

## WATERWAY CLEARANCE AND MAINTENANCE AND GUIDELINES

Stream cleaning is the desilting or de-snagging of a channel or the removal of accumulated garbage or debris. Cleaning a stream or waterway is regulated by a permitting process under the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) and the Freshwater Wetland Protection Act Rules (N.J.A.C. 7:7A).

- Under N.J.A.C. 7:13-7.5 and N.J.A.C. 7:7A, property owners are authorized to remove accumulated debris from waterways by hand without obtaining a DEP permit.
  - This includes general maintenance that does not require the use of heavy machinery and the material consists solely of accumulated sediment and debris. See attached Permits By Rule for additional guidance.
  - If the property owner is unable to remove the accumulated debris by hand, without the use of machinery, then a governmental entity must apply for a permit to conduct work.
- At the request of Municipalities, the County Mosquito Control agency may be required to control/prevent the accumulation of stagnant water in order to avoid mosquito infestation and reduce mosquito treatments. While the County is not obligated to maintain the waterways within its 70 municipalities, the County of Bergen is cooperating with its communities with regard to the de-snagging of waterways as part of the County Mosquito Control function.
- The County does not assist in de-snagging ponds or lakes on private property. Property owners remains responsible for these bodies of water.
- Every Municipality within the State is required to have a Stormwater Management Ordinance, which include NJ DEP mandated maintenance provisions.
- If you believe your situation warrants attention, please contact your local municipality for an evaluation.
- **All requests must be made through your Municipality. The County cannot respond directly to residents or property owners. If assistance is requested, the County will promptly respond to your Municipalities request and evaluate the situation.**



# COUNTY OF BERGEN

## OFFICE OF THE COUNTY EXECUTIVE

One Bergen County Plaza, Room 580, Hackensack, NJ 07601-7076

(201) 336-7300 Fax: (201) 336-7304

countyexecutive@co.bergen.nj.us

**James J. Tedesco III**  
County Executive

**Thomas J. Duch, Esq.**  
County Administrator/County Counsel

January 13, 2022

### NJ DEP POLICY FOR LOCAL WATERWAY CLEARANCE AND MAINTENANCE AND GUIDELINES FOR BERGEN COUNTY ASSISTANCE

The New Jersey Department of Environmental Protection has adopted several regulations governing waterway maintenance activities and regulating the manner in which such activities may take place. Attached hereto are State publications outlining permitted maintenance, cleaning, and other conduct in or near State waterways. Briefly summarized, state policies include the following:

Stream cleaning is a regulated activity under Flood Hazard Area Control Act Rules. NJAC 7: 13-7.1 et seq. authorizes property owners, under defined circumstances, generally to remove accumulated debris when such removal can be done without securing an actual DEP Permit. In most instances, debris can be removed without a permit if it does not require the use of heavy machinery. The attached "Permits-By-Rule" regulations define in detail the nature and extent of permitted cleaning.

Significantly, every municipality within the State is required to have a Stormwater Management Ordinance. NJ DEP rules mandate that local stormwater management plans must include maintenance provisions. Maintenance provisions are also required to include specific preventative and corrective maintenance tasks such as removal of sediment, trash, and debris; mowing, pruning, and restoration of vegetation; restoration of eroded areas; elimination of mosquito breeding habitats and control of aquatic vegetation and other measures necessary to properly address stormwater concerns.

Information in the attached "Guidelines for Stream Cleaning" further outlines circumstances when sediment and debris may be removed by property owners. This summary notes that activities may be undertaken by County Mosquito Control agencies when necessary to control *mosquito infestation.*

The County of Bergen is not obligated to maintain the waterways within its seventy municipalities. But, pursuant to the above rules and regulations, the County of Bergen has cooperated with its communities with regard to the de-snagging of waterways as part of the County Mosquito Control function. Regulations permit Municipalities, the County and other entities to act when an emergency condition exists requiring immediate attention. The County will not assist in the de-snagging of ponds or lakes on private property. As indicated, adjacent property owners or the holder of record easements are responsible for the maintenance and cleaning of waterways.

County assistance is provided only at the request of municipalities, and solely to prevent the accumulation of stagnant water, thus reducing the need for regular mosquito treatments. The County will only assist when requested to do so by a municipality and when the County agrees to perform de-snagging activities. The County cannot respond directly to residents or property owners.

If assistance is formally requested, the County will promptly respond and evaluate the project to determine if the County is able to de-snag the waterway. When the County agrees to assist, the County and the municipality will discuss how to pool all resources to address issues such as debris removal from the site, additional manpower, equipment, permission waivers for access, etc. Only after both parties agree on working as a unit, using all resources available, can the County begin work.

The County alone shall have the discretion to make all determinations as to utilization of manpower, furnishing equipment, scheduling work and all other decisions with regard to the timing and nature of the work the County will perform. The municipality shall be required to provide any additional workers, equipment, or services that may be required by the County. The municipality shall be required to properly remove and dispose of all trees, stumps, brush, or other debris necessary to provide access to the site or removed from the waterway during the de-snagging process.

Prior to starting any work, a requesting municipality shall be obligated to provide the following:

- I. A written request for de-snagging work providing all details with regard to location, the nature of the requested work, and the projected equipment required together with the completion of any permits required by the County. A municipality shall also explain why it is unable to perform the requested work.
2. A sketch, print and pictures showing the exact location of the projected work, structures in the vicinity of the projected work and all other pertinent information may be specifically requested by the County.
3. When necessary, any and all easements, consents or access agreements required to permit the County to have access to the location.
4. If required, all necessary governmental approvals or permits including, but not limited to NJ DEP or Soil Conservation permits.
5. If required by the County, the municipality shall provide security and/or traffic control as requested to address security and safety concerns during de-snagging.
6. A written safety plan for each individual work location must be done

When requesting and securing de-snagging services, it is understood and agreed by a municipality that the furnishing of labor and/or equipment by the County shall not be construed in any way as an assumption of liability by the County for the future maintenance or any further work in connection therewith.

When receiving any de-snagging assistance, a municipality shall indemnify and hold harmless the County of Bergen, its officers, agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from performances of the services provided herein and above, provided such claim, damage, loss or expense (or bodily injury, sickness, disease or death or to injury to or destruction of tangible property) (other than the work itself), is caused in whole or in part by negligent acts or omissions of the County of Bergen, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is

caused in party by a party indemnified there-under.

Thank you for the opportunity to present policy considerations regarding the County Mosquito Commission's de-snagging activities. Please communicate these considerations to any residents seeking information with regard to County de-snagging responsibilities and activities.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Duch". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Thomas J. Duch  
County Administrator/County Counsel



## Welcome to the Division of Land Resource Protection



Island Beach State Park, NJ © 2018 Jill Neall, Used by Permission.

