

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1192

Page 1, line 3, remove the first "and"

Page 1, line 5, after "mark" insert "; and to provide for an application"

Page 2, line 3, replace "**62-33-01.1**" with "**61-33-01.1**"

Page 2, line 3, replace "**guidelines**" with "**- Factors to be considered**"

Page 2, line 6, remove "The ordinary high water mark line is a function of the hydrology and hydraulics of a"

Page 2, replace lines 7 through 12 with "When determining the ordinary high water mark for delineating the boundary of sovereign lands, vegetation and soils analysis must be considered the primary physical indicators. When considering vegetation, the ordinary high water mark is the line below which the presence and action of the water is frequent enough to prevent the growth of terrestrial vegetation or restrict vegetation growth to predominately aquatic species. Generally, land, including hay land, where the high and continuous presence of water has destroyed the value of the land for agricultural purposes must be deemed within the ordinary high water mark."

Page 2, line 13, remove "The ordinary high water mark lines on the banks of a nonreservoired navigable lake"

Page 2, replace lines 14 through 19 with "When feasible, direct hydrological and hydraulic measurements from stream gauge data, elevation data, historic records of water flow, high resolution light detection and ranging systems, prior elevation and survey maps, and statistical hydrological evidence must be considered when determining the ordinary high water mark. The state engineer shall establish appropriate guidelines, technical standards, and other criteria, including use of light detection and ranging systems or other future technological advancements, as necessary, for conducting hydrologic and hydraulic modeling required by this section."

Page 2, line 20, remove "When direct measurement methods are infeasible, indirect indicators of the ordinary"

Page 2, replace lines 21 through 29 with "Secondary physical indicators, including litter, debris, or staining, may be considered to supplement the analysis of the ordinary high water mark investigation but may not supersede primary physical indicators unless primary physical indicators are deemed inadequate or inconclusive. Physical indicators directly affected by influent non-navigable tributaries, adjoining water bodies, or wetlands may not be used to delineate the sovereign land boundary of a navigable body of water."

Page 3, after line 8, insert:

**"SECTION 4. APPLICATION.** This Act does not apply to the ordinary high water mark study required for the historical Missouri riverbed channel in chapter 61-33.1. This Act does not affect or limit the authority of the state engineer to regulate the waters of this state."

Renumber accordingly