

Permit by Rule (PBR) Application Guidance and Installation Standards

A Permit by Rule (PBR) must be submitted to the Maine Forest Service (MFS) for the installation of a permanent crossing over a stream or brook or for soil disturbance within 75 ft. of a protected natural resource. A PBR application may be found online at https://www.maine.gov/dacf/mfs/rules_and_regulations.html.

A PBR application must be completed in full and include all necessary attachments before it can be fully processed. Applications have a 14 day review period, which may be extended if an application is incomplete or unclear. Projects must not begin before receiving an approval letter from MFS. Projects that take place between **July 15—Oct. 1** are exempt from the 14 day waiting period. Multiple projects may be included in one PBR application. When completing your PBR application please pay special attention to the items identified below:

DEPARTMENT OF AGRICULTURE CONSERVATION AND FORESTRY
MFS PERMIT BY RULE NOTIFICATION FORM
For use with MFS Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas (SWS) and Natural Resources Protection Act (NRPA) permitting requirements for **TIMBER HARVESTING RELATED ACTIVITIES ONLY**

PLEASE TYPE OR PRINT CLEARLY IN BLACK OR BLUE INK ONLY

| | | | |
|--|-----------------------------|--|-----------|
| Name of Applicant: (landowner) | | Name of Agent: | |
| Applicant Mailing Address: | | Agent Phone # (include area code): | |
| Town/City: | | Agent Email Address: | |
| State and Zip code: | | PROJECT Information | |
| Daytime Phone # (include area code): | | Name of Town/City: | |
| Applicant Email Address: | | Name of Wetland or Waterbody: | |
| Detailed Directions to Site: | | Map #: | Lot #: |
| Project Description Including Structure Type and Timeline: | | | |
| Part of a larger project? (check one) → | | Longitude: | Latitude: |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Check one → This project <input type="checkbox"/> does (or) <input type="checkbox"/> does not involve installation of a culvert or other disruption to the stream bed. | |
| After the Fact? (check one) → | | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | | |

PERMIT BY RULE (PBR) SECTIONS: (Check at least one)
I am filing notice of my intent to carry out work which meets the requirements for Permit by Rule (PBR). I and my agents, if any, **have read** and will comply with all of the standards in the Sections checked below.

Activity Adj. to Protected Natural Res. (NRPA Sec. 2) **Stream Crossing (SWS or NRPA Sec. 10)**

*A summary of installation standards is available online at: www.maine.gov/dacf/mfs/rules_and_regulations.html

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach** a check for the correct fee, payable to: "Treasurer, State of Maine." The current fee for MFS PBR Notifications is \$74.00. The current fee for After the Fact PBR notifications is \$222.
- Attach** a U.S.G.S. topo map, Maine Gazetteer map or SWS map with the project site clearly marked.
- Attach** Proof of Legal Name if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>). Individuals and municipalities are **not** required to provide any proof of identity.
- Attach the Dept. of Inland Fisheries and Wildlife (DIFW) Request for Approval form if required.** Projects that disturb the stream bed between October 2 and July 14 must be approved in advance by DIFW. A Request for Approval form is available online at: www.maine.gov/dacf/mfs/rules_and_regulations.html
- Attach** all other required submissions as outlined in the PBR Sections checked above.

An email address may allow MFS to better assist with processing your request.

The Agent is the individual overseeing the project.

The Agent Email may allow MFS to better assist with processing your request.

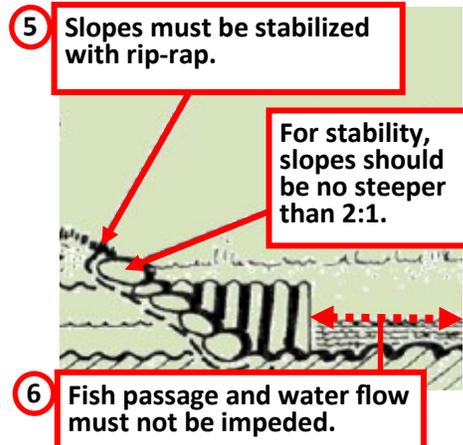
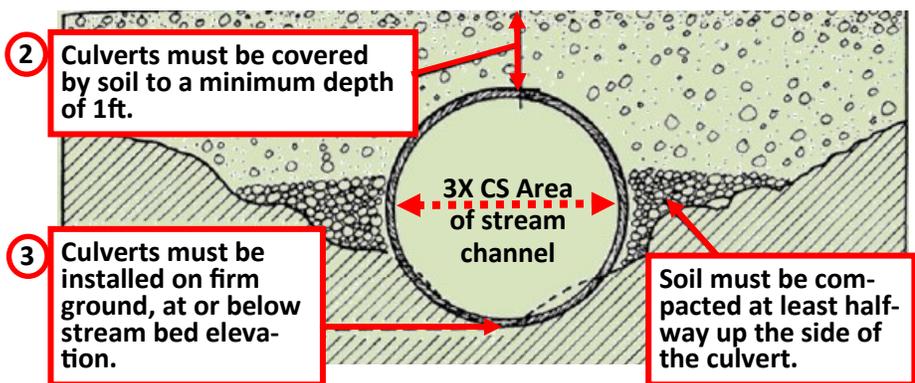
- 1 **Description of Project Including Structure Type and Timeline:** Please include structure dimensions and installation timeframe. A PBR may not be used for a crossing of a non-forested wetland or significant river segment.
- 2 **Check one → This project does (or) does not involve disruption of the stream bed:** Keep in mind that culvert installations are considered disruption of the stream bed.
- 3 **Activity Adj. to Protected Natural Res. (NRPA Sec. 2):** A PBR is required if you are disturbing soil within 75ft. of a protected waterbody, such as construction of a log landing. This does not include stream crossings.
- 4 **Stream Crossing (SWS or NRPA Sec. 10):** Check this box if you are installing a permanent stream crossing. A crossing that is in place for more than 7 months or constructed using fill material is considered permanent.
- 5 **Attached Map:** The project location must be clearly identified. If the project is in a town subject to Statewide Standards in shoreland areas (SWS), please use a SWS map. A SWS map can be found online at: www.maine.gov/dacf/mfs/policy_management/water_resources/sws/sws.html.
- 6 **Attached Dept. of Inland Fisheries and Wildlife (IFW) Request for Approval of Activity form:** This should be completed by the applicant and signed by IFW. IFW contact info may be found online: www.maine.gov/ifw/about/contact/department-directory.html#regionalheadquarters.

