

103^D CONGRESS
1ST SESSION

H. R. 138

To ensure equal treatment for playa lakes, prairie potholes, vernal pools, pocosins, and other special wetlands under Federal wetland delineation criteria.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. COMBEST introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Agriculture

A BILL

To ensure equal treatment for playa lakes, prairie potholes, vernal pools, pocosins, and other special wetlands under Federal wetland delineation criteria.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wetlands Delineation
5 Fairness Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) new Federal wetland delineation criteria are
9 currently being developed to address concerns raised

1 by the implementation of the Federal Manual for
2 Identifying and Delineating Jurisdictional Wetlands;

3 (2) the proposed changes to the delineation cri-
4 teria are intended to increase the fairness of wetland
5 determinations and to reduce erroneous wetland de-
6 terminations;

7 (3) the proposed changes allow several cat-
8 egories of lands, such as playas or playa lakes, prai-
9 rie potholes, vernal pools, and pocosins, to be held
10 to different delineation requirements; and

11 (4) these different delineation requirements are
12 inequitable and unjustified.

13 (b) PURPOSES.—It is the purpose of this Act to pro-
14 vide for the equal treatment of all lands under Federal
15 wetland delineation criteria.

16 **SEC. 3. EQUAL TREATMENT.**

17 (a) GENERAL RULE.—Federal wetlands delineation
18 criteria regarding wetland hydrology shall apply uniformly
19 to all areas, including areas that may be known as playas,
20 playa lakes, prairie potholes, vernal pools, and pocosins.

21 (b) WETLAND HYDROLOGY DEFINED.—For purposes
22 of this section, the term “wetland hydrology” means the
23 number of consecutive days that an area must be inun-
24 dated or saturated with water.

1 **SEC. 4. APPLICATION.**

2 This Act shall apply to wetland delineation criteria
3 promulgated or adopted after January 1, 1992.

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