

October, 2009

Standing Committee on Environmental Conservation  
Attention: Senator Antoine M. Thompson, Chair  
New York State Senate  
Legislative Office Building, Room 902  
Albany, New York 12247

**To the Honorable Senator Thompson and Senators on the Committee:**

Please consider this letter as my written comments for the Committee's October 27 public hearing on new wetlands regulation.

Currently the New York State Department of Environmental Conservation (NYSDEC) only regulates wetlands that are 12.4 acres or larger. One of the proposals before you (Bill S.4956) would, if enacted, increase the NYSDEC's jurisdiction to include wetlands down to 1 acre in size. However, there would be no change to the regulated adjacent area, which is currently a 100 foot buffer around NYSDEC wetlands.

One notable feature of Bill S.4956 is that this 100 foot buffer would now be extended around these smaller wetlands. This increase is substantial: including a 100 foot adjacent area around a 1 acre wetland **results in 4 acres of regulated area**. Any disturbance in that regulated area would require a permit from the NYSDEC. Most, if not all, of these wetlands that would fall under the new regulation are currently regulated by the United States Army Corps of Engineers (ACOE). Bill S.4956 would create the need to obtain a permit from **both the ACOE and the NYSDEC** for any disturbances. This will double the regulation of the same resource -- **with no appreciable benefit to the State**. Indeed, this would only add another layer of bureaucracy.

The New York State Assembly has already passed its version of this bill (Bill A6363), which, if also passed by the State Senate and signed into law by the Governor, would significantly increase the State's wetland jurisdiction and would **negatively impact future development in New York**.

Another notable feature of Bill S.4956 is that, if passed into law, it would become "effective immediately". There is **no grandfathering language that would exempt pending projects** from the need to comply -- even though the regulatory scheme would change significantly.

As a result, I ask that you not pass Bill S.4956 or any other proposal that adds additional burdens to the existing regulatory framework.

Respectfully submitted,

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

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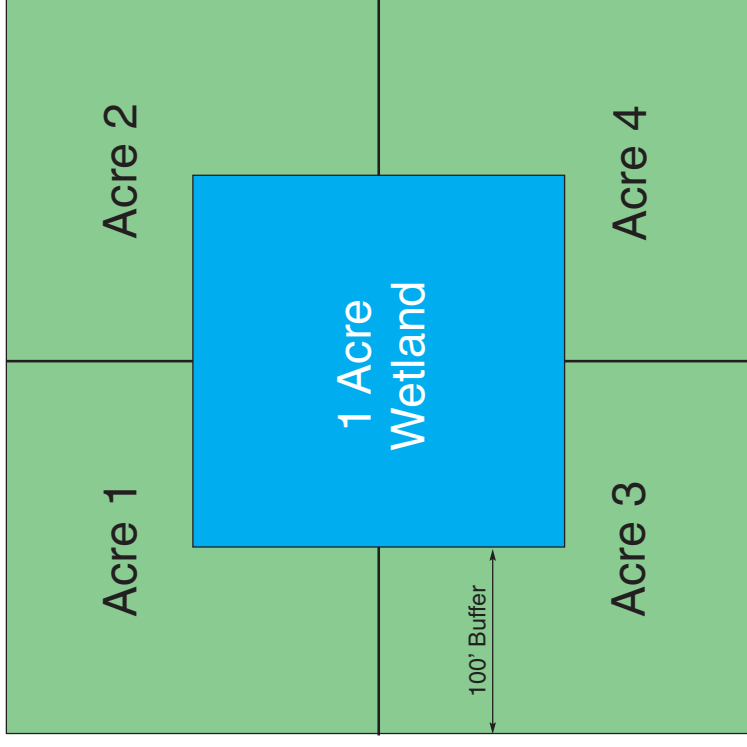
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# Immediate action required! This Bill is before the Senate for approval.

## BILL S.4956 will increase NYSDEC jurisdiction on wetlands and double the permits needed for development.

- If enacted, this Bill will have far-reaching, negative impact on both commercial and residential growth.
- NYSDEC will have jurisdiction on wetlands down to one acre in size.
- Currently NYSDEC only regulates wetlands that are 12.4 acres or larger.
- Current 100-foot buffer surrounding the wetland will continue to apply.
- A one-acre wetland parcel with a 100-foot buffer results in four acres of regulated land.
- Most, if not all, of these wetlands are already regulated by the Army Corp of Engineers.
- This Bill would create the need to obtain a permit from both the ACOE and the NYSDEC for any disturbances.
- This Bill will double the regulation of the same resource.
- If enacted, this Bill will become "effective immediately" with no grandfathering language that would exempt pending projects from the need to comply.



One acre of wetland with a 100 foot buffer creates four acres of regulated land.

Written comments must be submitted by October 21 and should be addressed to:

Senator Antoine M. Thompson, Chair  
Standing Committee on Environmental Conservation  
New York State Senate  
Legislative Office Building, Room 902  
Albany, New York 12247

Prepared by:



ORANGE COUNTY NEW YORK

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