



DEVELOPMENT PERMIT APPLICATION

For Agricultural Irrigation Pond or Impoundment

WHO MAY USE THIS FORM?

Anyone constructing agricultural irrigation pond or impoundment under 12 MRSA Section 685-B of the Commission's statutes in the plantations, unorganized townships and certain towns which remain under the Maine Land Use Regulation Commission ("LURC" or "Commission") jurisdiction.

WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LURC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to web site at <http://www.maine.gov/doc/lurc> to browse through our rules and regulations, other applications, recent publications and newsletters, Commission meeting agendas, and other valuable information.

Your application may be returned if it is incomplete! Contact the LURC office that serves your area if you need any help with this form.

MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see Instructions) to the LURC office that serves your areas.

<p style="text-align: center;">AUGUSTA OFFICE</p> <p style="text-align: center;"><i>Main LURC Office</i></p> <p>18 Elkins Lane - Harlow Bldg. Tel. (207) 287-2631 22 State House Station TTY (888) 577-6690 Augusta, ME 04333-0022 FAX (207) 287-7439</p>	<p style="text-align: center;">ASHLAND OFFICE</p> <p style="text-align: center;"><i>Serving most of Aroostook County and northern Penobscot County</i></p> <p>45 Radar Road Tel. (207) 435-7963 Ashland, ME 04732-3600 FAX (207) 435-7184</p>
<p style="text-align: center;">DOWNEAST OFFICE</p> <p style="text-align: center;"><i>Serving Hancock, Knox, Lincoln, Sagadahoc, Washington, Counties, portions of Penobscot and Piscataquis Counties and the coastal islands in LURC Jurisdiction</i></p> <p>106 Hogan Rd, Suite 7 Tel. (207) 941-4052 Bangor, ME 04401 FAX (207) 941-4222</p>	<p style="text-align: center;">EAST MILLINOCKET OFFICE</p> <p style="text-align: center;"><i>Serving southern Penobscot, southern Aroostook Counties and portions of Piscataquis County</i></p> <p>191 Main Street Tel. (207) 746-2244 East Millinocket, ME 04430 FAX (207) 746-2243</p>
<p style="text-align: center;">GREENVILLE OFFICE</p> <p style="text-align: center;"><i>Serving Piscataquis and Somerset Counties</i></p> <p>43 Lakeview Street Tel. (207) 695-2466 P.O. Box 1107 FAX (207) 695-2380 Greenville, ME 04441</p>	<p style="text-align: center;">RANGELEY OFFICE</p> <p style="text-align: center;"><i>Serving Franklin and Oxford Counties</i></p> <p>133 Fyfe Rd Tel. (207) 670-7492 OX P.O. Box 307 Tel. (207) 670-7493 FR W Farmington, ME 04992</p>

THIS FORM IS NOT A VALID PERMIT.
NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT SIGNED BY LURC.
LURC MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.

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For office use:

Tracking No.

DP

Permit No.

Fee Received

Application for Development Permit

For Agricultural Irrigation Pond or Impoundment

APPLICANT/PROJECT LOCATION

1. Name of Applicant(s): _____

Mailing Address: _____

Telephone #: _____ FAX #: _____ ZIP Code _____

E-Mail: _____

2. Property owner, if different from the applicant:

Name of Owner: _____

Mailing Address: _____

Telephone #: _____ FAX #: _____ ZIP Code _____

E-Mail: _____

3. Location of Property: Twp./Plt.: _____ County: _____

Lot Size: _____ acres Lot # _____ Plan _____ Map _____

4. If you have an agent, such as your real estate agent, lawyer, or contractor acting on your behalf regarding this application, please complete the following authorization:

"I hereby authorize: _____

Mailing Address: _____

Telephone Number: _____ ZIP Code _____

to act as my legal agent in all matters relating to this Application for a Permit."

5. I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true, accurate, and complete. I understand and acknowledge that I am responsible for compliance with all limitations of any permit issued to me by the Maine Land Use Regulation Commission.

Applicant Signature: _____ Date: _____

Applicant Signature: _____ Date: _____

Should you have any questions or need assistance in completing this application, please contact the Maine Land Use Regulation Commission staff at (207) 287-2631.

REQUIRED EXHIBITS

Please attach the exhibits listed below. If you do not fully understand an exhibit or believe that an exhibit is not applicable to your situation, please contact Commission staff for guidance. Incomplete applications may be returned.

Exhibit A: Title, Right or Interest: A copy of the deed, lease of sufficient duration, purchase and sale agreement, or other legal document establishing that the applicant has title, right or interest in all of the land proposed for development or use.

Exhibit B: Location Map and Directions to the Site: A Land Use Regulation Commission Land Use Guidance Map, a U.S.G.S. topographic map, or an equivalent map showing the location of the property where the irrigation pond or impoundment would be developed. Provide specific directions to the proposed development site.

