



NEW YORK STATE SENATOR

Pete Harckham

Harckham Bill to Protect and Regulate Wetlands in NY Gets Bipartisan Approval in Senate

PETE HARCKHAM June 8, 2021

| ISSUE: **WETLANDS, CLEAN WATER; ENVIRONMENTAL PROTECTION, DEC**



Albany, NY – With the understanding that vital natural resources and fragile ecosystems are at risk, the New York State Senate gave bipartisan approval today to landmark legislation (S.5116C) introduced by Sen. Pete Harckham that will protect and regulate freshwater wetlands in the state.

“Because of a patchwork of federal and state regulations, freshwater wetlands in New York less than 12 acres large are threatened daily,” said Harckham, a member of the Senate Committee on Environmental Conservation. “We need legislation like this that will assure the wetlands their proper stewardship and offer safeguards as well,” said Harckham.

For the past two decades, New York has been entangled in the federal legal debate over what constitutes a wetland and who has the authority to protect them. New Yorkers rely on swamps, fens, bogs and wet meadows to filter pollutants from our waterways, recharge our aquifers, and absorb catastrophic floods. Yet there often appears to be little public awareness that we are filling, dredging and draining wetlands at an alarming rate—which, too often, leaves our neighborhoods underwater or public water supplies contaminated.

Currently, for a wetland to be subject to regulation under New York State law, it must be delineated on existing freshwater wetlands maps prepared by the state Department of Environmental Conservation (DEC) after lengthy public comment. Most of these maps have not been updated in over 20 years, making them woefully incomplete, and the amendment process can be time consuming and overly burdensome in administrative costs.

There are hundreds of thousands of acres of wetlands in high development areas of New York that are not on official maps but desperately require protection. This legislation will remove the jurisdictional barriers that these maps have created, and allow DEC to immediately protect and regulate wetlands if they meet the basic scientific definition of these critical habitat areas featuring hydrophilic plants and hydric soils.

The DEC estimates that if this reform is enshrined in law, it will be the equivalent of adding one million acres of wetlands under the state’s protection. That number just represents wetlands that are 12.4 acres and larger that have never been officially mapped by the state. Existing state law will also allow DEC to identify and protect smaller wetlands of unusual

importance that were once encumbered by the state's regressive mapping protocol and never officially recognized.

Currently, New York is the only state in the Northeast not to assume regulatory authority over its own wetlands. The new reforms would preserve DEC's authority over wetlands 12.4 acres and larger but expand the department's authority over smaller wetlands of "unusual importance" that: are either Class I wetlands or Class II wetlands that possess valuable characteristics like effective for community flood water control; or are within an urban area; possess rare plant or animal species; or are important to maintaining clean drinking water.

In 2000, it was estimated that over half of New York's historic wetlands had been lost—and the development of wetlands continues to this day, threatening progress on climate resilience, preventing biodiversity loss and supporting drinking source water protection," said Paul Gallay, president of Riverkeeper, an environmental advocacy organization. "Senator Harckham's legislation that passed the Senate today ensures that the DEC has the tools necessary to protect what remains."

Added Gallay, "These vital areas reduce the impact of flooding, preserve the quality of drinking water sources, filter pollutants and sediment and provide habitat to threatened and endangered wildlife, not to mention each acre of freshwater wetlands can store up to 1.5 million gallons of floodwaters! As I conclude my tenure as Riverkeeper's President at the end of June, I thank the Senate for taking this action, and I urge the Assembly under Chairman Englebright's leadership to pass A.7850 without delay."

RELATED LEGISLATION

2021-S5116C

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

Relates to freshwater wetlands; repealer

February 24, 2021

In Senate Committee [Rules](#)

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