

SB 159 INTRODUCED BY BOYLAN, GALT, HOFFMAN, R., ET AL.
REDEFINING "SURFACE WATER" FOR THE DETERMINATION OF
RECREATIONAL ACCESS

1/20 INTRODUCED
1/20 REFERRED TO NATURAL RESOURCES
2/11 HEARING
2/18 DIED IN COMMITTEE ON TIE VOTE

- 1 (d) a hydropower inlet and discharge facility.
- 2 (7) "Lake" means a body of water where the surface
3 water is retained by either natural or artificial means and
4 the natural flow of water is substantially impeded.
- 5 (8) "Occupied dwelling" means a building used for a
6 human dwelling at least once a year.
- 7 (9) "Ordinary high-water mark" means the line that
8 water impresses on land by covering it for sufficient
9 periods to cause physical characteristics that distinguish
10 the area below the line from the area above it.
11 Characteristics of the area below the line include, when
12 appropriate, but are not limited to deprivation of the soil
13 of substantially all terrestrial vegetation and destruction
14 of its agricultural vegetative value. A flood plain
15 adjacent to surface waters is not considered to lie within
16 the surface waters' high-water marks.
- 17 (10) "Recreational use" means with respect to surface
18 waters: fishing, hunting, swimming, floating in small craft
19 or other flotation devices, boating in motorized craft
20 unless otherwise prohibited or regulated by law, or craft
21 propelled by oar or paddle, other water-related pleasure
22 activities, and related unavoidable or incidental uses.
- 23 (11) "Supervisors" means the board of supervisors of a
24 soil conservation district, the directors of a grazing
25 district, or the board of county commissioners if a request

- 1 pursuant to 23-2-311(3)(b) is not within the boundaries of a
2 conservation district or if the request is refused by the
3 board of supervisors of a soil conservation district or the
4 directors of a grazing district.
- 5 (12) "Surface water" means ~~for the purpose of~~
6 ~~determining the public's access for recreational use, a~~
7 ~~natural water body, its bed, and its banks up to the~~
8 ~~ordinary high-water mark~~ the surface of a natural body of
9 water and, if such body of water has been adjudicated to be
10 navigable by federal standards, the bed and banks of such
11 body of water up to the ordinary high-water mark."
- 12 NEW SECTION. Section 2. Extension of authority. Any
13 existing authority of the fish and game commission to make
14 rules on the subject of the provisions of this act is
15 extended to the provisions of this act.
- 16 NEW SECTION. Section 3. Effective date. This act is
17 effective on passage and approval.

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