

## **REMOVAL OF SEDIMENT AND DEBRIS FROM STREAMS**

**Summary: The U.S. Army Corps of Engineers should be contacted about the need for a federal permit if the activity involves: 1. Excavation of sediment or removal of rocks from a streambed; 2. Use of equipment that will be operated in the streambed; 3. Disturbance of the stream bank; or 4. Placement of sediment, rocks or other debris in or near surface waters or wetlands. A State-approved erosion control plan is required for work disturbing an area of one acre or more.**

### **Does Removal Of Debris From A Stream Require Environmental Permits?**

Removing debris (such as tree limbs or objects washed into the water) from a stream does not require an environmental permit as long as there is no disturbance of the streambed or stream bank.

**NOTE: Debris cannot be placed, either directly or indirectly, in waters or wetlands. Putting material in waters or wetland requires a permit from the U.S. Army Corps of Engineers. Using heavy equipment in a stream (to remove sediment, for example) may also require a federal permit.**

### **What Kind of Stream-Clearing Activities Require Permits?**

- Activities that result in debris, sediment or other material being placed in surface waters or wetlands will require a Clean Water Act (Section 404) permit from the U.S. Army Corps of Engineers.
- Activities that will disturb the stream bank or the stream bottom (such as excavation or removal of rocks in the streambed) may also require a federal permit from the Corps of Engineer (COE).

**Note:** Before issuing a federal Section 404 permit under the Clean Water Act, the Corps will require the applicant to get a certification from the State of North Carolina that the activity will not result in violation of any state water quality standard. Those certifications (called a Section 401 Certification) are issued by DENR's Division of Water Quality.

### **How Do I Get A Permit If One Is Needed?**

In the 20 coastal counties, stream-clearing activity that requires a federal Clean Water Act permit will likely also require a Coastal Area Management Act (CAMA) permit. The Division of Coastal Management (DCM) district office should be the first contact point. DCM can help coordinate review by the Corps of Engineers and the Division of Water Quality if that is required.

- Activities that fall under existing U.S. Army Corps of Engineers Nationwide Permits (similar to general permits) can be approved more quickly. There are two COE nationwide permits that may cover debris removal/stream clearing activities:

Nationwide Permit 3 (for Maintenance) covers some stream-clearing activities, including a limited amount of sediment removal.

Nationwide Permit 13 specifically covers stream restoration activities undertaken with federal funds from the Natural Resource Conservation Service (NRCS).

Applications for coverage under a nationwide permit must be submitted to the Corps of Engineers. DENR's Division of Water Quality has issued two General Water Quality Certifications that correspond to NWP 3 and NWP 13 to speed approval at the state level; applicants should contact the Division of Water Quality staff in the nearest DENR regional office for information about coverage.

Stream-clearing activities that go beyond the scope of a nationwide permit require an individual permit from the Corps of Engineers and a longer permit review.

### **Are Other Approvals Required?**

- If the activity disturbs one acre or more, it requires an erosion control plan approved by the Division of Land Resources in DENR or the local sedimentation program. If there are several small sites in close proximity to each other and part of a single project plan, an approved erosion control plan is required if the combined disturbed area is one acre or more.
- The Sedimentation Pollution Control Act requires a construction buffer between land-disturbing activity and a water body; the buffer must be wide enough to confine all sediment within the 25% of the buffer zone nearest the land disturbing activity. Every effort should be made to work in the dry areas.
- Activities in High Quality Water (HQW) zones have special design requirements for erosion control. The Land Quality Section representative in the nearest DENR regional office can provide more information.
- The Land Quality Section in Division of Land Resources issues a "Certificate of Plan Approval" for land disturbing activities that affect one acre or more.