### Quick Links



### Division Information

- [Home](#)
- [News & Notices](#)
- [Forms & Checklists](#)
- [Maps & Guidance](#)
- [Laws & Rules](#)
- [Contact Land Use](#)
- [Subscribe to E-Newsletter](#)

### Web Mapping Tool

- [Permitting](#)
- [Common Project Types](#)
- [Freshwater Wetlands](#)
- [Streams & Rivers \(FHA\)](#)
- [Coastal Areas](#)
- [Tidelands](#)
- [Highlands](#)
- [Mitigation](#)
- [Permit Extension Act](#)
- [Electronic \(E\) Services](#)
- [Application Status](#)

### Related Information

- [Federal Agencies](#)
- [Programs/Commissions](#)

### NOTICE: Effective October 5, 2021, all applications for the following must be submitted electronically through DEP Online:

- General Permits
- Individual Permits
- Water Quality Certificates
- Freshwater Wetland Transition Area Waivers
- Flood Hazard Verifications that are submitted in conjunction with an application for a permit or Transition Area Waiver

[Apply for an Online Permit](#)

**About the Division:** Managing New Jersey's land is a critical function of the Department of Environmental Protection's overall environmental protection strategy. In recognition of the intimate tie between land use and the health and quality of our streams, estuaries, coastal waters, wetlands, wildlife habitat and our drinking water, the New Jersey legislature has charged the Department with regulating land use activities.

The Department's Division of Land Resource Protection fulfills this obligation by regulating land use activities through a permit process in accordance with the rules promulgated in support of the following statutes: Freshwater Wetlands Protection Act ([N.J.S.A. 13:9B et seq.](#)), Flood Hazard Area Control Act ([N.J.S.A. 58:16A](#)), Wetlands Act of 1970 ([N.J.S.A. 13:9A-1 et seq.](#)), Coastal Area Facility Review Act ([N.J.S.A. 13:19-1 et seq.](#)), Waterfront Development Law ([N.J.S.A. 12:5-3](#)), Tidelands Act ([N.J.S.A. 12:3](#)), NJ Water Pollution Control Act ([N.J.S.A. 58:10A et seq.](#)), and the Highlands Water Protection and Planning Act ([P.L. 2004, c.120](#)).

**DEP REQUESTS AN ELECTRONIC COPY WITH ALL APPLICATION SUBMITTALS:** As New Jersey responds to COVID-19, our office remains committed to processing land use applications. However, staff has transitioned to reviewing virtually all applications remotely. Hence it is imperative that you utilize the [electronic services](#) and submit the qualified permits and additional information electronically. An electronic copy of the entire application, including plans, should be submitted on CD-ROM or thumb drive for Individual permit applications with a separate folder for each type of report.

**For Land Use Regulatory Information Related to Emergencies such as Storm Damage, Please Click Here for our "Emergencies" Web Page**

If you have questions regarding the Division or its mission, please visit our various webpages or [use our contact page](#) to get in touch with us directly.

For comments or suggestions regarding this website design, please contact our [webmaster using this form](#).

Does your town have issues with an excess of stormwater runoff? NJDEP has just released [job training resources](#) for green stormwater infrastructure maintenance for:

- Flood plain managers
- Engineers
- Planners and contractors

### **What is green stormwater infrastructure?**

Historically, communities have used gray infrastructure—systems of gutters, pipes, and tunnels—to move stormwater away. Green infrastructure, on the other hand, filters and absorbs stormwater where it falls. The infrastructure can work independently or in network with gray infrastructure, such as pipes and pump stations.

### **Green stormwater infrastructure includes:**

- Bioretention basins
- Vegetated swales
- Cisterns
- Rain gardens
- And more!

### **What are the benefits of green stormwater infrastructure?**

With green stormwater infrastructure, stormwater capacity will be maintained and improved. This is important due to the increase in rain and storms. Green infrastructure also provides significant value for the community with flood protection, habitat for wildlife and improved water quality.

### **Where can I learn more?**

Visit the [job training resources tool](#) for green stormwater infrastructure maintenance

Visit the [Stormwater Infrastructure Toolkit](#)

Visit [DEP's Climate Change website](#) for on-going efforts and ways to reduce impacts from climate change.

Contact Taylor Coppa at [Taylor.Coppa@dep.nj.gov](mailto:Taylor.Coppa@dep.nj.gov) for more information or questions

## **SUBCHAPTER 7. PERMITS-BY-RULE**

### **7:13-7.1 Permit-by-rule 1 – normal property maintenance**

(a) Permit-by-rule 1 authorizes clearing, cutting, and/or removal of riparian zone vegetation which is necessary to service, maintain, or ensure the continued safe use of a lawfully existing structure, easement, right-of-way, field, lawn, park, and/or garden. Normal property maintenance includes:

1. Pruning;
2. Selective tree cutting, such as removing a dead, fallen, or unsafe tree;
3. Planting native, non-invasive plant species;
4. Periodic clearing, cutting, and/or removal of vegetation within an actively disturbed area, such as mowing and clearing nuisance vegetation; and
5. Removing trash, debris, and dead vegetation by hand.

(b) This permit-by-rule does not authorize the following activities:

1. Burning or applying herbicide to riparian zone vegetation;
2. Grading and other changes in topography;
3. Construction of structures, or placement of fill or impervious surfaces; and
4. Removal of riparian zone vegetation not listed in (a) above, such as removal of vegetation to accommodate an ongoing or proposed regulated activity or to create new open or landscaped areas.

### **7:13-7.2 Permit-by-rule 2 – repair of a lawfully existing structure**

(a) Permit-by-rule 2 authorizes the repair of a lawfully existing structure, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed;
2. No riparian zone vegetation is cleared, cut, and/or removed, except for vegetation within 20 feet of the structure, where such disturbance is necessary to facilitate its repair; and
3. No more than one-quarter acre of riparian zone vegetation is cleared, cut, and/or removed.

### **7:13-7.3 Permit-by-rule 3 – in-kind replacement of a lawfully existing structure**

(a) Permit-by-rule 3 authorizes the in-kind replacement of a lawfully existing structure, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The structure is not located within a floodway;

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

2. The structure being replaced is not a retaining wall or bulkhead subject to the requirements of N.J.A.C. 7:13-12.13 or a habitable building;
3. No riparian zone vegetation is cleared, cut, and/or removed, except for vegetation within 20 feet of the structure, where such disturbance is necessary to facilitate its replacement; and
4. No more than one-quarter acre of riparian zone vegetation is cleared, cut, and/or removed.

**7:13-7.4 Permit-by-rule 4 – removal of any lawfully existing fill or structures**

(a) Permit-by-rule 4 authorizes the removal of any lawfully existing fill or structure, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The fill or structure is not located within a floodway;
2. The fill or structure is disposed of outside of any regulated area and in accordance with all applicable Federal, State, and local requirements;
3. No riparian zone vegetation is cleared, cut, and/or removed, except for vegetation within 20 feet of the fill or structure, where such disturbance is necessary to facilitate its removal; and
4. No more than one-quarter acre of riparian zone vegetation is cleared, cut, and/or removed.

**7:13-7.5 Permit-by-rule 5 – removal of accumulated sediment and debris from a regulated water by hand**

(a) Permit-by-rule 5 authorizes the removal of accumulated sediment and debris by hand, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. No machinery is used within the regulated water except for handheld equipment such as hoses and hydraulic pumps;
2. The material removed consists solely of accumulated sediment and debris and does not alter the natural bed and banks of the regulated water;
3. Where work is proposed along a trout production or maintenance water, the appropriate timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed;
4. No riparian zone vegetation is cleared, cut, and/or removed, unless such disturbance is unavoidable, necessary to gain access to the regulated water, and minimized;
5. No trees are cleared, cut, and/or removed in a riparian zone; and
6. All material removed from the regulated water is disposed of outside of any regulated area and in accordance with all applicable Federal, State, and local requirements.

