

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-198)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 454, L.D. 501, Resolve,
Providing for Revision to the Land Use Regulation
Commission's Land Use Handbook, Section 6, "Erosion Control
on Logging Jobs."

Amend the Resolve by striking out everything after the
title and inserting in its place the following:

Preamble. Whereas, in Public Law 1979, chapter 714,
the Legislature provided that roads in/Land Use Regulation
Commission management districts are exempt from the ~~Site~~
~~Location Law~~, Maine Revised Statutes, Title 38, chapter
3, subchapter I, Article 6, when such roads are located,
constructed and maintained in accordance with the guide-
lines of the/Land Use/Handbook, section 6, "Erosion Control
on Logging Jobs;" and

Whereas, the/Land Use Regulation Commission has adopted
a revision of the/Land Use/Handbook, section 6, consistent
with Public Law 1979, chapter 714; and

Whereas, it is the intention of the Legislature and
this Resolve shall so reflect, that these guidelines shall
be construed to allow persons operating thereunder to use
good judgment, common sense and discretion, in order that
construction of roads may proceed in a reasonable and flexible
manner with due consideration for terrain, location and
other site specific factors; and

Whereas, in order for the revision to be in effect
beyond 90 days after adjournment of the First Regular Session of the

110th Legislature, < > the Legislature must approve such revision; now, therefore, be it

Legislature approves/^{Maine}Land Use/^{Regulation}Handbook revision. Resolved:
That the Legislature approve the adopted revision to the ^{Maine}Land Use Regulation Commission's/^{Maine}Land Use Regulation Handbook, section 6.'

Statement of Fact

This amendment clarifies the legislative intent for enforcement of guidelines for erosion control on logging jobs and incorporates as "Exhibit A" the actual revision of section 6 adopted by the commission.

EXHIBIT "A"

Effective - January 5, 1981

REVISION TO LAND USE HANDBOOK, SECTION 6
(SUPPLEMENT)

GUIDELINES FOR PRIVATE ROADS OR WAYS IN THE LAND USE REGULATION COMMISSION'S
MANAGEMENT DISTRICTS

Introduction

The 109th Legislature enacted legislation (Public Law, Chapter 714) which was intended to clarify DEP's authority to regulate roads under the Site Location Law.* That legislation provides, among other things, that municipal or private roads or ways are exempt from the Site Law if they are located, constructed and maintained in accordance with the following provisions.

- "B. In management districts, the guidelines of the Maine Land Use Regulation Handbook, Section 6, "Erosion Control on Logging Jobs," or as revised. The Maine Land Use Regulation Commission may adopt such definitions as are necessary to implement the provisions of this paragraph."

*The Site Location Law, as it applies to roads, is explained in the appendix to the guidelines.

Objectives of Guidelines

The objectives of these guidelines are:

- (1) to fulfill the intent of P.L. Chapter 714, "AN ACT to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law," 109th Legislature, Second Regular Session, 1980;
- (2) to provide guidelines for the location and construction within Management Districts of the type of major roads regulated by the Site law--a type of activity which the current version of Section 6 of the Land Use Handbook was not designed to directly address;
- (3) to provide meaningful guidelines for such roads in a fashion consistent with the spirit and intent of P.L. Chapter 714 and of Handbook Section 6 and consistent with current Land Use Regulation Commission regulations for roads in Protection Districts; and
- (4) to maintain the integrity of Section 6 of the Handbook as an informal educational booklet designed for small logging operations by providing these guidelines as a supplement to that Section of the Handbook.

These guidelines are intended for private roads or ways located in LURC Management Districts, which are of a size sufficient to make them subject to the Site Location Law (see appendix). Compliance with these guidelines will exempt road construction activities in LURC management districts from the permit requirements of the Site Location Law. Municipal roads or ways are considered to be public roads and are regulated according to the Land Use Regulation Commission's Land Use Districts and Standards, Chapter 10 of the Commission's Rules and Regulations.

PRIVATE ROADS OR WAYS SUBJECT TO THE SITE LOCATION LAW
(SEE APPENDIX) WHICH ARE NOT LOCATED, CONSTRUCTED AND/OR
MAINTAINED IN COMPLIANCE WITH THE FOLLOWING GUIDELINES
REQUIRE A PERMIT FROM THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION.

Guidelines for Roads in
Management Districts

Planning and Location: (Refer to Handbook, Section 6, pp 5-8)

1. The location of roads should be planned and laid out, both on paper and on the ground, before starting construction.
2. As a general rule, landowners should give advance consideration to avoiding areas where road location or increased public access are not desirable. In this regard, areas near water bodies and in wetlands, steep slopes, wildlife habitat, high mountain areas, areas of historical or cultural significance, and remote recreational areas should be avoided wherever possible.

3. Roads should be laid out so that the number of stream crossings is kept to the minimum practicable. In order to avoid excessive cuts and fills, the general contours of the land should be utilized to the fullest extent possible.
4. To facilitate the control of water and drainage of road surfaces, roads should also be laid out, whenever practical, to utilize southerly slopes and to follow contours of side slopes.
5. Road grades should be kept below ten percent except for short distances where the grade may exceed ten percent.

