

## **Section 6.14 Best Management Practices for Pond Maintenance**

Pursuant to Section 6.14 of the Vermont Wetland Rules, the following Best Management Practices have been developed for the following allowed use in order to prevent discharges to Waters of the State, and to maintain the integrity of protected wetlands and associated waters:

**6.14 The routine maintenance and upkeep, including the removal of vegetation from, or maintenance dredging of, constructed ponds in compliance with Best Management Practices developed by the Secretary. This use may involve dredging, temporary draining, and/or temporarily altering the flow of water into or out of a wetland.**

Please read this document carefully in order to determine whether your activity qualifies as an allowed use, to perform the activity in compliance with the best management practices, and to determine if other permits may be necessary.

1. Does the proposed activity qualify for an Allowed Use under Section 6 of the Vermont Wetland Rules?
  - a. To qualify as routine maintenance, the pond must be recognizable as a constructed pond;
  - b. Restoration of failed in-stream ponds may not qualify as an Allowed Use and requires review by the Vermont Wetlands Section;
  - c. Maintenance and reconstruction of natural ponds, such as beaver ponds, does not qualify as an Allowed Use;
  - d. Any pond over two acres in size may not qualify as an Allowed Use and requires review by the Vermont Wetlands Section;
  - e. Maintenance of a pond constructed in violation of the Vermont Wetland Rules does not qualify as an Allowed Use;
  - f. The proposed maintenance of the pond does not exceed the current footprint or dimensions of the manmade portion of the pond; and,
  - g. The maintenance shall not result in discharge to Waters of the State.
2. Best Management Practices
  - a. All impacts have been avoided and minimized to the greatest extent practicable;
  - b. Appropriate erosion control measures shall be utilized:
    - i. If a state stormwater permit is required, the applicant shall follow the terms and conditions of that permit. Otherwise, a continuous line of silt fence shall be properly installed by the applicant immediately down gradient of spoil piles and any other disturbed areas and shall be regularly maintained. Care should be taken to ensure that silt fence is installed on the contour and not in areas of concentrated flow such as stream channels or ditches.
    - ii. All sediment barriers and construction fencing shall be installed prior to beginning any earthwork for the project and removed following the successful establishment of vegetation.
    - iii. All other disturbed soils shall be seeded and mulched within 48 hours of final grading.
  - c. Minimize soil and vegetation disturbance:
    - i. Consider phasing construction to minimize the extent of disturbed soils.

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- ii. Wait until just before beginning construction to clear vegetation and to disturb soil.
  - iii. Minimize the area of bare soil within the approved work zone as much as possible.
  - iv. Maintain a buffer of natural vegetation around wetlands to slow runoff and trap sediments.
  - v. Dredged material shall be dewatered and permanently disposed of outside of the wetland and buffer zone in a stable, upland area outside the 50-foot buffer zone at least 100 feet from waters of the state.
  - vi. A recommended slope of 3:1 or flatter is suggested. Steeper slopes tend to be unstable, difficult to vegetate, and may be an unreasonable hazard.
- d. Minimize the alteration of natural hydrology:
- i. Maintain historic water level if potential exists to impact adjacent wetlands or water bodies by altering the water level of the pond.
  - ii. Time your work in wetlands and watercourses to occur during low flow season (between June 1 and October 1) when wetlands and streams are the driest and potential to impact spawning fish is minimized.
  - iii. All in-stream work (intermittent or perennial) must be performed in a dry work zone. An adequate de-watering plan must be in place to keep the work zone dry during construction. In doing so, to the maximum extent practicable, all efforts shall be taken to maintain the normal downstream flow conditions at all times.
  - iv. Dewater no more than a foot a day if pond outlets to a natural body of water such as a stream, wetland or lake.
  - v. Water must be clear before it enters surface water.
- e. Invasive species should be prevented:
- i. The equipment should be cleaned so as to contain no observable soil or vegetation prior to work in wetlands and buffer zones to prevent the spread of invasive species.
  - ii. Only clean fill shall be used.
  - iii. If dredged material contains invasive species, care should be taken to dispose of the material in a manner that does not spread the invasive species to new areas.
3. Other Permitting Considerations
- a. Dams that can impound more than 500,000 cubic feet of water or other liquid require a dam permit ([10 V.S.A. Chapter 43](#)). Dam work may also require local permits, an [Act 250](#) Permit and/or a permit from the [U.S. Army Corps of Engineers](#) and associated Section 401 [Water Quality Certification](#).
  - b. Any change to the inflow or outflow of a pond that will obstruct fish passage must get prior approval from the Vermont Department of Fish and Wildlife.
  - c. Most in-channel management activities require regulatory action by the River Corridor Management Section and the Army Corps of Engineers. State jurisdictional thresholds regulations are provided on the Vermont Water Quality Division webpage or by contacting the Water Quality Division Stream Alteration Engineer in your area.