

(A) THE FOLLOWING AGRICULTURAL AND FORESTRY ACTIVITIES ARE EXEMPT FROM THE APPROVAL AND MITIGATION REQUIREMENTS OF THIS SECTION:

(1) AGRICULTURAL ACTIVITIES UNDERTAKEN IN ACCORDANCE WITH PUBLIC DRAINAGE REGULATIONS;

~~(2) AGRICULTURAL AND FORESTRY ACTIVITIES THAT DO NOT DRAIN, DREDGE, OR FILL EXPANDED AREAS OF NONTIDAL WETLANDS, INCLUDING THE REPAIR AND MAINTENANCE OF EXISTING FARM PONDS, DRAINAGE DITCHES, CHANNELS, SUBSURFACE DRAINS, CAUSEWAYS, BRIDGES, OR WATER CONTROL STRUCTURES;~~

(2) EXISTING AGRICULTURAL AND FORESTRY ACTIVITIES, INCLUDING THE REPAIR AND MAINTENANCE OF EXISTING FARM PONDS, DRAINAGE DITCHES, CHANNELS, SUBSURFACE DRAINS, CAUSEWAYS, BRIDGES, OR WATER CONTROL STRUCTURES, PROVIDED THAT THEY DO NOT DRAIN, DREDGE, FILL, OR CONVERT NONTIDAL WETLANDS ON WHICH AGRICULTURAL AND FORESTRY ACTIVITIES ARE NOT PRESENTLY CONDUCTED;

(3) AGRICULTURAL AND FORESTRY ACTIVITIES ON AREAS LYING THAT HAVE LAID FALLOW AS PART OF A CONVENTIONAL ROTATIONAL CYCLE OR DUE TO A CIVIL ACTION INVOLVING OWNERSHIP OF THE PROPERTY;

(4) AGRICULTURAL AND FORESTRY ACTIVITIES ON AREAS THAT HAD BEEN SET ASIDE OR TAKEN OUT OF PRODUCTION UNDER A FORMAL STATE OR FEDERAL PROGRAM;

(5) FORESTRY ACTIVITIES NOT REQUIRING AN EROSION AND SEDIMENT CONTROL PLAN;

(6) CONSTRUCTION OR MAINTENANCE OF FOREST ROADS AND SKID TRAILS IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES; AND

(7) OTHER ACTIVITIES ~~THAT MAY BE~~ EXEMPTED BY THE DEPARTMENT BY REGULATION TO MAINTAIN CONSISTENCY WITH FEDERAL LAW.

(B) (1) AFTER DECEMBER 31, 1990, AGRICULTURAL ACTIVITIES CONDUCTED IN NONTIDAL WETLANDS THAT ARE NOT EXEMPTED UNDER SUBSECTION (A) OF THIS SECTION REQUIRE THE SOIL CONSERVATION DISTRICT TO APPROVE A SOIL CONSERVATION AND WATER QUALITY PLAN THAT CONTAINS MEASURES BEST MANAGEMENT PRACTICES TO PROTECT NONTIDAL WETLANDS IN COMPLIANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE.

(2) AFTER DECEMBER 31, 1990, FORESTRY ACTIVITIES REQUIRED TO HAVE AN EROSION AND SEDIMENT CONTROL PLAN THAT ARE NOT EXEMPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCORPORATE NONTIDAL WETLANDS BEST MANAGEMENT PRACTICES IN COMPLIANCE WITH REGULATIONS UNDER THIS SUBTITLE.