

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:

- 1 (A) the presence of; or
 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
 6 disturbed by human activity or development and that supports
 7 more than minimal wildlife or aquatic habitat or hydrologic
 8 function; ~~or~~ **and**
 9 (B) that is of one (1) of the following rare and ecologically
 10 important types:
 11 (i) Acid bog.
 12 (ii) Acid seep.
 13 (iii) Circumneutral bog.
 14 (iv) Circumneutral 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
 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."
 35 Renumber all SECTIONS consecutively.
 (Reference is to SB 414 as printed January 31, 2023.)