

Chapter 305: NATURAL RESOURCES PROTECTION ACT

PERMIT BY RULE



Section 6: Movement of rocks or vegetation

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


NRPA Permit By Rule Section 6

A. APPLICABILITY

- 1 This section applies to the limited movement of rocks or hand removal of vegetation from below the normal high water line of a great pond or river, stream or brook in order to provide access for swimming or navigation.



- 2  This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the [Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490](#), the [Storm Water Management Law, 38 M.R.S.A. Section 420-D](#), the [Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z](#).

- 3  This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements

B. SUBMISSIONS

Submissions for all sections:





PBR Notification Form



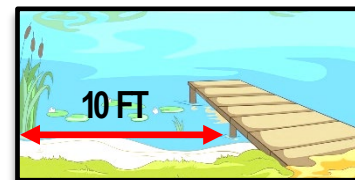
Location Map

Submissions for Section 6:

- 1  The applicant is required to submit photographs of the area which will be affected by the activity proposed.
- 2  Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the town in which the activity took place

C. STANDARDS

- 1** The width of the area to be cleared may not exceed 10 feet, as measured parallel to the shore. Only one area may be cleared per lot with shore frontage or area under common ownership with shore frontage.

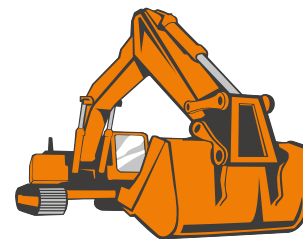


- 2** If the area has been cleared in the past, subsequent clearing must be limited to the same area.

- 3** Rocks moved from the cleared area must remain in the water and must be distributed randomly in such a way that a structure such as a jetty or boat ramp will not be formed. Rocks may not be removed from the water.

- 4** Wheeled or tracked equipment may not be operated in the water. For large rock movement, equipment operating on the shore may reach into the water with a bucket or similar extension provided no bottom sediments are removed or displaced.

Areas that are disturbed as part of equipment access and operation must be restored to their original grade and vegetation or as near thereto as practicable.

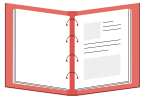


- 5** Rocks that are holding the shoreline may not be moved.

- 6** Cut or uprooted vegetation must be removed from the water.

- 7** Work must be done during periods of low water level or flow.

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.

GUIDANCE & RESOURCES



Natural Resources Protection Act (NRPA) Basics & Submitting a Permit By Rule (Video)

<https://youtu.be/cPmqZYE0XZY>



Maine DEP Erosion Control Best Management Practices Field Guide

www.maine.gov/dep/land/erosion/escbmps/esc_bmp_field.pdf



Additional Manuals and Guides to Reduce Water Pollution

www.maine.gov/dep/land/watershed/materials.html