**7:13-7.6 Permit-by-rule 6 – removal of major obstructions from a regulated water with**

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

**machinery**

(a) Permit-by-rule 6 authorizes the use of machinery to remove one or more major obstructions from a regulated water that cannot be removed by hand, such as a fallen tree, abandoned vehicle, furniture, and other large debris, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. All machinery is situated outside the regulated water, except for handheld equipment such as chainsaws. Heavy machinery such as backhoes may be used to reach into the regulated water to remove material, but cannot be driven or otherwise placed in the regulated water;
2. No fill material or accumulated sediment is removed from the regulated water;
3. No riparian zone vegetation is cleared, cut, and/or removed, unless such disturbance is unavoidable, necessary to gain access to the regulated water, and minimized; and
4. All material removed from the regulated water is disposed of outside of any regulated area and in accordance with all applicable Federal, State, and local laws.

**7:13-7.7 Permit-by-rule 7 – placement of no more than five cubic yards of landscaping material**

(a) Permit-by-rule 7 authorizes the placement of no more than five cubic yards of landscaping material, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The landscaping material is not placed within a floodway;
2. No disturbance is located within 25 feet of any top of bank, unless the project lies adjacent to a lawfully existing bulkhead, retaining wall, or revetment along a tidal water or impounded fluvial water;
3. The landscaping material does not constitute a structure. For example, five cubic yards of stone, topsoil, wood chips, or other landscaping material can be placed under this permit-by-rule but the construction of a building that displaces five cubic yards of flood storage volume cannot;
4. Any clearing, cutting, and/or removal of riparian zone vegetation is limited to actively disturbed areas; and
5. No more than 2,000 square feet of riparian zone vegetation is cleared, cut, or removed.

**7:13-7.8 Permit-by-rule 8 – construction at or below grade in a fluvial flood hazard area**

(a) Permit-by-rule 8 authorizes construction at or below grade construction in a fluvial flood hazard area, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. All construction is situated at or below grade and the existing ground elevation is not raised;
2. No habitable building, fuel tank, solar panel, or underground utility line that conveys a gas or liquid is constructed;

building and facilitate the construction of an addition.

**7:13-8.9 General permit-by-certification 9 - sediment and debris removal within and/or adjacent to a bridge, culvert, or outfall by a public entity**

(a) General permit-by-certification 9 authorizes a public entity to use machinery to remove accumulated sediment and debris from a regulated water, within and/or adjacent to a lawfully existing bridge, culvert, or stormwater discharge pipe, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. All machinery is situated outside the regulated water, except for handheld equipment such as hydraulic pumps. Heavy machinery such as backhoes may be used to reach into the regulated water to remove material, but cannot be driven or otherwise placed in the regulated water;
2. The sediment and debris removal is necessary to maintain positive flow through the structure and/or regulated water;
3. The material to be removed consists solely of accumulated sediment and debris and does not alter the natural bed and banks of the regulated water;
4. Work is limited to within 100 feet of the structure;
5. All work is performed by, or under the supervision of, a public entity;
6. All work is performed with the full consent of the owner of any property upon which the project is undertaken;
7. No riparian zone vegetation is cleared, cut, and/or removed, unless such disturbance is unavoidable, necessary to gain access to the regulated water, and minimized;
8. No trees are cleared, cut, and/or removed in a riparian zone;
9. The project is conducted from only one bank, and the existing tree canopy on the more southerly or westerly bank is preserved in order to shade the regulated water;
10. Where work is proposed along a trout production or trout maintenance waters, the timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed; and
11. All material removed is disposed of outside of any regulated area and in accordance with all applicable Federal, State, and local requirements.

**7:13-8.10 General permit-by-certification 10 - in-kind replacement of a culvert**

(a) General permit-by-certification 10 authorizes the in-kind replacement of a culvert along a regulated water, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The culvert being replaced was not removed more than one year prior to replacement;
2. The channel is not scoured, incised, or otherwise situated such that the invert of the culvert being replaced lies more than six inches above the invert of the regulated water;
3. The applicant obtains an engineering certification confirming that:

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

device is:

- i. Constructed outside the channel;
- ii. Constructed outside the floodway, where possible;
- iii. Oriented to minimize obstruction to flow; and
- iv. No larger than 100 square feet in area.

**7:13-8.15 General permit-by-certification 15 - in-kind replacement of public infrastructure**

(a) General permit-by-certification 15 authorizes the in-kind replacement of public infrastructure, which has been damaged by flooding or other severe weather event that resulted in the Governor of New Jersey declaring a State of Emergency or FEMA declaring a major disaster in New Jersey and applies only to those counties and municipalities included in such a declaration. This general permit-by-certification authorizes the in-kind replacement of public infrastructure where a public entity has determined that immediate action is warranted to protect public health, safety, welfare, or the environment. For the purposes of this general permit-by-certification, public infrastructure means any roadway, railroad, bridge, culvert, storm sewer system, utility, and associated structure that are maintained by a public entity.

(b) In addition to satisfying the requirements applicable to all general permits-by-certification at N.J.A.C. 7:13-6.7, the applicant shall obtain an engineering certification confirming that any in-kind replacement of public infrastructure complies with all applicable design and construction standards of N.J.A.C. 7:13-10, 11, and 12, except for timing restrictions pursuant to N.J.A.C. 7:13-11.5(d).

(c) All regulated activities authorized under this general permit-by-certification shall:

1. Commence within 180 calendar days of the date the State of Emergency or FEMA disaster declaration was announced; and
2. Be completed within 180 calendar days of the date that the permittee submitted the required certifications resulting in authorization under general permit-by-certification 15.

(d) Within 30 calendar days of the completion of regulated activities authorized under this general permit-by-certification, the permittee shall provide to the Department a written statement that includes:

1. A detailed description of all regulated activities conducted;
2. An engineering certification confirming that the requirements of (a), (b), and (c) above have been met; and
3. Site plans, photographs, mapping, or other information necessary to demonstrate that the regulated activity complies with the requirements of this general permit-by-certification.

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

**7:13-8.16 General permit-by-certification 16—construction of a footbridge**

(a) General permit-by-certification 16 authorizes the construction of a footbridge for use by pedestrians only, across a regulated water, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The footbridge is no more than four feet wide;
2. The footbridge is no more than 14 inches thick, as measured from the top of the deck to the bottom of the stringer;
3. In order to ensure that the footbridge will not increase flooding offsite, the topographic elevation at any property boundaries located within 500 feet upstream of the footbridge and within 500 feet on either side of the footbridge is equal to or higher than the elevation of the top of the deck plus the thickness of the footbridge under (a)2 above. For example, if the elevation of the top of the deck is 100 feet NGVD and the thickness of the footbridge is 12 inches, then the topographic elevation at the adjacent property boundaries must be at least 101 feet NGVD;
4. Any pinning or anchoring of the footbridge is accomplished without construction in the channel;
5. The areas above and below the footbridge remain open to the passage of floodwaters. Handrails shall have large openings, so as not to catch debris during a flood and thereby obstruct floodwaters;
6. The existing ground elevation is not raised to accommodate or provide access to the footbridge, except for the construction of an earthen access ramp of no more than three feet in length; and
7. No trees are cleared, cut, and/or removed in a riparian zone.

