



September 29, 2014

RE: House Bill 1565 (A.4116)

Dear members of the Pennsylvania Senate:

Trout Unlimited and its Pennsylvania Council of Trout Unlimited (PATU) wish to express concerns regarding House Bill 1565 (A.4116). PATU is comprised of over 13,000 sportsmen, organized in 48 local chapters across Pennsylvania. Our mission is to conserve, protect, restore and sustain Pennsylvania's coldwater fisheries and their watersheds.

In 2010, Chapter 102 (Erosion and Sediment Control) was revised to add riparian buffer requirements as part of the Clean Water Act Phase II NPDES Permit process. A riparian buffer is the area along a stream that is vegetated with plants, shrubs and trees. The riparian buffer requirements were approved by the Environmental Quality Board and by the Independent Regulatory Review Commission after significant public comment. Currently, earth disturbance activities are prohibited within 150 feet of waterways, and existing riparian buffers must be protected, for projects that are one acre or larger that are located in an exceptional value or high quality watershed. Current regulations also include several waiver provisions and since 2010, DEP has issued waivers in 48% of cases when a riparian buffer would have been required.

House Bill 1565 would change the Pennsylvania Clean Streams Law such that riparian buffers and forest riparian buffers would not be required. Instead, they may be used as one choice among a suite of unspecified best management practices or design standards. House Bill 1565 would further require that where a buffer is removed, then a replacement buffer must be installed elsewhere in the watershed. This replacement buffer condition would allow the "best of the best" streams to be degraded, as long as riparian buffers were installed somewhere else in the watershed—potentially along other streams that are of lesser quality. If the buffer is installed downstream, the water quality benefits that a riparian buffer would provide to upstream waters will be lost. Further, the water quality benefits achieved by the downstream replacement buffer could take decades to realize. For example, if a 50-acre project is allowed in a headwater area and the replacement buffer is installed downstream or on a different stream, then you lose the ability to: control the floodwaters in the upper-most part of the watershed; keep stream temperatures in headwater streams cool; and prevent pollutants, including sedimentation and nitrogen, from entering headwater streams and flowing downstream.

The technical support in favor of riparian buffers and riparian forest buffers in particular is overwhelming. Academic institutions, such as our own Pennsylvania State University and Stroud Water Research Center, have engaged in research on the function and role of riparian buffers and have consistently found buffers to be the most effective method—in terms of both cost and management—to keep streams healthy. Riparian buffers provide several functions important to maintaining good water quality and healthy biological communities. Vegetative riparian buffers:

- Intercept precipitation and slow runoff into stream channels, effectively controlling the volume of water traveling downstream;

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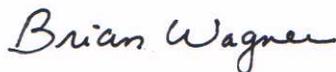
- Stabilize the stream bank, preventing erosion to the bank and sediment deposition downstream;
- Filter sediment and pollutants, such as pesticides and phosphorous, from surface runoff;
- Provide shade and thus keep water temperatures cooler;
- Provide a significant portion (up to 90%) of the energy input to streams in the form of leaves, twigs, terrestrial insects, etc.;
- Contribute large woody debris, creating important habitat for fish and other species; and
- Provide bottomland areas, which are critical habitat and provide important travel corridors for deer, wild turkey, and other wildlife.

Riparian buffers retard runoff and slow flood waters, reducing the severity of flooding. Allowing earth disturbance and development within 150 feet of streams can exacerbate downstream flooding and flood-related damage to developed areas. Flooding and stream clearing have been recurring topics of concern to the General Assembly. Weakening the riparian buffer requirements of 25 Pa Code § 102.14 will likely result in legislators fielding even more flood-related complaints from municipalities and landowners.

Riparian buffers of native vegetation contribute to good aquatic and terrestrial habitats, which in turn support healthy fish and wildlife populations. It is those healthy populations that attract anglers and hunters to Pennsylvania's outdoors. In 2011, more than 750,000 Pennsylvanians purchased fishing licenses and nearly 800,000 resident hunting licenses were sold. Additionally, almost 300,000 nonresidents purchased fishing and hunting licenses in Pennsylvania in 2011. This is a significant constituency that accounts for a great deal of economic activity. Hunters and anglers directly contribute nearly \$1.5 billion annually to Pennsylvania's economy. Much of this hunting and angling activity takes place in rural areas of the Commonwealth—the very areas with intact riparian buffers and high quality fish and wildlife habitats. The small business owners in these areas, including motels, restaurants, and sporting goods shops, rely on spending by hunters, anglers, and wildlife watchers, who in turn rely on healthy fish and wildlife habitat. The \$1.5 billion that sportsmen and women spend in Pennsylvania supports a lot of local businesses and the families that own and operate them. Weakening the existing protections afforded to riparian buffers will result in adverse impacts to both fish and wildlife populations and may lead to a decline in outdoor activity, ultimately affecting Pennsylvania's sportsmen-related economy.

There is no other best management measure or practice that would provide all the functions and protections afforded by riparian buffers. Removing current regulatory requirements would have a detrimental impact on water quality and aquatic and terrestrial biological communities. Allowing for "offsets" in the watershed fails to ensure protection of the highest quality waters and may result in the loss of water quality gains realized by existing buffers. Given the value of riparian buffers and the consequences of the loss of intact riparian buffers to property owners, sportsmen, small business owners, and those who rely on good water quality, we urge you not to move forward with House Bill 1565 (A.4116).

Respectfully submitted on behalf of the 13,000+ members of Trout Unlimited residing in Pennsylvania,



Brian Wagner
President, Pennsylvania Council of TU



Katy Dunlap
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