

Guidelines for Stream Cleaning  
NJ Department of Environmental Protection  
Division of Land Use Regulation  
Revised July 12, 2017

This guidance document is a quick reference guide. Please refer to the actual rules for more detail. Major stream cleaning activities in New Jersey's streams and rivers require permits pursuant to the Freshwater Wetland Protection Act Rules (N.J.A.C. 7:7A) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13). However, in some instances, stream cleaning activities can be conducted without the need to submit a formal application or obtain a written permit from the Division.

1. The hand removal of accumulated sediment and debris is automatically authorized by a Flood Hazard Area Permit-by-Rule 5 (N.J.A.C. 7:13-7.5) provided:
  - a) No machinery is used within the regulated area except for hand held equipment;
  - b) The material consists solely of accumulated sediment and debris;
  - c) The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed when working along a trout production or trout maintenance water;
  - d) No trees are cleared, cut and/or removed in a riparian zone;
  - e) All material removed from the regulated water is disposed of outside any regulated area;

If the sediment removal project meets the standards outlined above, then no further coordination with the Department is required regarding Flood Hazard Area permitting. In addition, Freshwater Wetlands permits are not required for hand removal of sediment and debris provided the material is removed and not deposited within regulated areas.

2. The following activities are authorized by Flood Hazard Area Permits-by-Rule 6 & 27 (N.J.A.C. 7:13-7.6 and N.J.A.C. 7:13-7.27). These activities also do not require a Freshwater Wetland Permit provided that Freshwater Wetlands and/or Transition Area are not disturbed for access and the material is removed and not deposited within regulated areas:
  - i. The use of machinery to remove a major obstruction from a regulated water that can not be removed by hand, such as a fallen tree, abandoned vehicles, furniture and other large debris provided:
    - a) All machinery is situated outside of the regulated water except for hand held equipment;
    - b) No fill or accumulated sediment is removed from the regulated water;
    - c) No riparian zone vegetation is cleared, cut and/or removed unless unavoidable;
    - d) All material removed from the regulated water is disposed of outside any regulated area;
  - ii. Repair, maintenance, and/or dredging of a manmade canal provided:
    - a) A public entity determines work is necessary to ensure proper operation of the canal;
    - b) No trees are removed in a riparian zone outside the canal's embankments;
    - c) No dredge material is placed in a flood hazard area;
    - d) No fill is placed in a floodway/flood hazard area except where necessary to restore the bank;
3. Other stream cleaning activities may qualify for a Flood Hazard Area Permit-by-Certification 7, 9, & 11 (N.J.A.C. 7:13-8.7, N.J.A.C. 7:13-8.9, and N.J.A.C. 7:13-8.11). Permits-by-Certification are obtainable through the Division's web portal service. Please visit <http://njdeponline.com> for more information. The following activities are available as Permits-by-Certifications:
  - i. The removal of accumulated sediment and debris from an engineered channel provided:
    - a) The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed when working along a trout production or trout maintenance water;
    - b) No riparian zone vegetation is cleared, cut and/or removed unless unavoidable;
    - c) No trees are cleared, cut and/or removed in a riparian zone;
    - d) The material removed consists solely of accumulated sediment and/or debris;
    - e) All material removed from the regulated water is disposed of outside any regulated area;

- ii. Sediment and debris removal within and/or adjacent to a bridge, culvert, or outfall by a public entity provided:
  - a) All machinery is situated outside of the regulated water except for hand held equipment;
  - b) The sediment and debris removal is necessary to maintain positive flow;
  - c) The material removed consists solely of accumulated sediment and/or debris;
  - d) The work is limited to within 100 feet of the structure;
  - e) All work is performed by or under supervision of a public entity;
  - f) All work is performed with full consent of the owner of the property;
  - g) No riparian zone vegetation is cleared, cut and/or removed unless unavoidable;
  - h) No trees are cleared, cut and/or removed in a riparian zone;
  - i) Project is conducted from one bank while southerly or westerly tree canopy is preserved;
  - j) The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed when working along a trout production or trout maintenance water;
  - k) All material removed from the regulated water is disposed of outside any regulated area;
  
