

RESOLUTION No. 5-2006 – Resolution of Support for the Clean Water Protection/Flood Prevention Act, Proposed Statewide Legislation Authorizing Amendments to the New York Freshwater Wetlands Act

WHEREAS, as set forth in the state Freshwater Wetlands Act (Environmental Conservation Law, Art. 24), the “freshwater wetlands of the state of New York are invaluable resources for flood protection, wildlife habitat, open space and water resources”¹, and

WHEREAS, as set forth in the state Freshwater Wetlands Act (Environmental Conservation Law, Art. 24): Any loss of freshwater wetlands deprives the people of the state of some or all of the many benefits derived from wetlands including:

- (a) flood and storm control provided by the absorption and storage capacity of freshwater wetlands;
- (b) wildlife habitat by providing breeding, nesting and feeding grounds and habitat for many forms of wildlife, wildfowl and shorebirds;
- (c) protection of subsurface water resources and provision for valuable watersheds and recharging ground water supplies;
- (d) recreation by providing areas for hunting, fishing, boating, hiking, bird watching, photography, and other uses;
- (e) pollution treatment by serving as biological and chemical oxidation basins;
- (f) erosion control by serving as sedimentation areas and filtering basins, and absorbing silt and organic matter;
- (g) education and scientific research by providing readily accessible outdoor bio-physical laboratories, living classrooms and resources for training and education;
- (h) open space and aesthetic appreciation; and
- (i) sources of nutrients in freshwater food cycles and nursery grounds and sanctuaries for freshwater fish.²

WHEREAS, the United States Geological Survey estimated that, as of 1980, New York State already had lost 60% of its wetlands³, and

WHEREAS, the state Freshwater Wetlands Act protects only wetlands that are 12.4 acres or larger, or those that have been specially designated as being of unusual local importance, and relies on the United States Army Corps of Engineers (ACOE) to protect the vast majority of wetlands under 12.4 acres, and

¹ New York State Environmental Conservation Law, § 24-0105.

² Id.

³ See Thomas E. Dahl, *Wetlands Losses in the United States 1780's to 1980's* (United States Fish and Wildlife Service, Version 16JUL97, 1990) available at: <<http://www.npwrc.usgs.gov/resources/orthrdata/wetloss/wetloss.htm>>.

WHEREAS, as a result of changes in federal policy, so-called “isolated” wetlands are no longer afforded federal protection, and

WHEREAS, the 12.4 acre size threshold in current state law coupled with the loss of federal protection for many smaller wetlands has created a regulatory gap, leaving an estimated tens of thousands of wetlands in New York without any regulatory protection, and

WHEREAS, New York is the only state in the Northeast that uses wetland size as a threshold criterion for wetland regulation, and

WHEREAS, the Tompkins County Water Resources Council recognizes the valuable functions freshwater wetlands perform for Tompkins County including maintaining water quality, preventing flooding, and providing critical habitat, and

WHEREAS, the Clean Water Protection/Flood Prevention Act (A.2048/S.2081) gives greater protection to New York’s Freshwater Wetlands by reducing the size threshold for state jurisdiction to one acre and streamlining the wetland mapping process, therefore be it

RESOLVED, that the Tompkins County Water Resources Council requests that the New York State Legislature enact the Clean Water Protection/Flood Prevention Act (A.2048/S.2081), and be it further

RESOLVED, that a copy of this resolution be sent to State Assemblywoman Barbara Lifton; State Senators James Seward, George Winner, Jr. and Michael Nozzolio; State Senator Joseph Bruno; State Assembly Speaker Sheldon Silver; Governor George E. Pataki; as well as Senators Charles Schumer and Hillary Rodham Clinton and Congress Members Maurice Hinchey and Sherwood Boehlert.

Resolution adopted: June 6, 2006