

Taking Advantage of the Lack of Rainfall This Year: Dredging Farm Ponds in New Jersey (2024)

With drought conditions across the state, farmers may be considering dredging their farm ponds to improve water storage but have questions about what is allowed. Farm pond dredging is regulated by the NJ Department of Environmental Protection (NJDEP) and the regulations are important to understand before proceeding with such activities. Many water bodies, including streams, ponds, and vernal pools, are regulated in NJ to ensure their protection. These regulations are primarily enforced under the *Freshwater Wetland Protection Act* (N.J.A.C. 7:7A), *Surface Water Quality Standards* (N.J.A.C. 7:9B), and the *Flood Hazard Area Control Act* (N.J.A.C. 7:13).

As a general rule, **continuous and ongoing agricultural activities** located within a Freshwater Wetland, or Wetland Buffers are not regulated by the NJDEP. Activities associated with ongoing operations do include the maintenance of an existing farm pond. The Flood Hazard Area Control Act further defines these existing activities within the Permit-by-Rule (PBR) provisions, where an individual undertaking a regulated activity does not require Department approval.

Two Simple Farm Pond Clean Out Options within the Regulations:

Scenario 1: Isolated pond (not connected to waters of the state) - PBR #5

1. all machinery must be situated outside of the water, except that of handheld equipment, hoses and hydraulic pumps, for material extraction.
2. All sediment removed must be placed outside of regulated areas (riparian zones, transition areas, and wetlands).
3. If the farm pond is connected to a stream or waterbody, there may be certain timing restrictions on when the activity can be performed.



Cleaning out a farm pond

Scenario 2: Non-Applicability under - Section 7:7A-7.13(b) for In-line ponds or other connected to a regulated waters of the state

the project does not require Department approval under this chapter if:

1. The project disturbs State open waters only, and does not disturb wetlands located in the lake, pond, or reservoir;
2. The project does not disturb wetlands or transition areas adjacent to the lake, pond, or reservoir; and
3. The project does not involve the discharge of dredged or fill material in the State open water. For example, if the project involves placement of fill in a lake bed for an access road, or involves temporary placement of dredged material on the lake bed prior to removal of the dredged material, the project would be regulated and would require Department approval.

Prior to undertaking dredging activities, it essential to identify potentially regulated areas on-site. NJDEP's interactive mapping tool, NJGEOWEB is helpful for preliminary verification. See guide on NJGEOWEB use. Contact NJDA Staff Rachel DeFlumeri at Rachel.DeFlumeri@Ag.NJ.gov for assistance.

If your needs do not meet either of the scenarios, then you be able to apply for General Permit 13- Lake dredging

This Permit is for up to one acre of dredging in palustrine emergent freshwater wetlands necessary to restore or maintain a lake, pond, or reservoir to its original bottom contours, provided all applicable requirements at N.J.A.C. 7:7A-5.7 and 20.3 are met and follows additional regulatory requirements.

NEW JERSEY DEPARTMENT
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