) The lot is subject to subdivision permit conditions prohibiting residential, commercial, industrial or other development uses.

(2) Subdivision Review and Approval

The criteria for approval of any subdivision application will be those listed in Section 10.13-B of the Commission's rules. Policies outlined in the Commission's Comprehensive Land Use Plan will be used in the review of subdivision applications. In addition, the Commission will use the applicable provisions of Section 10.17, A and B of the Commission's rules in the review of subdivision layout and design.

(3) Subdivisions Along Shorelines

In addition to the criteria listed in b (1) and (2), subdivisions along shorelines of lakes are subject to criteria outlined in the waterbody's management class designation. Management class designations are defined in Section 10.02. Lakes in each class are identified in Appendix C of the Commission's rules.

c. Spaghetti-lots

A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit [12 M.R.S.A., § 682-A].

d. Subdivision Filing with Registry of Deeds and Sale of Lots

(1) Filing requirements

Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission's Director with the County Registry of Deeds where the real estate is located.

A registrar of deeds shall not record a copy of conditions or any plat or plan purporting to subdivide real estate located within the unorganized and deorganized lands of the State, unless the Commission's approval is evidenced thereon.[12 M.R.S.A, § 685B (6)].

(2) Certificates of Compliance

The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled [12 M.R.S.A, § 685-B (8)].

e. ~~Notification requirements for all land divisions~~ Recording of large lot land divisions

(1) When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water mark of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as those terms are defined in Title 38, section 436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. A "Guide to Certification of Plans for Large Lot Land Divisions" is available from the Commission that details submission requirements.

(2) The Commission shall determine whether the plan qualifies under 12 M.R.S.A ,§ 682-B, (2); ordinarily within 15 days of receipt of the plan.

(3) A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. A register of deeds may not record any plan depicting these lots unless the Commission's certification that the division qualifies under 12 M.R.S.A. §682-B is evidenced on the plan. 12 M.R.S.A. §685-B(6-A)

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision. 12 M.R.S.A, § 682-B

~~(1) Large Lot Land Divisions~~

~~Large lot land divisions require that a plan be filed for Commission review. See Section 10.17, B, 9, a, (6), (a) above.~~

~~(2) Other Land Divisions~~

~~All other land divisions that occur by platting, sale, lease, or other conveyance, regardless of whether a subdivision is created, require a notification to be submitted to the Commission within 60 days of the division by the person creating the division [12 M.R.S.A., § 685 B, (6 B)]. The notification form is available from the Commission.~~

Purpose: Unless otherwise indicated, the above changes to Section 10.17, B (9) are intended to incorporate statutory subdivision provisions in 12 M.R.S.A. §682-B and §685-B(6-A).

Appendix D
Lakes and Rivers On Which the Use Of Personal Watercraft is Prohibited

(add the following lakes and rivers)

<u>LAKE NAME</u>	<u>LAKE #</u>	<u>COUNTY</u>	<u>PRINCIPAL TOWN NAME</u>	<u>SIZE (acres)</u>
<u>Branch L (South)</u>	<u>2144</u>	<u>Penobscot</u>	<u>Seboeis Plt</u>	<u>2035</u>
<u>Kennebago L (Big)</u>	<u>2374</u>	<u>Franklin</u>	<u>Davis Twp</u>	<u>1700</u>
<u>Nicatous L</u>	<u>4766</u>	<u>Hancock</u>	<u>T 40 MD</u>	<u>5165</u>
<u>Spring L</u>	<u>0170</u>	<u>Somerset</u>	<u>T 03 R04 BKP WKR</u>	<u>762</u>

<u>RIVER NAME</u>	<u>COUNTY</u>	<u>TOWN NAMES</u>
<u>Kennebago</u>	<u>Franklin</u>	<u>Davis and Stetsontown</u>

Purpose: To incorporate into rule, the rivers and lakes on which personal watercraft was prohibited by the legislature.

EFFECTIVE DATE: July 1, 2002

LURC Chapter 10:
Wind Energy

C. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)

1. Purpose

The purpose of the Planned Development Subdistrict is to allow for large scale, well planned developments. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PD Development Subdistrict petition is granted, it shall not provide the basis for subsequent redistricting of the area to another Development Subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to Development Subdistricts pursuant to Section 10.08.

The D-PD Subdistricting process is designed to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to afford the applicant reasonable guidance in formulating an acceptable development proposal.

2. Description

Areas separated from existing development patterns, proposed for residential, recreational, commercial or industrial use or some combination of those uses, for which a comprehensive development plan (which treats the entire parcel as an entity) has been submitted to, and reviewed and approved by the Commission.

- a. A D-PD Development Subdistrict proposed for predominantly residential and/or recreational land uses shall contain a minimum of 30,000 square feet of building floor area and shall include at least 150 contiguous acres. (A predominance of uses shall exist when the majority of the gross building floor area is devoted to such uses.)
- b. A D-PD Development Subdistrict proposed for predominantly commercial and/or industrial land uses shall include at least 50 contiguous acres and, except wind energy generation facilities, shall contain a minimum of 30,000 square feet of gross building floor area ~~and shall include at least 50 contiguous acres.~~
- c. A D-PD Development Subdistrict proposed for metallic mineral mining activities or Level C mineral exploration activities and shall include at least 50 contiguous acres.

In any of the above cases, no development, other than access roads and utility lines shall be less than 400 feet from any property line. (This dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.) Furthermore, the project shall be reasonably self-contained and self-sufficient and to the extent practicable provide for its own water and sewage services, road maintenance, fire protection, solid waste disposal and police security.

3. Permitted Uses

All uses approved in the Final Development Plan shall be permitted. For metallic mineral mining activities and Level C mineral exploration activities, all uses within the D-PD Development Subdistrict require a permit in accordance with Chapter 13 and Chapter 10 of the Commission's Rules. No other use shall be permitted except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.

4. Ownership

An application for the creation of a D-PD Development Subdistrict may be filed only by the owner or lessee of all lands to which the application pertains.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that his proposal satisfies the criteria established for the creation of D-PD Development Subdistrict.

6. Procedure

The procedures set forth below and those set forth in paragraphs 7, 8, 9, and 10 apply to all developments except those related to metallic mineral mining and Level C mineral exploration activities; Those activities are governed by the procedures set forth in Chapters 12 and 13 of the Commission's rules.

The Planned Development review procedure shall consist of three stages:

- (1) Preapplication Conference;
- (2) Submission of Preliminary Development Plan; and
- (3) Submission of Final Development Plan.

The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Preliminary Development Plan that meets the requirements specified herein. No decision thereon can be made until a Public Hearing is held. Thereafter, the Commission may approve or deny the petition. An approval will permit a subdistrict amendment to D-PD Development Subdistrict and will include a P.D. Permit that specifies under what conditions, if any, the Commission will accept

the Preliminary Development Plan proposal as the standard against which the Final Development Plan is judged. No development will be allowed until a Final Development Plan is submitted and approved.

