Environmental Groups Applaud NYS Senate for Acting to Protect Irreplaceable Wetlands in New York State

Historic reforms would conserve more than 1 million additional wetlands important to clean water and flood control

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Albany, NY- Environmental groups praise the New York State Senate today for passing historic reforms to the Department of Environmental Conservation’s (“DEC”) Freshwater Wetlands Program. This significant legislation, (S.5116-C /A.7850), will modernize the program and allow the State to protect over 1,000,000 additional acres of critically important wetlands.

New Yorkers rely on swamps, fens, bogs, and wet meadows to filter pollutants from our waterways, recharge our aquifers, protect endangered and threatened species, and absorb damaging flood waters. Yet New York’s antiquated wetlands laws and regulations can still allow for the filling, dredging and draining of wetlands at an alarming rate. This legislation will ensure the DEC can use 21st century tools to identify and protect wetlands that provide substantial benefits to neighborhoods, drinking water source protection and wildlife.

The current crisis for New York State’s wetlands stems from decades of regressive court decisions, federal regulatory rollbacks, insufficient DEC staffing, and political pressure to weaken already ineffective state regulations pertaining to wetland maps. Right now, hundreds of thousands of acres of wetlands in high development areas of New York State are not on official maps despite meeting protection criteria. This legislation will remove the jurisdictional barriers created by outdated, nonoperational mapping and allow the DEC to immediately protect and regulate wetlands that meet a basic scientific definition of these critical habitat areas. While preserving DEC’s authority over wetlands 12.4 acres and larger, the bill will also expand the DEC’s authority over smaller wetlands of ‘unusual importance’ that are effective for community floodwater control or important to maintaining clean drinking water.

The New York State Assembly has long-recognized the urgent need for wetlands reform, passing various iterations of this legislation many times over the past two decades. By passing this legislation today, the New York Senate has signaled that the time is finally here to enact meaningful wetlands protection reform. We look forward to Assembly action on the bill before the end of the legislative session.
Today’s historic Senate vote is one step closer to reversing nearly two decades of regressive wetlands rules and rulings. With help from the Assembly and the governor, S.5116-C /A.7850 will lead to better protection of New York’s wetlands from unnecessary pollution and destruction, which in turn protects our drinking water, prevents flooding and supports critical ecosystems,” said Roger Downs, Conservation Director, Sierra Club Atlantic Chapter. “The Sierra Club thanks Senator Harckham for his stalwart sponsorship of the bill, and Senators Kaminsky and Stewart-Cousins for advancing this important legislation. We also are grateful to Assembly member Englebright for introducing the bill and urge the Assembly to pass A.7850 this session.”

“With days left in the session, the Assembly can come to the rescue of New York’s threatened wetlands by sending this overdue reform of New York State’s moribund wetlands program to the Governor’s desk,” said Riverkeeper Legislative Advocacy Manager, Jeremy Cherson. “Riverkeeper thanks Senator Harckham and the Senate for their leadership and looks forward to seeing this bill pass the Assembly and become law in short order.”

“Wetlands are critical for bird health and population stability - including threatened or endangered species like the Pied-billed Grebe, Black Rail, and Short-eared Owl. Protecting these birds’ habitat is essential to their future survival,” said Erin McGrath, Policy Manager for Audubon New York. “We applaud the Senate for passing this legislation and helping to ensure that the State finally has the ability to protect these important wetlands. We now ask the Assembly and Governor to lend their support to this historic legislation and ensure it is enacted into law.”

"Wetlands help fight climate change by sequestering carbon, they improve resiliency by helping to prevent flooding, and they provide clean water by filtering harmful pollutants from our waterways,” said Patrick McClellan, Policy Director of the New York League of Conservation Voters. “This legislation, one of NYLCV’s top policy priorities, will expand protections to ensure that small wetlands are not dredged or drained. We thank Senator Harckham for his leadership and commend the State Senate for passing this important bill.”

“The New York Climate Reality Chapters Coalition exhorts our leaders in Albany to pass this important reform” said Legislative Action Coordinator Tim Guinee. “Wetlands sequester carbon and provide resiliency to rapidly intensifying weather events. This bill is an important step towards achieving the vital goals of the CLCPA, which are foundational to ensuring a healthy, prosperous New York state for future generations”.

“As climate impacts compound in our region, the important role of wetlands in lessening the impact of flooding, reducing water pollution reaching our drinking and coastal waters, sequestering carbon, and providing critical habitat for stressed wildlife, is abundantly clear,” said Tracy Brown, Regional Director for Water Protection for Save the Sound. “For decades we have been losing these highly valuable natural systems across the state due to insufficient protection under the law. Save the Sound applauds the Senate for passing this long overdue legislation and calls on the Assembly and Governor to ensure it becomes law.”

Rob Hayes, Director of Clean Water for Environmental Advocates NY, said, “Healthy wetlands are a foundation for healthy people, safe drinking water, and vibrant communities. And yet, despite their benefits, wetlands have been disappearing at an alarming rate across the state of New York. We commend the Senate for continuing to make legislation protecting New York’s wetlands a priority for the state and urge the Assembly to take up this bill before session ends.”
“Wetlands play such a vital — and cost-effective — role in keeping our communities safe from flooding and assuring residents have clean water,” said Scenic Hudson Government Relations and Public Policy Director Andy Bicking. “This legislation will greatly enhance the benefits these waterbodies can provide, most importantly in high-development areas where they are most needed. Kudos to Senator Harckham for leading the way and to his colleagues in the Senate for passing this legislation. We encourage the Assembly to follow suit.”

“With the future we face, wetlands are more important now than ever. New York state cannot afford to lose more wetlands to development. Wetlands provide a buffer against sea-level rise, flooding, and drought.” said William Cooke, Policy Advisor, The Nature Conservancy.

“Healthy wetlands are essential for protecting our communities from the impacts of climate change and filtering drinking water supplies. Despite the immense value of our wetlands, they have been in peril for decades due to inadequate policies,” said Brian Smith, Associate Executive Director at Citizens Campaign for the Environment (CCE). “Today the Senate has taken a monumental step forward to ensure that critical wetlands are no longer polluted, bulldozed over or destroyed. We commend Senator Harckham for his leadership, thank the Senate for taking action, and now urge the Assembly to pass this important bill before the end of session.”

"The Department of Environmental Conservation must have regulatory authority to protect all of New York State's threatened wetlands in order to address growing flood risks and protect community water resources," said Rich Schrader, New York Policy and Legislative Director for NRDC (Natural Resources Defense Council). "Flood risks in the state have increased as climate change has increased heavy rainfall and greater urbanization has led to more impervious surfaces."

Liz Moran, Environmental Policy Director for NYPIRG, said, “With drinking water contamination crises that have cropped up in communities across the state, extending protections for wetlands is a crucial need. Wetlands serve as natural filters and can help protect drinking water sources from potential sources of pollution. We thank Senator Harckham and the Senate for moving forward with legislation to finally extend wetlands protections and urge Assembly passage.”

“This legislation will help protect New York’s imperiled wetlands that are critical to migratory waterfowl habitat,” said Ed Farley, Regional Biologist for Ducks Unlimited. “We commend the Senate and Assembly for leading on this issue and encourage passage of the bill to ensure continued protection of these vital wetlands.”

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