Exhibit C: Corporate Good Standing: A copy of the certification of good standing from the Maine Secretary of State, if the applicant is a corporation.

Exhibit D: Financial Capacity: Include an estimate of the entire cost of the proposed development, other than the cost of acquiring the land. Itemize major categories of the project, including costs of activities designed to prevent or mitigate water quality or other environmental impacts. Provide a statement detailing the proposed or existing financing mechanisms for the project.

Exhibit E: Technical Capability: Provide a description of the qualifications of the personnel to be employed to construct, operate and maintain the project.

Exhibit F: Farm Plan: Provide a narrative description of how the proposed project fits into the applicant's farm irrigation plan, including:

- Amount and location of target acreage to be served by the pond or impoundment;
- Anticipated number, timing and frequency of applications of water during the irrigation season;
- The pumping rate and duration of pumping for each application;
- The anticipated volume of water to be withdrawn from the pond or impoundment during the irrigation season;
- Alternatives to the proposed pond or impoundment that have been examined by the applicant; and
- Practices undertaken by the applicant to conserve water and minimize water withdrawals.

Exhibit G: Photographs: A series of recent photographs of the site which show the property proposed for development including all existing development, shore frontage, and road frontage as they presently exist.

Exhibit H: Site Plan: A site plan prepared by a Professional Engineer, licensed Land Surveyor, or other qualified professional drawn to scale, which shows the following:

- Existing and proposed topography;
- All streams and waterbodies, including stream channel location;
- Existing wetland boundaries;
- All existing structures: show dimensions of structures and setbacks from roads, waterbodies and property boundary lines;
- Footprint of proposed dam if applicable;
- Maximum proposed pool elevation;
- Normal proposed pool elevation;
- Outlet location;
- Emergency spillway location;
- All proposed accessory structures such as pump houses: show dimensions of structures and setbacks from roads, waterbodies and property boundary lines;
- Existing and proposed access roads; and
- Buffer strips.

Exhibit I: Dam Specifications: Construction plans for the proposed project prepared by a Professional Engineer drawn to scale and showing:

- Plan or aerial view;
- Cross section through the dam;
- Cross section through the outlet;
- Accessory structures such as fish ladders or similar devices if applicable;
- A narrative description of how the impoundment is to be constructed. If fill is to be used, tests on the fill material conducted under the direction of a Professional Engineer which demonstrate its suitability for the proposed use; and
- Proposed pool elevation – normal and maximum levels.

Exhibit J: Soils Information: Information on the nature of the soils at the location of the proposed dam and in other areas proposed to be developed with permanent structures. Soils information must include, at a minimum, test pit logs from two test pits dug in the area of the footprint of the proposed dam. Additional soils mapping may be required due to special site conditions.

Exhibit K: Roads: New access roads constructed in compliance with Section 10.27,D of the Commission's *Land Use Districts and Standards* do not require a permit. For roads to be constructed other than as specified in Section 10.27,D, submit engineering plans showing a typical overhead view, a typical cross section, and a contour profile for the entire road.

Exhibit L: Construction Schedule: State the approximate start date, anticipated duration of construction activities, any specific timing limitations associated with the construction project, e.g. low water. [Note: The Commission may condition any permit so as to limit the instream work window to protect aquatic resources.]

Exhibit M: Erosion and Sedimentation Control Plan: A complete erosion and sedimentation control plan including, at a minimum:

- A narrative description of the plan including the sequence for implementing the plan;
- A site plan showing location of erosion control devices and any fill or spoils stockpile locations;
- Provisions to inspect and maintain erosion control devices;
- Provisions for maintaining a dry construction site and avoiding sedimentation to waterbodies during construction; and
- Provisions for disposal of dredged and excavated soil material. If the dredge or excavated soil material is to be transported offsite, a plan for dewatering the materials and a statement from the owner, operator, or other responsible authority of the receiving facility verifying that it will accept the material from the proposed site.

Exhibit N: Operation and Maintenance: Provide a narrative description of the plans for the ongoing operation and maintenance of the irrigation pond or impoundment.

Exhibit O: Water Quality: Provide a description of the water flow, quality and use characteristics of the waterbodies immediately upstream and downstream of the project site. Describe anticipated impacts on water quality, flow and use; proposed steps to minimize and mitigate potential adverse impacts; and proposed methods to monitor the effects of the project on water quality.

Exhibit P: Maintenance of Stream Flow: A plan to maintain a minimum flow downstream of the dam. Include calculations used to create the plan including an assessment of the site-specific aquatic base flow prepared by a qualified professional.