7. Preapplication Conference

A preapplication conference shall be held with the staff of the Commission and representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-PD application shall be discussed. The conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 of the Commission's Rules and Regulations.

8. Preliminary Development Plan

a. Application

The Preliminary Development Plan shall include: evidence that the proposal conforms with the Commission's Comprehensive Land Use Plan and the purpose and description of a Planned Development as contained herein; evidence showing that the permit criteria set forth in 12 M.R.S.A., Section 685, B, 4 will be satisfied; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, the staff shall make known its findings and recommendations, in writing, to the Commission and a public hearing shall be held in accordance with Chapter 5 of the Commission's Rules and Regulations.

The following items are required to be submitted with any Preliminary Development Plan application:

Written Statements

- (1) A legal description of the property boundaries proposed for redistricting, including a statement of present and proposed ownership.
- (2) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property shall not, of itself, be sufficient evidence to satisfy this last requirement.

- (3) A reasonably complete development schedule and construction program that indicates when the project and stages thereof will begin and be completed. The schedule is to specify what percentage of the total project is represented by each stage and what buildings, floor areas and land areas are included in each such stage.
- (4) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.
- (5) Statements to satisfy the Commission that the project is realistic, and can be financed and completed. Such statements shall demonstrate that the applicant has the financial resources and support to achieve the proposed development and that a sufficient market exists for the goods and/or services the development will provide.
- (6) A statement of the environmental impact of the proposed development which sets forth the reasonably foreseeable adverse effects and measures to be taken by the applicant to minimize such effects.
- (7) A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently designated within Protection Subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.

Maps

- (8) A location map (drawn on a USGS topographic map base or LURC Land Use Map) that indicates the area for which a D-PD Development Subdistrict designation is sought. This map should show all existing subdistricts.
- (9) A map showing existing site conditions including contours at 10 foot intervals, water courses, unique natural conditions, forest cover, swamps, lakes, ponds, existing buildings, road boundaries, property lines and names of adjoining property owners, scenic locations and other prominent topographical or environmental features.
- (10) A soils map of at least medium intensity that covers those portions of the site where any development is proposed. The description should use the soil group designations utilized in the Subsurface Waste Water Disposal Rules or the USDA Soil Series names.

- (11) A site plan that shows the approximate location and size of all existing and proposed buildings, structures and other improvements, including roads, bridges, beaches, dumps, wells, sewage disposal facilities, storm drainage, cut and fill operations and general landscape planting. The plan should show the approximate proposed lot lines, the location of open spaces, parks, recreational areas, parking areas, service and loading areas and notations of what is proposed to be in common or private ownership.
- (12) A map or description of the approximate type, size and location of proposed utility systems including waste disposal, water supply, and electric and telephone lines. Where a public water supply, and/or a central sewage collection and/or treatment system is proposed, evidence shall be required to show that these facilities will meet applicable governmental requirements and that the soils are suitable for such sewage disposal system.

Where the Preliminary Development Plan involves a staged development and the applicant cannot reasonably make available the maps required pursuant to paragraph (11) of this Section, covering all future stages of development, he shall submit such maps covering only the initial development stage, together with sketch plans covering all other development stages. Such plans shall describe all proposed land uses, densities, circulation patterns and building locations and are to be in sufficient detail to permit the Commission to determine if the site can support the entire development program, especially in terms of soil suitability, traffic circulation, and water supply and sewage waste disposal.

b. Hearings and Criteria for the Approval of a Preliminary Development Plan

The Commission shall schedule a public hearing within 45 (forty-five) days after a complete Preliminary Development Plan application is filed, unless the applicant requests, in writing that this time be extended.

The public hearing notification and proceedings shall meet the requirements of Chapter V of the Commission's Rules and Regulations. Within ~~45~~ 90 days after the close of the record of the public hearing, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission shall ensure that the proposal:

- (1) Conforms with the objectives and policies of the Comprehensive Land Use Plan and 12 M.R.S.A., Chapter 206-A;
- (2) Incorporates, where the land proposed for inclusion in the D-PD Development Subdistrict is in a Protection Subdistrict, a substantially

equivalent level of environmental and resource protection as was afforded under such Protection Subdistrict;

- (3) Utilizes the best reasonably available site for the proposed use;
- (4) Conserves productive forest and/or farm land;
- (5) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (6) Envisions a project that is reasonably self-sufficient in terms of necessary public services;
- (7) Provides for safe and efficient traffic circulation; and
- (8) Utilizes the best practical technology to reduce pollution, waste and energy consumption.

c. Approval or Denial of Preliminary Development Plan

- (1) If, after weighing all the evidence, the Commission approves the Preliminary Development Plan application, the D-PD Development Subdistrict shall be designated on the official district map and recorded in accordance with the provisions of Section 10.04 of this chapter. Simultaneously with such approval, a P.D. Permit will be issued. The P.D. Permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the Final Development Plan. The terms of the P.D. Permit will be in writing and shall be deemed to be incorporated in the D-PD Development Subdistrict.
- (2) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.
- (3) Within a maximum of 18 months following a Commission decision to designate an area as a D-PD Development Subdistrict, the applicant shall file a Final Development Plan containing in detailed form the information required in Subsection 10 below. At its discretion, and for good cause shown, the Commission may extend ~~for a period not in excess of 6 months~~, the deadline for filing of the Final Development Plan.
- (4) If the applicant fails for any reason to apply for final approval by submitting a Final Development Plan within the prescribed time, the D-

PD Development Subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

9. Application Fee

The application fee to be submitted with the Preliminary Development Plan shall be the fee specified in Chapter 1, Section 4 of the Commission's rules. No fee shall be required at the Final Development Plan stage.

10. Final Development Plan

a. Application

The final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved P.D. Permit issued.

- (1) An application for final approval may be for all of the land which is the subject of the Preliminary Development Plan or for a section thereof. The application, once deemed complete by the staff, shall be reviewed and acted upon by the Commission within 90 days.
- (2) The Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the Final Development Plan submission shall include:
 - (a) Drawings that include all the information required on the site plan under the Preliminary Development Plan (Section 10.14, C, 8, a, (11),) plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.
 - (b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.
 - (c) If individual sewage disposal system are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Human Services Department Form HHE-200 or any amended or replacement version thereof. Where a central

sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.

