

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE McCluskie

1 Amend the Agriculture, Water, and Natural Resources Committee Report,
2 dated April 8, 2024, page 2, strike lines 25 through 29.

3 Page 3 of the report, strike line 1 and substitute:

4 "Page 16 of the printed bill, strike lines 24 through 27.

5 Page 17 of the bill, strike lines 1 through 25 and substitute "WILDFIRE AND
6 VOLUNTARY ECOLOGICAL RESTORATION AND ENHANCEMENT PROJECTS.

7 (II) (A) BEGINNING JANUARY 1, 2025, UNTIL THE RULES
8 DESCRIBED IN SUBSECTION (4) OF THIS SECTION ARE PROMULGATED AND
9 THE DIVISION ISSUES GENERAL AUTHORIZATIONS UNDER THE RULES, THE
10 NATIONWIDE AND REGIONAL GENERAL PERMITS ISSUED BY THE UNITED
11 STATES ARMY CORPS OF ENGINEERS, AS SUCH PERMITS APPLY TO
12 COLORADO AND SUBJECT TO SUBSECTIONS (8)(b) AND (8)(d) OF THIS
13 SECTION, CONSTITUTE VALID AUTHORIZATIONS TO DISCHARGE DREDGED
14 OR FILL MATERIAL INTO STATE WATERS THAT ARE NOT SUBJECT TO
15 FEDERAL JURISDICTION. THE DIVISION SHALL RECOGNIZE COMPLIANCE
16 WITH THE APPLICABLE TERMS OF THE NATIONWIDE AND REGIONAL
17 GENERAL PERMITS AS CONSTITUTING COMPLIANCE WITH THIS SECTION.
18 BEGINNING JANUARY 1, 2025, AN APPLICANT SEEKING AUTHORIZATION
19 FOR DISCHARGES OF DREDGED OR FILL MATERIAL INTO STATE WATERS
20 THAT ARE NOT SUBJECT TO FEDERAL JURISDICTION SHALL SUBMIT TO THE
21 DIVISION ANY PRECONSTRUCTION NOTIFICATION REQUIRED UNDER THE
22 APPLICABLE NATIONWIDE OR REGIONAL GENERAL PERMIT. IF THE
23 APPLICABLE NATIONWIDE OR REGIONAL GENERAL PERMIT REQUIRES
24 COMPENSATORY MITIGATION, THE APPLICANT SHALL OBTAIN A
25 TEMPORARY AUTHORIZATION FROM THE DIVISION PURSUANT TO
26 SUBSECTION (6)(a)(II) OF THIS SECTION BEFORE THE COMMENCEMENT OF
27 THE ACTIVITY.

28 (B) THIS SUBSECTION (5)(b)(II) IS REPEALED, EFFECTIVE
29 DECEMBER 31, 2026.".

30 Rerumber succeeding subparagraph accordingly.".

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