

Chapter 106: PERFORMANCE STANDARDS GOVERNING SAND, GRAVEL, OR TOPSOIL EXCAVATION AND OTHER MINERAL EXPLORATION AND EXTRACTION ACTIVITIES WITHIN THE SACO RIVER CORRIDOR

SUMMARY: These performance standards establish guidelines for the ration and/or extraction activities of minerals within the corridor.

1. Scope.

This regulation shall be effective in all areas of the Saco River Corridor as defined in Title 38 M.R.S.A. Section 953.

2. Definitions.

- A. Mineral Exploration means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, which activities create minimal disturbance to the land and which include reasonable measures to restore the land to its original conditions.
- B. Mineral Extraction means any operation which removed within any twelve (12) month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed away from the extraction site.

3. Criteria for Approving Mineral Exploration and/or Extraction activities within the Corridor.

- A. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the Commission shall be required for mineral exploration which exceeds the above limitation. All excavation, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.
- B. Mineral extraction may be allowed by permit upon a showing by the applicant that the proposed use will meet all requirements for granting permits and will not unreasonably interfere with the use and enjoyment of their property by adjacent landowners or unreasonably result in any of the factors enumerated in Section 959-A.1.A.-K. of the Act, and upon the following conditions:
 - (1) Any reclamation plan shall be filed with, and approved by the Commission

before a permit is granted. Such plan shall describe detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.

- (2) No part of any extraction operation, including drainage and runoff control features shall be permitted within 100 feet of the normal or mean high water line of the Saco, Ossipee, or Little Ossipee Rivers, or within seventy-five (75) feet of the normal or mean high water line of any other water body, tributary stream, or wetland within the Corridor. In addition, extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
- (3) Mineral extraction activities shall be screened from the river, from adjacent properties and from public roads by existing vegetation. The applicant may be required to submit a professionally prepared visual impact study. If existing natural vegetation is insufficient to provide appropriate screening, then the applicant shall submit a planting and screening plan to demonstrate how any visual impacts will be mitigated.
- (4) Within six (6) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, Title 38 M.R.S.A. Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials

- (b) The final graded slope shall be two and one half to one (2.5:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- C. The Commission may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.
 - D. In areas designated by the Commission under 38 M.R.S.A. Section 957.A.1.C., D., or F. as Resource Protection District mineral exploration and extraction activities are prohibited.
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STATUTORY AUTHORITY: 38 M.R.S.A. Section 954-C.

EFFECTIVE DATE:

January 30, 2006 – filing 2006-43