



Stream Crossings: Where Are We Headed?

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION






Protecting Maine's Air, Land and Water

NRPA

- Alteration within 75 feet of a resource:
- Bulldozing, dredging, removing or displacing soils, sand, vegetation and other materials
- Placing fill in a resource
- Draining or dewatering a resource
- Construction, repair, or alteration of any permanent structure in a resource



Natural Resources Protection Act (NRPA)

-  Rivers, streams and brooks
-  Lakes (great ponds)
-  Freshwater wetlands
-  Coastal wetlands
-  Significant Wildlife Habitat



Exemptions

- Maintenance and repair, including culverts
- Minor alterations in freshwater wetlands
- Public works projects
- Temporary structures
- Removal of beaver dams
- Many others

Note: Exemptions apply only when Erosion Control Measures are used!



Culvert Replacement

Exempt if:

- Erosion controls used
- Does not block fish passage
- Installed to match natural grade to avoid drops or perching
- Embedded in stream minimum of 1 foot or 25% diameter (MAX 2 feet)

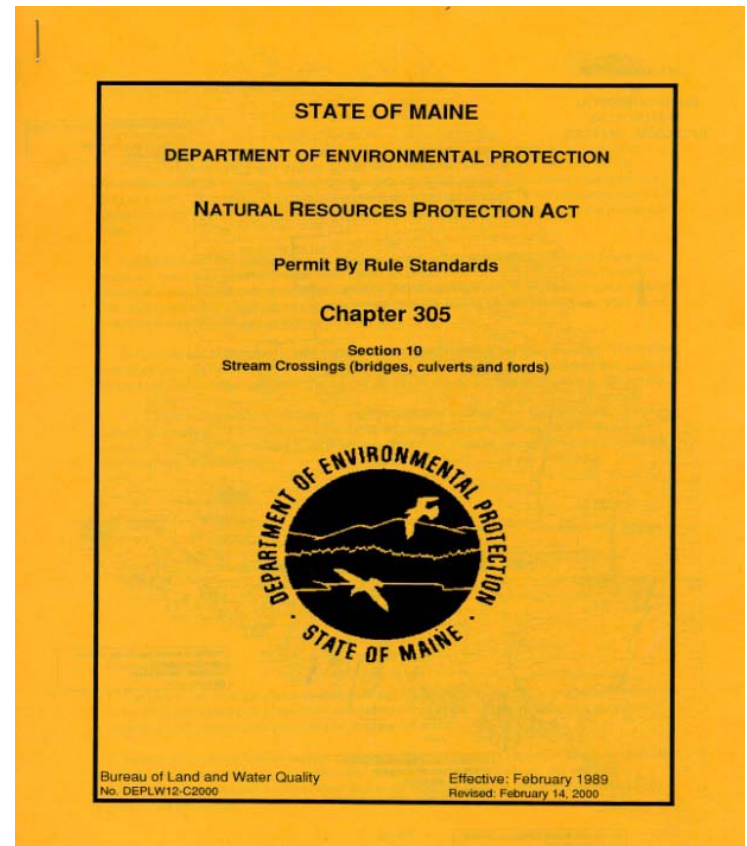
Permit by Rule

- **Fast and easy** permitting process
- For a project to qualify for PBR, it must be designed and constructed in compliance with all applicable Chapter 305 Rules



Permit by Rule: Section 10

Stream Crossings
(bridges, culverts, fords)



Stream Crossings

- Culvert not longer than 75 feet
- 3 times the cross sectional area stream channel is required for culverts and bridges
- Culvert set at or below stream bottom
- Culvert matches stream alignment and grade
- If working in less than 3' of water must divert water around work area ('dry' construction)
- Inlet/outlet slopes riprapped



The Good



The Bad



Current Regulatory 'Disconnects'

- State Law: To be exempt, culvert replacements must be embedded but... new culverts don't
- Federal Regulations: To be exempt, culvert replacements must be identical but... new (or different) culverts are not allowed unless approved under Category 2 screening (Army Corps)



Aquatic Resource Management Strategy

- DEP/MDOT directed to form group
- Report due to Legislature January 2013
- Group members include: state resource agencies, MMA, NRCM, town public works officials, federal agencies, and other NGOs
- Began meeting monthly in late 2011



Aquatic Resource Management Strategy

- Goals: To maintain, restore, recover:
 - Native aquatic communities and species
 - Water quality
 - Functions
 - Riparian connectivity
- Broke into three groups over summer



Aquatic Resource Management Strategy

- Group 1: Partnership and funding
 - FEMA/MEMA
 - MaineDOT design standards
 - Bonding
 - Dealing with different partners' goals and objectives
 - Adding stream mitigation to In Lieu Fee program



Aquatic Resource Management Strategy

- Group 2: Technical design/construction standards
 - Reference manual
 - Pocket guide
 - Design software (e.g. StreamStats)



Aquatic Resource Management Strategy

- Group 3: Prioritization
 - Barrier assessment tools
 - Database for surveyed culverts
 - How should/will prioritization be used?
 - Expertise availability



Aquatic Resource Management Strategy

- Next steps:
 - Groups summarize efforts for report
 - Develop any regulatory changes
 - Consolidate information for Legislative report*

**Process may continue into next year*





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