**SUBCHAPTER 9. GENERAL PERMITS**

**7:13-9.1 General permit 1 - channel cleaning under the Stream Cleaning Act**

(a) General permit 1 authorizes a county, municipality, or a designated agency thereof to desnag a channel and/or remove accumulated sediment, debris, and garbage under the "Stream Cleaning Act" at N.J.S.A. 58:16A-67, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The project's sole purpose is to remove obstructions to flow or desnag a channel;
2. The project is necessary and in the public interest;
3. The project consists solely of either:
  - i. The removal of accumulated silt, sediment, debris, and/or garbage from a channel with a natural bed and does not alter the natural bed or banks of the channel; or
  - ii. The removal of any accumulated material from a channel previously lined with concrete or similar artificial material;
4. The project does not disturb the channel bank or result in any clearing, cutting, and/or removal of riparian zone vegetation, unless such disturbance is unavoidable, necessary to gain access to the channel, and minimized;

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

5. The project is conducted from only one bank, where possible, and the existing tree canopy on the more southerly or westerly bank is preserved in order to shade the regulated water;
  6. The use of heavy equipment in the channel is avoided; and
  7. If the project involves sediment removal from a channel with a natural bed, the following requirements are satisfied:
    - i. If the project is undertaken by a municipality, or a designated agency thereof, it is located wholly within that municipality;
    - ii. If the project is undertaken by a county, or designated agency thereof, the project is located wholly within one municipality or, if located within more than one municipality, the channel reach is less than 500 feet in length;
    - iii. The average width of the channel bed does not exceed 30 feet;
    - iv. The channel is not classified as a Pinelands water or Category One water;
    - v. The channel is not a present or documented habitat for threatened or endangered species; and
    - vi. The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed.
- (b) All materials, including dredged material, removed from a channel during activities authorized under this general permit shall be placed outside of any regulated area and also any freshwater wetlands, transition areas, and State open waters, as those terms are defined in the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.4, unless it is demonstrated that this would cause more environmental harm or flooding risk than the placement of the material in these areas. For example, if removal of dredged material requires construction of a long temporary roadway through a wetlands with a very high water table to enable trucks to transport the dredged material offsite, this may cause more environmental harm than spreading the dredged material thinly over a large area.
- (c) This general permit does not authorize the straightening or realignment of a channel. Straightening or realignment constitutes channel modification and requires an individual permit pursuant to N.J.A.C. 7:13-11.1(c).
- (d) An application for authorization under this general permit shall be submitted to the Department by mail at the address set forth at N.J.A.C. 7:13-1.3, and shall include the following (photocopies of maps and documents are acceptable):
1. A completed application form as described at N.J.A.C. 7:13-18.4(a)1 and available from the Department at the address set forth at N.J.A.C. 7:13-1.3;
  2. One set of site plans prepared by an engineer, which clearly depict the segments of channel to be cleaned;
  3. The location of the affected portion of the channel or stream, including the county and municipality, and the block(s) and lot(s);
  4. One copy of a USGS quad map showing the affected portion of the stream;
  5. Color photographs and a brief narrative description of the affected portion of the

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

channel or stream, including the access points where workers and equipment will be brought to the channel or stream;

6. The classification, under the Department's Surface Water Quality Standards, N.J.A.C. 7:9B, for the affected portion of the channel or stream;
  7. A description of the nature of the project and the methods that will be used;
  8. A description of the proposed methods that will be used to remove material from the channel or stream and the location where the dredged material will be placed; and
  9. A certification, signed by the county or municipal engineer, or an engineer employed by the local Soil Conservation District, that lists each requirement in (a) above that applies to the project, and states how the requirement has been or will be satisfied.
- (e) The application review procedures for authorization under this general permit are set forth at N.J.A.C. 7:13-21. No application fee or public notice of the application are required for an authorization under this general permit.
- (f) Within 15 calendar days after the completion of a project under this general permit that involves the removal of sediment, the permittee shall submit to the Department:
1. A written notice that the project has been completed; and
  2. A certification, signed by the county or municipal engineer, or an engineer employed by the local Soil Conservation District, that lists each requirement in (a) above that applies to the project, and states how the requirement has been satisfied.

#### **7:13-9.2 General permit 2 - mosquito control water management activities**

(a) General permit 2 authorizes activities in flood hazard areas and riparian zones necessary for mosquito control water management activities conducted by a county mosquito control agency or a Federal agency on Federal land. Mosquito control water management activities authorized under this general permit include:

1. Removal of accumulated silt, sediment, and debris from any water;
2. Creation of ditches and channels where appropriate for mosquito control; and
3. Improvements to flow in manmade waters, such as the excavation of an existing manmade ditch or channel to provide positive drainage.

(b) Mosquito control water management activities described at (a) above are acceptable provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. The activities are necessary to control a documented mosquito problem, as determined by the State Office of Mosquito Control Coordination;
2. The material to be removed from the regulated water consists solely of accumulated silt, sediment, and debris and does not alter the natural bed and banks of the regulated water;
3. In order to minimize the downstream transport of sediment during dredging, all areas to be dredged must be isolated from flowing water, where possible, through:
  - i. Erecting temporary berms or sheet-piles around the areas to be dredged and

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

- pumping the flow within the regulated water around the work area; or
    - ii. If flow is low, by blocking off sections of the regulated water being dredged and allowing the sediment to settle;
  - 4. All material removed from the regulated water is placed in accordance with the following:
    - i. Sediment removed can be placed in a regulated area provided the requirements at N.J.A.C. 7:13-12.15(f) are satisfied; and
    - ii. All trash and debris removed must be placed outside any flood hazard area or riparian zone and in accordance with all applicable Federal, State, and local requirements;
  - 5. The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) are observed;
  - 6. The project does not disturb the channel bank or result in any clearing, cutting, and/or removal of riparian zone vegetation, unless such disturbance is unavoidable, necessary to gain access to the regulated water, and minimized;
  - 7. The project is conducted from only one bank, where possible, and the existing tree canopy on the more southerly or westerly bank is preserved in order to shade the regulated water;
  - 8. The use of heavy equipment in the regulated water is avoided unless it is demonstrated that there is no feasible alternative that would result in less environmental damage; and
  - 9. Access points to each regulated water are:
    - i. Identified; and
    - ii. Limited to actively disturbed areas, where possible.
- (c) The Department shall not authorize activities under this general permit more frequently than once every five years for a particular site.

### **7:13-9.3 General permit 3 - scour protection activities at bridges and culverts**

- (a) General permit 3 authorizes scour protection activities at one or more existing bridges or culverts, provided the conditions at N.J.A.C. 7:13-6.7 are met and:
  - 1. The activities are necessary for the maintenance and/or protection of an existing bridge or culvert;
  - 2. The activities are intended to remedy a scour problem within or adjacent to a bridge or culvert and not to remedy large sections of severely eroded or unstable channel;
  - 3. The applicant provides an engineering certification confirming that:
    - i. The amount of stabilizing material to be placed in the channel is no greater than necessary to protect the structure from failure or collapse due to undermining of abutments or piers. In general, the channel velocity used to determine the necessary amount of stabilizing material shall be based on bank full flow, unless otherwise required by the U.S. Federal Highway Administration; and



## Emergencies

### Division Information

[Home](#)[News & Notices](#)[Forms & Checklists](#)[Maps & Guidance](#)[Laws & Rules](#)[Contact Land Use](#)[Subscribe to E-Newsletter](#)[Web Mapping Tool](#)[Permitting](#)[Common Project Types](#)[Freshwater Wetlands](#)[Streams & Rivers \(FHA\)](#)[Coastal Areas](#)[Tidelands](#)[Highlands](#)[Mitigation](#)[Permit Extension Act](#)[Electronic \(E\) Services](#)[Application Status](#)[Related Information](#)[Federal Agencies](#)[Programs/Commissions](#)

In the case where an emergency exists that poses a threat to health and human safety and/or a danger to the environment, there are provisions which allow for work to be conducted to take care of the emergency situation in a way that also meets the various rules and regulations administered by this Division. To assist the public and regulated community in understanding what these provisions are, the Division has provided regulatory guidance below on various emergency related topics.