- (d) Drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.
 - (e) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the Planned Development.
- (3) The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Preliminary Development Plan and shall conform with applicable state regulations, including 12 M.R.S.A., Section 685-B, 4. In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types.
- (4) A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Preliminary Development Plan. The burden shall, nevertheless, be on the applicant to show good cause for any variation between the Preliminary Development Plan and the Final Plan submitted for final approval.

b. Approval or Denial of Final Development Plan

Upon accepting a Final Development Plan, the Commission shall issue a certified Permit, pursuant to 12 M.R.S.A., Section 685-B, for the Final Development Plan. Such Permit may contain reasonable conditions as the Commission may deem appropriate.

c. Amendments to the Final Development Plan

Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change shall be so authorized which may cause any of the following:

- (1) The addition of a land use not previously approved in the Preliminary Development Plan;

- (2) A material change in the site, scope or nature of the project;
- (3) A material increase in traffic volume;
- (4) A material reduction in open space, landscaping, or parking; or
- (5) A material change giving rise to adverse environmental impact.

All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in 10.14, C, 8, b.

d. Time for Construction

If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 24 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved plan shall become null and void and the D-PD Development Subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

APPENDIX B:
PUBLIC NOTICE

ANNOUNCEMENTS

100 Legals

Legal Advertisement

FORMER CLIENTS OF (former) ATTORNEY RONALD L. BISHOP

By order of the Maine Supreme Judicial Court, Waterville, (former) attorney Ronald L. Bishop is currently disbarred from the practice of law in the State of Maine. The Board of Overseers of the Bar has arranged to have the files of Mr. Bishop's former clients placed in storage on a temporary basis. Therefore, those former clients of Mr. Bishop that have not previously done so, should initiate steps to obtain their properly identified files by telephoning Nancy Hall Delaney, Bar Counsel's Assistant, at the office of the Board of Overseers of the Bar in Augusta, at (207)623-1121. Those calls should be made before September 17, 2003, and all clients' files that have not been claimed by notice to the Board shall be subject to destruction on or after October 16, 2003 without further notice.

Legal Advertisement

Invitation to Bid
Department of Public Works,
Engineering Division
VICKERY ROAD AND CARRIER COURT REHABILITATION PROJECT

Sealed bids will be received until 2:00 p.m. Tuesday, September 23, 2003 at the office of the Purchasing/Risk Manager, City Hall, 45 Spring Street, Auburn, ME 04210, at which time and place all bids will be publicly opened and read aloud.

Contract Documents, including technical specifications will be available Tuesday, September 9, 2003. Documents can be obtained from the Engineering Division office located in the basement of the City Building for the non-refundable cost of \$60 plus \$10 for shipping & handling. For more info contact Geri Crane at 207/786-2634, extension 204.

The successful bidder will be required to furnish a Performance Bond and a Labor and Materials bond, along with a Certificate of Insurance.

There is a mandatory pre bid conference scheduled for Friday, September 12, 2003 at 1:00 p.m. at the City Building in the Council Chambers. The construction is scheduled to commence on Tuesday, September 30, 2003 and will be completed by June 30, 2004. Liquidated damages will be assessed at \$500/calendar day.

Please submit your proposal, using the form provided, in a sealed envelope bearing the name and address of your company and marked "Vickery Road and Carrier Court Rehabilitation Project".

100 Legals

A certified check or bank draft, payable to the City of Auburn, Maine, or a Bid Bond executed by the bidder and a surety company approved by the City of Auburn in an amount equal to five percent (5%) of the bid shall be submitted with each bid. Bids may be held by the City of Auburn for a period of 30 days from the date of the opening for the purpose of reviewing bids and investigating the qualifications of bidders, prior to notification of award.

The City reserves the right to reject any and all bids, to waive any irregularities in bidding, and to award the contract in the best interest of the City.

Dennis Roderick
Purchasing/Risk Manager

Legal Advertisement

MAINE HEALTH DATA ORGANIZATION PUBLIC NOTICE OF MEETING

The Maine Health Data Organization will hold a Board meeting at 151 Capitol Street in Augusta on Thursday, September 11, 2003 at 9:00 a.m.

Legal Advertisement

NOTICE OF MEETING

The Annual meeting of the Maine Turnpike Authority will be held at 9:00 a.m. on Tuesday, September 9, 2003 at 430 Riverside Street, Portland, Maine. Copies of the agenda may be available by calling Margaret Truworthly at (207) 871-7741.

Legal Advertisement

NOTICE OF TAX SALE
The Board of Selectmen of the Town of Bowdoin is accepting bids for the purchase of the municipal's interest in Twelve (12) tax acquired properties.

Each bid must be in writing and in a sealed envelope marked "Tax Sale Bid" on the outside. Each bid may be for one property only; anyone wishing to bid on several properties must submit a separate bid for each one. All bids must be received by the Board of Selectmen's office no later than Friday, October 17, 2003 at 4:00 PM.

Each bid must include the bidder's name, mailing address and phone number, and must specify the map and lot number for which you are bidding. Bid forms will be available in the Town Office.

A deposit in the form of a certified check or money order, in an amount equal to or greater than 10% of the bid price must accompany each bid. Each successful bidder's deposit will be credited to the total purchase price for that parcel. Deposits will be returned to the unsuccessful bidders. Any bid, which does not contain the proper deposit, will be rejected. Bids will be opened, reviewed and awarded by the Selectmen at the Town Office on Monday, October 20, 2003, at 6:30 p.m. The Board of Selectmen reserve the right to reject any and all bids.

Each successful bidder shall have thirty (30) days from the date of the bid acceptance in which to complete the purchase. Each property will be conveyed by a quitclaim deed

100 Legals

without covenants. It shall be the responsibility of the purchasers to deal with existing occupants on any property.

In the event that a successful bidder fails, for any reason, to complete the purchase in the time stated, the bid acceptance is void and the bidder's deposit shall be forfeited to the Town. Thereafter, the Board of Selectmen may negotiate a sale of the property with any or all unsuccessful bidders.

The Tax maps and other public information concerning the properties may be reviewed at the Town Office during its normal business hours which are Monday through Friday from 9:00 to 4:00 pm.

Properties for sale are:

- Map 01 Lot 26-19 at 21 Mountainview Circle, a mobilehome, former Shirley M. Carter property.
- Map 01 Lot 26-44 at 18 Mountainview Circle, a mobilehome, former James Pestino property.
- Map 07 Lot 06 follow pipeline from 579 Lewis Hill Rd, former Earl and Andrea Hill property.
- Map 09 Lot 02 left at end of John Small Rd, former Shailla Carver Bailey property.
- Map 09 Lot 17A next to 320 West Rd, former John Botelho property.
- Map 09 Lot 21 at 320 West Rd, former John Botelho property.
- MAP 09 Lot 38-18 at 115 Pinewood Acres Rd, a mobilehome, former James Coburn property.
- Map 09 Lot 38-10 at 61 Pinewood Acres, a mobilehome, former Dennis Walker property.
- Map 10 Lot 36 at 864 Litchfield Rd, former Timothy Sickle property.
- Map 10 Lot 38 at 852 Litchfield Rd., former Carl and Betty Rideout property.
- Map 10 Lot 38B at 854 Litchfield Rd, former Scott Rideout property.
- Map 13 Lot 26A at 141 Ledge Hill Rd., former Glenn Bellefleur Estate property.
- Map 15 Lot 39 at West and Wood Schoolhouse Rds, former Christina Snow property.

