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HOUSE JOINT RESOLUTION NO. 615

Offered January 9, 2013

Prefiled January 7, 2013

Requesting the Department of Conservation and Recreation to study the feasibility of applying the provisions of the Chesapeake Bay Preservation Act to all localities within Virginia's Chesapeake Bay watershed. Report.

Patrons—Krupicka and Surovell

Referred to Committee on Rules

WHEREAS, in 1988, the General Assembly enacted the Chesapeake Bay Preservation Act (CBPA); and

WHEREAS, in a policy statement included in the CBPA, the General Assembly stated that "(h)ealthy state and local economies and a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive"; and

WHEREAS, under the CBPA, the counties, cities, and towns of Tidewater Virginia were to incorporate general water quality protection measures into their comprehensive plans, zoning ordinances, and subdivision ordinances; and

WHEREAS, Tidewater Virginia consisted of those localities east of Interstate 95, and localities west of Interstate 95 had the authority to voluntarily adopt the CBPA's provisions; and

WHEREAS, local governments were given the responsibility for planning and for implementing the provisions of the CBPA, and the Commonwealth was to play a supportive role by providing oversight for local governmental programs, by establishing criteria, and by providing the resources necessary to carry out and enforce CBPA; and

WHEREAS, in 2001, under House Joint Resolution 622, the Joint Legislative Audit and Review Commission (JLARC) was directed to assess the effectiveness of the Chesapeake Bay Local Assistance Department (CBLAD) in implementing and enforcing the CBPA. The Joint Legislative Audit and Review Commission also was to study the potential benefits of expanding the CBPA to western jurisdictions within the Chesapeake Bay watershed; and

WHEREAS, the JLARC report stated that most Virginia counties in the Tidewater area were slow to embrace and implement the CBPA; however, by 2001 most localities had put ordinances in place and were reviewing activities taking place in the buffer zone around tidal, perennial streams; and

WHEREAS, the report indicated that CBLAD was able to accurately claim that the use of buffer zones along streams can be an effective strategy for protecting water quality; and

WHEREAS, the report presented various options regarding the possible expansion of the CBPA to other localities; and

WHEREAS, critical economic information was lacking in the now 10-year-old report; and

WHEREAS, since that time Virginia's commitments to cleaning up the Chesapeake Bay have intensified; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Conservation and Recreation be requested to study the feasibility of applying the provisions of the Chesapeake Bay Preservation Act to all localities within Virginia's Chesapeake Bay watershed.

In conducting its study, the Department of Conservation and Recreation shall determine:

1. The nutrient reduction benefits for Virginia water quality related to the Watershed Implementation Plan commitments if the CBPA is expanded;

2. The cost of restoring versus protecting forest buffers along Virginia's rivers and streams discharging into the Bay watershed;

3. The potential agency costs due to the expansion of CBPA; and

4. Recommendations as to whether the CBPA's coverage should be expanded and what strategies should be implemented for such expansion to occur.

All agencies of the Commonwealth shall provide assistance to the Department of Conservation and Recreation for this study, upon request.

The Department of Conservation and Recreation shall complete its meetings by November 30, 2013, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2014 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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