

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE McCluskie

1 Amend printed bill, page 17, after line 25 insert:

2 "(III) (A) AS EXPEDITIOUSLY AS IS PRUDENT AND FEASIBLE, THE
3 DIVISION SHALL ISSUE A STATEWIDE GENERAL AUTHORIZATION FOR
4 DISCHARGES TO ISOLATED STATE WATERS. FOR PURPOSES OF THIS
5 SUBSECTION (5)(b)(III), "ISOLATED STATE WATERS" ARE ISOLATED
6 WETLANDS, ISOLATED PONDS AND IMPOUNDMENTS, AND ISOLATED
7 ORDINARY HIGHWATER MARK REACHES.

8 (B) THE DIVISION'S STATEWIDE GENERAL AUTHORIZATION FOR
9 DISCHARGES TO ISOLATED STATE WATERS DOES NOT INCLUDE THE
10 FOLLOWING STATE WATERS, WHICH MAY BE ISOLATED STATE WATERS:
11 FENS OR PEATLANDS OR KETTLE PONDS. DISCHARGES OF DREDGED OR FILL
12 MATERIAL TO THESE ISOLATED STATE WATERS OF SIGNIFICANCE REQUIRE
13 AN AUTHORIZATION BY THE DIVISION AS DESCRIBED IN SUBSECTION (5)(a),
14 (5)(b)(I), OR (5)(b)(II) OF THIS SECTION.

15 (C) THE DIVISION'S STATEWIDE GENERAL AUTHORIZATION FOR
16 DISCHARGES TO ISOLATED STATE WATERS MUST IDENTIFY BEST
17 MANAGEMENT PRACTICES TO PROTECT ISOLATED STATE WATERS. THE
18 STATEWIDE GENERAL AUTHORIZATION FOR DISCHARGES TO ISOLATED
19 STATE WATERS MUST NOT REQUIRE PRECONSTRUCTION NOTIFICATION AS
20 DESCRIBED IN SUBSECTION (5)(d) OF THIS SECTION.

21 (D) THE DIVISION'S STATEWIDE GENERAL AUTHORIZATION FOR
22 DISCHARGES TO ISOLATED WATERS MUST NOT AUTHORIZE A PROJECT
23 WHERE THE ENTIRE PROJECT'S UNAVOIDABLE ADVERSE IMPACTS EXCEED
24 ONE-TENTH OF AN ACRE OF WETLANDS OR THREE-HUNDREDTHS OF AN
25 ACRE OF STREAMBED. A PROJECT IN EXCESS OF ONE OF THESE THRESHOLDS
26 REQUIRES A PERMIT BY THE DIVISION AS DESCRIBED IN SUBSECTION (5)(a),
27 (5)(b)(I), OR (5)(b)(II) OF THIS SECTION.

28 (E) IF THE DIVISION ISSUES THE STATEWIDE AUTHORIZATION FOR
29 DISCHARGES TO ISOLATED STATE WATERS DESCRIBED IN THIS SUBSECTION
30 (5)(b)(III) PRIOR TO THE COMMISSION'S RULE-MAKING DESCRIBED IN
31 SUBSECTION (4) OF THIS SECTION, THE DIVISION SHALL NOTICE THE DRAFT
32 GENERAL AUTHORIZATION FOR PUBLIC COMMENT FOR SIXTY DAYS PRIOR
33 TO ITS ISSUANCE. THE STATEWIDE GENERAL AUTHORIZATION FOR
34 DISCHARGES TO ISOLATED STATE WATERS IS SUBJECT TO ADMINISTRATIVE
35 REVIEW BY THE COMMISSION PURSUANT TO SECTION 25-8-403."

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