Environmental Groups Applaud Historic Wetlands Protections in New York State Budget

Critical reforms will protect more than 1 million acres of freshwater wetlands.

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Albany, NY - The Save NYS Wetlands Coalition praises Governor Hochul and the New York State Legislature for including reforms to the NYS Freshwater Wetlands Act in the SFY 2022-23 Budget. This historic legislation will allow the Department of Environmental Conservation (“Department”) to protect over 1,000,000 acres of critically important freshwater wetlands that are currently unmapped and tens of thousands of smaller wetlands that are of ‘unusual importance’ to our environment.

Before this historic agreement was reached, New York State’s wetlands had to be included on official state maps before they could be protected by the Department, which allowed for the filling, dredging, and draining of unmapped wetlands. The legislation enacted in the budget would eliminate this arbitrary requirement and finally allow the Department to protect the one million acres of freshwater wetlands that are currently unmapped. The bill will also expand the Department’s authority to protect wetlands by requiring permits for activities that impact wetlands larger than 7.4 acres and smaller wetlands of ‘unusual importance’, which provide significant benefits such as mitigating flooding, providing critical habitat for wildlife, increasing climate resiliency, sequestering carbon, and maintaining clean drinking water.

We applaud Governor Kathy Hochul, DEC Commissioner Basil Seggos, Leader Andrea Stewart-Cousins, Senator Todd Kaminsky, Senator Pete Harckham, Speaker Carl Heastie, and Assemblymember Steven Englebright for recognizing the importance of protecting New York’s remaining wetlands and rising to the challenge of enacting these essential reforms.

“These long awaited and historic wetlands regulatory reforms will make our communities more resilient to increasing floods, droughts and ecological disruption brought on by the climate crisis. State and municipal regulators will now have the tools to identify and enhance the diverse mosaic of wetlands that protects New York’s communities, drinking water and biodiversity,” said Roger Downs, Conservation Director, Sierra Club Atlantic Chapter. “The Sierra Club applauds Governor Hochul, Commissioner Seggos, Senate Leader Stewart Cousins, Assembly Speaker Heastie, Senators Kaminsky and Harckham, Assemblymember Englebright and all the support staff who labored for countless hours in creating this effective new freshwater wetlands program. For these efforts we are eternally grateful.”

“Protecting our wetlands is a huge win for birds and people. Wetlands provide shelter, rest, and nourishment for millions of birds and important ecosystem services to New Yorkers across the state – including flood control, climate resiliency, and clean water. Audubon is thrilled that the New York State budget includes historic reforms that will allow us to fully protect all of our freshwater wetlands for the first time,” said Erin McGrath, Policy Manager for Audubon New York. “We thank Governor Hochul and the New York State Legislature for their leadership and commitment to protecting our environment.”
"The Adirondack Council applauds the Governor’s team, leaders of the legislature and other advocates for this critical upgrade to wetland protections, which will benefit people and the environment statewide while also providing new opportunities for improved state protections of wetlands in the 6-million-acre Adirondack Park," said William C. Janeway, Adirondack Council Executive Director. "Wetlands are the cradles of aquatic life everywhere."

"Enactment of long-awaited reforms to New York’s wetlands program will result in the protection of an additional one million acres of critical wetlands across the state," said Adrienne Esposito, Executive Director of Citizens Campaign for the Environment (CCE). "Protecting our wetlands will result in cleaner water, better flood protection, and improved habitat for wildlife from the Great Lakes to Long Island. CCE is sincerely thankful to Governor Hochul and legislative leaders for forging this historic agreement to protect our wetlands in the state budget."

"The reforms included in the state budget have been years in the making and are a testament to the vast partnerships between the conservation community, the legislature and the Governor’s office," said Ed Farley, Ducks Unlimited Regional Biologist (NY). "Protecting 1 million additional acres of wetlands will provide ample habitat for the majority of wildlife in the state, including migratory waterfowl. Additionally, expanding the criteria for protected wetlands to include state species of special concern, like the American Black Duck, will ensure the most critical habitat for waterfowl in New York is protected. We applaud the Governor, the Senate and Assembly for prioritizing wetlands in this historic budget."

