

## **Rule E – Dredging and Sediment Removal**

### **1 Policy**

It is the policy of the Board of Managers to regulate the removal of sediment from public waters to mitigate the impacts of stormwater sediment transport and deposition.

### **2 Regulation**

No person will dredge or otherwise remove 1 cubic yard or more of sediment from the beds, banks or shores of any public water by any means without first securing a permit from the District.

2.1 Dredging or sediment removal will be permitted only:

- a To maintain, or remove sediment from, an existing channel, subject to such further limitations on method or extent of dredging as this rule may provide;
- b To implement or maintain an existing legal right of navigational access;
- c To remove sediment to eliminate a source of nutrients, pollutants or contaminants;
- d To improve the public recreational, wildlife or fisheries resources of surface waters; or
- e For other actions by public entities for public purposes.

2.2 No District permit under this rule is required for activities conducted pursuant to a project-specific permit from the state Department of Natural Resources, but the District buffer requirements apply to activity that would otherwise require a District permit.

### **3 Criteria**

3.1 Dredging or sediment removal will be permitted upon submission of exhibits demonstrating that the dredging or sediment removal:

- a Is the minimal-impact solution to achieve reasonable navigational access, when proposed for navigation purposes;
- b Will not alter the original alignment, slope or cross-section of the beds, banks or shores of any public water;
- c Will not occur above the ordinary high water level or into the upland adjacent to the lake or watercourse;
- d Will not enlarge a natural watercourse or basin landward or create a channel to connect adjacent backwater areas for navigational purposes;
- e Will not cause increased seepage or result in subsurface drainage;
- f Is not proposed for a location where any portion of the area to be dredged contains any slope steeper than 3:1 (H:V) in a marina or channel, or steeper than 10:1 (H:V) for an area adjoining residential lakeshore; and
- g Is not proposed for a location where adverse ecological impact to a high-quality wetland or other ecologically sensitive area cannot be minimized or mitigated.

3.2 Dredged or excavated sediment must be placed at a location:

- a above the ordinary high water level of a public water, public water wetland or wetland subject to the Wetland Conservation Act;
  - b Not in a floodplain; or
  - c Not subject to erosion or likely to cause re-deposition of the sediment to an adjacent waterbody, stormwater-management facility or storm sewer.
- 3.3 Degradation or erosion of the banks or bed of the subject waterbody by entry of equipment must be avoided, and the banks or bed of the subject waterbody must be restored and stabilized at the conclusion of the permitted work and prior to the removal of floatation silt curtain, if required.
- 3.4 Where determined necessary by the District to protect water quality, a floatation silt curtain will be placed around the sediment-removal site and maintained for the duration of the project.
- 3.5 No activity affecting the bed of a public water may be conducted between March 15 and June 15 on watercourses, or between April 1 and June 30 on all other public water waterbodies, to minimize impacts on fish spawning and migration.
- 3.6 Dredging must be conducted so as to minimize the potential transfer of aquatic invasive species (e.g., zebra mussels, Eurasian watermilfoil, etc.) to the maximum extent possible.

#### **4 Required information and exhibits**

The following exhibits will accompany the permit application:

- 4.1 One 11 inch-by-17 inch plan set, and electronic files in a format acceptable to the District, as well as a plan set 22 inches by 34 inches if requested by the District.
- 4.2 A site plan, showing:
- a Delineation of the work area;
  - b Property lines;
  - c Ordinary high water elevation; and
  - d 100-year flood elevation.
- 4.3 Profile, cross sections and/or topographic contours (at intervals of no more than 1 foot) showing existing and proposed elevations and proposed side slopes in the work area.
- 4.4 In the case of projects using hydraulic means of sediment removal and onsite spoil containment, the applicant will provide:
- a Cross-section of the proposed dike;
  - b Stage/storage volume relationship for the proposed spoil containment area;
  - c Detail of any proposed outlet structure, showing size, description and invert elevation;
  - d Stage/discharge relationship for any proposed outlet structure from the spoil containment area; and
  - e Site plan showing the locations of any proposed outlet structure and emergency overflow from the spoil containment area.
- 4.5 A site plan showing the proposed location of floating silt curtain(s).
- 4.6 Supporting data:

- a Description and volume computation of material to be removed;
- b Description of equipment to be used;
- c Construction schedule;
- d Location map of spoil containment area;
- e Erosion control plan for containment area;
- f Restoration plan for any proposed permanent on-site spoil containment site showing final grades, removal of control structure, and a description of how and when the site will be restored, covered or revegetated after construction.
- g Detail of any proposed floating silt curtain including specifications.

**5 Fast-track public project permit**

A public entity may obtain a permit for removal of between 1 and 20 cubic yards of sediment from a public waterbody at a stormwater system outlet or similar structure on notice to the District at least 48 hours in advance, including location of the removal. The removal must comply with all criteria in section 3 of this rule.