**Section 1090.30 Actions Exempted**

Any construction, land management, or other activity funded or performed by a State agency that will not result in an adverse impact to a wetland and the following actions are exempt from this Part:

a) Established and continuous agricultural and forestry production activities, including the distribution of water for agricultural activity as defined. Maintenance and operation of existing residences and facilities; upland soil and water conservation practices, causeways, bridges, or water control structures; provided that these activities do not adversely impact wetlands on which agricultural and forestry activities were not conducted prior to the effective date of this Part. Activities on areas lying fallow as part of a conventional rotational cycle or as the result of participation in a State or federal farm program are part of an established and continuous operation. Activities that bring an area into farming or ranching use are not part of an established and continuous operation. An operation ceases to be established and continuous when the area in which the agricultural or forestry activity was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operation;

b) Activities involving the repair, in-kind replacement, maintenance, or emergency reconstruction of recently damaged portions of currently serviceable structures including dikes, dams, levees, groins, riprap, breakwaters, bridge abutments, piers, appurtances or approaches, culverts, storm sewers, field tiles, retaining walls and appurtenant structures, water control structures, and transportation structures provided that such activities do not adversely impact or cause the conversion of a wetland. Maintenance does not include any modification that changes the character, scope, or size of the original fill design;

c) Activities undertaken for the maintenance of existing ponds, stormwater detention basins and channels, drainage ditches or navigation channels;

d) Wetland management practices on lands that are used primarily for the management of waterfowl, other migratory water birds or furbearers if such practices took place on these lands prior to the effective date of this Part.

1) This includes vegetation management which may include the use of fire, chemical and/or mechanical (hydro-axe, bulldozer, rome disk, or similar equipment) removal of invading woody and/or herbaceous vegetation to maintain a preferred successional stage. Use of chemicals will be by a certified applicator and chemicals will be registered for appropriate use.

2) Clearing or removal of woody vegetation will be limited to 4-inch dbh or smaller material for the purpose of establishing and/or maintaining the successional stage of a wetland as a herbaceous wetland vegetated by native moist soil plants and/or selected wildlife food plants.

e) The following actions which take place within existing maintained rights-of-way including the installation and maintenance of signs, lighting and fences and the mowing of vegetation. Provided such actions do not jeopardize the existence of a threatened or endangered species, Illinois Natural Inventory Site or the essential habitat of a threatened or endangered species;

f) Routine resurfacing, rehabilitative maintenance or application of oil and gravel to existing roads and highways that does not increase the number of traffic lanes, provided that such activities do not adversely impact a wetland;

g) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings;

h) Issuance of permits and licenses;

i) A change in land use from agriculture to wetland habitat, consistent with this Part;

j) Fisheries management activities in lakes, ponds, reservoirs, rivers, and streams that are for the management and enhancement of the aquatic resource where such practices took place prior to the effective date of this Part;

k) Construction projects which were let for bidding prior to the effective date of this Part;

l) Application of media (including deicing) on the surface of existing roads for purposes of public safety; and

m) Non-surface disturbing surveys and investigations for construction, planning, maintenance or location of environmental resources.