

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB24-1379 be amended as follows:

1 Amend reengrossed bill, page 13, line 26, after "(a)" insert "(I)".

2 Page 14, strike lines 5 through 8 and substitute "IMPACTS OF DREDGE AND
3 FILL ACTIVITY AND MUST INCORPORATE THE GUIDELINES DEVELOPED
4 PURSUANT TO SECTION 404 (b)(1) OF THE FEDERAL ACT.

5 (II) THE RULES PROMULGATED PURSUANT TO SUBSECTION (4)(a)(I)
6 OF THIS SECTION MUST INCLUDE:".

7 Page 14, line 16, strike "AND".

8 Page 14, strike lines 22 through 27.

9 Page 15, strike lines 1 through 8 and substitute:

10 "(E) AN EXEMPTION FOR VOLUNTARY STREAM RESTORATION
11 EFFORTS IN EPHEMERAL STREAMS THAT DO NOT REQUIRE COMPENSATORY
12 MITIGATION AND ARE DESIGNED SOLELY TO PROVIDE ECOLOGICAL LIFT
13 WHERE THE ACTIVITY IS TAKING PLACE. AS USED IN THIS SUBSECTION
14 (4)(a)(I)(E), "EPHEMERAL STREAM" MEANS A STREAM CHANNEL OR A
15 REACH OF A STREAM CHANNEL THAT CARRIES FLOW DURING, AND FOR A
16 SHORT DURATION AS THE DIRECT RESULT OF, PRECIPITATION EVENTS AND
17 THAT HAS A CHANNEL BOTTOM THAT IS ALWAYS ABOVE THE
18 GROUNDWATER TABLE.

19 (III) THE RULES PROMULGATED PURSUANT TO SUBSECTION
20 (4)(a)(I) OF THIS SECTION MAY INCLUDE:

21 (A) FURTHER MINOR CLARIFICATION OF THE TERMINOLOGY USED
22 TO DEFINE THE EXEMPTIONS AND EXCLUSIONS IN SUBSECTIONS (8)(b) AND
23 (8)(d) OF THIS SECTION WITHOUT LIMITING OR EXPANDING THE SCOPE OF
24 THE EXEMPTIONS AND EXCLUSIONS; AND

25 (B) A DEADLINE SHORTER THAN TWO YEARS FOR THE DIVISION TO
26 ACT UPON A COMPLETE APPLICATION FOR AN INDIVIDUAL AUTHORIZATION
27 FOR PROJECTS THAT INVOLVE MINIMAL TO MODERATE COSTS AND HAVE
28 MINIMAL WATER QUALITY IMPACTS OR LIMITED POTENTIAL WATER
29 QUALITY IMPACTS.

30 (IV) (A) IN PROMULGATING THE RULES DESCRIBED IN SUBSECTION
31 (4)(a)(I) OF THIS SECTION, THE COMMISSION SHALL ENSURE THAT THE
32 RULES ARE AS PROTECTIVE AS THE GUIDELINES SET FORTH IN SECTION 404
33 (b)(1) OF THE FEDERAL ACT AND IN EFFECT AS OF THE EFFECTIVE DATE OF
34 THIS SECTION.

35 (B) IF THE COMMISSION FINDS, BASED ON A DEMONSTRATION AT
36 A PUBLIC RULEMAKING HEARING, THAT THE GUIDELINES SET FORTH IN
37 SECTION 404 (b)(1) OF THE FEDERAL ACT ARE NOT PROTECTING STATE

1 WATERS, THE COMMISSION SHALL AMEND ITS RULES OR ADOPT NEW RULES
2 TO PROTECT STATE WATERS. SUCH A HEARING MAY BE INITIATED BY THE
3 COMMISSION UPON ITS OWN MOTION OR UPON A PETITION FROM THE
4 DIVISION. ANY INTERESTED PERSON MAY PETITION TO THE COMMISSION TO
5 INITIATE A HEARING, AND THE COMMISSION MAY GRANT OR DENY SUCH A
6 REQUEST.

