

2020 Memorandum in Support

Bill: A3658 by Assembly Member Englebright and S7366 by Senator Harkham

Title: Relates to the definition of freshwater wetlands; repeals section relating to the applicability of the freshwater wetlands article; provides authority of DEC over wetlands which are one acre or more; amends permitting requirements for subdivision of land.

The Adirondack Mountain Club (ADK) Supports this Legislation.

This legislation takes critically needed action to protect wetlands throughout New York State which became vulnerable due to a closely divided United States Supreme Court Decision (Solid Waste Agency of Northern Cook County (SWANCC) v. Army Corps of Engineers that removed the U.S. Army Corp of Engineer's (USACE) authority to protect wetland resources across the country. The legislation will provide the Department of Environmental Conservation (DEC) with regulatory authority over freshwater wetlands of one acre or more in size and other wetlands of significant local importance. DEC is currently limited to regulating mapped wetlands of a size greater than 12.4 acres.

Protection of our New York State wetlands is vital. Wetlands provide critical services including acting as natural water filtration systems to protect water quality. Wetlands collect and filter storm water absorbing pollutants, such as pesticides, nitrogen, phosphorus and other contaminants before they enter drinking water supplies. By collecting and slowing storm water, wetlands also protect communities from flooding saving billions of dollars in property damage annually.

All of the northeastern States except New York, as well as other states across the country, have already led the way by ensuring protection of wetlands within their State boundaries. This legislation gives DEC the regulatory authority necessary to protect New York's wetlands. This legislation takes the critically needed action necessary to protect our valuable wetlands and the essential services they provide to our environment, communities, and homes.

The Adirondack Mountain Club (ADK) Supports this Legislation.