Rob Hayes, Director of Clean Water with Environmental Advocates NY said, “Governor Hochul, Senate Majority Leader Stewart Cousins, Assembly Speaker Heastie, Senator Harckham, and Assemblymember Englebright deserve our thanks for their leadership in making this historic agreement to protect and promote clean water. New York’s wetlands are a treasure that are vital to a healthy environment. Updating the regulations that protect them will mean they will be around for future generations to enjoy."

“Save the Sound would like to thank the Governor, the Senate and the Assembly, especially Representative Englebright, who all came to the table and produced a unified effort to protect NY wetland habitats. Wetlands, of which too many acres have already been lost, are a critical component to functioning watersheds and healthy watersheds support a healthy Long Island Sound” said Bill Lucey, Long Island Soundkeeper.

Sarah Charlop-Powers, Executive Director for Natural Areas Conservancy, said, "As a New York City advocate for increased wetlands protections, the Natural Areas Conservancy thanks Governor Hochul and the New York State Legislature for their leadership and commitment to protecting our environment. The reforms included in this legislation add much-needed protections for our state’s wetlands which provide so many important benefits to New Yorkers."

Jessica Ottney Mahar, The Nature Conservancy’s New York Policy and Strategy Director said, “The Nature Conservancy applauds and thanks Governor Hochul, Senate Majority Leader Stewart-Cousins, Senator Kaminsky, Senator Harckham, Assembly Speaker Heastie, and Assemblyman Englebright for expanding protections for New York’s freshwater wetlands in this year’s state budget agreement. Wetlands provide critical habitat for wildlife and flood protection for communities and are endangered of being lost to development. Our state leaders recognized the importance of these natural assets and ensured small, freshwater wetlands can be protected for generations to come."

Julie Tighe, President of the New York League of Conservation Voters said, “Increasing wetlands protection is critical to conserve natural habitats, protect our communities from flooding, and increase resilience to climate change. The New York League of Conservation Voters applauds Governor Hochul, Assemblyman Englebright, Senator Harckham and our
environmental champions in the Senate and Assembly for coming together to agree to the biggest expansion of wetlands preservation in a generation with this budget, which will protect an additional 1 million acres of unique ecosystem.”

“Protecting wetlands is vital to solving the climate crisis. It is estimated they store up to 35% of all terrestrial carbon, which is released when they are destroyed. They further provide extraordinary flood mitigation services as well as being home to robust biodiversity,” said Tim Guinee, Legislative Action Director, NY Climate Reality Chapters Coalition. “The NY Climate Reality Chapters Coalition couldn’t be more pleased to see this initiative come to fruition. Thank you to the Governor, the Senate, and the Assembly. This is a big win for all New Yorkers!”

“The agreement to reform New York’s freshwater wetlands program is an enormous and critical victory for clean water, wildlife habitat, and stronger communities throughout the state,” said Kim Elliman, president and CEO of the Open Space Institute. “We commend and thank Governor Hochul, Senate Majority Leader Stewart-Cousins, Assembly Speaker Heastie, and the many legislators who committed themselves to making the protection of at-risk wetlands a priority in this budget process.”

“Budget language strengthening New York’s freshwater wetlands program is a victory over twenty years in the making. During the year of the Clean Water Act’s 50th anniversary New York has demonstrated that science can prevail over decades of opposition to the protection of these valuable and vulnerable ecosystems. These reforms will protect endangered and threatened wildlife, strengthen defenses against climate change, mitigate flooding, and preserve clean water in the Hudson River basin and across the state,” said Riverkeeper Senior Manager of Government Affairs, Jeremy Cherson. “Riverkeeper thanks Governor Hochul, Assemblyman Englebright, and Senator Harckham for working through difficult negotiations to achieve a great result. We look forward to working with DEC to ensure regulations are strong and grant our freshwater wetlands and vernal pools the protection they and future generations deserve.”