Please review the reverse side for a summary of installation standards.

Below is a summary of stream crossing installation requirements of Statewide Standards for Timber Harvesting in Shoreland Areas and the Natural Resources Protection Act. Crossing structures must meet or exceed installation standards summarized below. To view these standards in their entirety, please visit:

www.maine.gov/dacf/mfs/rules_and_regulations.html.

1 Bridges and culverts must be installed and maintained to provide an opening that is at least **3 times the cross-sectional area of the stream channel**. For guidance on determining the cross-sectional area of a stream channel, reference the MFS BMP manual available online: www.maine.gov/dacf/mfs/policy_management/water_resources/bmps.html.



7 Close out: Stream channels, banks and approaches to crossings of water bodies must be stabilized on completion of harvest, or as soon as practical after snowmelt.

The charts below are an excerpt from page 49 of the MFS BMP manual. Use the chart on the left to determine the opening size of a stream channel, at 3.5 times the cross-sectional area. Then use the opening size in the chart on the right to determine the appropriate diameter size for a culvert. Sizing a culvert to 3.5 times the cross-sectional area will leave enough capacity to embed 20% of the culvert into the stream bed.

| Stream Width* | Average stream depth* | | | |
|---------------|-----------------------|-------------|-------------|-----------|
| | 0.5 | 1 | 1.5 | 2 |
| ft. | | | | |
| 1 | 1.75 | 3.5 | 5.25 | 7.0 |
| 2 | 3.5 | 7.0 | 10.5 | 14 |
| 3 | 5.25 | 10.5 | 15.8 | 21 |
| 4 | 7.0 | 14 | 21 | 28 |
| 5 | 8.75 | 17.5 | 26.3 | 35 |
| 6 | 10.5 | 21 | 31.5 | 42 |

* at normal high water mark
Bold: bridge or arch may be preferred on these larger streams

| Opening size (sq. ft.) | Diameter (inches) |
|------------------------|-------------------|
| 1.75 | 18 |
| 2.40 | 21 |
| 3.15 | 24 |
| 4.90 | 30 |
| 7.05 | 36 |
| 9.60 | 42 |
| 12.55 | 48 |
| 15.90 | 54 |
| 19.65 | 60 |
| 23.75 | 66 |
| 28.26 | 72 |

Activities Adjacent to Protected Natural Resource (NRPA Sec. 2)

For projects that include earth moving activities within 75 ft. of a river, stream, or brook, a PBR must be submitted, including all attachments listed in Chapter 305, Section 2 of the NRPA. These include:

- 1.) A brief narrative explaining why there is no practicable alternative to location of the activity; and
- 2.) A scaled plan or drawing of the area affected including: a.) Property lines b.) The waterbody c.) The location of the proposed activity d.) The 75 ft. setback e.) Any site constraints that prevent the activity from taking place beyond 75 ft.

Chapter 305 of the NRPA can be found in its entirety online: www.maine.gov/dacf/mfs/rules_and_regulations.html.

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| Name of Applicant: (landowner) | | Name of Agent: | |
| Applicant Mailing Address: | | Agent Phone # (include area code): | |
| Town/City: | | Agent Email Address: | |
| State and Zip code: | | PROJECT Information Name of Town/City: | |
| Daytime Phone # (include area code): | | Name of Wetland or Waterbody: | |
| Applicant Email Address: | | Map #: | Lot #: |
| Detailed Directions to Site: | | | |
| Project Description Including Structure Type and Timeline: | | | |
| | | Longitude: | Latitude: |
| Part of a larger project? (check one)➔ | <input type="checkbox"/> Yes <input type="checkbox"/> No | After the Fact? (check one)➔ | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Check one➔ This project <input type="checkbox"/> does (or) <input type="checkbox"/> does not involve installation of a culvert or other disruption to the stream bed. | | | |

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- Attach** all other required submissions as outlined in the PBR Sections checked above.

I authorize staff of the Maine Forest Service to access the project site for the purpose of determining compliance with the rules. I also understand that this permit is not valid until accepted as complete by the Maine Forest Service.

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

| | |
|----------------------------------|-------|
| Signature of Agent or Applicant: | Date: |
|----------------------------------|-------|

Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Forest Service **at the office listed below**. The MFS will send a copy to the town office as evidence of the MFS's receipt of notification. No further authorization by MFS will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.** You may contact MFS with any questions at 207-287-2791.

**MAINE FOREST SERVICE
ATTN: PBR
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022**

| | | | | | |
|-----------------|------|------|-----------|-----------|--------------|
| OFFICE USE ONLY | Ck.# | Date | Staff | Staff | After Photos |
| PBR # | FP | | Acc. Date | Def. Date | |