

HB 955 -- NATURAL RESOURCES

SPONSOR: Ross

This bill changes the laws regarding natural resources. In its main points, the bill:

(1) Specifies that the riparian owner has the right to the natural flow of the natural watercourse including its volume and purity, except as affected by the reasonable use by other riparian owners;

(2) Specifies that the riparian owner has title in fee to the low water mark of a navigable watercourse of the state or a public navigable watercourse and to the thread of a nonnavigable watercourse;

(3) Specifies that the riparian owner has the right of access to the water from his or her frontage including the right to wharf out, provided that he or she does not interfere with the public's right of navigation and floatage;

(4) Specifies that the riparian rights or regulations do not attach to artificial watercourses such as farm ponds or dug drains, but do attach to artificially enlarged watercourses such as reservoirs in streams or rivers;

(5) Specifies that if a watercourse is navigable, the bed of the watercourse below the low water mark belongs to the state. A riparian owner along a navigable watercourse of the state or a public navigable watercourse owns only to the water's edge at its low water mark;

(6) Specifies that if a watercourse is nonnavigable, the bed of the watercourse belongs to the riparian owner of the land if the watercourse is bounded on both sides by the same owner's land and if a nonnavigable watercourse is the dividing line between land owners, the owner of each side owns to the thread of the watercourse;

(7) Specifies that no adjoining parts of a watercourse are to be considered navigable unless they are deemed navigable by a Missouri court;

(8) Specifies that accretions along a watercourse belong to the riparian owner where accretions were deposited. However, no owner may claim title to any land added by an artificial condition he or she created;

(9) Specifies that the ways in which ownership to land washed away

by a navigable watercourse of the state or a public navigable watercourse may be transferred and reacquired;

(10) Specifies that the line between counties divided by a navigable watercourse of the state or a public navigable watercourse is the thread of the watercourse. A gradual change of the watercourse may change the county line, but a sudden change by avulsion may not;

(11) Specifies that if a defendant in a private nuisance action demonstrates substantial compliance with orders or permits issued by the Department of Natural Resources, the United States Environmental Protection Agency, the United States Army Corps of Engineers, or the Office of the Attorney General, the activity or use of property can not be deemed a nuisance;

(12) Removes the Clean Water Commission's authority to approve stream or wetland mitigation used in connection with certain water quality certifications; and

(13) Prohibits any state agency from creating, purchasing, participating in, or requiring the acquisition of any credit, mitigation credit, or offset credit as a condition of a permit.