Map 15 Lot 39 at West and Wood Schoolhouse Rds, former Christina Snow property.

Map 15 Lot 39 at West and Wood Schoolhouse Rds, former Christina Snow property.

Legal Advertisement

PUBLIC NOTICE CHANGES TO THE MAINE COASTAL PROGRAM
Section 307 of the Coastal Zone Management Act (CZMA), the so-called federal consistency provision, provides that federal agencies shall conduct their activities in a manner consistent to the maximum extent practicable with state environmental laws that NOAA has approved as enforceable policies of a state's coastal zone management program. In accordance with 15 C.F.R. §923.84, the Maine State Planning Office (SPO) is submitting to the federal National Oceanographic and Atmospheric Administration, Office of Ocean and Coastal Resource Management (NOAA), for review and approval as enforceable policies of the Maine Coastal Program the following regulations adopted by the Maine Department of

100 Legals

Environmental Protection and Maine Land Use Regulation Commission and currently in effect as state law: DEP rules Chapter 305 (permit by rule), changes effective June 1, 1999, February 14, 2000, and September 1, 2002; DEP rules Chapter 310 (wetlands), changes effective September 1, 2002; DEP rules Chapter 335 (significant wildlife habitat/seabird island maps), changes effective September 15, 1998; DEP rules Chapter 375 (site law/buffer strips), changes effective September 22, 2001; DEP rules Chapter 1000 (shoreland zoning), changes effective February 14, 2000; and Land Use Regulation Commission rules Chapter 10 (land use districts and standards), changes effective October 17, 2000, March 2, 2001, July 1, 2002, and August 29, 2002. These state agency regulations, as codified, are available via the Internet at: <http://www.state.me.us/sos/cec/rcn/apa/depts.htm>. NOAA's approval of these state laws as changes to Maine's enforceable policies is needed to ensure their applicability to federal agency actions pursuant to Section 307 of the CZMA.

SPO has determined that these changes are routine program implementation and has requested that NOAA concur with this determination.

BACKGROUND

The federal Coastal Zone Management Act of 1972 ("CZMA") establishes a state-federal partnership encouraging state management of coastal resources in accordance with policy goals aimed at balancing development and conservation uses. The CZMA provides funding to implement management measures consistent with these goals and requires federal agency actions to be consistent to the maximum extent practicable with the NOAA-approved state environmental laws and regulations that are the enforceable of the State's coastal program. NOAA approved the Maine Coastal Program in 1978.

PUBLIC COMMENTS
A copy of the State's filing submitting these changes to NOAA can be obtained from Lorraine Lessard, Maine Coastal Program, State Planning Office, 38 State House Station, Augusta ME 04333, tel: 207-287-1486; email: Lorraine.Lessard@maine.gov

Interested parties have three weeks from the date of this notice to submit comments to NOAA on whether the requested changes are routine program implementation. Comments should be sent to: Bill O'Beirne, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, 1305 East-West Highway, Silver Spring, MD 20910, email:

100 Legals

bill.obeirne@noaa.gov, phone: 301-713-3155 x160

Legal Advertisement

REQUEST FOR PROPOSALS DEP Scanning System #803153

The Department of Environmental Protection, State of Maine, is seeking proposals to acquire an electronic imaging and records management system and services for implementation and support of the product. The scope of this procurement shall consist of hardware acquisition, software acquisition and support services. Detailed specifications may be obtained by submitting a request by phone (207/287-7871) or in writing to: Karen Schuler, 17 State House Station, Augusta, Maine 04333-0017 or going to www.maine.gov/dep/rfp/. A bidder's conference will be held at 1:30 p.m. on September 16, 2003 at the Burton M. Cross Building, Room 107, Augusta, Maine. Sealed proposals must be received by October 2, 2003 at 2:00 p.m. at the Division of Purchases, 9 State House Station, 4th Floor, Burton M. Cross Building, Augusta, Maine 04333.

Central Maine Newspapers
9.7.03

APPENDIX C:
BEP MEMO OUTLINING CH. 305
CHANGES EFFECTIVE JUNE 1, 1999;
SEE APPENDIX D

MEMORANDUM

TO: Board of Environmental Protection
FROM: Michael K. Mullen, Land Bureau, Augusta
DATE: March 10, 1999
RE: Amendment of Chapter 305 Permit by Rule Standards: Post to Hearing

Statutory and Regulatory Reference:

Chapter 305 Permit by Rule Standards ("PBR") is adopted pursuant to general statutory authority at 38 M.R.S.A. Section 341-D(1) and specific authority found in the Natural Resources Protection Act at 38 MRSA Section 480-H.

Location:

The Natural Resources Protection Act and Chapter 305 rules apply to activities affecting protected natural resources in the organized portions of the state.

Description:

A number of the amendments being proposed are required as a result of legislative direction. Some were recommended by a review committee established by the Land and Water Resources Council in response to a legislative resolve (see 1997 Resolves, Chapter 41). These recommended amendments are identified below by (PBR RC). Further, Chapter 240 of Public Laws 1997 required that dredges of more than 50,000 cubic yards obtain an individual permit. It also limited the use of PBR for maintenance dredges to one time only and for only those projects receiving an individual permit within the last 10 years prior to the PBR notification.

The department has also identified a number of areas where the rule should be amended to ensure that only relatively small, discreet projects are authorized. A number of grammatical and wording changes have been made to make the rule conform to the convention used by the Secretary of State's Office (e.g. proper use of "shall" and "may"). The "Notes" have been re formatted for uniformity, some removed that are considered unnecessary, and others made into standards where needed. A number of "Definitions" have been deleted since the terms are no longer pertinent under the current law.

General amendments:

1. Under "Applicability" in most sections, restrictions have been added that ensure the activity complies with other department laws (specifically the Site, Stormwater and NRPA laws) and local shoreland zoning.

2. A new section "Discretionary authority" has been added that allows the department to require an individual permit for an activity qualifying for PBR if it appears that the standards of the NRPA may not be met, significant cumulative impact could occur, or where a special concern for a resource exists.
3. We have moved the before and after photographs requirement to a new "Submissions" section found in all Activity sections.
4. In the Applicability sections, more specific references to freshwater wetlands have been made in keeping with recent NRPA amendments limiting jurisdiction in and around certain wetland types.
5. Section 5 "Moorings" is being officially repealed (we failed to properly do this in the 1995 amendments).
6. Converted a "Note" about handling solid waste properly to a standard requiring that disposal of dredge materials conform with Maine solid waste laws throughout the rule.
7. We deleted the statutory definitions at the end of the Chapter that were inadvertently included as part of the rule and the Table of Contents. However, both will be added to the printed material we distribute for informational purposes.

