

Permit Requirement Guidelines

Activities that DO Require SESC Permit:

1. Any Earth Change that disturbs over one (1) acre of soil and/or is within five hundred (500) feet of a lake, river, pond, and/or drain.

Activities that DO NOT Require SESC Permit:

1. Earth changes associated with the following agricultural practices¹:
 - a. The construction, maintenance, or removal of fences and fence lines.
 - b. The removal of tree or shrub stumps or roots.
 - c. The installation of drainage tile, irrigation, or electrical lines.
 - d. The construction or maintenance of 1 or more ponds that meet all of the following:
 - i. Is less than 5 acres.
 - ii. Does not result in a discharge of storm water into the waters of the state.
 - iii. Is not part of a larger plan of development.
2. A residential property owner causes the following activities to be conducted on individual residential property owned and occupied by him or her¹:
 - a. Minor earth change stabilized within 24 hours of the initial earth disturbance.
 - b. Gardening²
 - c. Post holes for fencing, decks, utility posts, mailboxes, or similar applications.³
 - d. Removal of tree stumps/shrub stumps/roots resulting in an earth change under 100sq.ft.
 - e. Planting of trees, shrubs, or other similar plants.⁴
 - f. Seeding or reseeded of lawns of less than 1 acre if the seeded area is at least 100 feet from the waters of the state.⁴
 - i. Seeding/reseeding of lawns closer than 100 feet from the waters of the state (Cannot exceed 100 sq.ft.).
 - ii. The temporary stockpiling of soil, sand, or gravel not greater than a total of 10 cubic yards on the property if the stockpiling occurs at least 100 feet from the waters of the state.
 - iii. Seawall maintenance that does not exceed 100 sq.ft.

Activities Exempt from SESC Permit: ***

1. The logging and mining⁵ industry
2. The plowing or tilling of land for the purpose of crop production, the harvesting of crops
3. Related to well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities regulated under part 615 or mineral well exploration and development activities regulated under part 625⁶

*** The exemption from obtaining a permit does not include either of the following:

- (a) Access roads to and from the site where active mining or logging is taking place.
- (b) Ancillary activities associated with logging and mining.

¹ If the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site

² If the natural elevation of the area is not raised.

³ If no additional grading or earth change occurs for use of the post holes

⁴ If soil erosion and sedimentation controls are implemented, the earth change is stabilized within 24 hours of the initial earth disturbance, and soil erosion or sedimentation to adjacent properties or the waters of the state has not or will not reasonably occur

⁵ Mining does not include the removal of clay, gravel, sand, peat, or topsoil.

⁶ If the application for a permit to drill and operate contains a SESC plan that is approved by the department under part 615 or 625.