

## **Wetland and Watercourse Protection: Lessons from Three Hudson Valley Towns and an Update on New York State Wetland Policy**

Webinar Transcript  
September 14, 2022

1

00:00:02.994 --> 00:00:15.354

Good afternoon everyone my name is Ingrid Haeckel and I'm a conservation and land use specialist with the DEC Hudson River program through a partnership with Cornell University. Welcome to the conservation and land use webinar series.

2

00:00:15.654 --> 00:00:25.824

Today's webinar will discuss local wetland and water course regulations and how they can protect floodplains based on an in depth study of such laws in 3 Hudson Valley towns.

3

00:00:26.040 --> 00:00:40.800

The 2nd, part of the webinar will provide an update on historic changes to New York state wetland regulations. We're really excited to hear these presentations and grateful to the speakers for their time. And I'll introduce them in just 1 moment.

4

00:00:42.175 --> 00:00:56.905

But before we get started, let me review a few webinar logistics. If you're having difficulty connecting to audio through your computer, you can switch your audio connection by clicking the 3 dots next to the red exit button on the bottom of the screen.

5

00:00:57.415 --> 00:01:02.065

There. You'll find options to request a callback or call in by phone.

6

00:01:03.840 --> 00:01:15.625

If you need help, please reach out to us through the chat icon in the bottom, right corner of the screen. If you have questions for the speakers, once they begin, please use the Q and a function.

7

00:01:15.835 --> 00:01:22.405

If it's not open already, you can access Q and a, by clicking the 3 dots next to chat in the bottom right? Corner.

8

00:01:22.680 --> 00:01:30.900

Note that your phone lines are muted. The webinar is being recorded, and we will notify you when the recording is available. Probably next week.

9

00:01:30.900 --> 00:01:39.960

At the end of the webinar, we kindly request our feedback through a short survey that will pop up. And lastly for those of you seeking municipal training credit.

10

00:01:39.960 --> 00:01:46.290

You will receive an automatic email confirmation of attendance from Webex at the end of the program.

11

00:01:47.880 --> 00:01:59.905

For those of you, who may be new to the series the Hudson River estuary program is a special program of the New York state environmental Department of Environmental Conservation established to help people enjoy,

12

00:01:59.935 --> 00:02:03.205

protect and revitalize the Hudson river and its Valley.

13

00:02:03.600 --> 00:02:11.730

We worked throughout the 10 counties, bordering the tidal Hudson river from upper New York to the federal dam in Troy shown here on the map.

14

00:02:11.730 --> 00:02:18.420

To achieve many key benefits, including the vital estuary ecosystem and its fish wildlife and habitats.

15

00:02:18.420 --> 00:02:30.450

Clean water, healthy tributaries, climate adaptive communities, conserved natural areas in the watershed and an informed and engaged public as well as access for all to the Hudson River.

16

00:02:32.730 --> 00:02:46.980

Within the program, our conservation and land use team works with municipalities and regional conservation partners to identify and conserve important habitats and natural areas through local land use planning and decision making.

17

00:02:47.575 --> 00:02:59.755

Fellow conservation and land use specialist, Christine Vanderlan, and myself are available to provide technical assistance on a variety of planning and policy projects, including wetland and watercourse protection strategies.

18

00:03:00.025 --> 00:03:06.805

Our program website is a clearinghouse for guidance and resources on these topics and we'll share the link to that. Through the chat box.

19

00:03:09.265 --> 00:03:18.925

Our next webinar will be on October 25th and will profile the New York protected areas database also known as an NYPAD, which just underwent the first phase of a major update.

20

00:03:18.925 --> 00:03:25.284

NYPAD is a comprehensive map and database of conservation open space and protected lands in New York.

21

00:03:25.284 --> 00:03:39.025

Nick Conrad from New York Natural heritage program will introduce NYPAD and show ways to access the maps and data and I'll present some ways It can be used to inform this full land use planning and decision making.

22

00:03:39.030 --> 00:03:44.190

We'll share the link to register for this event When we follow up with you after today's webinar.

23

00:03:44.995 --> 00:03:55.795

And with that, I'm really pleased to introduce today's speakers. in the 1st part of the webinar Stevie Adams, Dr. AR Sidors and Logan Gerber Chavez will present their 2021 study, local wetland and watercourse regulations,

24

00:03:56.095 --> 00:04:10.435

potential tools for floodplain management, lessons from 3 New York towns. in the 2nd part JR Jacobson will be presenting changes to New York state wetland policy and I'll briefly introduce him before his talk.

25

00:04:10.770 --> 00:04:18.510

So 1st, Stevie Adams works on climate adaptation strategies with the New York division of the Nature Conservancy.

