## PROPOSED AMENDMENT SB 414 # 2

## **DIGEST**

Wetlands. Makes various changes to the wetlands definition.

1	Page 1, between lines 5 and 6, begin a new paragraph and insert:
2	"SECTION 2. IC 13-11-2-25.8, AS AMENDED BY P.L.160-2021,
3	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4	JULY 1, 2023]: Sec. 25.8. (a) For purposes of IC 13-18:
5	(1) "Class I wetland" means an isolated wetland described by one
6	(1) or both of the following:
7	(A) At least fifty percent (50%) of the wetland has been
8	disturbed or affected by human activity or development by one
9	(1) or more of the following:
10	(i) Removal or replacement of the natural vegetation.
11	(ii) Modification of the natural hydrology.
12	(B) The wetland supports only minimal wildlife, or aquatic
13	habitat, or and hydrologic function because the wetland does
14	not provide critical habitat for threatened or endangered
15	species listed in accordance with the Endangered Species Act
16	of 1973 (16 U.S.C. 1531 et seq.) and the wetland is
17	characterized by at least one (1) of the following:
18	(i) The wetland is typified by low species diversity.
19	(ii) The wetland contains greater than fifty percent (50%)
20	areal coverage of non-native invasive species of vegetation.
21	(iii) The wetland does not support significant wildlife or
22	aquatic habitat.
23	(iv) The wetland does not possess significant hydrologic
24	function;
25	(2) "Class II wetland" means an isolated wetland that supports
26	moderate habitat or and hydrological functions, including an
27	isolated wetland that is dominated by native species but is
28	generally without:

