DEP Jurisdiction over water

- Responsible for managing, protecting and enhancing the quality of Maine's water resources
- Coastal water resources, wetlands, rivers and streams, lakes, and groundwater
The Natural Resources Protection Act (NRPA)

- Defines a river, stream, or brook as protected natural resource
- No regulated activity within 75 feet without DEP permit
- Activities requiring permit:
  - Dredging, filling, dewatering, displacing soil, removal of vegetation
  - Construction, replacement, repair or alteration of permanent structures
Permit By Rule (PBR)

- Fast and easy permitting process (14 day review)
- Project must meet all applicable Chapter 305 Rules
  - Section 10 - stream crossings (bridges, culverts, fords)
Stream Crossings - PBR

- Sizing – crossing must provide opening \( \geq 3 \times \text{cross sectional area} \) of channel (or accommodate a 25-year storm)

- Culvert Sizing Chart included in PBR application specifically for culverts

![Diagram showing average width and depth of a stream crossing with cross sectional area highlighted.]( Diagram showing average width and depth of a stream crossing with cross sectional area highlighted. )
Stream Crossings - PBR

- In-stream work window: July 15 – October 1
- Fill slopes must be stabilized
- If working in < 3’ of water, must divert water around work area
Culverts

• ≤ 75 feet long
• Match alignment and grade of stream
• Be inset at or below streambed elevation
• Back fill compacted
• Inlet and outlet banks riprapped
Existing Crossing Replacements

Exempt from NRPA permitting if:

- Erosion controls used
- Fish passage not blocked
- New crossing installed to match natural grade
- Culverts embedded min. 1 foot or 25% diameter (max. 2 feet)
Maine DEP – Contact info

- Southern Maine Region
  312 Canco Road, Portland
  (207)822-6300

- Main Office/Central ME Region 28
  Tyson Drive, Augusta
  (207)287-7688

- Eastern Maine Region
  106 Hogan Road, Bangor
  (207)941-4570

- Northern Maine Region
  1235 Central Drive, Presque Isle
  (207)764-0477
Maine Land Use Planning Commission (LUPC)

Serves as the planning and zoning authority for the unorganized and deorganized areas of the State

- > 10.4 million acres
- ≈ ½ area of the state
- Includes areas in:
  - Coastal islands and Downeast Region
  - Western Maine
  - Central Maine
  - Northern Maine
LUPC Stream Crossing Standards

Chapter 10, Section 10.27,D

Goals:
- Protect the stream and water quality
- Maintain habitat connectivity for fish and wildlife
- Accommodate larger and more frequent flood events
- Ensure Safety
- Reduce losses due to repairs and replacement

General Work Requirements:
- Work Window = July 15 – September
- In-stream work minimized
- Maintain stream’s natural structure and integrity
- Wheeled or tracked equipment may not operate in the water
- Temporary water diversion if flowing water < 3 ft deep at time of work
- Sediment control barriers where necessary
LUPC Stream Crossing Standards

Type of Crossing:

Perennial watercourse with sustained slope > 2%
or if used for navigation

= bridge or open bottom arch required

Otherwise, culverts are allowed

Sizing of Crossings:

25 year flood or 3 times cross-sectional stream area

AND

at least 1.2 times channel width
LUPC Stream Crossing Standards

Culvert Installation:
- Installed below streambed elevation
- Seated on firm ground or stabilizing geotextiles
- Streambed substrate added to culverts > 60 inches diameter
- Culvert’s gradient may not exceed 2%
- Soil compacted up the side
- Covered by minimum 1 ft depth of soil
- Inlet and outlet ends stabilized to prevent erosion

Maintenance:
- Crossings must be maintained to meet standards and facilitate the passage of aquatic life
- Must repair: hanging inlets or outlets, bed washout, or other changes that do not match the natural stream channel
LUPC Stream Crossings - Permitting

**Permit required:**
- Crossings that deviate from standards
- Crossings of major waters
  - “A flowing water downstream from the point where such water drains 50 square miles or more.”
- Crossings in certain LUPC protection zones

**No permit needed:**
- If standards are followed on minor waters
  - But written notification required before beginning work:
    - Regional LUPC Office
    - Army Corps of Engineers
LUPEC Contact Information

- **Website:** [www.maine.gov/doc/lupc/](http://www.maine.gov/doc/lupc/)

  Contact Information for Regional Offices:
  [www.maine.gov/dacf/lupc/about/offices/](http://www.maine.gov/dacf/lupc/about/offices/)

- **Phone:** (207) 287-2631

- **Augusta Office:** 22 State House Station
  Augusta, ME 04333

LUPEC Culvert Sizing and Installation Guide: link at [www.maine.gov/dacf/lupc/reports](http://www.maine.gov/dacf/lupc/reports)