

House File 2347 - Introduced

HOUSE FILE 2347

BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 550)

A BILL FOR

1 An Act relating to the adoption and use of certain general
2 permits issued by the department of natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.275, subsection 3, Code 2022, is
2 amended to read as follows:

3 3. a. A person shall file ~~a written~~ an application with the
4 department if the person desires to do any of the following:

5 (1) Erect, construct, use, or maintain a structure, dam,
6 obstruction, deposit, or excavation in or on any floodway or
7 floodplains.

8 (2) Erect, construct, maintain, or operate a dam on a
9 navigable or meandered stream.

10 (3) Erect, construct, maintain, or operate a dam on a stream
11 for manufacturing or industrial purposes.

12 b. The application shall set forth information as required
13 by rule of the commission. The Unless the proposed activity
14 falls under an adopted general permit as set forth in paragraph
15 "c", the department, after an investigation, shall approve
16 or deny the application imposing conditions and terms as
17 prescribed by the department.

18 c. The commission may adopt rules pursuant to chapter 17A
19 for the issuance of general permits. A general permit shall
20 authorize activities that, by their nature, do not require
21 further department review.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the adoption and use of certain general
26 permits issued by the department of natural resources (DNR).

27 Current law requires a person to file a written application
28 with DNR if the person desires to erect, construct, use, or
29 maintain a structure, dam, obstruction, deposit, or excavation
30 in or on any floodway or floodplains or to erect, construct,
31 maintain, or operate a dam on a navigable or meandered stream
32 or on a stream for manufacturing or industrial purposes. After
33 an investigation, DNR is required to approve or deny the
34 application and impose conditions and terms.

35 The bill removes the requirement that the application

1 be written. The bill allows the environmental protection
2 commission to adopt rules for the issuance of general permits.
3 A general permit shall authorize activities that, by their
4 nature, do not require further DNR review. The bill exempts
5 DNR from approving or denying an application if the proposed
6 activity falls under an adopted general permit.