MEMORANDUM OF SUPPORT
Wetlands Protection

A.3658- Englebright
S.5576 - Mayer

Justification
Independent of size, wetlands provide significant benefits to the people and the environment of New York State. Acting like filters, wetlands protect lakes, rivers and streams by absorbing pollutants, pesticides, nitrogen, phosphorus and other contaminants. Wetlands save billions of dollars in property damage annually by acting as a buffer against storm water and absorbing floodwaters.

Current state law limits the NYS DEC to regulate mapped wetlands 12.4 acres (5 hectares) or larger. The 12.4 acre threshold is without any scientific and ecological basis, and leaves smaller, yet important, wetlands vulnerable to pollution and destruction.

At the federal level, Supreme Court decisions (SWANCC 2001, Rapanos/Carabell 2006) and subsequent federal guidance changes have limited and confused the scope of federal protection for our nation’s waters. Most recently, the U.S. Environmental Protection Agency proposed a new “Waters of the United States” rule for public comment, which would significantly rollback protections for streams and wetlands. Our waters are threatened from the lack of federal protection, and are being filled, polluted or destroyed with no legal consequence.

Enacting this legislation authorizes the NYSDEC—independent of precarious federal policy—to protect and regulate all New York State wetlands one acre or greater. Wetlands less than one acre and deemed of “significant local importance” can be protected through NYSDEC Commissioner discretion. Adopting this legislation will streamline and strengthen New York State wetland protection policy and ensure the benefits of New York’s wetlands will continue for generations to come.