**Please note:** The information on this webpage is specific to the [Division of Land Resource Protection](#) and is not intended to be a comprehensive guide to protecting human health and welfare in case of an emergency. For information on those topics, please see other resources such as: [Ready.gov](#), [Centers for Disease Control and Prevention](#), [FEMA](#), [EPA](#), [OSHA](#), [FDA](#), [Department of Homeland Security](#) and the [NJ Office of Emergency Management](#).

### Land Use Topics

- [Emergency Authorization](#)
- [Debris Removal](#)
- [Beach Restoration and Sand Removal](#)
- [Land Replacement](#)
- [Infrastructure Repair](#)
- [Boardwalk and Dune Walkovers](#)
- [Beach Structures](#)
- [Stream Cleaning](#)

### Emergency Authorization

#### What is an emergency authorization, and how can I obtain one?

DLRP issues emergency authorizations (or emergency permits) when immediate action is needed to undertake work that will protect public health, safety, welfare and the environment. In certain cases, DLRP may determine the time needed to issue a permit using conventional methods may result in an unsafe condition that can harm the environment or threaten people or property. In such cases, individuals can seek an emergency authorization. Most recovery and repair activities public agencies, businesses, and homeowners need to conduct as a result of damage inflicted by an extreme weather event can be accomplished through receipt of an emergency authorization. Please be advised, some construction activities along the coast and in flood hazard areas may not qualify for an emergency authorization and instead will require receipt of a DLRP permit prior to construction.

A person seeking an emergency authorization must demonstrate there is an imminent threat to public health, safety, welfare or property, or a significant degradation to the environment, if work is not commenced immediately. Typically, an emergency authorization is first issued verbally by DLRP, followed by a letter explaining what is authorized and how the permittee must conduct the work. Once DLRP issues an emergency authorization, work can generally start immediately. Once work is completed, the permittee must apply for and obtain a DLRP permit using conventional methods in order to demonstrate that all work was done in accordance with the emergency authorization.

It is important to note that an emergency authorization is not intended to be used as an alternative to obtaining a DLRP permit or to circumvent the statutory review process when no emergency condition exists. Emergency authorizations are reserved only for those instances when immediate action is warranted to avoid or prevent ongoing or potential harm to people, property or the environment. In non-emergency situations, DLRP can sometimes expedite the review of a permit application. For information on how to request an emergency authorization please click below or visit [Emergency Request](#).

### [Request an Emergency Authorization](#)

#### Debris Removal

##### Do I need a permit to remove debris within regulated areas such as floodplains, waterways or wetlands?

Debris removal does not require a DLRP permit. However, private property owners are encouraged to first contact their municipality to see if a plan for debris removal has been implemented. **Note:** debris that is removed must be staged, transported, recycled and/or disposed of in accordance with appropriate solid waste and recycling regulations. If debris is removed from special areas such as wetlands, best management practices should be utilized, such as avoiding removal of trees and placement of protective marsh matting, to minimize temporary disturbances.

##### Do I need a permit to remove fallen trees and tree limbs from regulated areas such as floodplains, waterways or wetlands?

Removal of trees and tree limbs does not require a DLRP permit. Private property owners are encouraged to first contact their municipality to see if a plan for debris removal has been implemented. **Note:** debris that is removed must be staged, transported, recycled and/or disposed of in accordance with appropriate solid waste and recycling regulations. Woody debris may be chipped; however, wood chips may not be placed within wetlands or floodplains. DLRP considers the placement of wood chips within regulated areas a regulated fill activity which requires a DLRP permit. If debris is removed from special areas such as wetlands, best management practices should be utilized, such as avoiding removal of trees and placement of protective marsh matting, to minimize temporary disturbances.

#### [Beach Restoration and Sand Removal](#)

### What kind of beach restoration activities can an entity conduct with a valid beach and dune maintenance permit?

An entity possessing a valid beach and dune maintenance permit may conduct several emergency post-storm restoration activities. These activities consist of:

- The bulldozing of sand from the lower beach profile to the upper beach profile;
- The alongshore transfer of sand on a beach;
- The placement of concrete or the placement of clean fill material with grain size compatible with (or larger than) the existing beach material rubble provided:
  - All material shall be non-toxic sand, gravel, concrete, rubble, or other inert material;
  - The placement of concrete or rubble shall be temporary in nature, and is not to be used as permanent protection, unless it is part of a DEP approved, engineered design for permanent shore protection;
  - All concrete and rubble placed on the beach shall be removed within 90 days, unless the placement is part of a Department approved, engineered design for permanent shore protection; and
  - The use of automobiles, tires, wood debris, asphalt, appliances or other solid waste is prohibited.
- The placement of sand filled geotextile bags or tubes. The placement of sand filled geotextile bags or tubes is preferred to the placement of concrete, rubble or other material (above restrictions for concrete would also apply to geotextile bags or tubes).

The above emergency post-storm beach restoration activities should be designed and implemented as a means to restore the beaches to the pre-storm condition, or to restore the beaches to a level sufficient to provide protection from a storm event with a minimum recurrence interval of five years (five-year storm protection). For specific criteria related to these activities, please see [N.J.A.C. 7:7](#).

### Do I need a permit to remove sand from my property and what can I do with the sand?

Sand may be removed from roadways, parking areas, structures and businesses without a DLRP permit. We recommend you coordinate with your municipality for guidance on proper sand disposal.

### Does the municipality need a permit to put the sand on the beach?

Sand removed from roadways, structures and private property can be used to re-establish beach and dune systems provided the municipality has a valid DLRP beach and dune maintenance permit. Communities without a beach and dune maintenance permit can apply for an [emergency authorization](#). **Note:** All sand placed back on the beach should be screened to remove any debris or solid waste.

## Land Replacement

### Do I need a permit to replace portions of my property that eroded away during an extreme weather event?

Yes, placement of clean fill to replace land that eroded requires a DLRP permit. In addition, dredging eroded material from an adjacent waterway requires a DLRP permit. If you wish to place fill within an eroded area or dredge eroded material from a waterway, we recommend you apply for an [emergency authorization](#). New shoreline stabilization structures also require a DLRP permit, but typically do not qualify for an emergency authorization. It is recommended that you obtain a DLRP permit for shoreline stabilization structures through the normal permitting process.

