

8.0 Sediment Removal

8.1 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.

8.2 Regulation

No person may remove sediment from the beds, banks or shores of any public water by any means without first securing a permit from the District. Except that:

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

8.3 Criteria

Sediment removal from the beds, banks or shores of any public water for navigation purposes must be demonstrated to be the minimal impact solution to achieve reasonable navigational access. Removal of accumulated sediment at stormwater outfalls may be permitted upon submittal of an application meeting the following criteria:

- 8.3.1 Removal of sediment must not alter the original alignment, slope or cross-section of the beds, banks or shores of any public water.
- 8.3.2 Any excavated materials storage or disposal sites must be identified and shown to be:
 - a Not below the OHWL of a public water, public water wetland or wetland subject to the Wetland Conservation Act;
 - b Not in floodplain; and
 - c Not subject to erosion or likely to cause re-deposition of the sediment to an adjacent water body, stormwater facility or storm sewer.
- 8.3.3 Degradation or erosion of the banks or bed of the subject water body by entry of equipment must be avoided.
- 8.3.4 Where determined necessary by the District to protect water quality, a floatation silt curtain must be placed around the sediment-removal site and maintained for the duration of the project.
- 8.3.5 Plans for the work must state that no activity affecting the bed of a protected 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.

8.4 Required information and exhibits

The following exhibits must accompany the permit application. Exhibits must be submitted in an electronic format acceptable to the District:

- 8.4.1 A site plan, showing:
 - a Delineation of the work area;
 - b Property lines;
 - c Ordinary high-water elevation; and
 - d 100-year flood elevations.
- 8.4.2 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.
- 8.4.3 In the case of projects using hydraulic means of sediment removal and onsite spoil containment, the applicant must 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.
- 8.4.4 A site plan showing the proposed location of floating silt curtain(s).
- 8.4.5 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.

8.5 Fast-track public project approval

A public entity may obtain a permit for removal of between 20 cubic yards or less of sediment from a public waterbody at a stormwater system outlet or similar structure on 48 hours' advance notice to the District, identifying the location of the removal. The removal must comply with all criteria in section 8.3.