



A.4807 (SWEENEY, ET AL.) S.6145 (SCHNEIDERMAN)

Summary

This bill would amend New York's Environmental Conservation Law to increase and better define civil and criminal penalties for violations of the state's freshwater wetlands law. The bill raises civil penalties from \$3,000 to \$10,000 for every violation, and in the case of an ongoing violation makes each day's violation separate and distinct. The bill increases criminal sanctions from \$1,000 to \$5,000 for a first violation, and from \$2,000 to \$10,000 or prison term for each subsequent offense.

Explanation

This bill would serve as a disincentive for violating, disobeying or disregarding any provision of freshwater wetlands law by increasing civil and criminal penalties and authorizing the Department of Environmental Conservation's (DEC) Commissioner or local government to require restoration of a harmed wetland and the adjacent area.

Wetlands filter our lakes, rivers and streams, reducing pollution. In addition to filtering polluted runoff, wetlands control storm water and prevent floods, provide wildlife habitat, and serve as ground-water recharge areas. They also play an important role in New York's economy by drawing tourists, anglers and hunters to the state.

By adding provisions authorizing the DEC Commissioner or local government to direct the violator to restore the wetland and the area immediately adjacent, this bill affords greater wetlands protections. Adjacent lands create a buffer that protects the abutting wetland from deterioration. Affording the DEC to direct a violator to restore these lands will help to increase the health of restored wetlands.

Environmental Advocates of New York supports this bill.

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