

NYS Dept. of Environmental Conservation

Freshwater Wetlands Oversight

Greater Rochester Association of REALTORS® Government Affairs Department
930 East Avenue, Rochester, New York 14607

The Greater Rochester Association of REALTORS® (GRAR) is opposed to current proposed New York State legislation S.848 (Marcellino) / A.6363 (Sweeney) and S.4956 (Thompson) that will greatly expand the authority of the Department of Environmental Conservation (DEC) to regulate freshwater wetlands.

The DEC currently regulates freshwater wetlands of 12.4 acres or more unless a wetland is determined to be of unusual local importance. This bill would change the threshold from 12.4 acres to 1 acre or more.

These bills also expand the legislative findings to include within the benefits of freshwater wetlands the following: habitat for endangered or threatened species, preservation of plant species which are rare, endangered or exploitably vulnerable and also preservation of communities of plants and animals deemed by the DEC commissioners to be rare in the state or a region of the state.

The federal wetlands protection program is based on the premise that wetlands purify storm water runoff by filtering waters that pass through them. State wetland regulation is based on the broader criteria of habitat protection. The expansion of the wetlands program as proposed in these bills would create a moving target requiring re-mapping of wetlands and greatly limiting the current use of property by private owners.

The expansion of the definition of wetland as proposed in the above referenced legislation would also significantly impact the value and usage of property throughout the state of New York. The consequences to many individual landowners would be significant when DEC regulation goes from 12.4 acres to 1 acre. The application of a 100 foot buffer to a 1 acre wetland demonstrates the serious implications of such an expansion.

The expansions of regulatory authority provided for in these proposed bills are extremely significant with a direct impact not only on owners of real property but also economic development in New York State. There is no demonstrable need for the immense regulatory expansion proposed in these bills.