26

00:04:18.510 --> 00:04:21.900

Including protecting and restoring flood plains and coasts.

27

00:04:21.900 --> 00:04:35.039

She is a certified floodplain manager and Co chairs the training and outreach committee of the New York state floodplain and stormwater managers Association. She holds a master's of science in biology from

28

00:04:35.039 --> 00:04:47.094

California State University of Northridge. Dr. AR Siders is an assistant professor in the Biden School of Public Policy and Administration, and the Department of Geography at the University of Delaware,

29

00:04:47.274 --> 00:04:50.184

and a core faculty member of the disaster research center.

30

00:04:50.549 --> 00:04:54.659

Her research focuses on climate change, adaptation and governance.

31

00:04:54.659 --> 00:05:05.004

Decision making and evaluation. her recent projects have focused on managed retreat as an adaptation strategy and social justice implications of coastal adaptation. She holds a J.D.

32

00:05:05.004 --> 00:05:16.164

from Harvard Law School and a PhD from Stanford University. and Logan Gerber-Chavez is a PhD candidate in the disaster science and management program at University of Delaware.

33

00:05:16.524 --> 00:05:24.414

Her dissertation is looking at compound hazards planning how emergency planning was implemented during Covid and the implications for

34

00:05:24.659 --> 00:05:38.519

Related disaster and environmental justice communities as they're subjected to constant compound hazards. Uh, so thank you so much for joining us today to share your work as I pass the controls over now to, um.

35

00:05:38.519 --> 00:05:43.799

To the presenters, which I will do, um.

36

00:05:45.659 --> 00:05:57.689

You should have the control now Siders. Um, so, uh, just a quick note to participants to once again Please enter your questions as we go along using the Q and A box.

37

00:05:57.689 --> 00:06:09.239

And we'll have about 10 minutes for questions after the 1st presentation, and another 10 to 15 minutes of questions at the end of the webinar. So thank you so much. And, uh, you can take it away.

38

00:06:10.769 --> 00:06:14.249

Great. Thanks so much. Ingrid. Can you hear me? Okay? Yes.

39

00:06:15.024 --> 00:06:20.964

Fantastic. All right. So thanks for that introduction. As Ingrid said, my name is Stevie Adams.

40

00:06:20.964 --> 00:06:32.364

I'm a climate adaptation specialist with the nature Conservancy and that means that I focus on helping people and nature adjust to the impacts of climate change next. Please.

41

00:06:36.539 --> 00:06:43.319

With every 1 degree Celsius increase in global, average temperature.

42

00:06:43.319 --> 00:06:47.789

Our atmosphere can hold 7% more water vapor.

43

00:06:47.789 --> 00:06:59.009

Since Pre-industrialized times, our atmosphere has increased our sorry, our global temperature has increased by 1 degree Celsius, which means right now currently.

44

00:06:59.009 --> 00:07:13.044

We are living in what we call an energized hydrologic system, and this has been demonstrated in the Northeast. We are seeing 70% more rain falling in our heaviest rain events than we did in the 1950s.

45

00:07:13.044 --> 00:07:20.934

so what is this looking Like, in New York um, well, the picture on the left is from Stuben county in the southern tier.

46

00:07:21.509 --> 00:07:26.009

This is a picture of a flash flood event They experienced in 2018 due to

47

00:07:26.009 --> 00:07:29.999

Receiving 4 inches of rain in 45 minutes.

48

00:07:29.999 --> 00:07:35.339

That was the 2nd such storm they'd had in just 2 months.

49

00:07:35.339 --> 00:07:48.599

And for those of you who may be following that area last year in 2021, they actually received their new flood of record, which is something nobody really wants to have.

50

00:07:48.599 --> 00:07:56.159

On the right we have a picture of Lake Ontario. Lake Ontario, experienced record high water levels in both 2017 and 2019.

51

00:07:56.664 --> 00:08:10.944

And in 2011 and 2012, with tropical storms Irene and Lee and Superstorm Sandy, we lost 49 lives. We experienced 1.18 Trillion dollars in property damages.

52

00:08:11.369 --> 00:08:14.489

And millions of dollars in crop damages.

53

00:08:16.199 --> 00:08:28.259

So the climate projections estimate that we will actually see an additional increase in our global average temperature of

54

00:08:28.259 --> 00:08:33.059

Between 2 degrees Celsius and nearly 10 degrees Celsius.

55

00:08:33.059 --> 00:08:41.009

So that means while we are living with more water now, uh, we're going to be living with even more water into the future.

56

00:08:41.009 --> 00:08:53.309

So that's a part of the story telling you about climate change and its impacts. That's 1 part of the story. The other part of the story really has to be about solutions and strategies.