7 (C) THE COMMISSION'S FINDINGS TO SUPPORT ANY CHANGES TO ITS
8 RULES MUST BE BASED ON SOUND SCIENTIFIC OR TECHNICAL EVIDENCE IN
9 THE RECORD DEMONSTRATING THAT RULES MORE PROTECTIVE THAN THE
10 GUIDELINES SET FORTH IN SECTION 404 (b)(1) OF THE FEDERAL ACT ARE
11 NECESSARY TO PROTECT THE CHEMICAL, PHYSICAL, AND BIOLOGICAL
12 INTEGRITY OF STATE WATERS. THE FINDINGS MUST BE ACCOMPANIED BY
13 A STATEMENT OF BASIS AND PURPOSE REFERRING TO AND EVALUATING
14 THE INFORMATION AND STUDIES CONTAINED IN THE RECORD, WHICH FORM
15 THE BASIS FOR THE COMMISSION'S CONCLUSION."

16 Page 16, line 10, strike "ACTIVITY;" and substitute "ACTIVITY ON THE
17 CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF STATE WATERS;"

18 Page 18, line 20, strike "(A)".

19 Page 19, strike lines 14 and 15.

20 Page 25, line 11, strike "UNEXPIRED".

21 Page 25, line 15, strike "STATES;" and substitute "STATES UNLESS THERE
22 HAS BEEN A SIGNIFICANT HYDROLOGICAL CHANGE SINCE THE
23 DETERMINATION WAS ISSUED;"

24 Page 25, line 21, strike "STATES;" and substitute "STATES UNDER THE
25 SECTION 404 PERMIT AND ARE NOT OTHERWISE EXCLUDED UNDER THIS
26 SECTION;"

27 Page 26, strike lines 20 through 23 and substitute "A DRAINAGE DITCH,
28 ROADSIDE DITCH, OR A DITCH OR CANAL CONVEYING WASTEWATER OR
29 WATER. CONSTRUCTION OF NEW WORK OR TO EXTEND, EXPAND, OR
30 RELOCATE AN IRRIGATION DITCH OR ACEQUIA FOR MUNICIPAL OR
31 INDUSTRIAL PURPOSES IS NOT AN EXEMPT ACTIVITY. AS USED IN THIS
32 SUBSECTION (8)(b)(VII):"

33 Page 27, strike lines 19 and 20 and substitute "IF A DITCH CARRIES WATER
34 THAT IS USED FOR IRRIGATION, IRRIGATION RETURN FLOWS OR RETURN
35 FLOW OBLIGATIONS, AQUIFER RECHARGE, AQUIFER OR STREAM

1 AUGMENTATION OR REPLACEMENT, OR PRECIPITATION OR SNOWMELT
2 THAT".

3 Page 28, line 2, after "A" insert "DRAINAGE DITCH, A ROADSIDE DITCH, OR
4 A".

5 Page 29, line 13, after "RECLAMATION FACILITIES," insert "WATER
6 MANAGEMENT FACILITIES,".

7 Page 29, strike lines 17 and 18 and substitute "SYSTEMS, WEIRS, GATES,
8 CLARIFIERS, SOLIDS HANDLING, FILTERS, SEDIMENTATION BASINS,
9 TREATMENT PONDS AND LAGOONS, AND RELATED FEATURES, WHICH
10 MAINTENANCE ACTIVITIES KEEP THE".

11 Page 36, after line 8 insert:

12 "SECTION 7. In Colorado Revised Statutes, 25-8-305, **add** (5)
13 as follows:

14 **25-8-305. Annual report - repeal.** (5) (a) ON OR BEFORE
15 OCTOBER 1, 2026, AND FOR EACH YEAR THEREAFTER, THE REPORT
16 DESCRIBED IN SUBSECTION (1) OF THIS SECTION MUST PROVIDE AN
17 OVERALL UNDERSTANDING OF THE STATE OF IMPLEMENTATION OF THE
18 DREDGE AND FILL DISCHARGE AUTHORIZATION PROGRAM DESCRIBED IN
19 SECTION 25-8-205.1. FOR THIS PURPOSE, THE DIVISION SHALL DEVELOP A
20 TWELVE-MONTH REPORTING PERIOD. AT A MINIMUM, THE REPORT MUST
21 INCLUDE:

22 (I) PROGRAM STAFFING AND BUDGET OVER THE TWELVE-MONTH
23 REPORTING PERIOD;