Sectional amendments:

1) Introduction:

-new Section C(1)(c) prohibits the start of construction of a PBR activity until any Site or Stormwater permits, if needed, have been obtained.

-new Section D provides for discretionary authority to require full review for an activity that qualifies for PBR if it appears that the standards of the NRPA might not be met, significant cumulative impact may occur or impact to a resource of special concern might occur.

2) Soil disturbance:

-exempts from the 14 day waiting period those activities performed by individuals certified by the department in erosion controls measures (i.e. Nonpoint Source Training and Resource Center program)

-allows PBR to apply on steeper slopes, up to 3:1 (was 5:1) but prohibits counting those areas steeper than 3:1 toward the 25 foot setback requirement

-clarifies that any fill generated during structure repair must be removed to at least 25 feet from the resource unless it is required for foundation backfill.

3) Intake pipes:

-if a tidal area involved, requires Dept. of Marine Resources' ("DMR") approval of the timing of construction

-added prohibition on blasting in inundated areas

4) Replacement of structure

-if a tidal area involved, requires DMR approval of the timing of construction

-changes applicability to structures in place 24 months prior to receipt of PBR (to match current law)

-prohibits the replacement of tidal flood gates under PBR (requires individual permit) (**PBR RC**)

-allows reinforcement of retaining walls with facing material less than 6 inches thick

-prohibits replaced structures from interfering with existing recreational/navigational uses (e.g. cannot reduce existing clearance below a replaced culvert or bridge if boat traffic present)

6) Movement of rocks or vegetation

-limits clearing to one area per lot or area under common ownership

7) Outfall pipes

-if a tidal area involved, requires Dept. of Marine Resources' ("DMR") approval of the timing of construction

-added allowance to vary from 25 foot filter strip requirement if, when applicable, it is in conflict with Site or Storm Water permit standards.

- added prohibition on blasting in inundated areas

8) Shoreline Stabilization

-name changed to "Shoreline stabilization" to better encourage vegetative solutions to erosion problems

-allows rip rap to be installed on certain open water wetlands

-allows rip rap in coastal areas for agricultural land protection

-restricts riprap to eroding slopes steeper than 3:1 or other areas below existing outfalls. Requires vegetative stabilization measures otherwise and allows some soil to be brought to site to establish vegetation

-limits the height of riprap on the shore to 2 feet above normal high water line of great ponds, 100 year flood line on rivers streams or brooks, and anticipated wave height on coastal wetlands

-allows DEP to waive engineering requirement for riprap on small streams

9) Utility Crossings

-limits use of PBR to a single submerged crossing of a natural resource (projects consisting of multiple crossings must obtain an individual permit)

-requires DMR, the Atlantic Salmon Authority (“ASA”) and the Dept. of Inland Fisheries and Wildlife (“DIF&W”) approval, submitted with the notification form, for crossings involving trench excavation or bottom disturbance performed between Oct. 2 and July 14 (which correlates with a federal restriction)

-adds a standard requiring a “dry” method for crossings with trench excavation

-added prohibition on blasting in inundated areas

10) Stream crossings

-limits use of PBR to a single crossing of a natural resource

-exempts from the 14 day waiting period those activities performed by individuals certified by the department in erosion controls measures (i.e. Nonpoint Source Training and Resource Center program)

-requires DMR, ASA, and DIF&W approval, submitted with the notification form, for crossings involving trench excavation or bottom disturbance performed between Oct. 2 and July 14 (which correlates with a federal restriction)

-reduced the amount of freshwater wetland allowed to be altered in association with the stream crossing to 25 feet on either side of the stream, not 100 feet as currently allowed

-increased sizing requirement for culverts to carry 25 year flows, increase openings from 2.5 to 3 times the cross sectional area of the stream channel

11. State transportation facilities (repealed and replaced entire section due to numerous changes)

- increased maximum amount of freshwater wetland alteration allowed under this section before becoming subject to Chapter 310 Rules in response to NRPA changes effective fall of 1995 expanding authority to all freshwater wetland areas
- prohibits use of PBR for activities in sand dune systems
- photographs must be taken by the Department of Transportation (“DOT”) and the Maine Turnpike Authority and kept on file for DEP review if needed
- added DMR and the ASA (along with IF&W and Div. Of Environmental Evaluation) to the requirement that agencies’ approvals are needed to *not* improve fish passage where currently impaired for activities involving replacement work in coastal areas
- allows temporary roads in all resources but may not restrict fish passage or cause sedimentation; roads in rivers must pass the stormwater associated with 10 year storms at a minimum
- allows the use of erosion and sedimentation control BMP’s adopted by DOT

12) Restoration of natural areas

- allows the removal of non-native species and reestablishment of natural vegetation
- allows the retrieval of sand from below the normal high water line adjacent to sand beaches on great ponds provided upland erosional causes are eliminated
- if a tidal area involved, requires Dept. of Marine Resources’ (“DMR”) approval of the timing of construction
- if the activity is the removal of a beaver dam, requires proof of IF&W approval to remove the dam

13) Habitat creation or enhancement and water quality improvement activities

- added ‘conservation groups’ and ‘owners of Hydropower projects’ as eligible to perform these activities
- allows landfill closures under this section
- requires submission of proof that natural resource agency will supervise project (excluding landfill closures)

14) Piers, wharves, pilings and haulouts

- allows the construction of “haulouts” for boat retrieval provided it is pinned to ledge or is on piles, does not extend below low water line, no fill is added and bracing does not cause shading
- allows roadways or walkways to be constructed to the pier, wharf or haulout being constructed provided that maximum width is 10 feet and located entirely in upland
- if project located in significant wildlife area, ineligible for PBR
- requires submission of plans for pier, wharf or haulout along with ‘before’ photos
- limited to one pier, wharf or haulout per lot or area of common ownership; if a pier, wharf or haulout already exists, PBR not available for additional structures (**PBR RC**)
- added definitions for “haulout” and “water dependent use”

15) Public boat ramps

- requires submission of an erosion control plan if activity is on a great pond
- requires submission of approval of timing of the construction by either DMR or IF&W, depending on the resource involved

16) Activities in coastal sand dunes

- removed allowance for movement of sand and cobble from the front of buried seawalls (**PBR RC**)
- added a standard for open fence construction per the Sand Dune rules, Chapter 355
- prohibits the movement of any sand seaward of the frontal dune between April 1 and September 1 unless approved by IF&W
- requires that dune restoration occur between March 1 and April 15 and requires specific planting standards
- requires that private walkways be less than 4 feet in width, public walkways may be 10 feet in width; all must allow free movement of sand

17) Transfers and permit extensions

- clarify that section allows transfer of individual, general and tier permits

-requires proof of sufficient expertise and financial resources to complete project if wetland compensation involved

-requires approval of the transfer from permittee

18) Maintenance dredging permit renewal

-restricts use to one time renewal only of an individual NRPA permit

-limits dredge to less than 50,000 cubic yards

-if a tidal area involved, requires Dept. of Marine Resources' ("DMR") approval of the timing of construction

-prohibits disposal of dredge debris or material in wetlands, great ponds, rivers, streams or brooks or significant wildlife habitats unless otherwise allowed by PBR (e.g. for restoration of natural area, dune restoration/construction, etc.)