57

00:08:53.309 --> 00:09:08.274

And those solutions, and strategies could focus on climate mitigation. In other words, we could be focusing on reducing greenhouse gas emissions. So our planet doesn't warm anymore, but hand in hand with that, we have to be thinking about climate adaptation solutions.

58

00:09:08.274 --> 00:09:12.714

In other words, how are we going to adjust given the impacts of climate change?

59

00:09:13.289 --> 00:09:22.679

Next slide please so, before I get into the solutions and strategies, I want to talk about flood plains.

60

00:09:22.679 --> 00:09:28.619

So, flood plains are lands adjacent to rivers and streams.

61

00:09:28.619 --> 00:09:43.554

When we get a big rain event, the water runs off from the land into the river system, the water in the river rises, eventually it exceeds the channel, and it flows out onto its flood plains and where it slows down, it spreads out.

62

00:09:43.979 --> 00:09:56.574

And when those flood plains are natural, that's an okay thing. In fact, floodplains are part of this naturally designed river system.

63

00:09:57.084 --> 00:10:04.944

And those floodplains are an important part of that river system, being able to balance all of that added energy from those flood flows.

64

00:10:05.399 --> 00:10:19.679

So, flood plains and rivers actually don't mind being flooded. They kind of thrive on it. and when we leave our flood plains natural, when we give rivers and the streams room to flood.

65

00:10:19.679 --> 00:10:31.289

We receive a whole bunch of ecosystem services and benefits from that. For example, floodplains, when they're able to be inundated, they mitigate flood flows for us.

66

00:10:31.289 --> 00:10:45.924

The vegetation on the flood plain actually helps filter the water. It removes sediment and nitrogen and phosphorus and other contaminants from the water. it helps recharge groundwater. It provides habitat.

67

00:10:46.254 --> 00:10:50.544

floodplains are 1 of the most biodiverse, fresh water systems on the planet. So.

68

00:10:51.119 --> 00:10:54.479

Lots of benefits for species there.

69

00:10:54.479 --> 00:11:08.694

They allow us room to recreate. We have recreation opportunities on flood plains and we're finding that with access to green spaces. Um, it actually improves mental health things like social cohesion and public health.

70

00:11:09.959 --> 00:11:13.109

So, I think

71

00:11:13.109 --> 00:11:17.369

over decades, next slide please.

72

00:11:17.369 --> 00:11:27.329

We have been developing in our floodplains. we've been converting those flood plains from a natural land cover. In other words, trees and shrubs.

73

00:11:27.329 --> 00:11:31.169

To things like development and even crops.

74

00:11:31.169 --> 00:11:35.189

Agriculture, and.

75

00:11:35.189 --> 00:11:49.439

While we did that decades ago, not knowing 1st of all how floodplains functioned very well. We didn't know that very well. We didn't understand all the ecosystem benefits they provide and we didn't even really know where they were.

76

00:11:49.439 --> 00:12:01.229

But I think it's surprising to me when we did this analysis to see what conversion of natural floodplains looks like. Now, what has it looked like I should say for the last 20 years.

77

00:12:01.229 --> 00:12:12.149

A time period when we've known those things better for sure. you know, where flood plains are and the functions that they how they function, I should say, and the ecosystem benefits and services they provide.

78

00:12:12.149 --> 00:12:24.119

So this is a kind of heat map in yellow, orange, and red. It's showing places in New York state where we have converted floodplains from natural to some other land cover.

79

00:12:24.119 --> 00:12:37.979



Um, and so in New York state, we have converted about 30,000 acres of natural flood plains to development, and an additional 13,000 acres of natural floodplains to agriculture.

80

00:12:37.979 --> 00:12:48.389

And when we do that, when we, when we put things in the floodplain, not only are we putting those people and buildings and all that stuff at risk, or putting it and them in harm's way.

81

00:12:48.389 --> 00:12:54.929

We're also reducing and even eliminating the ability of those flood plains to provide all of those Great.

82

00:12:54.929 --> 00:12:58.349

Ecosystem benefits I just mentioned.

83

00:12:58.349 --> 00:13:05.099

Um, and they will say, like, maybe just the simplest way to think about floodplains is that they provide this.

84

00:13:05.099 --> 00:13:16.439

This dynamic green space around our rivers that acts as a buffer between people and flooding. If we allow them to remain natural the next slide please.

85

00:13:19.554 --> 00:13:27.894

Now, we often use, um, what are called hierarchies in our decision making. So now I'm getting back to the strategies and the solutions.

86

00:13:28.344 --> 00:13:39.474

We often use what we call strategy hierarchies in our decision making and a hierarchy just means that you start with step 1, which tends to be the preferred alternative. We start with step 1.

