

## **Additional Maine NRCS Irrigation Assistance Requirements and MDEP Chapter 587 Applicability Determination Process**

### **General Requirements:**

- MDEP will determine any Chapter 587 requirements. Clients must provide any applicable requirements of the MDEP Chapter 587 rules to NRCS to include in the Conservation Plan and contract. NRCS will not calculate flow requirements or water level requirements as specified in the Maine Department of Environmental Protection (MDEP) Chapter 587 Rules.
- Clients must obtain any required permits and NRCS must include permit requirements in the Conservation Plan and contract.
- All NRCS environmental compliance policies will be followed, including but not limited to:
  - Evaluation of and consultation, when needed, on impacts to federally-designated or proposed threatened and endangered species and designated or proposed critical habitat;
  - Evaluation of and consultation, when needed, on impacts to State-designated threatened and endangered species and essential or significant habitats, and other Maine environmental protection laws;
  - Evaluation of and consultation, when needed, on impacts to Cultural Resources;
  - Evaluation of and consultation, when needed, on impacts to federally-designated Essential Fish Habitat (EFH);
  - Compliance with the National Environmental Policy Act (NEPA);
  - Compliance with the Protection of Wetlands Final Rule.
- All new or existing irrigation systems that NRCS provides assistance where the water source is public waters or waters covered by Chapter 587 (as determined by MDEP) will have fish screens installed on the inlet/intake pipe.
- Compliance with any applicable NRCS program, practice standards, or other NRCS criteria requirements.

### **Process for the Determination of MDEP Chapter 587 Applicability:**

Clients shall contact the MDEP requesting the applicability of the Chapter 587 rule to any proposed irrigation surface water sources. Along with the request clients shall provide the MDEP a Basic Irrigation Water Assessment. At a minimum the Basic Irrigation Water Assessment shall include a description of the proposed source and specific location, total season irrigation water needs, the maximum pumping rate, and the extent of the irrigation season. MDEP will provide the client a report of their Chapter 587 applicability determination. A courtesy copy of any correspondence between the client and MDEP shall be provided to the Agricultural Water Management Board (AWMB). The client will provide the MDEP report to the appropriate NRCS District Conservationist.

### **Interpreting MDEP Chapter 587 required stream flow and pond and lake level determinations:**

MDEP will provide information to the client regarding the applicability of MDEP, Chapter 587 Rules. Where a proposed irrigation water source is a stream, MDEP will establish minimum stream flow rates, an estimate of the total water available during the proposed irrigation season, any site specific evaluations, and other pertinent information for the proposed site.

Where the irrigation water source is a pond or reservoir, MDEP will determine minimum water levels that need to be maintained, an estimate of the total water available during the proposed irrigation season, any site specific evaluations, and other pertinent information for the proposed site.

MDEP will determine if the proposed water source governed by Chapter 587 will be adequate for the irrigation water need as specified in the Basic Irrigation Water Assessment. If the source is not adequate according to Chapter 587 Sections 4 or 6, the client can request a site specific determination according to Sections 7 or 8. The final Irrigation Water Management Plan will be adjusted as needed to reflect the requirements of the final MDEP Chapter 587 determination.

Any necessary measurements or marking of stream flows or lake or pond levels (as determined by MDEP) needed for water withdrawal purposes will be the responsibility of the client. NRCS will not do any of these measurement or markings.

### **Irrigation Ponds not covered by Chapter 587**

For all situations that involve Irrigation Ponds NOT covered by Chapter 587, NRCS will in sizing these ponds factor in the needed water volume and recharge. If these Irrigation Ponds involve possible filling from Chapter 587 covered waters, contact Dan Baumert, State Conservation Engineer at 207-990-9555 or email [dan.baumert@me.usda.gov](mailto:dan.baumert@me.usda.gov) or Christopher Jones, State Resource Conservationist at 207-990-9563 or email [chris.jones@me.usda.gov](mailto:chris.jones@me.usda.gov).

The following flow chart outlines the Chapter 587 determination process.

**Chapter 587 Determination Process**

