



**Date:** January 19, 2022

**To:** Sussex County Council

**From:** BBLA Board of Directors

**Subject:** Statement for the Record for Inclusion in the 1/11/2022 Sussex County Council Proceedings

## **Sussex County Revised Wetland Buffer Ordinance**

BBLA has been following the Buffer Ordinance issue over the past two years. Buffers, containing predominantly native species, which separate waterways, wetlands and aquatic resources from other areas, provide flood attenuation, fish and wildlife habitat, water quality protection, recreation, and other environmental, social, and economic benefits. One of the best ways to protect and maintain the ecological and economic health of Bethany Beach is to protect, preserve, and restore naturally-vegetated buffers.

The BBLA Board of Directors supports the on-going work of the Sussex County Council to revise and update the County's wetlands buffer ordinance. The revised draft ordinance expands existing buffer widths and vegetation requirements to include the protection of freshwater wetlands and small streams within new major subdivisions. This current revision doubles the width of buffers along tidal wetlands and waters from 50 to 100 feet, which should significantly improve the protection of buffers in these circumstances.

That said, the BBLA Board agrees with the [views and position](#) of the Delaware Center for Inland Bays (CIB) outlining areas for improvement on the revised draft wetland buffer ordinance. The modified proposed ordinance was presented at the Sussex County Planning and Zoning hearing on December 16, 2021. A new Section G was added to the ordinance. The BBLA Board is very concerned about the new language, which was developed and added to the proposed ordinance by County staff without input or review by the Sussex County Wetlands Buffer Working Group. The new language does not increase the width of buffers along larger streams, despite current science-based recommendations. Another major concern is that Section G would permit the reduction or elimination of wetland buffers, in some cases including tree removal before submission of housing development applications. Moreover, it does NOT require

homeowners or developers to re-plant trees or other native vegetation. Even under the best of circumstances, replacement of trees and other native vegetation is less effective than preservation of pre-existing buffer vegetation.

Although the County attorney argued during the January 7 Sussex County Council meeting that these buffer reduction or elimination provisions were intended to incentivize preservation, BBLA agrees with the CIB that the overall result will be a significant loss of buffer quantity and quality throughout the County. While BBLA agrees with the CIB and other environmental advocates that these serious flaws in the revised ordinance can be remedied, it will apparently require significant editing or the elimination of Section G.

The BBLA Board will continue to monitor Sussex County Council actions regarding the ordinance and its impact on wetland buffers, particularly as pertains to housing developments in Sussex County, and broader effects for Bethany Beach. BBLA urges the Sussex County Council to support proposed changes to the draft ordinance as deliberations are finalized.