87

00:13:39.474 --> 00:13:47.844

and if that thing isn't possible, or doesn't work, then you move to the 2nd preferred alternative. And if that thing doesn't.

88

00:13:47.969 --> 00:13:51.839

Work or isn't possible then you move to step 3.

89

00:13:51.839 --> 00:14:03.594

And so traditionally, we have been using a decision making hierarchy for flooding that might best be described as to defend, accommodate, retreat.

90

00:14:03.654 --> 00:14:10.584

And what that means is, with the 1st step the preferred alternative the thing that we do, maybe that we.

91

00:14:11.159 --> 00:14:22.409

Look to first of all is to build engineered structures that we feel like are separating people from flooding. So things like sea walls or levies.

92

00:14:22.409 --> 00:14:29.159

And if that isn't possible, or doesn't work, then we think about how we might temporarily accommodate

93

00:14:29.159 --> 00:14:36.054

Flooding, so whether that's maybe something like, uh, elevating a structure, or maybe in some instances, flood proofing a structure.

94

00:14:36.834 --> 00:14:46.764

And then if those 2 things don't work, then we, as a very last resort, we'll think of retreating from those very flood prone or even erosion, prone places.

95

00:14:47.874 --> 00:15:00.084

Now, this traditional approach is of concern to a lot of folks. A lot of folks are very concerned that this is not going to be sufficient in light of climate change that given the sea level rise.

96

00:15:00.084 --> 00:15:06.654

We're going to see, we have seen, and are going to see, and given the changes in precipitation. This is not going to work anymore.

97

00:15:07.199 --> 00:15:19.349

Um, and their concerns, there are many of them, but two maybe important ones are 1 big engineering structures are very expensive, not only to build, but also to maintain.

98

00:15:19.349 --> 00:15:30.389

And they actually encourage developments in places that may not be safe. Um, and maybe even give a kind of a false sense of security.

99

00:15:30.389 --> 00:15:35.039

So, a team of scientists at the nature Conservancy, including some social scientists.

100

00:15:35.039 --> 00:15:41.699

Took a look at the literature, the scientific literature we talked to a bunch of climate adaptation experts.

101

00:15:41.699 --> 00:15:45.809

And we looked at a bunch of case studies, and we thought if you could.

102

00:15:45.809 --> 00:15:49.019

Advance again Siders, we thought.

103

00:15:49.019 --> 00:15:56.579

Maybe we can actually turn this old or traditional approach on its head. Let's just.

104

00:15:56.579 --> 00:16:00.384

Turn it around, and instead of starting with defense, what,

105

00:16:00.384 --> 00:16:12.474

if we actually insert a step of protecting these natural flood plains and trying to keep them natural so they can continue to mitigate flooding for us and act as a buffer between people.

106

00:16:12.989 --> 00:16:25.824

And flooding, and if that doesn't work, let's make the 2nd step retreating from those very flood prone, and very erosion prone places so that we can re-create those buffers between people and flooding.

107

00:16:25.824 --> 00:16:31.104

And if that doesn't work, okay, let's temporarily, let's figure out ways to temporarily accommodate flood flows.

108

00:16:31.649 --> 00:16:39.929

And it's a very last ditch effort. Let's, let's build some engineered structures as our defensive structures.

109

00:16:42.414 --> 00:16:55.374

Now, we, at the nature Conservancy know, this is a really big shift. This is a very big transition in mindset that will need to happen in order for this hierarchy to flip around next slide. Please.

110

00:16:55.739 --> 00:17:07.409

So, we see there being opportunities for encouraging this transition, um, whether it's through incentives, maybe some grant funds to help pay for these kinds of things, whether it's through States.

111

00:17:07.409 --> 00:17:17.549

Regulations or local laws, or whether it's through planning, maybe a resiliency plan or fully taking advantage of your hazard mitigation plan as examples.

112

00:17:17.549 --> 00:17:28.859

So we got together with Dr Siders and Logan and talked about some options for, um, local governments to really flex their local land use authority.

113

00:17:28.859 --> 00:17:39.389

Um, and there are different options, right? There's zoning overlay districts. Those things may not be interesting to a municipality. So.

114

00:17:39.389 --> 00:17:47.459

So, we decided to explore a particular type of local law called a wetland and watercourse protection law.

115

00:17:47.459 --> 00:17:54.599

And so I'm going to turn it over to Dr Siders and Logan So they can share with you what we've learned about these things so far.

116 "AR Siders" (217501952)

00:17:58.079 --> 00:18:08.909

Thanks, I'm just going to get my camera on here, so I'm going to start the introduction before, passing it over to Logan to talk more about the details. Uh, and thanks for all of that set up there Stevie. So.

