



2015-2016 General Assembly

HOUSE BILL 44: Local Government Regulatory Reform 2015, Secs. 13.1 through 13.4: Riparian Buffer Reform

Committee:

Introduced by:

Analysis of: Sec. 13.1 through 13.4 of S.L. 2015-246

Date:

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Legislative Analyst

SUMMARY: *Secs. 13.1 through 13.4 of S.L. 2015-246 amend the laws governing riparian buffers as follows:*

- *Limit the ability of local governments to enact, implement, and enforce riparian buffers.*
- *Direct the Environmental Management Commission to examine ways to provide regulatory relief from riparian buffers.*
- *Amend how riparian buffers for coastal wetlands are measured.*
- *Direct the Environmental Management Commission to provide for modifications of riparian buffer requirements on a case-by-case basis.*

These sections became effective October 1, 2015.

[The remaining sections of S.L. 2015-246 that amend various laws related to local government are summarized in the LOCAL GOVERNMENT chapter.]

ANALYSIS:

Section 13.1 provides that, except as otherwise noted, a local government may not enact, implement, or enforce a riparian buffer requirement that exceeds riparian buffer requirements necessary to comply with or implement federal or State law. This limitation does not apply to certain riparian buffer requirements established prior to August 1, 1997, and does not apply if the Environmental Management Commission (EMC) found that scientific evidence presented by the local government supports the necessity of the riparian buffer requirement for the protection of water quality. Existing riparian buffer requirements that exceed federal and State requirements can remain in effect until January 1, 2017, and may remain in effect beyond January 1, 2017 if the EMC approves the requirements as necessary for the protection of water quality. This section also clarifies how the State and its political subdivisions may treat land within riparian buffers.

Section 13.2 directs the EMC, with the assistance of the Department of Environment and Natural Resources, to examine ways to provide regulatory relief from the impacts of riparian buffer rules for parcels of land that were platted on or before the effective date of the applicable riparian buffer rule. The EMC is to report the results of the study to the Environmental Review Commission no later than April 1, 2016.

Section 13.3 provides that, for purposes of measuring riparian buffers for coastal wetlands, the riparian buffer will begin at the most landward limit of the normal high water level or the normal water level, as appropriate.

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Section 13.4 directs the EMC to allow for case-by-case modification of buffer requirements upon a showing by a landowner that alternative measures will provide equal or greater water quality protection.

EFFECTIVE DATE: These sections became effective October 1, 2015.