COMMITTEE REPORT

April 21, 2016

**H. 4215**

Introduced by Reps. Finlay, McCoy, Delleney, Lucas, Newton, Pitts, Limehouse, Loftis and Burns

S. Printed 4/21/16--H.

Read the first time May 21, 2015.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4215) to amend Section 48‑39‑150, as amended, Code of Laws of South Carolina, 1976, relating to the approval of permits to alter critical areas, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 48‑39‑150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE “MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT”, BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS’ GENERAL PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Managed Tidal Impoundment Preservation Act”.

SECTION 2. Section 48‑39‑150 of the 1976 Code, as last amended by Act 41 of 2011, is further amended by adding an appropriately lettered subsection to read:

“( )(1) A property that is deemed eligible under a general permit issued by the United States Army Corp of Engineers is exempt from the permitting requirements set forth in this chapter for routine, normal, or emergency maintenance or repair activities pursuant to the general permit within currently functioning:

(a) tidal impoundment fields located in tidal navigable waters of the United States, as the term is used in Section 10 of the Rivers and Harbors Act of 1899; or

(b) adjacent nontidal fields that rely on the outgoing tide to drain, where the water regimes of the fields are currently being manipulated for wildlife management or where the fields have all of the necessary embankments and structures in place to allow for the manipulation of the water regimes for wildlife management.

(2) The division may enforce the conditions of the general permit issued by the United States Army Corp of Engineers in the same manner and with the same authority as if the division had approved the permit pursuant to the provisions of this chapter.”

SECTION 3. The intent of the General Assembly is to make this act applicable to property deemed eligible under the United States Army Corps of Engineers, Charleston District’s Managed Tidal Impoundment General Permit Number SAC‑2011‑1157 and its successors.

SECTION 4. This act takes effect upon approval by the Governor.

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