117 "AR Siders" (217501952)

00:18:08.909 --> 00:18:18.684

Uh, this is us so we're coming from the University of Delaware, right? Um, as mentioned in the introduction, I'm in various different parts of the school thinking about climate change adaptation.

118 "AR Siders" (217501952)

00:18:18.984 --> 00:18:30.924

Uh, and because of my legal background of particular interest in these ideas, how regulations work, uh, and Logan is also an expert in thinking about, like, how people are investing in this and how they're making decisions about how they're going to

119 "AR Siders" (217501952)

00:18:31.644 --> 00:18:45.744

Make changes to prevent flooding and actually try to prevent these disasters, rather than just recover from them in the aftermath. So, Stevie, you've already mentioned some of these things. Right? But just to

re-emphasize the benefits. Right? And we think about the benefits of wetlands and watercourses.

120 "AR Siders" (217501952)  
00:18:45.744 --> 00:19:00.054

So, water courses being Our sort of general term for rivers streams. There are very particular definitions. We'll get into that in a little bit later. Um, actually, the way you define wetlands and watercourses becomes one of the core elements of trying to regulate these. Right?

121 "AR Siders" (217501952)  
00:19:00.054 --> 00:19:01.104  
How do you decide what

122 "AR Siders" (217501952)  
00:19:01.229 --> 00:19:10.524

Is a protected wetland what is a protected Watercourse? What's the size of the water that has to be protected? But the reasons you'd want to do this are for flood plain protection not only guiding.

123 "AR Siders" (217501952)  
00:19:10.554 --> 00:19:22.524

Uh, how buildings are created, so, not just thinking about building codes, elevations things like that, but also, where they're being built, right? So not building them in areas that are likely to flood because then you don't have to worry about whether or not you've elevated high enough.

124 "AR Siders" (217501952)  
00:19:22.524 --> 00:19:31.164

You just know that it's not in the area that is likely to be flooded so they can guide development quite a lot. And then also all of the ecosystem benefits that you have from a sort of.

125 "AR Siders" (217501952)  
00:19:31.229 --> 00:19:43.044

Healthy ecosystem. The ability to absorb stormwater and run off. Uh, wetlands can actually absorb an extraordinary amount of water and hold it. And the fact that they can hold it and then release it Slowly.

126 "AR Siders" (217501952)  
00:19:43.344 --> 00:19:56.994

It means that you don't get as much of the flash flooding and the sort of erosion that comes from, having heavy rainfall at one time in a torrent. That velocity is important. So, the time over which water is released into watercourses and streams And wetlands is really important.

127 "AR Siders" (217501952)  
00:19:57.024 --> 00:20:01.044

So wetlands can provide an important area there. Uh, and then.

128 "AR Siders" (217501952)  
00:20:01.229 --> 00:20:07.524

About, of course, water quality channeling et cetera and one of the key things we're going to talk about throughout today is buffers.

129 "AR Siders" (217501952)  
00:20:07.554 --> 00:20:21.234

So, not just protecting the wetlands and the water courses themselves, but protecting some of the land around them are protecting an area around the wetland or around the stream. That can actually help protect that ecosystem and protect that benefit.

130 "AR Siders" (217501952)  
00:20:21.564 --> 00:20:24.234

So, as we think about those buffers, we're going to be thinking about that protection.

131 "AR Siders" (217501952)  
00:20:25.614 --> 00:20:36.084

And so, when we think about how to regulate these, we have to think about multiple levels of government. Of course. So we have a national system of governance that thinks about wetlands and water courses. So we have the

132 "AR Siders" (217501952)  
00:20:36.084 --> 00:20:50.544

US Army Corps of engineers, which has authority to think about wetlands or to regulate wetlands and some watercourses under the rivers and harbor appropriations act and under the Clean Water Act. Notably here for anyone who's interested, we can get more into the legalese.

133 "AR Siders" (217501952)  
00:20:50.574 --> 00:20:54.594

Uh, as people are interested in this or not, uh, but I just want to know.

134 "AR Siders" (217501952)  
00:20:54.599 --> 00:21:07.464

That the way the waters of the United States have been defined has been changed over the last few decades uh, specifically it's been narrowed. And so that means that the National ability to regulate these is actually reduced. Uh, so, these areas according to 2 different studies,

135 "AR Siders" (217501952)  
00:21:07.554 --> 00:21:18.624

We've lost protection for 39% of US wetlands and rivers by up to about 25%, uh, by redefining what it means to be a water of the United States under this national assessment. So this national assessment so

136 "AR Siders" (217501952)  
00:21:18.929 --> 00:21:30.534

If we have less national protection, or if national protections are applying to fewer wetlands and fewer watercourses, then, of course, we have to look at state and local regulations. So, on the state level in New York, we have the freshwater wetlands act.

