



EANY SUPPORTS Protecting NY Wetlands



Memo #59

[A.7850 \(Englebright\)](#)

[S.5116-C \(Harckham, et al.\)](#)

Explanation:

This bill allows the NYS Department of Environmental Conservation (DEC) to bring an estimated 1,000,000 acres of freshwater wetlands under the state's protection. The bill provides DEC regulatory authority over all wetlands over 12.4 acres, as well as smaller wetlands of unusual importance.

Currently, New York can only regulate activities on wetlands larger than 12.4 acres if those wetlands appear on maps created by DEC. These maps, however, have not been updated in over 20 years, and many large wetlands simply do not appear in these outdated documents. This bill eliminates the burdensome requirement that wetlands must be on DEC's maps to be protected, and for the first time also allows DEC to regulate wetlands smaller than 12.4 acres if they meet certain criteria, such as being listed on federal flood hazard maps or possessing habitat for endangered species.

In the face of climate change, strong wetland protections in the state of New York are crucial to the wellbeing of our ecosystems and public health. Wetlands provide a wide array of ecosystem services which include, but are not limited to, water filtration, groundwater recharge, flood control, and habitats for the state's rare flora and fauna.

Despite their benefits, wetlands have been disappearing at an alarming rate across the state of New York. Furthermore, as the COVID19 pandemic motivates New Yorkers to leave major urban centers for less-populated locales, increased development pressure has been placed on regions such as the Hudson Valley. Under the current outdated wetland protection framework, this pressure threatens the very wetlands critical to a crisis-resilient, adaptive future.

Safeguarding New York's healthy wetlands now can save the state billions in restoring degraded wetlands and resolving climate crisis implications in the future.

Summary:

This bill amends the environmental conservation Law to expand NYS Department of Environmental Conservation's regulatory authority over freshwater wetlands. It also repeals regressive wetlands regulations that inhibit protection.