## Infrastructure Repair

### Do I need a permit for In-Kind Replacement of Public Infrastructure within Flood Hazard Areas?

- DEP has adopted several general permits-by-certification to facilitate emergency repairs of public infrastructure by governmental entities, most notably Flood Hazard Area general permit-by-certification 15, a checklist for which can be found at: [https://www.nj.gov/dep/landuse/download/fha\\_043.pdf](https://www.nj.gov/dep/landuse/download/fha_043.pdf)
- General permits-by-certification are instant approvals that can be obtained through the Department's online portal at: <https://www.njdeponline.com/>

### Is a permit needed for emergency roadway repair?

A permit is not required for emergency roadway repair. Roadways and associated infrastructure such as sidewalks, guardrails, and road beds may be repaired, replaced or stabilized within their preexisting footprints (in-kind repair or replacement).

### Is a permit needed for utility replacement and repair?

A permit is not required for utility replacement or repair unless the utility line is within freshwater wetlands or within the floodway of a stream. In those cases, a [Freshwater Wetlands General Permit No. 1](#) and/or a Flood Hazard Area Individual Permit may be required. If utility replacement or repair needs to occur within freshwater wetlands and/or the floodway of a stream, we recommend you obtain an [emergency authorization](#).

## Boardwalk and Dune Walkovers

### Does the municipality need a permit to repair, replace or reconstruct a boardwalk or dune walkover structure?

A permit is not required to repair or replace boardwalks and dune walkovers that legally existed prior to an extreme weather event provided they are built within the same footprint (size and location). If a municipality wishes to expand the boardwalk or dune walkover footprint, a permit is required. Likewise, if a municipality wishes to construct shore stabilization structures adjacent to their boardwalk or dune walkover, a permit is required.

## Beach Structures

### Does the municipality need a permit to repair, replace or reconstruct legally existing structures on the beach (i.e. gazebos, pavilions)?

In the CAFRA zone, a permit is not required to repair, replace or reconstruct legally existing structures on the beach provided the structures are built within the same footprint (size and location). Outside the CAFRA zone, a permit is required for reconstruction of legally existing structures on a beach unless the structures are more than 100 feet from the mean high water line.

## Stream Cleaning

### Do I need permits to clean a stream of debris?

Conducting minor stream cleaning activities such as de-snagging tree limbs may not need Land Use permits. To find out more about this topic, please go to the [Guidelines for Stream Cleaning](#). Also, for information regarding de-snagging and

cleaning streams in the Passaic River Basin go to [Streamlined Process for De-snagging and Cleaning of Streams in the Passaic River Basin](#).

---

[Contact DEP](#) | [Privacy Notice](#) | [Legal Statement](#) | [Accessibility Statement](#) 

Division: [home](#) | [news/notices](#) | [laws/rules](#) | [forms/checklists](#) | [maps/guidance](#) | [contact](#)  
Department: [njdep home](#) | [about dep](#) | [index by topic](#) | [programs/units](#) | [dep online](#)  
Statewide: [njhome](#) | [citizen](#) | [business](#) | [government](#) | [services A to Z](#) | [departments](#) | [search](#)

Copyright © State of New Jersey, 1996-2021  
Last Updated: September 8, 2021

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 in 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.

**Stormwater Management**

- ▶ Green Infrastructure in NJ
- ▶ Stormwater Management Rule
- ▶ Stormwater Management Rule FAQs
- ▶ NJ Stormwater BMP Manual
- ▶ Maintenance Guidance
- ▶ BMP Manual Chapters for Comment
- ▶ MTD Certifications and Guidance
- ▶ Additional Guidance Documents
- ▶ BMP Manual Archives

**Stormwater Permitting**

- ▶ Municipal Stormwater Regulation
- ▶ General Stormwater Permits
- ▶ Individual Stormwater Permits
- ▶ Permit Applications and Checklists

**Program Links**

- ▶ NJ Stormwater.org Contacts
- ▶ Stormwater Training
- ▶ Bureau of Stormwater Permitting
- ▶ Division of Water Quality
- ▶ Clean Water NJ

**NJ Stormwater Best Management Practices Manual**

Stormwater Management rules, N.J.A.C. 7:8 specify stormwater management standards that are mandatory for new major development. The New Jersey Stormwater Best Management Practices Manual (BMP manual) is developed to provide guidance to address the standards in the Stormwater Management rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. The methods referenced in the BMP manual are one way of achieving the standards. An applicant is welcome to demonstrate that other proposed management practices will also achieve the standards established in the rules. The BMP Manual was developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, municipal engineers, county engineers, consulting firms, contractors, and environmental organizations.



The BMP manual has been drafted to assist review agencies and the regulated community. The methods in the BMP manual can be utilized without need for additional documentation to address the performance standards in the rule. The Department anticipates providing guidance on additional best management practices and new information on already included practices as research and development occurs in this field

Future updates of the BMP Manual will be available through [www.njstormwater.org](http://www.njstormwater.org).

**BMP MANUAL - last updated in March 2021**

**Cover and Contents:** Includes the cover pages, Notes on Technical Updates, Acknowledgements, and Table of Contents.

**Chapter One:** Impacts of Development on Runoff discusses the impact of development on the quality and quantity of stormwater runoff.

**Chapter Two:** Low Impact Development Techniques provides information how to use structural and nonstructural to provide lower impact development

**Chapter Three:** Regional and Municipal Stormwater Management Plans presents guidance on the development of regional and municipal stormwater management plans.

**Chapter Four:** Stormwater Pollutant Removal Criteria provides guidance on how to meet the water quality performance standards.

**Chapter Five:** Computing Stormwater Runoff Rates and Volumes presents the mathematical methods for the stormwater runoff rates, volumes, and the stormwater quality and quantity design storms. This chapter also provides information computations for unconnected impervious areas, and also contains an overview of various stormwater pollutant loading models. \*\*\* Updated April 2021\*\*\*

- NOAA C & D distributions

**Chapter Six:** Groundwater Recharge discusses the groundwater recharge methodology, the groundwater recharge design storm, and the details of the New Jersey Groundwater Recharge Spreadsheet (NJGRS).

- Download the NJGRS in Excel 97 format
- Download the NJGRS in Excel 2002 format

**Chapter Seven:** Landscaping provides information on vegetation and landscaping for stormwater management measures.

**Chapter Eight:** Maintenance and Retrofit of Stormwater Management measures provides information to be included and considered in a maintenance plan, and discusses retrofit of stormwater management facilities.

**Chapter Nine:** Provides general information on Green Infrastructure BMPs that may be used for

Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity  
 \*\*\* Updated March 2021\*\*\*

- Chapter 9.1 Cisterns
- Chapter 9.2 Dry Wells
- Chapter 9.3 Grass Swales
- Chapter 9.4 Green roofs
- Chapter 9.5 Manufactured Treatment Devices (GI)
- Chapter 9.6 Pervious Paving Systems
- Chapter 9.7 Small-scale Bioretention Systems
- Chapter 9.8 Small-scale Infiltration Basins
- Chapter 9.9 Small-scale Sand Filters (GI)
- Chapter 9.10 Vegetative Filter Strips

Chapter 10: Provides general information on Green Infrastructure BMPs that may be used for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)  
 \*\*\* New March 2021\*\*\*

- Chapter 10.1 Bioretention Systems (large-scale)
- Chapter 10.2 Infiltration Basins (large-scale)
- Chapter 10.3 Sand Filters (large-scale GI)
- Chapter 10.4 Standard Constructed Wetlands
- Chapter 10.5 Wet Ponds (GI)

Chapter 11: Provides general information on Non-GI BMPs that may be used for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3  
 \*\*\* New March 2021\*\*\*

- Chapter 11.1 Blue Roofs
- Chapter 11.2 Extended Detention Basins
- Chapter 11.3 Manufactured Treatment Devices (Non-GI)
- Chapter 11.4 Sand Filters (Non-GI)
- Chapter 11.5 Subsurface Gravel Wetlands
- Chapter 11.6 Wet Ponds (Non-GI)

Chapter 12:\*\*\* Updated November 2020 \*\*\* Soil Testing Criteria

- Download Chapter 12 Soil Testing Workbook

Chapter 13:\*\*\* NEW March 2020 \*\*\* Groundwater Table Hydraulic Impact Assessments for Infiltration BMPs

- Download Hantush Excel Spreadsheet

Appendix A: Low Impact Development Checklist provides information to assist reviewers and designers in the demonstration that nonstructural stormwater management measures have been implemented in a project.