137 "AR Siders" (217501952)  
00:21:30.624 --> 00:21:40.044

There are other acts in New York that focus more on coastal wetlands, but we wanted to focus, particularly on freshwater and inland and that's a division within the legal.

138 "AR Siders" (217501952)  
00:21:41.724 --> 00:21:56.304

Within the legal patchwork quilt that is approaching these areas. So when we look at the freshwater wetlands act, it used to be a 12.4 acres. Like, it had to be fairly large wetland to get protection. That's recently been amended to reduce to 7.4 acres by 2028.

139 "AR Siders" (217501952)  
00:21:56.304 --> 00:22:11.064

so, we'll see more protection for more wetlands that are slightly smaller size and I believe that JR will be speaking about that in the 2nd portion of this talk today. So we'll talk about some of those changes and other changes have been proposed, but have not been adopted. So, there's. proposed but have not been adopted so there's been

140 "AR Siders" (217501952)  
00:22:11.249 --> 00:22:21.174

Several proposals try to reduce that, that threshold size threshold. They could also be wetlands That are of unusual, local significance and that's a bit difficult to determine. Right?

141 "AR Siders" (217501952)  
00:22:21.174 --> 00:22:31.884

What makes a wetland of unusual local significance and so that's a way for communities who have expressed real interest. And to take more action on, we care about this. Well, we want to see it protected. Um, but.

142 "AR Siders" (217501952)  
00:22:32.159 --> 00:22:44.489

According to the US fish wildlife services. This means that it covers only about half of the wetlands that they've mapped in New York. So there's protection, but there's a protection for only about half of them under the state

143 "AR Siders" (217501952)  
00:22:44.514 --> 00:22:53.484

Regulation. similarly, with the protection of waters program, uh, they protect rivers and watercourses that have drinking swimming fishing or other recreational benefits,

144 "AR Siders" (217501952)  
00:22:53.754 --> 00:23:06.744

but this does not cover many different water courses that we might be concerned about for flooding or for other environmental benefits. So this is one reason that we really focused on local governments, uh, for this project right. Is when we see the national and state level.

145 "AR Siders" (217501952)  
00:23:07.164 --> 00:23:19.644

Regulations that they exist, but they have gaps. And this is where municipalities could take a much more a particularly strong role in protecting their local wetlands and protecting, having stronger enforcement mechanisms. Here. Nationally.

146 "AR Siders" (217501952)  
00:23:19.644 --> 00:23:29.934

We see about 5,000 municipalities have adopted wetland and watercourse buffer regulations that, uh, in order to take local control of protecting these areas in New York state we save about 78, uh,

147 "AR Siders" (217501952)  
00:23:29.934 --> 00:23:36.894

communities although that assessment was based on a study from a few years ago and so, it may have increased since then, but that just gives you a

148 "AR Siders" (217501952)  
00:23:37.079 --> 00:23:41.609

The idea of how prevalent some of these local municipality regulations are.

149 "AR Siders" (217501952)  
00:23:42.809 --> 00:23:57.774

So one of the reasons, we really want to think about local buffer protection. Right? So, local municipality regulations could play a huge role in providing flood protection benefits by regulating wetland and water courses. But there's a couple assumptions here. So they could play a major role.

150 "AR Siders" (217501952)  
00:23:58.164 --> 00:24:12.414

If wetland and watercourse buffers overlap with flood plains, why might they not overlap? So we can imagine that we think they should overlap, but you could imagine some areas that are simply low elevation, right? So, when it rains some areas, we would have water pooling in them. And they might not

151 "AR Siders" (217501952)  
00:24:12.809 --> 00:24:18.509

Be related to a wetland or a watercourse, but would still have flooding. So, one of the 1st questions we need is to look at in our.

152 "AR Siders" (217501952)  
00:24:19.404 --> 00:24:28.794

Project was to see how much overlap there is between these buffers between watercourse and regulations in between flood plain to see how much value added this regulation could have on the flood plains.

153 "AR Siders" (217501952)  
00:24:29.784 --> 00:24:44.544

Secondly, this could be really useful if local buffer protections are actually adopted. So, we needed to look at how common is it, right? For



municipalities to adopt these types of regulations and how strong are they and as a lawyer to think about this in two different ways

154 "AR Siders" (217501952)  
00:24:44.544 --> 00:24:48.324

What makes them strong on paper and then our 3rd question, what makes them

155 "AR Siders" (217501952)  
00:24:48.534 --> 00:25:01.884

strong in enforcement, because we all know that there can be laws on the books, but if those laws are not implemented, then that is not playing a significant role in guiding development, or actually providing this. Yes. To Answer your question Trevor. Cool. Thanks for this. for examples.

