

# Chapter 305: NATURAL RESOURCES PROTECTION ACT

## PERMIT BY RULE



## Section 15: Public boat ramps

**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 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, Maine Department of Transportation, 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.

3



This section does not apply to a new boat ramp on a lake infested with aquatic invasive plants, as defined in [38 M.R.S.A. Section 410-N](#). The Department of Environmental Protection identifies and maintains a list of these infested lakes.

<https://www.maine.gov/dep/water/invasives>

NOTE: A permit will 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;
- (c) Any activity within a river, stream or brook between October 2 and July 14; or
- (d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the permit by rule notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities ([US Army Corps of Engineers](#), 442 Civic Center Drive, Suite 350, Augusta, ME 04330. Tel. (207) 623-8367).

# NRPA Permit By Rule Section 15

## B. SUBMISSIONS

### Submissions for all sections:



PBR Notification Form



Location Map

### Submissions for Section 15:

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



If the project results in a new or expanded access drive or parking area, 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.

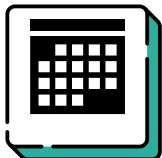
4



If the proposed activity involves work below the mean low water line of a waterbody, 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, Submerged Lands Program](#) (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 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.

## NRPA Permit By Rule Section 15

# 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 control consult the Maine DEP Erosion and Sediment Control Practices Field Guide for Contractors (2015): [https://www.maine.gov/dep/land/erosion/escbmps/esc\\_bmp\\_field.pdf](https://www.maine.gov/dep/land/erosion/escbmps/esc_bmp_field.pdf)

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".

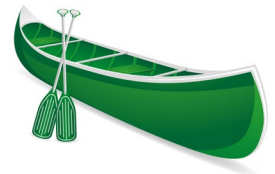
3

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.

## NRPA Permit By Rule Section 15

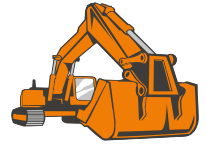
### C. STANDARDS (CONT.)

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 only if necessary and only if use is allowed under federal law and not prohibited from sale under [38 M.R.S.A. §1682](#), and 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 Maine Department of Conservation, the United States Fish and Wildlife Service, the United States Forest 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.

# GUIDANCE & RESOURCES



## **Maine DEP Erosion Control Best Management Practices Field Guide**

[www.maine.gov/dep/land/erosion/escbmps/esc\\_bmp\\_field.pdf](http://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](http://www.maine.gov/dep/land/watershed/materials.html)