

Chapter 305: NATURAL RESOURCES PROTECTION ACT

PERMIT BY RULE



Section 17: Transfers and permit extensions

NOTE: This Section-by Section version of Permit By Rule is re-formatted to increase usability and includes additional guidance, annotations, and addendum. The entire rule, as published, is available below.

Official Chapter 305 Rule (all sections):

<http://www.maine.gov/sos/cec/rules/06/096/096c305.docx>

AMENDED:

May 25, 2005 – filing 2005-174 December 5, 2006 – filing 2006-496

February 25, 2008 – Section 20 only, filing 2008-88

July 15, 2009 – filing 2009-339

July 30, 2011 – Section 16 only, filing 2011-211 (Final adoption, major substantive)

June 8, 2012 – filing 2012-146 (Final adoption, major substantive)

December 27, 2022 – Section 16-A only, filing 2022-256

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

Submissions for all sections:



PBR Notification Form



Location Map

Submissions for Section 15:

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.

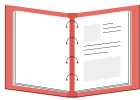
C. DEFINITIONS

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.

HOW TO SUBMIT YOUR PERMIT BY RULE



STEP 1

DETERMINE APPLICABLE PERMIT-BY-RULE SECTION(S)

Permit-by-Rule regulations (Chapter 305) apply to certain activities that require a permit under the Natural Resources Protection Act (NRPA). Find the appropriate section for the activity you are proposing to see the requirements.



STEP 2

REVIEW CHAPTER 305 PBR SECTION STANDARDS

Find the section for your type of proposed activity in the Chapter 305 standards. Read the applicability section that describes in further detail which activities are included and where they are allowed. Read and comply with all the standards contained in the section.



STEP 3

FILL OUT PBR NOTIFICATION FORM, & COLLECT REQUIRED SUBMISSIONS

- [Permit By Rule Notification Form](#)
- [Dept. of Marine Resources Timing Form](#)
- [Inland Fisheries & Wildlife Timing Form](#)
- [Other NRPA Forms](#)



STEP 4

PAY PBR FEE ONLINE

- The required fee is contained in the Department's [fee schedule](#).
- Payment of the application fee is accepted by credit card through the Department's [payment portal](#).

Pay the fee prior to filing and include confirmation of credit card payment with email submission of your PBR.



STEP 5

SUBMIT PBR, ATTACHMENTS AND PROOF OF PAYMENT VIA EMAIL

The Department is now requiring the submission of Natural Resource Protection Act (NRPA) and Stormwater permit-by-rule (PBR) notifications by email to:

DEP.PBRNotification@maine.gov

The PBR becomes effective 14 days from the date the Department receives the full submission (email notification and fee), unless otherwise notified by the Department.



Natural Resources Protection Act (NRPA) Basics & Submitting a Permit By Rule (Video)
<https://youtu.be/cPmqZYE0XZY>