156 "AR Siders" (217501952)  
00:25:02.154 --> 00:25:15.714

And studies with particularly well crafted wetland regulations. This is exactly what we're going to dive into is 3 examples for towns. That Logan is going to describe that have wetland and watercourse buffers. I believe we're gonna put in the chat also a link to the entire study.

157 "AR Siders" (217501952)  
00:25:15.714 --> 00:25:18.504

So the published study of this also has a

158 "AR Siders" (217501952)  
00:25:18.509 --> 00:25:29.934

Sort of database, at the end that walks through the wetland and watercourse buffers of all the municipalities we could find. And so it has examples there of how they've defined wetlands. How they defined buffers what extent they have those regulations.

159 "AR Siders" (217501952)  
00:25:30.294 --> 00:25:35.454

There are also counties to which we link to several resources in that report that have

160 "AR Siders" (217501952)  
00:25:36.299 --> 00:25:48.119

Draft municipal regulations that could be adopted, uh, that have model ordinances. So there are also model ordinances out there that could be used and customized to this. So we will provide more examples of how the system.

161 "AR Siders" (217501952)  
00:25:48.119 --> 00:26:01.139

So, that's where we're heading anyway. This is the motivation, right? That local municipalities could play a really strong role in protecting these wetlands and water courses, but only if they're actually adopting them if they're strong. And if they're being enforced.

162 "AR Siders" (217501952)  
00:26:01.139 --> 00:26:05.219

And to that Logan I believe this is where I turn it over to, you.

163 "Logan Gerber-Chavez" (3119192064)

00:26:06.959 --> 00:26:10.109

Yeah, sounds good. So.

164 "Logan Gerber-Chavez" (3119192064)

00:26:10.109 --> 00:26:19.434

Okay. So, for an overview of our study, um, we looked first at these 3 counties that are on the map.

165 "Logan Gerber-Chavez" (3119192064)

00:26:19.434 --> 00:26:26.634

So, Dutchess County, Ulster county and Westchester County to see how much that overlap was between where the flood plains are.

166 "Logan Gerber-Chavez" (3119192064)

00:26:26.634 --> 00:26:39.294

And where the wetlands and watercourse buffers are, um, so did that geographic analysis, um, to see how widespread the regulations are. And then what they are on paper, like Siders was saying, so, go to the next slide.

167 "Logan Gerber-Chavez" (3119192064)

00:26:42.869 --> 00:26:47.069

So, 1st, we were looking at that potential for

168 "Logan Gerber-Chavez" (3119192064)

00:26:47.544 --> 00:27:02.124

Hopefully management in the overlap. Um, so, David Richardson from TNC did an amazing spatial analysis for us to look at this overlap between, where the DEC regulations are, where the floodplain is, and where local regulations are.

169 "Logan Gerber-Chavez" (3119192064)

00:27:02.124 --> 00:27:17.004

And we'll talk more about the local regulations in a minute. Um, but this is showing an example of just 1 of the counties we looked at. this is Dutchess County, and we can come to the conclusion here that yes, there is significant overlap that regulating.

170 "Logan Gerber-Chavez" (3119192064)

00:27:17.069 --> 00:27:31.704

The wetlands and watercourse buffers could help with floodplain protection. So you can see for this example that for both, the FEMA 100 year flood plain and the compilation version of 100 year Floodplain. It's about a 40% increase in the amount of flood

171 "Logan Gerber-Chavez" (3119192064)

00:27:31.704 --> 00:27:38.364

Plain That would be covered. If every town in Dutchess county were to implement these types of buffers that's the average

172 "Logan Gerber-Chavez" (3119192064)

00:27:39.924 --> 00:27:40.824  
Next slide please.

173 "Logan Gerber-Chavez" (3119192064)  
00:27:44.304 --> 00:27:56.604  
So, if we were to imagine all of these towns were adopting, um, regulations, like 1 of our example towns that we'll talk about later, but New Paltz in Ulster County,

174 "Logan Gerber-Chavez" (3119192064)  
00:27:56.904 --> 00:28:08.634  
looking at how much additional protection they would gain the New Paltz style regulation allows for 40% more protection in the town of New Paltz itself and then in the other towns in the county anywhere from

175 "Logan Gerber-Chavez" (3119192064)  
00:28:08.639 --> 00:28:11.309  
32% to 77%.

