



## A.6363 (SWEENEY, ET AL.)

### Summary

This bill would amend New York’s Environmental Conservation Law to provide the Department of Environmental Conservation 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 agency.

### Explanation

Wetlands filter sediment, nutrients and other pollutants from runoff, protecting the quality of the state’s waters and filtering drinking water supplies. Wetlands have myriad of virtues, including storm water control and flood prevention, recharge areas for groundwater, wildlife habitat areas for hunting and bird watching, and natural open space antidotes to urban and suburban sprawl. They filter and purify runoff and are indispensable for the health of other water bodies, including those used for safe drinking water and recreation; wetlands also play a key role in New York’s economy.

Federal and state laws and regulations to protect wetlands have not kept pace with development, and as a result these vital treasures are disappearing 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. Environmental Protection Agency to protect these vulnerable resources. That case has been interpreted 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. This ruling made New York’s wetlands particularly vulnerable, as the state ceded jurisdiction for regulating activities in wetlands of 12.4 acres or smaller to the federal government long ago. And as a result, wetlands smaller than 12.4 acres have no protection or oversight in New York.

This bill would restore New York’s wetland protections by putting wetlands as small as one acre under state regulatory authority—a measure that would make wetland protection more consistent statewide, since one acre is currently the conservation threshold within the Adirondack Park. Furthermore, this measure would apply to all wetlands above the one-acre threshold, regardless of whether they appear on the state’s outdated and incomplete map of freshwater wetlands.

**Environmental Advocates of New York strongly supports this bill.**

**Memo 17**