Environmental issues:

These amendments represent a general strengthening of the PBR process and standards to ensure that projects eligible for PBR are relatively minor in size and potential impact. A number of amendments also represent the concern of stakeholders and the Legislature that resulted from a study of the PBR process and hearings on dredging issues. Specific recommendations from these sources have been incorporated in the draft rule and a number of other proposals are directly related to the concerns expressed in the course of these review efforts.

Department Recommendation:

The department recommends the Board post this rule to hearing on April 14, 1999, at 1:30.

Estimated Time of Presentation:

Approximately 30 minutes. To date, I have not received many questions on this amendment effort so I do not expect many to testify. The hearing should take less than 2 hours at the most.

APPENDIX D:
DEP RULES, CHAPTER 305
(AS CODIFIED)

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.

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 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 that 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.
- (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 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. 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.
 - (d) The closure of a landfill in conformance with the DEP's solid waste management rules.
 - (e) Access ways 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.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March

1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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.

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 pursuant to 22 M.R.S.A. Section 42(3).
 - (2) The placement of wastewater treatment facilities or disposal systems by people in possession of an overboard discharge license or conditional discharge permit is exempt from the NRPA, subject to certain conditions (see Chapter 596 of DEP Regulations "Overboard Discharges: Licensing, Relicensing, Transfer and Abandonment of Licenses").
-

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.
- (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 may 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; or
 - (c) Any activity within a river, stream or brook that takes place between October 2 and July 14.

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) 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 Handbook for Construction: Best Management Practices, dated March, 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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 25 feet from any open water body and stabilized to prevent erosion. 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, 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. Lumber treated with pentachlorophenol or creosote 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. Any activity involving structure replacement adjacent to protected natural resources must conform with Section 2 "Activities adjacent to protected natural resources". 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 structures located within a sand dune system. (See Section 16: Activities in coastal dune systems.)
- (4) This section does not apply to the replacement of a dam or a tidal flood gate.
- (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.

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.

C. Standards

- (1) A replaced structure that is located in, on, or over a protected natural resource may not exceed the dimensions 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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 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, irregular-shaped rocks that are fit into place, usually without mortar, on a slope.
- (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 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. Any soil disturbance on the land must be stabilized with seed or mulch.
- (5) Rocks that are holding the shoreline may not be moved if that action would result in destabilization of the shoreline or soil erosion.
- (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 may 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; or
 - (c) Any activity within a river, stream or brook between October 2 and July 14.

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).

- (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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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.
- (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 and the installation of riprap along the shoreline of a coastal wetland, great pond, freshwater wetland with over 20,000 square feet of open water, river, stream or brook. This rule limits riprap in coastal wetland areas to that required to protect a structure within 100 feet of an eroding bank or agricultural land.
- (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 areas within or adjacent to a coastal wetland containing soft bottom (mudflat) sediments or salt marsh vegetation.
- (4) 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.
- (5) 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 may be required from the US Army Corps of Engineers for a riprap project that exceeds 500 feet in length and the fill below the normal high water line exceeds 1 cubic yard per linear foot of riprap.

A copy of the PBR notification form 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) 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.

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. Riprap installed in a coastal area may extend no higher than the elevation of waves expected during coastal storms.
- (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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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 loam 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, crushed stone or washed gravel must be placed under the riprap to prevent the washing of soil particles into the water.
- (9) No fill material other than the riprap, crushed stone or washed gravel 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 river, 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 wheeled or tracked equipment that must travel or work in a vegetated coastal wetland area must travel and work on mats or platforms in order to protect wetland vegetation.
 - (18) 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.
 - (19) Disturbance of vegetation must be avoided if possible. If vegetation must be disturbed during the activity, it must be reestablished immediately upon completion of the activity and must be maintained.
 - (20) Non-native species may not be planted in disturbed areas.
- 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, irregular-shaped rocks that are fit into place, usually without mortar, on a slope.
 - (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.

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 may 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; or
- (c) Any activity within a river, stream or brook between October 2 and July 14.

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) 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 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.

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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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, 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, irregular-shaped rocks that are fit into place, usually without mortar, on a slope.
- (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.

NOTE:

- (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 may 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 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) 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) 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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) At the outfall, have the bottom of the culvert installed at or below stream bed elevation, except for additional culverts at the same crossing;
 - (d) Where 2 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 or other means to avoid erosion of material around the culvert.
- (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, 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, irregular-shaped rocks that are fit into place on a slope, without the use of mortar.
- (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 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, the Department of Marine Resources, the Atlantic Salmon Authority, and the DEP's Division of Environmental Assessment prior to the notification being filed with the DEP. The activity must be performed according to any recommendations from these authorities.
- (3) The activity must be performed in accordance with erosion control measures conforming with the State of Maine Department of Transportation Standard Specifications for Highways and Bridges Revision of April 1995 and with the Department of Transportation's Best Management Practices for Erosion and Sediment Control, September 1997.

NOTE: Guidance on the use of erosion control best management practices can be obtained from the on site Construction Manager.

- (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 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(1), 9(B) and 9(C).

- (8) The activity may not permanently block any fish passage in any watercourse containing fish. The applicant must improve passage beyond what restriction may already exist unless the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Atlantic Salmon Authority and the DEP's Division of Environmental Assessment concur that the improvement is not necessary.
- (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, with the exception of culvert installation, the applicant must divert flow away from the activity while work is in progress.
 - (a) Diversion may be accomplished by the use of stable, inert material. No more than two thirds (2/3) of stream width 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 bottom 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.

NOTE: Guidance on the appropriate location of a diversion and materials which should be used for a stream diversion can be obtained from the on site Construction Manager.

- (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.
- (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. Hay bales or silt fence 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. Measures, such as a silt boom or staked fencing, must be employed to reduce and isolate turbidity.
- (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, 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) Soil may not be disturbed during any period when soils are saturated due to rain or snow melt, except as necessary to protect work in progress or as required for bridge maintenance activities. Areas where soils are saturated (i.e. water drips from the soil when squeezed by hand, or the soil is capable of being rolled into a rod 1/8th inch in diameter that does not crumble) must be immediately mulched if they are disturbed.
- (19) Disturbed soil must be protected within one week from the time it was last actively worked, and prior to any storm event, using temporary or permanent measures such as the placement of riprap, sod, mulch, erosion control blankets, or other comparable measures.
- (20) Hay bale or straw mulch, where used, must be applied at a rate of at least one bale per 500 square feet (1 to 2 tons per acre).
- (21) If mulch is likely to be moved because of steep slopes or wind exposure, it must be anchored with netting, peg and twine, binder or other suitable method and must be maintained until a catch of vegetation is established over the entire disturbed area.
- (22) In addition to the placement of riprap, sod, erosion control blankets or mulch, additional steps must be taken where necessary to prevent sedimentation of the water. Evidence of sedimentation includes visible sheet, rill or gully erosion, discoloration of water by suspended particles and/or slumping of banks. Silt fences, staked hay bales and other sedimentation control measures, where planned for, must be in place prior to the commencement of an activity, but must also be installed whenever necessary to prevent erosion and sedimentation.