- Download Appendix A in Word Format.

Appendix B: Municipal Regulations Checklist provides information to assist municipalities in incorporating nonstructural stormwater management measures into the master plan, land use and zoning ordinances.

Appendix C: Sample Municipal Stormwater Management Plan provides an example as well as guidance on the municipal plan required to be developed by every municipality.

- Download Appendix C in Word Format.

Appendix D: \*\*\* NEW March 2020 \*\*\*

Model Municipal Stormwater Control Ordinance for Municipalities provides a sample stormwater ordinance consistent with the requirements of the Stormwater Management Rules.

- Download Appendix D in Word Format.



Department: [NJDEP Home](#) | [About DEP](#) | [Index by Topic](#) | [Programs/Units](#) | [DEP Online](#)  
Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)

Copyright © State of New Jersey, 1996-2019

Last Updated: February 6, 2020->



### Stream Cleaning

#### Division Information

- [Home](#)
- [News & Notices](#)
- [Forms & Checklists](#)
- [Maps & Guidance](#)
- [Laws & Rules](#)
- [Contact Land Use](#)
- [Subscribe to E-Newsletter](#)
- [Web Mapping Tool](#)
- [Permitting](#)
- [Common Project Types](#)
- [Freshwater Wetlands](#)
- [Streams & Rivers \(FHA\)](#)
- [Coastal Areas](#)
- [Tidelands](#)
- [Highlands](#)
- [Mitigation](#)
- [Permit Extension Act](#)
- [Electronic \(E\) Services](#)
- [Application Status](#)
- [Related Information](#)
- [Federal Agencies](#)
- [Programs/Commissions](#)

- Overview
- Freshwater Wetlands
- Flood Hazard
- Coastal
- Tidelands

**Stream cleaning** entails desilting or de-snagging a channel, or removing accumulated garbage or debris. It does not entail making a channel deeper or wider than it previously was, as this could result in worsened flooding on properties located downstream of the area to be cleaned.

Cleaning a stream is a regulated activity under the Flood Hazard Area Control Act Rules. If the project is also regulated pursuant to the Coastal Zone Management Rules at N.J.A.C. 7:7, then no separate flood hazard area approval is required. In these instances, the applicant need only submit a report and plans demonstrating compliance with the Flood Hazard Area Control Act Rules as part of the coastal permit application.

Stream cleaning may be authorized under permit-by-rule 5 at N.J.A.C. 7:13-7.5. This permit-by-rule authorizes the removal of accumulated sediment and debris by hand, using handheld equipment. Heavy machinery may not be used. Additional requirements apply to protect the riparian zone, trout, and to preserve the natural bed and banks of the channel. Additional Federal, State, and local requirements may apply to the placement of material removed from the water.

In cases where machinery is required to remove one or more major obstructions from a regulated water that cannot be removed by hand, permit-by-rule 6 may apply. This permit allows the use of machinery provided it is situated outside of the water, fill material or sediment is not removed from the water, disturbance to riparian zone vegetation is limited to that which is necessary for access, and material removed from the water is disposed of legally.

General permit-by-certification 1 at N.J.A.C. 7:13-8.1 authorizes the removal of accumulated sediment and debris from a regulated water for agricultural purpose. See the "Agricultural Activities" tab under the "Common Project Types" of this website.

Stream cleaning may be authorized under a [flood hazard area general permit 1](#). In order to qualify for this general permit, the applicant must be a government entity. Disturbance to riparian zone vegetation must be minimized pursuant to the specific requirements of this permit. There are particular application requirements for this general permit as described at N.J.A.C. 7:13-9.1(d). An application checklist for this general permit is available in the "Forms and Checklists" section of this website.

Should the applicant not qualify for any of the above, then stream cleaning may be authorized under a flood hazard area individual permit in accordance with N.J.A.C. 7:13-10, 11, and 12.



## Stream Cleaning

### Division Information

- [Home](#)
- [News & Notices](#)
- [Forms & Checklists](#)
- [Maps & Guidance](#)
- [Laws & Rules](#)
- [Contact Land Use](#)
- [Subscribe to E-Newsletter](#)
- [Web Mapping Tool](#)
- [Permitting](#)
- [Common Project Types](#)
- [Freshwater Wetlands](#)
- [Streams & Rivers \(FHA\)](#)
- [Coastal Areas](#)
- [Tidelands](#)
- [Highlands](#)
- [Mitigation](#)
- [Permit Extension Act](#)
- [Electronic \(E\) Services](#)
- [Application Status](#)
- [Related Information](#)
- [Federal Agencies](#)
- [Programs/Commissions](#)

Overview	Freshwater Wetlands	Flood Hazard	Coastal	Tidelands
----------	---------------------	--------------	---------	-----------

Performing a **stream cleaning** entails desilting or desnagging a channel. It is meant for the removal of unconsolidated sediment. It does not entail making a channel deeper or wider than it previously was, as this could result in worsened flooding on properties located downstream of the area to be cleaned.

Cleaning a stream is a regulated activity under the Flood Hazard Area Control Act rules, and as such, an authorization of some type under the Flood Hazard Area Control Act rules. If the project is regulated pursuant to the Coastal Zone Management rules at N.J.A.C. 7:7, then no separate Flood Hazard approval is required. In these instances, the applicant need only submit a report and plans demonstrating compliance with the Flood Hazard Area Control Act rules as part of the coastal permit application.

Assuming there is no jurisdiction pursuant to the Coastal Zone Management rules, authorization for a stream cleaning may be authorized under a [Flood Hazard Area General Permit 1](#) (FHAGP1). Please refer to N.J.A.C. 7:13-8.3 for specific standards that must be met regarding the FHAGP1. Presented below are special notes concerning the FHAGP1.

N.J.A.C. 7:13-8.3 (FHAGP1) - In order to qualify for this general permit, the applicant must be a government entity. Please note that if the applicant has already obtained a Freshwater Wetlands Statewide General Permit 26, then an additional Flood Hazard Area General Permit 1 is not required.

Should the applicant not qualify for the FHAGP1, then the applicant must obtain a formal [flood hazard area individual permit](#), subject to the technical standards of Subchapters 9, 10, and 11 of the rules.

In addition to the FHAGP1 and the flood hazard area individual permit, the applicant may also consider Permit by Rule (PBR) N.J.A.C. 7:13-7.2(a)5. This PBR is not specific to desilting or desnagging operations. However, it is useful to allow machinery to remove major obstructions from a channel. Such obstructions include fallen trees, abandoned vehicles, furniture, and other large debris that can not be removed by hand. Unlike the FHAGP1, the applicant here need not be a government entity.

