



Fact Sheet: House Bill 1565

Riparian Buffers

The Issue: *What is HB 1565?*

Signed into law by Governor Corbett on October 23, 2014, HB 1565 amends the Clean Streams Law and provides that the use or installation of riparian buffers shall not be required, but may be used as a choice among best management practices.

The Senate amended the bill to give applicants the option to install practices other than a stream buffer, but only if they can prove other practices are “substantially equivalent.” In addition, the amendment provides for a “trade off” option by allowing the elimination of riparian buffers in one portion of a stream as long as an equivalent section is provided in another section of the same watershed.

Background

State Law

The Clean Streams Law, a state regulation administered by the Department of Environmental Protection, was amended in 2010 to strengthen riparian buffer requirements for exceptional value and high quality streams by requiring a 150 foot buffer when construction or earth disturbance activities trigger a non-pollutant discharge elimination system (NPDES) permit. HB 1565 removes that mandate from the state law – but does not disallow riparian buffers as a best management practice or affect ordinance requirements at the local level.

Local Ordinances

Centre Region municipalities (with the exception of College Township) adopted riparian buffer ordinances beginning in 2008, that provide for (generally) a 50-100 foot buffer from top of bank or defined edge of perennial or intermittent streams and jurisdictional wetlands when subdivisions and land development occur. These ordinances were adopted in an effort to meet the goals of the Chesapeake Bay Tributary Strategy and in recognition of the importance of maintaining and protecting the quality of the region’s waterways.

Impacts to the Centre Region

1. It is our current understanding that HB1565 does not supplant our riparian buffer ordinances. However, there is a question of whether HB1565 could create a loophole allowing existing riparian buffers to be removed and/or not maintained.
2. Land in College Township along High Quality and Exceptional Value streams is largely already developed, however, this legislation could affect (re)development plans.
3. Funding that has come from the State for riparian buffer creation and maintenance could realistically be reduced or

What Are Riparian Buffers and What Do They Do?

A riparian buffer is an area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands.

Riparian buffers:

- **Intercept precipitation and slow runoff into stream channels, thereby reducing flooding and stormwater management costs;**
- **Stabilize stream banks and beds, preventing erosion and reducing sediment deposition downstream;**
- **Filter sediment and pollutants from surface runoff;**
- **Provide shade and thus keep water temperatures cooler;**
- **Provide up to 90% of the energy input to streams in the form of leaves, twigs, terrestrial insects, etc.;**
- **Contribute woody debris, creating habitat for fish and other species; and**
- **Provide bottomland areas, which are critical habitat and travel corridors for deer, wild turkey, and other wildlife.**

eliminated now that buffers are not required under the Clean Streams Law.

Consistency with Regional Goals

HB 1565 is inconsistent with many of the goals in the Centre Region's 2013 Comprehensive Plan.

- ✓ *Community Services and Facilities – Objective 1.1* - Protect the high-quality surface and groundwater resources in the Centre Region.
- ✓ *Sustainability - Objective 5.2* – Conservation efforts, including protection of sensitive environmental areas, natural habitats, hydric or colluvial soils, or other environmentally significant resources, should be incorporated into municipal ordinances to ensure the long-term protection of resources.
- ✓ *Natural, Environmental, Cultural and Historic Resources – Goal 2* – The Centre Region's diverse and fragile and environmental resources are preserved and responsibly managed.
 - *Objective 2.2* – Protect and preserve wetlands and surface-water resources throughout the Centre Region.

The importance of implementing our existing riparian buffer ordinances are also noted in the plan (*Policy 1.1.6 and 2.2.3*)

Other Issues / Concerns

The following critiques and concerns were highlighted by conservation, hunting and angling organizations across Pennsylvania in their opposition to HB 1565.

Forested stream buffers have been proven scientifically to be the most effective and least costly BMP to help prevent pollution of rivers and streams. The water quality improvements derived from buffers can be lost rapidly once the buffer is degraded or destroyed, and it can take decades for the off-site creation of a "new" or replacement buffer to provide comparable benefits, if even possible. The Senate's amendment to HB1565 does not take into account the site-specific benefits that buffers provide - leaving the stream where the buffer was removed without the pollution filtering, shade, and flood control capabilities. For municipalities outside the Centre Region, enactment of this bill removes a critical tool from the toolbox for protection of water quality.