

The Honorable Kathy Hochul
Governor of New York State
Executive Chamber
New York State Capitol
Albany, New York 12224

RE: Reform of the New York State Freshwater Wetlands Act

Dear Governor Hochul,

Over the past two decades, New York State's environmental community has advocated for expanding and strengthening New York State's authority to regulate freshwater wetlands. Despite these efforts, over a million acres of freshwater wetlands are currently excluded from the State's Freshwater Wetlands regulatory program, and the U.S. Environmental Protection Agency estimates that New York State has already lost 60% of its historic wetlands.

Our remaining swamps, marshes, bogs, fens, and wet clay meadows provide critical ecosystem services for communities across the state, including the ability to mitigate flooding impacts, filter surface waters of pollutants, recharge drinking water, sequester greenhouse gasses, and provide critical habitat. Approximately one-third of North American bird species use wetlands for food, shelter, or breeding, and one hundred thirty-eight species and subspecies of birds in the U.S. are designated as wetland dependent, including many threatened or endangered birds in New York State. Protecting these birds' habitats is essential to their future survival.

We must protect these remaining wetlands, and we the Buffalo Ornithological Society urge you to enact strong reforms to the New York State's Freshwater Wetlands Act in the SFY 2022-2023 New York State Executive Budget proposal.

Our freshwater wetlands are in crisis. In recent years, we have seen unprecedented pressure on wetlands from sprawling human development, the proliferation of invasive species, negative impacts from climate change, and continued threats from pollution. With gaping holes in federal and state freshwater wetlands protections, New York State is in a poor position to protect these critical resources and risks losing even more of its freshwater wetlands and all of the ecosystem services that they provide.

There are shortcomings in the Freshwater Wetlands Act. Currently, a wetland must be delineated on existing freshwater wetlands maps prepared by DEC to be subject to regulation under New York State law. Most of these maps have not been updated in over 20 years, as the amendment process can be time-consuming and burdened with administrative costs. Additionally, the DEC can only regulate wetlands delineated on jurisdictional maps if they are greater than 12.4 acres in size or are determined to have "unusual local importance." This means there are hundreds of thousands of acres of wetlands in high development areas of New York State that are not on official maps but

desperately require protection. Wetlands provide a natural means of flood control - with the capacity to store up to one million gallons of water in a single acre and provide additional ecosystem services on top.

New York State and environmental advocates have made several efforts to improve protections for wetlands, including numerous legislative proposals. The most recent was the 2020-21 Executive Budget (A.9508 / S.7508 - Part TT) and the Clean Water Protection / Flood Prevention Act (S.5116-C Harckham /A.7850 Englebright). It is our understanding that the legislature is close to agreement on new reforms but needs your leadership and guidance to finalize the proposal and elevate it as a priority strategy in our fight against climate change.

Additionally, we applaud your proposal to add \$1 billion to the "Clean Water, Clean Air, and Green Jobs Environmental Bond Act," as increasing funding for restoring our lost wetlands will be necessary for successful climate change adaptation and resiliency. But undertaking this critical work at the landscape level will be difficult to achieve unless the DEC is given more flexibility to protect wetlands as they are integrated into resiliency plans.

We strongly urge you to protect our most important and imperiled wetlands by including statutory reforms as Article VII language in the SFY 2022-23 New York State Executive Budget. Thank you for your consideration of this request and your ongoing support of New York State's environment.

Sincerely,

Buffalo Ornithological Society