

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

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Alexander B. Grannis
Commissioner

IMPORTANT REMINDER ABOUT WETLANDS

Freshwater wetlands are ecological resources that provide invaluable services to communities, including flood control, water quality improvement, surface and ground water protection, and wildlife habitat. The New York State Department of Environmental Conservation (DEC) regulates development in freshwater wetlands and their 100-foot-wide adjacent areas. Working in a regulated wetland, or adjacent area, without a permit, is a violation of the Environmental Conservation Law.

During the review of all development and building plans, it is imperative, to protect landowners, developers and the general public, to determine if the plan(s) may impact a state and/or federal regulated wetland, or the 100-foot-wide adjacent area surrounding a state-regulated wetland. If you determine that the area to be built upon or otherwise disturbed is in close proximity to a regulated wetland or adjacent area, we recommend that you do not proceed with your discretionary approval, but rather, advise the applicant that they should contact the DEC. Official New York State Freshwater Wetland maps, filed with the clerks of all local governments, are the primary tool for you to use for this local review process. The official maps show the approximate location of the wetland boundary.

Additionally, the Environmental Resource Mapper (ERM), a web based interactive mapping application available on the DEC web site at <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm> provides an easy way to locate freshwater wetlands regulated by the DEC. Use the ERM to zoom in on a geographic area of interest and then click on the "Layers and Legend" icon to access the freshwater wetlands map layer. Please note that the ERM includes a 500-foot wide "Wetland Checkzone" in recognition of the approximate nature of the freshwater wetland maps. If you are reviewing a project that may encroach into the "Checkzone", you should advise the applicant to contact the DEC. If necessary, DEC staff can accurately determine the location of the regulated area for affected landowners upon their request.

The DEC's web site also contains other information on freshwater wetlands that may be of use for local advisement and review purposes (<http://www.dec.ny.gov/permits/6058.html>), such as whether a proposed project may require a State permit.

Please recognize that the U.S. Army Corps of Engineers, Buffalo District Office (COE), may have wetland jurisdiction regardless of the DEC's jurisdiction. Accordingly, State freshwater wetlands maps should not be used to identify federally regulated wetlands. For more information on Federal wetlands, you should contact the COE at: 1776 Niagara Street, Buffalo, New York 14207; telephone (716) 879-4330.

Your assistance in referring to us individuals with development projects that are, based on your initial review, within 500 feet of a State freshwater wetland will be greatly appreciated and will help prevent your residents from proceeding with plans that may violate the State's freshwater wetlands laws. Thank you for your cooperation in this matter.

If you have any questions, please do not hesitate to contact the DEC's Division of Environmental Permits at 716-372-0645 (e-mail R9DEP@gw.dec.state.ny.us).