Exhibit Q: Impacts to Existing Uses and Resources: An assessment of potential impacts to existing uses and resources including the following:

- Fisheries, Wildlife and Botanical Resources: Provide a description of the existing fisheries, wildlife and botanical resources in the project area including threatened or endangered species and significant wildlife habitat prepared by a qualified professional. Describe anticipated and potential impacts to these resources; steps to avoid, minimize and mitigate adverse impacts; and mechanisms to monitor the effects of the project on the project area.
- Recreational Resources: Describe the existing recreational resources of the project area including outstanding river segments; anticipated and potential adverse impacts to these resources; steps to avoid, minimize and mitigate adverse impacts; and mechanisms to monitor the effects of the project on the project area.

- **Historic and Archeological Resources:** Provide a statement from the Maine Historic Preservation Commission regarding any known pre-historic or historic archeological resources in the area including any recommended steps to avoid, minimize or mitigate adverse impacts to these resources.

Exhibit R: Water Transfers: If water is to be transferred from another waterbody to the proposed pond or impoundment, provide the following information:

- The name and location of the waterbody that would supply water to the pond or impoundment, including photographs of the site proposed for water withdrawal and a description of any modifications to the site that would be needed to withdraw water;
- A description of the existing uses and resources associated with the waterbody from which water would be withdrawn, including information on existing water quality and fisheries, wildlife and botanical resources;
- An assessment of the potential impacts on the waterbody due to water withdrawals; including potential impacts on water quality, flow and use, and associated fisheries, wildlife and botanical resources;
- A plan for maintaining minimum flows downstream of the withdrawal point;
- The timing of the proposed transfers;
- The estimated volume of water to be transferred;
- The mechanism for water transfer; and
- An assessment of the potential impacts of the water transfer on the receiving waterbody.

Exhibit S: Wetlands Supplement: For projects that will alter more than 4,300 square feet of P-WL2 or P-WL3 wetlands, or any area of P-WL1 wetlands, submit a completed page 1 of the Commission's Wetlands Supplement. Additionally,

- If more than 1 acre of land, or more than 15,000 square feet of mapped wetland as shown on the Land Use Guidance Map (Exhibit B) will be altered, submit a wetland delineation conducted by a qualified professional. The delineation should be shown on the Site Plan (Exhibit H).
- For projects that will alter more than 500 square feet of P-WL1 wetland or 20,000 square feet of P-WL2 or P-WL3 wetland, submit a functional assessment conducted by a qualified professional.
- If the functional assessment shows a loss of wetland functions or values, submit a compensation plan. [Note: Contact the Commission for assistance in completing the wetlands Supplement.]

Exhibit T: Spill Prevention Control and Countermeasures Plan: If petroleum products are to be stored in the area, for example to power a pump, an SPCC plan must be prepared for the project. The plan must include, at a minimum, the following information:

- Provisions for secondary containment for fuel storage;
- Procedures for refueling;
- Procedures and chain of command for response to and reporting of spills;
- A list of spill response and emergency contact numbers; and
- A list of spill response materials to be maintained on site.

Exhibit U: Public Notification: Provide a completed copy of the attached Notice of Filing Form to all landowners and lessees within 1,000 feet of the project area, a list of the names and mailing addresses of all persons to whom the notice was provided, and the date such notice was provided. Provide a completed copy of the notice and a duplicate copy of the application to the County Commissioners and the Town or Plantation Office if the project site is located in a Town or Plantation. The Commission may require that the applicant publish a completed copy of the Notice of Filing Form in the legal notice section of a newspaper in general circulation in the area of the proposed project.

Exhibit V: Application Fee (nonrefundable): Submit a check or money order payable to "Treasurer, State of Maine" for the appropriate fee: Base fee \$200 plus \$0.40 per square foot (footprint) structures (\$5,000.00 Maximum fee); **After-the-Fact permits:** triple the standard fee.

NOTICE OF FILING

This is to provide notice that _____
(Name of Applicant)

(Mailing Address of Applicant)

has filed for a Development Permit for Construction of an Agricultural Irrigation Pond or Impoundment with the Maine Land Use Regulation Commission pursuant to 12 MRSA § 685-B. The proposed project site is located in _____

(Town/Plantation/Unorganized Township and County)

(Describe specifically what is to be done and how much land is involved.)

The application will be filed for public inspection at the Commission's Office in Augusta, the Commission's Regional Field Office in _____, and the Town office of _____ (if applicable).

Written comments from interested persons should be sent to the Maine Land Use Regulation Commission, 22 State House Station, Augusta, Maine 04333 within two (2) weeks of filing of the application to receive consideration.

Requests for a public hearing must also be sent to the Commission with two (2) weeks of filing the application. For information on the procedure for requesting a public hearing, please contact the Maine Land Use Regulation Commission staff by calling (207) 287-2631.