

Discussion of Irrigation Scenarios:

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 required permits and NRCS must include permit requirements in the Conservation Plan and contract.

- All situations will fit one of the following:
 - The existing or planned irrigation water source does not apply to Chapter 587 (as documented by MDEP);
 - The existing or planned irrigation water source complies with the applicable Standard Allowable Alteration requirements provided in Chapter 587, Sections 4, 5, or 6, as determined by MDEP. NRCS must include these Standard Allowable Alteration requirements in a Conservation Plan;
 - MDEP has documented that the existing irrigation water removal is causing a water quality problem, and MDEP has established site-specific alternative flows or alternative water levels as provided in Chapter 587, Sections 7 or 8. NRCS must include these site-specific requirements in a Conservation Plan;
 - MDEP has documented that the existing irrigation water removal is not causing a water quality problem, and MDEP has established site-specific alternative flows or alternative water levels as provided in Chapter 587, Sections 7 or 8. NRCS must include these site-specific requirements in a Conservation Plan or;
 - A planned irrigation water source is applicable to Chapter 587 (as documented by MDEP), and MDEP has established site-specific alternative flows or alternative water levels as provided in Chapter 587, Sections 7 or 8. NRCS must include these site-specific requirements in a Conservation Plan.

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.

Process for the Determination of Site Specific Flows:

Clients should contact John Harker at 207-287-7620 or email john.harker@maine.gov at the Agriculture Water Management Board (AWMB). The AWMB will coordinate with MDEP activities with respect to setting site specific recommended flows, water levels, site evaluations, schedules, and etc. The AWMB will communicate to the client the flow water level information and related information provided by MDEP. The client will provide this information to the appropriate District Conservationist.

All new or existing irrigation systems that NRCS provides assistance for that 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.

Interpreting MDEP flow determinations:

The AWMB and MDEP will provide information to the client regarding the applicability of MDEP, Chapter 587 Rules. If the proposed water source is governed by Chapter 587, MDEP will establish minimum instream flow or water level requirements based on the applicable method included in Chapter 587 for the time periods irrigation water withdrawal is proposed. For rivers and streams, MDEP will establish a seasonal Aquatic Base Flows (ABF). The ABF is based on seasonal representative median monthly flow rates. For example, the period from July 1 to September 15, the ABF is calculated as the August Median Monthly Flow. The ABF for any other season (as defined by Chapter 587) that the client plans on using as the proposed source, will also be determined by MDEP. When flows fall below the seasonal ABF, Chapter 587 requires that irrigation withdrawals cease. An exception to this is an irrigator may continue to use up to 1% of the 7Q10 flow rate even if flows are below the ABF as long as removal does not result in dewatering or cause other water quality standards to be impaired. MDEP is responsible for determining the 7Q10 flow and will provide the AWMB the amount of 1% of the 7Q10 that can be used when flows are below the ABF. For water removals from rivers and streams, NRCS will use the 1% 7Q10 (or the more limiting flow) in planning and designing irrigation systems and will document the flow in the conservation plan and the operation and maintenance of appropriate conservation practices.

Seasonal Aquatic Base Flow (ABF) is not used in conservation planning because the assumption is made that flows above the seasonal ABF will occur only half the time that irrigation is required. For Conservation Planning purposes, ABF is not used since it is not a sufficiently dependable water source. An exception can be considered where stream source is used to fill a pond water source during high flows and an on site accurate determination of ABF can be made. Where the irrigation water source is a pond or reservoir, MDEP will provide to the AWMB who in turn will provide to client a determination regarding the applicability of MDEP, Chapter 587 Rules. If the State Rules apply, they will provide determinations for the availability of water for irrigation withdrawals. MDEP has agreed to establish on site the Normal High Water for GPA waters.

Irrigation Ponds

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 of these Irrigation Ponds from Chapter 587 covered waters, contact Dan Baumert, State Conservation Engineer at 207-990-9555 or email dan.baumert@me.usda.gov or Christopher Jones, State Resource Conservationist at 207-990-9563 or email chris.jones@me.usda.gov.