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2 (B) habitat for; 3 rare, threatened, or endangered species; and 4 (3) "Class III wetland" means an isolated wetland: 5 (A) that is located in a setting undisturbed or minimally disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; or and 9 (B) that is of one (1) of the following rare and ecologically important types: 10 (i) Acid bog. 11 (ii) Acid seep. 12 (iii) Circumneutral bog. 13 (iv) Circumneutral seep. 14 (v) Cypress swamp. 16 (vi) Dune and swale. 17 (vii) Fen. 18 (viii) Forested fen. 19 (ix) Forested fen. 19 (ix) Forested swamp. 20 (x) Marl beach. 21 (xi) Muck flat. 22 (xii) Panne. 23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xxi) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	1	(A) the presence of; or
4 (3) "Class III wetland" means an isolated wetland:  (A) that is located in a setting undisturbed or minimally disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; or and  (B) that is of one (1) of the following rare and ecologically important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xvi) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	2	(B) habitat for;
(A) that is located in a setting undisturbed or minimally disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; or and  (B) that is of one (1) of the following rare and ecologically important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (viii) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xvi) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	3	rare, threatened, or endangered species; and
disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; or and  (B) that is of one (1) of the following rare and ecologically important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xii) Sand flat.  (xiv) Sedge meadow.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet grairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	4	(3) "Class III wetland" means an isolated wetland:
more than minimal wildlife or aquatic habitat or hydrologic function; or and  (B) that is of one (1) of the following rare and ecologically important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (vii) Forested fen.  (ix) Forested fen.  (xi) Muck flat.  (xii) Panne.  (xii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xxii) Wet floodplain forest.  (xix) Wet prairie.  (xx) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	5	(A) that is located in a setting undisturbed or minimally
function; or and  (B) that is of one (1) of the following rare and ecologically important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (vii) Forested fen.  (vii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	6	disturbed by human activity or development and that supports
(B) that is of one (1) of the following rare and ecologically important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xxiii) Wet floodplain forest.  (xxi) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	7	more than minimal wildlife or aquatic habitat or hydrologic
important types:  (i) Acid bog.  (ii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (viii) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xii) Sand flat.  (xiv) Sedge meadow.  (xvi) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet prairie.  (xx) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	8	function; or and
(ii) Acid bog.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (viii) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xiii) Wet floodplain forest.  (xix) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	9	(B) that is of one (1) of the following rare and ecologically
(iii) Acid seep.  (iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xvii) Wet floodplain forest.  (xix) Wet prairie.  (xx) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	10	important types:
(iii) Circumneutral bog.  (iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (viii) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xvi) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet prairie.  (xx) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	11	(i) Acid bog.
(iv) Circumneutral seep.  (v) Cypress swamp.  (vi) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet prairie.  (xx) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	12	(ii) Acid seep.
15 (v) Cypress swamp. 16 (vi) Dune and swale. 17 (vii) Fen. 18 (viii) Forested fen. 19 (ix) Forested swamp. 20 (x) Marl beach. 21 (xi) Muck flat. 22 (xii) Panne. 23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	13	(iii) Circumneutral bog.
(vii) Dune and swale.  (vii) Fen.  (viii) Forested fen.  (viii) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xvi) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet prairie.  (xxi) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	14	(iv) Circumneutral seep.
(vii) Fen. (viii) Forested fen. (viii) Forested fen. (ix) Forested swamp. (x) Marl beach. (xi) Muck flat. (xii) Panne. (xiii) Sand flat. (xiv) Sedge meadow. (xv) Shrub swamp. (xvi) Sinkhole pond. (xvii) Sinkhole swamp. (xviii) Wet floodplain forest. (xix) Wet prairie. (xx) Wet sand prairie. (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	15	(v) Cypress swamp.
(viii) Forested fen.  (ix) Forested swamp.  (x) Marl beach.  (xi) Muck flat.  (xii) Panne.  (xiii) Sand flat.  (xiv) Sedge meadow.  (xv) Shrub swamp.  (xvi) Sinkhole pond.  (xvii) Sinkhole swamp.  (xviii) Wet floodplain forest.  (xix) Wet prairie.  (xx) Wet sand prairie.  (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	16	(vi) Dune and swale.
19 (ix) Forested swamp. 20 (x) Marl beach. 21 (xi) Muck flat. 22 (xii) Panne. 23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	17	(vii) Fen.
20 (x) Marl beach. 21 (xi) Muck flat. 22 (xii) Panne. 23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	18	(viii) Forested fen.
21 (xi) Muck flat. 22 (xii) Panne. 23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	19	(ix) Forested swamp.
22 (xii) Panne. 23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained."	20	(x) Marl beach.
23 (xiii) Sand flat. 24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	21	(xi) Muck flat.
24 (xiv) Sedge meadow. 25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	22	(xii) Panne.
25 (xv) Shrub swamp. 26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	23	(xiii) Sand flat.
26 (xvi) Sinkhole pond. 27 (xvii) Sinkhole swamp. 28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	24	(xiv) Sedge meadow.
27 (xvii) Sinkhole swamp.  28 (xviii) Wet floodplain forest.  29 (xix) Wet prairie.  30 (xx) Wet sand prairie.  31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	25	(xv) Shrub swamp.
28 (xviii) Wet floodplain forest. 29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	26	(xvi) Sinkhole pond.
29 (xix) Wet prairie. 30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	27	(xvii) Sinkhole swamp.
30 (xx) Wet sand prairie. 31 (b) For purposes of this section, a wetland or setting is not 32 considered disturbed or affected as a result of an action taken after 33 January 1, 2004, for which a permit is required under IC 13-18-22 but 34 has not been obtained.".	28	(xviii) Wet floodplain forest.
31 (b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	29	(xix) Wet prairie.
considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	30	(xx) Wet sand prairie.
January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.".	31	(b) For purposes of this section, a wetland or setting is not
has not been obtained.".	32	considered disturbed or affected as a result of an action taken after
	33	January 1, 2004, for which a permit is required under IC 13-18-22 but
25 Demonstrate at SECTIONS	34	has not been obtained.".
ss kenumber all SECTIONS consecutively.	35	Renumber all SECTIONS consecutively.
(Reference is to SB 414 as printed January 31, 2023.)		(Reference is to SB 414 as printed January 31, 2023.)

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