

VERMONT AGENCY OF NATURAL RESOURCES

STREAM GRAVEL REMOVAL POLICY

2/4/99

The statutory basis upon which the Agency of Natural Resources (ANR) relies in its regulation of gravel removal from streams is contained within 10 VSA, Section 1021© which states: “No person shall remove gravel from any watercourse primarily for construction or for sale.”

Exemptions include “emergency protective measures” as defined under 1021(b) and the allowance for the removal of a maximum of 50 cubic yards annually by landowners on their own property under 1021(d). Reporting requirements are associated with each of these exemptions.

An exemption for Accepted Agricultural Practices is provided under 1021(f). This occasionally provides opportunity for limited gravel excavation where associated with streambank realignment and stabilization designed by the USDA NRCS and in consultation with ANR.

ANR does not consider the legislative intent of statutory gravel removal prohibition to include projects which involve gravel removal primarily to alleviate flooding or erosion conditions directly resultant from diminished channel capacity or channel instability. Wherever field investigation indicates this condition, ANR will issue a permit subject to conditions addressing the criteria under section 1023 protecting public safety, fish and wildlife and rights of riparian owners.

A statement to the effect that the primary intent of a proposed project is to remove gravel for some purpose other than for construction or for sale will not, alone, be generally considered adequate. Rather, the proposed removal must, in the opinion of ANR, provide the intended relief.

Technical guidance is provided under this policy as follows:

A. The baseline channel hydraulic capacity shall be considered to be Q1.5; which constitutes the channel forming flow and is typically associated with natural stable river reaches. Channel capacity is defined below the low bank elevation.

B. Official FEMA National Flood Insurance Program flood profiles or other acceptable historic channel survey information may be used to refine or modify the baseline condition.

C. Where a higher level of property protection is required, excavation to provide channel capacity, for instance, to a Q5 or Q10 level may be approved. Maintenance of channel capacity to a level higher than Q1.5 must, however, be evaluated on a case-by-case basis against the risk

of increased, long term channel instability and the effects on adjoining stream reaches and all riparian ownership interests.

D. Gravel removal may be approved in association with restoration of stable channel conditions in reach-specific applications. Determination of stable channel conditions must be provided through application of the ANR reference river morphology database, documentation of historic conditions or other appropriate physical assessment methodology.

E. Gravel removal shall be performed only in a manner which will contribute to long term river system stability. Stability is defined as the morphological condition in which the stream, over time, is able to transport the flow and sediment produced by its watershed in such a manner as to maintain its dimensions, pattern and profile without aggrading or degrading.

ANR decisions on stream gravel removal must be made within the context of maintaining river reach and system stability. Through administration of this policy ANR recognizes that protection of existing development will occasionally involve compromises between providing an adequate level of property protection and maintenance of the integrity of the river system. Under this policy ANR reserves the opportunity to exercise its best technical judgement and flexibility to render fair and reasonable decisions that may not, at times, specifically comply with the guidelines listed above.