

- dredging,
- filling, and
- activities which create canals, ditches, culverts, impoundments, fill roads, buildings and other impervious surfaces.

What are the exemptions?

In order to avoid putting unduly burdensome permitting requirements on farmers, the statute contains a qualified exception. People engaged in agriculture, silviculture, floriculture or horticulture may alter any tract of land without an MSSW permit so long as the practices are normal occupational activities whose sole or predominant purpose is not to obstruct or impound surface water. These "activities" include:

- site preparation, clearing, fencing or contouring to prevent soil erosion,
- soil preparation, plowing, planting or harvesting.

Construction or maintenance performed on dikes, dams or levees in an agricultural closed system will be exempt from MSSW permitting requirements. (Closed system meaning a self-contained irrigation system used in farming which does not discharge off-site.) Nonetheless, these works must still comply with generally accepted engineering standards and, where the engineering practice is regulated by the state, this might require proper certification of the project and strict adherence with the original plans.

It is always wise to consult with the specific district when attempting to determine if a proposed activity is exempt.

What permits are required?

Certain districts rely on the "threshold" concept to determine when a permit is required. For example, once a certain quantity of water is impounded by an activity or a certain size project is proposed, the district will require a permit unless the activity is somehow exempt. Although statutory exemptions apply in all 5 WMD's, permitting thresholds and exemptions adopted by rule will vary from district to district. Water quality and quantity considerations, as well as general environmental concerns, will be addressed in the MSSW permit application process.

As with other types of permits, revocation or modification of the MSSW permit may occur if the permit conditions or the statutory mandates are not complied with.

What are the penalties?

Aside from modification and revocation of permits, the districts are empowered to impose civil penalties up to \$10,000 per offense per day for mismanagement of surface water in violation of the statutes or permit conditions. Further, intentional violations of the statute may be a second degree misdemeanor, giving rise to both imprisonment and heavy fines.

Are other permits required?

Regardless of whether MSSW permit requirements attach to the surface water management system, other permits may be necessary. For example, consumptive use permit provisions apply to the taking and discharging of water for filling, replenishing and maintaining the water level in an agricultural closed system. (See "Consumptive Use" Section.) Also, below-threshold-dike (a dike that exists below water line) building projects might need a fill permit. Any fill permit requirements would involve wetland considerations and federal regulations. (See "Activities in Wetlands" Section.)