

10 CSR 40-10.050 Performance Requirements

Purpose: *This change works to ensure: (1) adverse stream impacts associated with in-stream mining operations are minimized, and (2) flexibility is provided to allow variances.*

(14) In-Stream Gravel Removal Requirements.

- (A) Operations that conduct sand and/or gravel removal within the stream banks shall comply with the following requirements, except as authorized by 10 CSR 40-10.040(2).
1. Excavation of sand or gravel deposits shall be limited to deposits in unconsolidated areas containing primarily smaller material (at least 85 per cent of the material is less than three inches in diameter) that is loosely packed and contains no woody perennial vegetation greater than one and one-half inches in diameter, measured at breast height (4.5 feet).
 2. A buffer zone of adequate width, to prevent turbidity and ensure the biological, physical and chemical integrity of the water during times of operation shall be left between the excavation area and the waters edge of the flowing stream at the time of excavation. A buffer zone of adequate width to protect bank integrity shall be left between the excavation area and the high bank.
 3. A buffer of 25 feet wide should be maintained in an undisturbed condition landward of the high bank for the length of the gravel removal site. Disturbed areas in this riparian zone shall be limited to maintained access road(s) for ingress and egress only. No clearing within this riparian area is authorized in association with work authorized by this permit.
 4. Sand or gravel shall not be excavated below water elevation at the time of removal, except:
 - a. If the stream is dry at the time of excavation, excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom in the given reach of stream. Upon request of the applicant, excavation depth restrictions may be modified if it is determined by the program staff director that a variance would not significantly impact the stream resource.
 - b. For wet stream reaches, excavation depth restrictions may be modified if it is determined by the program staff director that a variance would not significantly impact the stream resource based on the presence of bedrock to prevent head cutting, excessive bedload, gravel rich areas or any other appropriate reason.
 5. The stream channel shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified.
 6. Within 30 days of the removal of excavation equipment from the site, stream bank areas disturbed by the removal operation or support features shall be revegetated or otherwise protected from erosion. For long-term operation (longer than 30 days) or for sites that will be periodically revisited as gravel is deposited, access points shall be appropriately constructed and maintained to minimize erosion on stream banks and access points.
 7. Any aggregate, fines, or oversized material removed from the stream shall be placed beyond the high bank in a non-wetland

site that has been approved by the landowner. No material, including oversized material, that results from excavation activity may be stockpiled or otherwise placed into flowing water or placed against stream banks as bank stabilization unless specifically authorized by a state or federal permit.

8. All sand or gravel washing, gravel crushing, and gravel sorting shall be conducted beyond the high bank, in a non-wetland area and away from areas that flood, such that gravel, silt, and wash water that is warm, stagnant, or contains silty material cannot enter the stream or any wetland.
 9. Vehicles and other equipment shall be limited to removal sites and existing crossings. Water shall be crossed as perpendicular to the direction of the stream flow as possible.
 10. Fuel, oil, and other wastes and equipment containing such wastes shall not be stored or released at any location between the high banks or in any manner that would enter the stream channel. Such materials shall be disposed of at authorized locations.
- (15.) In-stream sand and gravel operations making application for waters listed as "Outstanding State Resource Waters" or "Outstanding National Resource Waters" (10 CSR 20-7.031) will be reviewed individually for specific conditions that must be met to preserve these stream reaches during the mining activity. When necessary, these individual reviews would assist the applicant in focusing on issues of specific concern.