

Amendment: 5

GENERAL PROVISIONS

Representative **FINLAY** proposes the following amendment:

Amend:

117.143.(GP: New Savannah Bluff Lock and Dam) The Department of Health and Environmental Control is prohibited from using any appropriated funds to process and approve any license, permit, authorization, or certification related to the New Savannah Bluff Lock and Dam inconsistent with the State's policy and the General Assembly's intent of maintaining the existing water quality and navigability conditions of that portion of the Savannah River in and around the New Savannah Bluff Lock and Dam. Consistency may occur by including conditions on any proposed project for the maintenance of the New Savannah Bluff Lock and Dam pool at approximately elevation 114.5 ~~NAVD88~~ feet mean sea level for the preservation of adequate and sufficient water quality, navigation, water supply, and recreational activities, or such other conditions as deemed consistent with the intent of this provision by the Attorney General. Further, any license, permit, authorization, or certification related to the New Savannah Bluff Lock and Dam must also be consistent with the requirements of the flowage rights, easements, and/or facilities that were secured by the Savannah River Navigation Commission pursuant to 1932 S.C. Acts 1190, and in order to satisfy the requirements of the United States for the construction and operation of the New Savannah Bluff Lock and Dam. In furtherance of this provision and in the event of any ambiguity regarding said flowage rights, easements, and/or facilities, the General Assembly herein affirms that these flowage rights, easements, and/or facilities that were conditioned upon the obligation that the United States would maintain the New Savannah Bluff Lock and Dam pool at elevation 114.5 feet mean sea level, and these enforceable terms and conditions in such rights and easements do not authorize, permit, or allow a lowering of pool elevation. Any change in a pool elevation to be maintained below 114.5 feet mean sea level, such as the change contemplated by the United States at the New Savannah Bluff Lock and Dam, requires the acquisition of additional flowage easement.