The applicant may also consider Permit by Rule (PBR) N.J.A.C. 7:13-7.2(d)3. This permit by rule allows for the removal of sediment by hand/shovels/hydraulic pumps/hoses or other similar equipment within 100 feet of a culvert, bridge or stormwater discharge pipe. It should be noted that this work must be done under the supervision of the public entity that is responsible for maintaining the roadway and/or public property.

**TEMPORARY SITE-ACCESS AGREEMENT**

**THIS AGREEMENT**, entered into on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, by and between:

**COUNTY OF BERGEN**, a body politic and corporate of the State of New Jersey, located at One Bergen County Plaza, Hackensack, New Jersey 07601, hereinafter referred to as the “*County*”; and

\_\_\_\_\_, located at \_\_\_\_\_

**Owner**

**Address**

\_\_\_\_\_, hereinafter referred to as the “*Owner*”; and

\_\_\_\_\_, a body politic and corporate of the State of New Jersey,

**Municipality**

located at \_\_\_\_\_, hereinafter referred to as the “*Municipality*”

**Address**

**WHEREAS**, while it is not the responsibility of the County to maintain the waterways within the Municipalities of Bergen County, as part of the County’s concept of providing shared services to local municipalities, the County of Bergen cooperates with local municipalities in clearing or dredging non-County waterways which frequently present drainage problems; and

**WHEREAS**, in order to aid Bergen County Municipalities in the clearing or dredging of non-County waterways heavy equipment, normally not available to local towns, is provided under the supervision of the Operations Division and/or Mosquito Control Division personnel. This equipment is made available to local towns without charge, but subject to certain requirements to prevent the County and Municipality from infringing on the property rights of local homeowners; and

**WHEREAS**, the County has received a request from the Municipality to lend assistance in the desnagging or maintenance of \_\_\_\_\_ and the County has

**Name of Waterway**

evaluated the project and determined that the County has the resources to assist; and

**WHEREAS**, Owner is the owner of certain property commonly known as \_\_\_\_\_, designated on the Tax Map of the **Borough of**

**Address**

\_\_\_\_\_, Bergen County as **Block** \_\_\_\_\_, **Lot**

**Municipality**

**Number**

\_\_\_\_\_, (“*Property*”); and

**Number**

**WHEREAS**, the County has requested the consent of the Owner for access to the Property for the purpose of \_\_\_\_\_ (“*Work*”); and

**Insert Purpose**

**WHEREAS**, the County requires that this Agreement be entered into by the County, the Owner and the Municipality in order to perform the Work.

**NOW THEREFORE**, in consideration of the foregoing and in accordance with the terms and conditions set forth hereinafter, the parties hereto hereby agree to be legally bound as follows:

1. The Owner grants the County, its consultants and contractors, approval to enter upon the Property to perform the Work, subject to the terms and conditions as set forth herein.

2. This Agreement is a non-exclusive license, not an easement, and shall not be recorded.

3. The County and its agents, as well as the Municipality shall not damage the Property. The Municipality shall keep the Property free of all debris. If any portion of the Property suffers damage by reason of access by the Municipality or the County’s consultants or contractors, then in that event, the Municipality, at its sole cost and expense, shall immediately repair all such damage or replace the damaged portion of the Property, and restore the damaged portion of the Property to its condition prior to the occurrence of such damage.

4. The Work to be performed by the County shall be strictly limited to the removal from the waterway of debris or other agreed upon items. Upon removal the Municipality shall be solely responsible at its own cost and expense for the removal and disposal of the removed debris or items from the Property

5. At all times during the performance of the work the Municipality shall, at its own cost and expense, provide an in person and on site Supervisor.

6. This Agreement shall be deemed to be effective from the date hereof, and shall terminate ninety (90) days from the date of execution of this Agreement.

7. Insurance.

(a) During the performance of the Work, the Municipality shall, at its sole cost and expense, obtain and maintain throughout the course of the performance of the Work the following minimum coverages of insurance:

1. Workers' Compensation (statutory) and Employer's Liability (\$1,000,000),

2. Commercial general liability insurance with limits of at least \$1,000,000 for bodily or personal injury (including death) and property damage and shall include an endorsement covering Consultant's contractual liability with limits not less than those set forth above,

3. Contractors pollution liability insurance with a limit of at least \$1,000,000,
4. Comprehensive Automotive Liability - \$1,000,000 Combined Single Limit.

(b) Prior to the performance of any Work, the Municipality shall provide the County and the Owner with a certificate of insurance on Acord Form 25 or its equivalent ("Certificate"). The Certificate shall set forth evidence that the coverages required in this Agreement are in full force and effect. The Municipality shall furnish to the County and the Owner copies of any endorsements that are subsequently issued amending limits of coverage or providing coverage for the County and the Owner or any additional insured as required by this Agreement. The Certificate shall name and shall be accompanied by an endorsement naming Bergen County, New Jersey and the Owner as additional insureds under the comprehensive general liability, contractor's pollution liability, and comprehensive automobile policies. The Certificate shall provide for at least thirty (30) days prior written notice to the County and the Owner of the cancellation or material modification of any policy of insurance maintained pursuant to this Agreement. All such coverages are to be provided on a "primary" basis regardless of any other insurance the County or the Owner may have or may elect to purchase and maintain.

8. The Municipality, to the fullest extent permitted by law shall indemnify, defend, and hold harmless the Owner and the County of Bergen and all of their parents, subsidiaries, siblings, directors, officers, shareholders, partners (general and limited), members, managers, employees, agents, legal representatives and other affiliated entities from and against all costs of investigation, claims, damages, demands, liens, claims of lien, losses, actions or liability of any kind which may be asserted against them or suffered by them, including, without limitation, reasonable attorneys' fees, statutory or administrative fines or penalties, and litigation costs ("Claims") to the extent such arise out of or are in connection with, directly or indirectly, this Agreement or the performance of the Work alienated herein, whether or not negligence on the part of the Owner or the County of Bergen, and any of its employees, officials, agents, volunteers or representatives contributed thereto.

9 Any notice required to be given under this Agreement shall be made in writing via certified mail, return receipt requested, or by nationally recognized overnight mail service to the following persons:

If to the County:        **John E. Ten Hoeve, Jr., Deputy County Counsel**  
**Office of the County Counsel**  
**One Bergen County Plaza, Room 580**  
**Hackensack, NJ 07601**

If to the Owner:        **Owner**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If to the Municipality: **Municipality**

---

---

---

---

Any person to whom notice must be given may be changed by notice by one party to the other party given, as set forth above.

10. This Agreement constitutes the entire Agreement between the parties and may not be modified or amended, except in writing and signed by both parties.

11. This Agreement may be executed in one or more counterparts, each of which should be deemed an original, but which together shall constitute one in the same instrument.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be signed and attested by their proper corporate officers, and their corporate seals to be hereto affixed, the day and year first above written.

Witness:

**OWNER**

---

By:

---

**Owner Print Name**

---

**Owner Signature**

Attest:

**COUNTY OF BERGEN**

---

By:

---

James J. Tedesco III, County Executive or  
Thomas J. Duch, Acting Deputy County Administrator

Attest:

**MUNICIPALITY**

---

**Municipality Print Name**

By:

---

**Municipality Signature**