24 (II) GENERAL AUTHORIZATION PROGRAM COMPONENTS OVER THE
25 TWELVE-MONTH REPORTING PERIOD, INCLUDING:

26 (A) THE TOTAL NUMBER OF PRECONSTRUCTION NOTIFICATIONS OR
27 COVERAGE VERIFICATION REQUESTS RECEIVED DURING THE
28 TWELVE-MONTH REPORTING PERIOD;

29 (B) THE TOTAL NUMBER OF PROJECTS AUTHORIZED TO PROCEED
30 DURING THE TWELVE-MONTH REPORTING PERIOD;

31 (C) THE TOTAL NUMBER OF PROJECTS AUTHORIZED TO PROCEED
32 DURING THE TWELVE-MONTH REPORTING PERIOD THAT INCLUDED SPECIAL
33 CONDITIONS;

34 (D) THE TOTAL NUMBER OF PROJECTS AUTHORIZED TO PROCEED
35 UNDER SECTION 25-8-205.1 (5)(d) DURING THE TWELVE-MONTH
36 REPORTING PERIOD;

37 (E) THE TOTAL NUMBER OF PROJECTS DENIED GENERAL
38 AUTHORIZATION COVERAGE DURING THE TWELVE-MONTH REPORTING
39 PERIOD AND A SUMMARY OF THE REASONS FOR DENIALS;

1 (F) THE RANGE OF TIME AND AVERAGE TIME REQUIRED TO PROCESS
2 PRECONSTRUCTION NOTIFICATIONS AND COVERAGE VERIFICATION
3 REQUESTS FROM RECEIPT TO FINAL DECISION DURING THE TWELVE-MONTH
4 REPORTING PERIOD; AND

5 (G) THE TOTAL NUMBER OF FULL-TIME EMPLOYEES TASKED WITH
6 PROCESSING PRECONSTRUCTION NOTIFICATIONS, COVERAGE VERIFICATION
7 REQUESTS, AND TECHNICAL ASSISTANCE DURING THE TWELVE-MONTH
8 REPORTING PERIOD; AND

9 (III) INDIVIDUAL AUTHORIZATION PROGRAM COMPONENTS,
10 INCLUDING:

11 (A) THE TOTAL NUMBER OF AUTHORIZATION APPLICATIONS
12 RECEIVED DURING THE TWELVE-MONTH REPORTING PERIOD;

13 (B) THE TOTAL NUMBER OF PROJECTS AUTHORIZED TO PROCEED
14 DURING THE TWELVE-MONTH REPORTING PERIOD;

15 (C) THE TOTAL NUMBER OF PROJECTS DENIED AUTHORIZATION
16 COVERAGE DURING THE TWELVE-MONTH REPORTING PERIOD AND A
17 SUMMARY OF THE REASONS FOR DENIALS;

18 (D) THE TOTAL NUMBER OF APPLICATIONS AWAITING ACTION AT
19 THE END OF THE TWELVE-MONTH REPORTING PERIOD;

20 (E) THE RANGE OF TIME AND AVERAGE TIME REQUIRED TO
21 PROCESS INDIVIDUAL AUTHORIZATION APPLICATIONS FROM RECEIPT TO
22 FINAL DECISION DURING THE TWELVE-MONTH REPORTING PERIOD; AND

23 (F) THE TOTAL NUMBER OF FULL-TIME EMPLOYEES TASKED WITH
24 PROCESSING INDIVIDUAL AUTHORIZATIONS DURING THE TWELVE-MONTH
25 REPORTING PERIOD.

26 (b) ON A QUARTERLY BASIS, THE DIVISION SHALL REPORT TO THE
27 JOINT BUDGET COMMITTEE THE NUMBER OF INDIVIDUAL DREDGE AND FILL
28 AUTHORIZATIONS AND NOTICES OF AUTHORIZATION THAT THE DIVISION
29 PROJECTS TO ISSUE FOR THE FISCAL YEAR. THE DIVISION SHALL SUBMIT
30 THESE REPORTS SO THAT THEY COINCIDE WITH QUARTERLY BUDGET
31 FORECASTS."

32 Renumber succeeding sections accordingly.

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