NOTE: Guidance on the location and proper installation of erosion control measures can be obtained from the on site Construction Manager.

- (23) Temporary erosion control measures must be maintained and inspected weekly until the site is permanently stabilized with vegetation or other permanent control measures. Erosion control measures must also be inspected immediately prior to and following storms.
 - (24) Permanent erosion control measures protecting all disturbed areas must be implemented within 30 days from the time the areas were last actively worked, or for fall and winter activities by the following June 15, except where precluded by the type of activity (e.g. riprap, road surfaces, etc.). The permanent erosion control measures must be maintained.
 - (25) The applicant shall immediately take appropriate measures to prevent erosion or sedimentation from occurring or to correct any existing problems, regardless of the time of year.
 - (26) Non-native species may not be planted in restored areas.
 - (27) 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.*
 - (28) 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.
 - (29) 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. A rerouting of a river, stream or brook to a location outside of its established 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. Rocks that are fit into place, usually without mortar, on a slope as defined in the State of Maine, Department of Transportation, Standard Specifications for Highway and Bridges, revision of April 1995.

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 may 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; or
 - (d) Any activity within a river, stream or brook between October 2 and July 14.

A copy of the PBR notification form 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) 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.
- (4) For an activity involving the removal of a beaver dam, notice of approval for the removal from the Department of Inland Fisheries and Wildlife 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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 great pond, river, stream or brook, coastal wetland and a freshwater wetland 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.

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 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence and hay bale installation and site stabilization 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 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 Atlantic Sea Run Salmon Commission, 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 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

A. Applicability

- (1) This section applies to the construction or expansion of a pile supported pier or wharf, the installation of pilings, or the construction of a haulout in a coastal wetland. This section also applies to the construction of roads, walkways, or other access ways to the pier, wharf or haulout.
- (2) This section applies to the construction of a structure for a water dependent use (e.g. bait sheds) on a pile supported pier or wharf that meets the criteria of subsection B below.
- (3) 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.
- (4) 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.

- (5) This section does not apply to an activity that is located in an area containing significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.

B. Submissions

- (1) The applicant is required to submit photographs of the area in which this activity is proposed and a project design plan for the proposed activity if it is a pier, wharf or haulout.
- (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 applicant must submit a letter of permission by the abutting or other controlling property owner when new structures constructed under this section do not meet the setback requirements of Standard #9 below.

C. Standards

- (1) When the PBR notification is submitted to the DEP, 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 (State House Station #22 Augusta, Maine 04333), to determine whether a submerged lands lease or easement is necessary. 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.

- (2) The applicant shall submit a copy of the project design plan along with a copy of the notification form to the United States Army Corps of Engineers (Maine Project Office, RR 2, Box 1855, Manchester, Maine 04351) at the time the notification form is submitted to the DEP. The Corps will contact the applicant if additional information is required for his or her application process. Construction may not begin until a permit from the Corps is obtained.
- (3) A pier, wharf or haulout may not be located over salt marsh or other emergent marsh vegetation that is more than 10 feet in width, measured perpendicularly to shore. Any portion of a pier or wharf that is over salt marsh or other emergent marsh vegetation must be elevated to a minimum height equal to the width of the pier (e.g. the bottom of the decking for a six foot wide pier must be at least 6 feet above the underlying substrate.)
- (4) 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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence and hay bale installation and site stabilization are available from the DEP.

- (5) A commercial or public pier or wharf may not exceed 12 feet in width as measured parallel to the shoreline, and must be limited to the minimum length necessary to provide access to boats intended to use the facility.

- (6) A non-commercial, private pier may not have a width of over 6 feet as measured parallel to the shoreline and may not extend beyond the mean low water line. A temporary ramp and float may be attached to the pier or wharf and may extend below the mean low water line.
 - (7) Only one pier or wharf and only one haulout are allowed on any single lot with shore frontage or area under common ownership with shore frontage.
 - (8) A structure may not extend across more than 25 percent of any channel at mean low water. A structures may not extend into a designated federal channel.
 - (9) New piers, wharves and pilings must be set back at least 25 feet from property lines and 50 feet from other structures that are fixed in place below the normal high water line and not owned or controlled by the applicant unless a letter of permission is provided from the abutting owner or other controlling property owner.
 - (10) A haulout must be pinned to the underlying ledge or must be supported on piles.
 - (11) A haulout may not extend beyond the low water line.
 - (12) A haulout must be constructed of timbers no more than 8 inches in width. Cross braces may not be set closer than 16 inches on center. Timbers may not be closer than 4 feet apart. The total width of the haulout may not exceed 12 feet. No fill may be added to the wetland as part of the haulout construction.
 - (13) Any access way to a pier, wharf or haulout must have a stabilized surface that will not erode. In addition, any new access way must be less than 10 feet in width and must be constructed entirely on upland areas.
 - (14) The use of untreated lumber is preferred. Lumber pressure-treated with chromated copper arsenate (CCA) may be used, 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 it will contact water.
 - (15) 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.
- 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) Haulout. A structure made of wood and used as a ramp to aid in the removal of boats or floating docks from the water; also known as a skidway.

- (3) Permanent structure. Permanent structure means any structure constructed or erected with a fixed location, or attached to a structure with a fixed location in, on or in the ground within a fragile mountain area, or having a fixed location, in on or over the water for a period exceeding 7 months each year, including, but not limited to, causeways, piers, docks, concrete slabs, piles, marinas, retaining walls and buildings (38 M.R.S.A. Section 480-B(10)).
- (4) Project design plan. A detailed plan of the proposed activity indicating all dimensions (width, height, length) relative to the mean low water mark including any appurtenant structures that may be seasonal in nature.
- (5) Water dependent use. A use which cannot occur without access to surface water. Examples of uses that are water dependent include, but are not limited to, piers, boat ramps, marine railways, lobster pounds marinas and peat mining. Examples of uses which are not water dependent include, but are not limited to, boat storage, residential dwellings, hotels, motels, restaurants, parking lots, retail facilities and offices.

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, 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.

NOTE: A permit may 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; or
- (c) Any activity within a river, stream or brook between October 2 and July 14.

