



WETLANDS PROTECTION

A.7133 (Sweeney, et al.)

S.3835 (Marcellino, et al.)

Summary

This bill would amend the Environmental Conservation Law to provide the Department of Environmental Conservation (DEC) with regulatory authority over the state’s freshwater wetlands of an acre or more, regardless of whether that wetland had previously been mapped by the DEC.

Explanation

This bill – known as the Clean Water Protection and Flood Prevention Act – is a necessary step forward in protecting New York’s water resources, protecting wildlife habitat, and the prevention of flooding.

Wetlands filter sediment, nutrients, and other pollutants from runoff, protecting the quality of the state’s waters, and providing filtration for drinking water supplies. Wetlands hold a myriad of virtues, including storm water control and flood prevention, recharge areas for groundwater, wildlife habitat areas for hunting and birdwatching, and natural open space antidotes to urban and suburban sprawl. They are clearly seen as filters and purifiers, indispensable for the continued health of other water bodies, including those used for safe drinking water, recreation, and as key components of a sustainable economy.

Federal and state laws and regulations have not kept up with this expanding understanding, as these vital treasures continue to disappear at an alarming rate: 159 acres of wetlands vanish in the U.S. every day. Federal wetland protections suffered a major blow in 2001 when the U.S. Supreme Court issued a ruling involving the Solid Waste Agency of Northern Cook County (SWANCC) that restricted the jurisdiction of the U.S. Army Corps of Engineers and the U.S. EPA in certain specific circumstances. That case has been interpreted by administration officials as removing so-called “isolated wetlands” from the jurisdiction of the federal Clean Water Act, a move that puts 20 million acres of wetlands at risk. New York’s wetlands are particularly vulnerable, as the state long ago ceded jurisdiction for regulating activities in wetlands of 12.4 acres or less in size to the federal government.

This bill would strengthen New York’s wetland protections by putting wetlands of one acre or more under state regulatory authority. Furthermore this bill would apply to all wetlands of one or more acres in size, regardless of whether they appear on the state’s freshwater wetlands map — a measure that would make wetland protection more consistent statewide, since one acre is currently the conservation threshold within the Adirondack Park.

Environmental Advocates of New York strongly supports this bill.

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SUPER BILL