

Chapter 305: NATURAL RESOURCES PROTECTION ACT

PERMIT BY RULE



Section 18: Maintenance dredging permit renewal

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 18

A. APPLICABILITY

1

This section applies to the renewal of an individual permit issued by the DEP for maintenance dredging in a coastal wetland, great pond and river, stream or brook provided that:

- (a) The area to be dredged is located in an area that was dredged within the last ten years;
- (b) The permit to be renewed was an individual Natural Resources Protection Act permit. If the most recent dredge was permitted under a PBR, this section does not apply;
- (c) The area to be dredged is not located in or within 250 feet of an area identified as significant wildlife habitat by the Department of Inland Fisheries and Wildlife;

NOTE: Contact the nearest regional office of the Maine Department of Inland Fisheries and Wildlife for more information

- (d) Less than 50,000 cubic yards will be dredged.

2



This section does not apply to the renewal of a permit issued by the DEP for gravel mining in any protected natural resource.

NOTES:

(1) Displacement or bulldozing of sediment within a lobster pound does not require a Natural Resources Protection Act permit provided that the sediment is not removed from the area inundated as a result of the impoundment, [38 M.R.S.A. Section 480-Q\(19\)](#).

(2) Any activity involving dredging may require a permit from the US Army Corps of Engineers. A copy of the PBR notification 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).

B. SUBMISSIONS

Submissions for all sections:



PBR Notification Form



Location Map

Submissions for Section 18:

1



A copy of the permit issued for the most recent maintenance dredging must be submitted to the DEP with the notification form.

2



For a dredge activity in tidal waters, notice of approval of the timing of the activity from the Department of Marine Resources must be submitted to the DEP with the notification form.

DMR Timing Form available here: <https://www.maine.gov/dep/land/nrpa/pbrdmr.pdf>

C. STANDARDS

- 1 The dimensions of the area proposed to be dredged may not exceed previously approved dimensions and dredging must be conducted in the same location.

- 2 All conditions previously attached to the original permit are incorporated into the permit by rule unless otherwise stated by the DEP in writing..

- 3 For a dredge activity in tidal waters, the activity must occur during the time period approved by the Department of Marine Resources.

- 4 Any debris or dredged material generated during the activity may not be disposed of in any protected natural resource unless otherwise allowed in this chapter and the disposal conforms with the [Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Sections 1301 et seq.](#)

D. DEFINITIONS

The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- 1 **Dredge.** To move or remove, by digging scooping or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface..

- 2 **Dredge spoils.** Sand, silt, mud, gravel rock or other sediment or material that is moved from coastal wetlands, great ponds or rivers, streams or brooks.