



House of Representatives *State of Utah*

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February 12, 2010

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 80, PUBLIC ACCESS TO PRIVATE STREAM BEDS**, by Representative L. Fowlke, with the following amendments:

1. *Page 3, Lines 80 through 85:*

80 As used in this chapter:

81 (1) "Bed" means an area within the ordinary high water mark of a public water.

82 (2) "Harass" means:

83 (a) assault, as defined in Section 76-5-102; and

84 (b) an offense against an animal enterprise, as described in Section 76-6-110.

85 **(3) "Impounded wetland" means a wetland or wetland pond that is formed or the level of which is controlled by a dike, berm, or headgate that retains or manages the flow or depth of water, including connecting channels.**

~~{(3)}~~ (4) "Ordinary high water mark" means:

2. *Page 4, Lines 92 through 96:*

92 line the water body impresses upon the soil, as defined in Subsection ~~{(3)}~~ (4) (a),
is not readily

93 identified.

94 ~~{(4)}~~ (5) "Permission" is as defined in Section 23-20-14.

95 ~~{(5)}~~ (6) "Private bed" means a privately owned bed of a public water.

96 ~~{(6)}~~ (7) "Private property to which access is restricted" means privately
owned real

3. *Page 4, Line 111 through Page 5, Line 121:*

111 ~~{(7)}~~ (8) (a) "Public water" means water:

112 (i) described in Section 73-1-1; and

113 (ii) flowing or collecting on the surface;

114 (A) within a natural or realigned channel; or

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- 115 (B) in a natural lake, pond, or reservoir on a natural or realigned channel.
116 (b) "Public water" does not include water flowing or collecting on :
(i) impounded wetland;
(ii) jurisdictional wetland described in 33 C.F. R. 328.3;
(iii) a migratory bird production area, as defined in Section 23-28-102; or
(iv) private property in a
117 manmade:
118 {(i)} (A) irrigation canal;
119 {(ii)} (B) irrigation ditch; or
120 {(iii)} (C) impoundment or reservoir constructed outside of a natural or
realigned channel.
121 {(8)} (9) (a) "Recreational activity" means activity that:

4. *Page 5, Lines 149 through 151:*

- 149 (ii) the person walks or portages outside the bed around the manmade obstruction in
150 the most direct and least obtrusive manner to re-enter the same body of public water at
the nearest safe point
151 past the manmade obstruction.

5. *Page 6, Lines 160 through 162:*

- 160 (ii) A person walking or portaging in accordance with this Subsection (4)(b) shall
walk
161 or portage in the least obtrusive manner possible, leaving and reentering the private bed
of the same public water at a
162 safe point nearest to the obstacle.

Respectfully,

Lorie D. Fowlke
Committee Chair

Voting: 11-0-1

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