

Department of Planning and Budget
2006 Fiscal Impact Statement

1. Bill Number HB 1185

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Landes

3. Committee Agriculture, Chesapeake and Natural Resources

4. Title Riparian rights

5. Summary/Purpose: The bill would provide that no Virginia Water Protection permit may be required for any water withdrawal from a privately owned agriculture pond, emergency water storage facility, or other water retention facility that is located outside the path of regularly flowing surface waters, or for any water withdrawal for livestock watering or crop production within maximum withdrawal limits to be set by the State Water Control Board. The bill also states that nothing in this section of the Code of Virginia shall be construed as altering or authorizing any alteration of any existing riparian rights.

6. Fiscal impact: There would be no fiscal impact associated with the bill.

7. Budget amendment necessary: No.

8. Fiscal implications: See Items 6 and 11.

9. Specific agency or political subdivisions affected: Department of Environmental Quality; Office of the Attorney General.

10. Technical amendment necessary: No.

11. Other comments: According to the Department of Environmental Quality (DEQ), while the riparian rights doctrine provides that landowners are subject to state regulation, the language of the bill could cause confusion as to whether riparian landowners would be subject to state permitting requirements. DEQ believes that there could be challenges by riparian landowners to its authority to issue Virginia Water Protection permits, and that additional costs could be incurred defending these lawsuits until the issue is resolved by the courts. In the event litigation results, DEQ estimates that it would generally take the Office of the Attorney General about 100 attorney-hours to defend a permit appeal and the agency further estimates that it would need to provide at least 20 hours per case to support the Office of the Attorney General.

Date: 02/07/2006 / mar

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cc: Secretary of Natural Resources
Office of the Attorney General