"Thank you to Governor Hochul and Senate and Assembly Leadership for recognizing that in a very big and important bill some little things mattered. Because of this bill we have the opportunity to protect vernal pools, containing some of our smallest but most ecologically significant wetlands", noted John Turner, Senior Conservation Policy Advocate for the Seatuck Environmental Association. "By advancing this important wetland bill we have ensured that the calls of Spring Peepers and Wood Frogs will always be a sign of Spring in New York."

“Kudos to Governor Hochul, Legislative leaders, and Chairmen Englebright and Kaminsky for their efforts to protect freshwater wetlands in this year’s state budget,” said Scenic Hudson State Policy Coordinator Carli Fraccaroli. “Conserving more of these irreplaceable water bodies will further safeguard drinking water supplies in Hudson Valley communities and soak up flood waters that could damage homes, businesses, and critical infrastructure. In the face of increased development pressure and climate change, we can now sleep more soundly knowing that wetlands will be preserved to benefit current and future generations of humans and wildlife.”

"Waterfront Alliance applauds Governor Hochul, the New York State Senate, and the New York State Assembly for working together to protect New York’s freshwater wetlands - one of our most valuable ecosystems and assets. As intense rain and flood events become more common across the state, protecting our remaining wetlands is more important now than ever. Just 1-acre of freshwater wetlands can store up to 1.5 million gallons of floodwaters. New York's wetlands are essential to our climate resilience, clean water future, and marine habitat. We look forward to seeing the updated maps and protections from NYSDEC, and the benefits they bring to New Yorkers," said Cortney Koenig Worrall, President and CEO of Waterfront Alliance.

"Expanding the Department of Environmental Conservation regulatory authority to protect all of New York State's wetlands is essential to addressing growing flood risks and protect community water resources," said Rich Schrader, New York Policy and Legislative Director for NRDC (Natural Resources Defense Council). "Wetlands provide cover for NY communities as
climate change increases the intensity and frequency of floods, and greater urbanization has led to more impervious surfaces. The Governor has done the right thing by adding this initiative to her budget.”

The reforms included in the SFY 2022-23 Budget will:

- Eliminate the jurisdictional nature of the existing state freshwater wetlands maps in 2025 and allow the Department to protect wetlands that are 12.4 acres or greater in size or of “unusual importance”.
- Lower the threshold for mandatory permitting for freshwater wetlands from 12.4 to 7.4 acres in 2028.
- Include criteria for permitting smaller wetlands of ‘unusual importance’, such as wetlands that attenuate significant flooding, filter drinking water, provide habitat for rare species, or are located in an urban area, among other criteria.
- Adds in language creating a rebuttable presumption that freshwater wetlands are subject to regulation and permitting until proven otherwise.
- Increase fees and fines unchanged since the 1980’s.
- Remove prohibitive red tape and agency costs related to wetlands protection.
- Provide funding for wetlands management and local mapping of freshwater wetlands through the Climate Smart Communities Program in the NYS Environmental Protection Fund.
- Direct the Department to create educational resources on the process for identifying freshwater wetlands to inform landowners and local governments.
- Require the Department to consult with the federal government, colleges and universities, environmental organizations, and other entities to increase the accuracy of the freshwater wetlands maps - which will be maintained as an online informational resource.

The environmental community has been fighting for these reforms for decades, as wetlands fell victim to unchecked development, the spread of pollution, degradation from invasive species, and the increasing impacts of climate change. Wetlands are also at risk due to shifting federal protections, as court decisions have cut back the types of waters protected under the federal Clean Water Act. These changes have threatened federal protections for critical habitats across New York State and escalated the urgent need to reform the New York State Freshwater Wetlands Act.