A copy of the permit by rule notification form 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) The applicants 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) 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) 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 (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 Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization 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, 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 Atlantic Sea Run Salmon Commission, the Maine Department of Conservation, the United States Fish and Wildlife 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) Replacement of an existing seawall;
 - (b) Dune restoration or construction;

- (c) Beach nourishment;
- (d) Construction of a walkway, driveway, or a deck in a back dune area that are classified as A, B or C flood hazard zones;
- (e) New development or an addition to existing development in a back dune, non-flood (C zone) area of coastal sand dune system that is not expected to be damaged due to shoreline change within 100 years based on historic and projected trends;
- (f) Construction of open fences; and

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, the applicant is required to file for a 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 an addition to an existing structure in an A or B flood hazard zone or to any structures in a V flood hazard 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 also be submitted with the notification form:
 - (a) A site plan showing the project location and square footage of the property, buildings and development (both existing and proposed (see definition of Development in Section D));
 - (b) A copy of the Flood Insurance Rate Map (FIRM map) for the lot, with the project site accurately located on the map;
 - (c) A copy of the coastal sand dune map of the area with the lot and any building site accurately located on the map;

NOTE: Maps are available for review at the town offices of most coastal communities and at DEP regional offices, and are available for purchase from the Maine Geological Survey, State House Station 22, Augusta, ME 04333

- (d) For seawall 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 National Geodetic Vertical Datum (NGVD). The plan must be signed and dated by the person responsible for preparing the drawing, and
- (e) 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.

C. Standards

- (1) Native vegetation must be retained on the lot. No fill may be placed on the site other than that required for the approved dune restoration or construction, beach nourishment, foundation backfill and driveway or walkway 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. 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.
- (2) No more than 40% of the lot may be covered by structures, driveways, walkways, parking areas or waste disposal systems, including land area previously developed; nor may the total area to be covered by 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.
- (3) 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.
- (4) Where buildings that are existing or did exist within one year of application exceed 20% of the total lot area, the percentage of area covered by buildings may not be increased.
- (5) No additional land may be covered by development or buildings as a result of lot subdivisions created after January 4, 1988.
- (6) 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".
- (7) Building or building additions may not cause a total structure to be greater than 35 feet in height or cover a ground area greater than 2500 square feet.
- (8) A new structure or an addition to an existing structure must be constructed to withstand wind from a storm having a 50-year recurrence interval as provided in standards published by the Federal Emergency Management Agency in the Coastal Construction Manual, Chapter 4 and Appendices A and B, dated February 1, 1986.
- (9) 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.

- (10) Disturbance of vegetation must be avoided. Any areas of natural dune vegetation that are disturbed must be restored as quickly as possible. Natural dune vegetation includes American beach grass, rugosa rose, bayberry, beach pea, beach heather and pitch pine.
- (11) An activity involving dune restoration or dune construction must be performed between March 1 and April 1 or October 1 and November 15. Beach grass must be planted immediately after construction. Beach grass must be planted with 3 culms per hole. The holes must be spaced 18 inches apart. The planted beach grass must be protected from pedestrian traffic until the beach grass is well established. The density of the growing stand of beach grass must be at least 40 plants per 100 square feet.
- (12) Dune restoration/construction and beach nourishment projects must use sand that has textural and color characteristics consistent with the natural sand's textural and color characteristics.
- (13) 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.
- (14) 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.
- (15) Any private walkway must be 4 feet or less in width. Any public walkway must be 10 feet 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 flood hazard zone.
- (16) Any fence constructed in A, B, or V flood hazard zones, or any fence constructed on or seaward of the frontal dune must be an open fence that allows water, wind or sand to move through it easily. Fences may not be placed on the beach face unless the fence is used to keep pedestrian traffic off of dune vegetation or away from shore bird nesting or breeding areas.

D. Definitions. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- (1) A-zone. That land area of special flood hazard subject to a one percent or greater chance of flooding in any given year.

NOTE: These areas will be designated as Zones A, A1-30, or AO on a community's Flood Insurance Rate Map, and the depth of flooding will usually be shown on the map. In cases where these maps are not available, no longer apply to a specific site because of significant shoreline changes, or show unnumbered A-zones, the base flood elevation must be determined using the best available data. The base flood, also known as the 100 year flood, is the flood with a one percent chance of occurring in any given year. Flood elevations must be given relative to NGVD, which is a standard elevation (0.00 feet) from which land measurements are derived. Procedures for determining flood elevations should conform with the procedures established

by the Federal Emergency Management Agency (FEMA) in developing the Flood Insurance Rate Maps. Computer analysis is not required.

- (2) American beach grass. A grass species native to sand dune systems with the scientific name *Ammophila breviligulata*.
 - (3) B-zone. Areas between the special flood hazard areas (A-zones and V-zones) and the limits of the 500 year flood. This zone also includes areas of 100 year shallow flooding where water depths are less than one foot.
 - (4) 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 wetland adjacent to the sand dune system.
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NOTE: In locations of extreme dune erosion where the frontal dune is completely eroded, back dunes may become frontal dunes.

- (5) Beach face. The sloping portion of a beach that is below the high tide limit, and is usually exposed to wave action.
 - (6) Beach nourishment. Artificially adding sand to the beach face.
 - (7) Berm. The flat or gently sloping area between the high tide limit and frontal dune. A berm is formed by deposition of sand that has been transported to shore by waves and along shore by waves, wind and long shore currents.
 - (8) C-zone. Areas of minimal flooding above the level of the 100 year flood as mapped by the Federal Emergency Management Agency.
 - (9) Development. The alteration of property for human-related use including, but not limited to, buildings, driveways, parking areas, wastewater disposal systems, lawns and other non-native vegetation, and any other appurtenant facilities, but excluding temporary structures and open decks exempted by the Coastal Sand Dune Rules (06-096 CMR 355).
 - (10) FEMA. The Federal Emergency Management Agency of the United States Government. This agency administers the National Flood Insurance Program and the Flood Insurance Rate Maps.
 - (11) Frontal dune. The frontal dune is the area consisting of the most seaward ridge of sand 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 natural flora 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.
 - (12) 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.
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- (13) Lot. A piece of land measured and marked out by metes and bounds or by some other approved surveying technique.
- (14) National geodetic vertical datum (NGVD). The base (0.00) elevation point from which land measurements are derived. This elevation was established in 1929 and was formerly called "sea level datum of 1929" or "mean sea level."
- (15) Structure. Something constructed, including, but not limited to, buildings, swimming pools and fences, but not including seawalls, driveways, parking areas and natural features, such as frontal dunes.
- (16) V-zone. Areas below the 100 year flood elevation that experience wave action during a 100-year flood condition as mapped by the Federal Emergency Management Agency.

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).
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B. Submissions

- (1) A copy of the permit issued for the most recent 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.
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STATUTORY AUTHORITY: 38 M.R.S.A., Section 480-H & 341-D(1)

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