



**Legislative Council Staff**

*Nonpartisan Services for Colorado’s Legislature*

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**Final Fiscal Note**

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**Drafting Number:** LLS 23-0640 **Date:** August 3, 2023  
**Prime Sponsors:** Sen. Roberts; Simpson **Bill Status:** Signed into Law  
Rep. McCormick; Catlin **Fiscal Analyst:** Alexa Kelly | 303-866-3469  
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**Bill Topic:** **PROJECTS TO RESTORE NATURAL STREAM SYSTEMS**

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**Summary of Fiscal Impact:**  State Revenue  TABOR Refund  
 State Expenditure  Local Government  
 State Transfer  Statutory Public Entity

The bill defines minor stream restoration activities and outlines what qualifies as a stream restoration project. It increases state workload on an ongoing basis.

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

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

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**Summary of Legislation**

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.

The bill clarifies that stream restoration project that is designed and constructed as a minor stream restoration does not cause material injury to a vested water right and is not an unnecessary dam or other obstruction.

## **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 was signed into law on June 5, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Judicial

Natural Resources