Construction Techniques: (Refer to Handbook, Section 6, pp 6, 10-19)

1. During road construction, reasonable measures should be undertaken to control water runoff and erosion in order to avoid sedimentation of water bodies.
2. Drainage ditches should be provided whenever necessary to effectively control water entering and leaving the road area.
3. Cut and fill sections and road banks should be effectively stabilized so as to prevent erosion or slumping.
4. In order to prevent road surface drainage from directly entering water bodies, roads and their associated drainage ditches should be located, constructed and maintained so as to leave an unscarified filter strip, of at least the width indicated in the following table, between the exposed mineral soil of the road and the normal high water mark of a surface water body or water course:

<u>Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)</u>
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

This guideline shall not apply to road approaches to water crossings.

5. Drainage ditches for roads approaching a water crossing should 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 body. Where such filter strip is impracticable, other appropriate techniques should be used to reasonably avoid sedimentation of the water body. 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.

6. Cross drainage culverts or drainage dips should be installed to get drainage water from the uphill side of the road to the downhill side before the flow in drainage ditches or roads gains sufficient volume or head to cause erosion and water sedimentation.

Drainage water on the downhill side of the road should be diverted from the road ditch into vegetated areas by installation of water turnouts spaced so as to prevent the flow in the ditch from gaining sufficient volume or head to cause erosion and water sedimentation.

Such water diversion structures should be located and constructed as follows:

- a. Drainage dips should be used in place of ditch relief culverts only where the road grade is 10 percent or less. Such dips should be constructed so that the road slope is reversed, the base of the dip drains to the outslope, and the surface of the dip is gravelled.
- b. On roads having slopes greater than 10%, ditch relief culverts should be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road.
- c. Culverts and drainage dips should also be installed so as to direct drainage water onto a unscarified filter strip.
- d. Inlet end of culverts should extend into side ditches to intercept ditch flows and should be adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.
- e. Culverts, drainage dips, and water turnouts should be spaced along the road at intervals which are sufficient to prevent the water flow in drainage ditches or roads from gaining sufficient volume or head to cause erosion and water sedimentation.

As a general guide, culverts, dips and water turnouts should be spaced as follows:

<u>ROAD GRADE</u> percent	<u>SPACING</u> feet
1-2	1,000
3-5	800-500
6-10	400-200
11-15	180-130
16-20	125-120

- f. Cross drainage culverts should be sufficiently sized and properly installed in order to allow for drainage of storm or spring water run-off.

Maintenance and Abandonment: (Refer to Handbook, Section 6, pp 17-18)

1. Measures should be undertaken to maintain water diversion structures so as to control water runoff and avoid sedimentation of water.
2. Ditches, culverts and other water control installations should be inspected, cleaned out and maintained on a regular basis in order to remove debris and to assure normal functioning at all times.
3. Maintenance of water control installations should continue until the road is discontinued and put to bed by pulling of culverts, installation of water bars or other measures which are effective in stabilizing the area.

Where utilized, water bars should:

- a. be constructed and maintained across the road at intervals which are sufficient to effectively control water runoff.

The following table should be used as a general guide in determining appropriate spacing of water bars:

<u>Road Grade percent</u>	<u>Distance Between Water Bars feet</u>
1-2	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 effectively prevent surface water from flowing over or under the water bar; and
- d. extend sufficient distance beyond the travelled way so that water does not re-enter the road surface.

APPENDIX

Site Location Law

The Site Location Law (38 M.R.S.A. 5482 (6) (B)) requires permits for roads which are not built according to LURC or DEP standards or guidelines, and which "are to be stripped or graded and not be revegetated [in a fashion] which causes a total project, including any buildings, to occupy a ground area in excess of 3 acres."

The following table may be used as a guide in determining whether a proposed road exceeds the three acre threshold.

<u>width of road - not including the portion of the right-of-way to be revegetated</u>	<u>length of road beyond which the 3 acre threshold is exceeded</u>
12 feet	2.06 miles
16 feet	1.55 miles
20 feet	1.24 miles
24 feet	1.03 miles
28 feet	.88 miles
32 feet	.77 miles
36 feet	.69 miles
40 feet	.62 miles

In calculating whether the three acre threshold of the law has been exceeded:

The area of continuous road to be constructed, exclusive of banks, ditches, and portions of the right-of-way which are to be revegetated within two growing seasons from the time of construction, shall be included.

The area of roads constructed prior to the effective date of these guidelines shall not be included, unless otherwise specified.

The reconstruction of an existing road, including widening or straightening, shall be included.

Normal maintenance of an existing road, including gravel resurfacing, grading, reditching, reshaping, culvert maintenance and replacement, and the clearing of brush, shall not be included.

Once a continuous stretch of road has exceeded the three acre threshold, all additions to that road are subject to review under the law.