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## **NIC EXCAVATION REQUIREMENTS**

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### **NOTICE OF INTENT TO CONSTRUCT FOR EXCAVATION (NIC) REQUIREMENT**

- Agricultural, West County Agricultural Area (WCAA), Type II, and Type III excavations require approval of a NIC from the Department of Environmental Resources Management (ERM) prior to excavation in accordance with the Unified Land Development Code, Article 4, Chapter B, Excavation Uses.
- See Schedule of Fees.
- NIC applications must include 1) Paving and Drainage plans 2) Preliminary Plat, if applicable 3) Restrictive Covenant 4) Littoral Planting Plan 5) Certified Master Plan 6) proof of bona fide agricultural use, if applicable 7) appropriate guarantees and 8) Stormwater Pollution Prevention Plan. Items 1) and 2) must be signed and sealed by a state recognized certified engineer or surveyor.
- Agricultural, Type II, and Type III excavations may not exceed 20 feet in depth from OWL (15 feet in the WCAA) unless approved by ERM.
- Excavations shall not be constructed 1) in Wellfield Zone 1 or within 300 feet from a public water supply well 2) 200 feet from a wetland 3) 300 feet from a Class I or II Landfill 4) 300 feet from known contamination 5) 100 feet from a septic system or sanitary hazard 6) 100 feet from a potable water well 7) 200 feet from a publicly owned conservation area, publicly owned preservation area or environmentally sensitive lands unless approved by ERM, and 8) the Pleistocene Sand Ridge.
- All excavations must comply with "Best Management Practices for the Construction Industry"
- Exemption for projects with de minimis impact is available.

### **PLANTED LITTORAL ZONE REQUIREMENT**

- The slope for the planted littoral zone must be no steeper than 10 feet horizontal to 1 foot vertical to a distance of 5 feet waterward of the designated planted littoral zone area. Applicants must notify ERM within 48 hours of construction of littoral zones slopes. Certified drawing of the slopes must be sent to ERM within 30 days of slope construction.
- Littoral zones must be a minimum of 8 square feet per linear foot of shoreline and located between 1 foot above Ordinary Water Level (OWL) and 2 feet below OWL as determined by the applicant's engineer or designee unless approved by ERM. The littoral zone must be provided with a minimum of 6 inches of sand topsoil mix unless otherwise approved, and planted with at least 5 species at an average spacing of 2 feet on center. The planted littoral zone must meet an 80% coverage within 180 days and be less than 10% exotic or invasive non-native plant species after the first year. Time zero, 90 day, 180 day and 360 day monitoring reports are required. Applicant must notify ERM 48 hours prior to completion of littoral planting.
- Littoral planting zones are to be identified graphically and in writing on a restrictive covenant. The plat if applicable, must reference the restrictive covenant. The restrictive covenant and plat, if applicable, is to be reviewed by ERM prior to recordation. The exact language as seen in Art 4.B.10.B.7.c.5) Area of Record must be provided. A copy of the recorded restrictive covenant must be provided to ERM prior to approval of the NIC. Within 30 days of plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning.
- Planting of the littoral zones must occur no later than immediately prior to the first certification of occupancy for any lot adjacent to or abutting the lake.

### **GUARANTEES**

- Agricultural, Type II, and Type III excavations require a guarantee for littoral zones of no less than \$10,000 or 110% of the cost for planting, maintaining and monitoring.
- Type III excavations require a second guarantee of \$1,000 per excavated acre for slopes. A haul permit from Land Development must be obtained prior to written approval by ERM.