



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**Revised Fiscal Note**

(replaces fiscal note dated April 10, 2023)

<b>Drafting Number:</b>	LLS 23-0640	<b>Date:</b>	April 21, 2023
<b>Prime Sponsors:</b>	Sen. Roberts; Simpson Rep. McCormick; Catlin	<b>Bill Status:</b>	House Agriculture
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**Bill Topic: PROJECTS TO RESTORE NATURAL STREAM SYSTEMS**

<b>Summary of Fiscal Impact:</b>	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates a rebuttable presumption that a minor stream restoration project does not cause material injury to a vested water right, and outlines the qualification requirements for a minor stream restoration project. It increases state expenditures on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The revised fiscal note reflects the reengrossed bill.

**Summary of Legislation**

The bill creates a rebuttable presumption that a minor stream restoration project does not cause material injury to a vested water right. If a water right holder believes a stream restoration project has caused material injury to their water right, they may challenge this rebuttable presumption by presenting evidence of the material injury in the appropriate division water court. The bill defines a minor stream restoration activity as:

- stabilizing banks or substrate of a natural stream with materials that allow water to flow downstream, does not cause the stream to exceed the high water mark, and may increase stream's surface area;
- mechanical grading of ground surface along a natural stream system without exposing groundwater, diverting surface water, or collecting storm water;
- stabilizing an ephemeral or intermittent stream by installing structures that may increase surface area or infiltration;
- daylighting a natural stream that had been piped or buried;
- reducing the surface area of a natural stream to address historical flows; and
- installing structures or reconstructing a channel in a stream system to recover from wildfire or flood impacts.

## **State Expenditures**

Workload in the Department of Natural Resources will increase minimally to monitor any stream restoration activities. No change in appropriations is required.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Judicial

Natural Resources