- iii. Maintenance of existing manmade stormwater management structures and conveyances provided:
  - a) All work occurs within and is necessary for the maintenance of the stormwater management structure or conveyance;
  - b) The existing stormwater management system is not expanded, enlarged or modified;
  - c) The activities are limited to the removal of accumulated sediment, debris or nuisance vegetation; or the stabilization of an eroded structure; or the repair or in-kind replacement of one or more of the following: a culvert along a manmade channel, a stormwater pipe, manhole, inlet/catch basin, or headwall, discharge structure or associated conduit protection; or a tidegate, levee or pump station along a regulated water that is separated from tidal influence by these structures; or a stormwater management basin constructed for a purpose other than to satisfy mitigation requirements under N.J.A.C. 7:7A;
  - d) An engineering certification is obtained confirming that activities will not increase the frequency or depth of flooding during any flood event either upstream or downstream;
  - e) No riparian zone vegetation is cleared, cut and/or removed unless unavoidable;
  - f) No trees are cleared, cut and/or removed in a riparian zone;

The activities described at 3i and 3ii above do not require Freshwater Wetlands permits provided there is no access through Freshwater Wetlands and/or transition area and all material is removed from regulated areas. If wetlands or transition areas are disturbed for the activities at 3i and 3ii above, then the project may qualify for a Freshwater Wetlands General Permit No. 26 (see N.J.A.C. 7:7A-5.26). Activities conducted under 3iii above within freshwater wetlands require a Freshwater Wetlands General Permit No. 1 (see N.J.A.C. 7:7A-5.1).

- 4. Activities conducted by a public entity may qualify for a Flood Hazard Area General Permit 1 (N.J.A.C. 7:13-9.1 as modified by the Stream Cleaning Act on January 11, 2016, N.J.S.A.58:16A-67) and a Freshwater Wetland Permit General Permit 26 (N.J.A.C 7:7A-5.26) if the project consists of:
  - i. The removal of accumulated sediment and silt from a water body with a natural bed provided:
    - a) The water body is no more than 30 feet wide in average width;
    - b) The work is limited to an area of no more than 500 feet in length if located in more than one municipality. The length of stream cleaning can be unlimited if located solely is one municipality;
    - c) The channel has a documented history of severe flooding that has resulted or can result in property damage, therefore necessitating the proposed cleaning, clearing, or desnagging;
    - d) The water is NOT classified as Pinelands, Category One or documented habitat for Threatened & Endangered species;
  
  - ii. Desnagging, removal of debris and garbage from any channel or the removal of any accumulated material from a channel previously lined with concrete or similar material provided:

- a) There are no limits on stream width or length of work area for these activities;
  - b) No vegetation is cleared, cut and/or removed in a riparian zone except for disturbance which is unavoidable and is necessary to gain access;
  - c) Every effort is made to perform work from only one stream bank;
  - d) The use of heavy equipment in the channel is avoided;
5. Activities conducted by a county mosquito control agency or a Federal agency on Federal land may qualify for a Flood Hazard Area General Permit 2 (N.J.A.C. 7:13-9.2) and a Freshwater Wetland Permit General Permit 15 (N.J.A.C. 7:7A-5.15) if the project consists of:
- a) Removal of accumulated silt, sediment, and debris from any water, creation of ditches and channels where appropriate for mosquito control, and improvement to flow in manmade waters;
  - b) The activities are necessary to control a documented mosquito problem;
  - c) The material removed consists solely of accumulated sediment and/or debris;
  - d) Areas to be dredged must be isolated from flowing water to minimize sediment transport;
  - e) The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed;
  - f) No riparian zone vegetation is cleared, cut and/or removed unless unavoidable;
  - g) The project is conducted from only one bank where possible;
  - h) The use of heavy machinery in a regulated water is avoided unless demonstrated there is no feasible alternative that would result in less environmental damage;
  - i) Access points to each regulated water are identified and limited to actively disturbed areas where possible;

The removal of accumulated sediment and silt from a water body does not require a Freshwater Wetland Permit, unless Freshwater Wetlands or transition areas are disturbed for access to the water. However, if sediment has accumulated to the point that vegetation is growing in it, the area may have become Freshwater Wetlands and a Freshwater Wetlands Permit may be required. Please contact the Division for additional guidance as needed.

All other stream cleaning activities will require an individual permit under the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-12.15. If any activities not discussed above will be conducted in Freshwater Wetlands or Wetland Transition Areas an individual permit may be required under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-7.1. For more information please consult the rules to read the above citations in their entirety. If you have any questions, you may also contact the Division of Land Use Regulation Technical Support Center at (609) 777-0454.