176 "Logan Gerber-Chavez" (3119192064)  
00:28:11.309 --> 00:28:19.889  
And so the average there at 57% is an increase in the amount of flood plain that they could govern with these increased

177 "Logan Gerber-Chavez" (3119192064)  
00:28:19.889 --> 00:28:33.539  
policies, so this is also a conservative estimate, because it doesn't include the unmapped wetlands that might be governed under a local ordinance, like a vernal pool. Um, but you can see how big of an influence these policies could

178 "Logan Gerber-Chavez" (3119192064)  
00:28:33.539 --> 00:28:37.319  
Have on pretty much any jurisdiction next slide.

179 "Logan Gerber-Chavez" (3119192064)  
00:28:39.659 --> 00:28:52.794  
So the 2nd part there, um, like I said, before, is we wanted to see how widespread the adoption of local wetlands and watercourse buffer regulations are, at least on paper. So here are the adoption rates for each of the counties that we looked at.

180 "Logan Gerber-Chavez" (3119192064)  
00:28:53.274 --> 00:29:05.484  
And this is interesting, because it was kind of the opposite of our initial hypothesis, that we thought that the more developed the county, then the less they would have implemented buffers, but you can see that that isn't the case, at least it at first glance.

181 "Logan Gerber-Chavez" (3119192064)  
00:29:05.514 --> 00:29:09.654  
So, you know, more research is needed to be able to know for sure. But it's suggested.

182 "Logan Gerber-Chavez" (3119192064)  
00:29:09.659 --> 00:29:10.379  
I think.

183 "Logan Gerber-Chavez" (3119192064)  
00:29:10.379 --> 00:29:23.604  
That that development pressure is not an inhibiting factor in the adoption, and it might actually help them go through. So, this was a collection of a few of the laws on the books and, like, said, the full table is in the report.

184 "Logan Gerber-Chavez" (3119192064)  
00:29:23.904 --> 00:29:28.794  
Um, but if anyone knows of any changes or different things, then we can update that as well.

185 "Logan Gerber-Chavez" (3119192064)  
00:29:29.039 --> 00:29:33.779  
It's hard to find those policies so, next slide please.

186 "Logan Gerber-Chavez" (3119192064)  
00:29:34.974 --> 00:29:49.134  
So, the 2nd, part of our study, um, was more of the qualitative look. I went to look at 1 town in each of those counties specifically to be able to see in more detail what factors influence their path to getting a local ordinance passed.

187 "Logan Gerber-Chavez" (3119192064)  
00:29:49.404 --> 00:30:00.054  
And then how they're actually implementing them and their perceived effectiveness and what challenges they're having with enforcement. So we did interviews, reviewed those laws and did site visits to look at this.

188 "Logan Gerber-Chavez" (3119192064)  
00:30:00.329 --> 00:30:13.409  
Next slide please. So, these are 3 towns with the more progressive local wetlands regulations. Um, 1, in each of the 3 counties that we've been talking about.

189 "Logan Gerber-Chavez" (3119192064)  
00:30:13.674 --> 00:30:15.564  
To be able to see that role of county as well.

190 "Logan Gerber-Chavez" (3119192064)  
00:30:15.564 --> 00:30:29.514  
So there's New Paltz in Ulster county, East Fishkill in dutchess County, and New castle in Westchester County, and 1 thing we were especially interested in was seeing if development pressure would influence how these policies were implemented.

191 "Logan Gerber-Chavez" (3119192064)  
00:30:29.544 --> 00:30:35.514  
So, we show here the occupancy rates, wealth and population densities and we were using.

192 "Logan Gerber-Chavez" (3119192064)

00:30:35.819 --> 00:30:49.074

Wealth and proximity to New York City is a proxy for development pressure, um, which is just kind of a starting point. It's not, you know, an official measure there, but, uh, then we were trying to keep populations and density similar to be able to compare them across.

193 "Logan Gerber-Chavez" (3119192064)

00:30:49.434 --> 00:31:01.404

So, we're originally expecting there'd be more issues with strict regulations in a place like New castle with higher population density. Um, and we'll talk about the specifics later, but it ended up.

194 "Logan Gerber-Chavez" (3119192064)

00:31:01.709 --> 00:31:04.709

Being the opposite there. next slide please.

195 "Logan Gerber-Chavez" (3119192064)

00:31:06.719 --> 00:31:10.944

So, we use these criteria to evaluate the municipal buffers.

196 "Logan Gerber-Chavez" (3119192064)

00:31:11.064 --> 00:31:24.534

We looked at what the purpose of the ordinance was, how they're identifying the wetlands and watercourses, defining the buffers, what activities they're allowing or prohibiting, how they're reviewing that.

197 "Logan Gerber-Chavez" (3119192064)

00:31:24.534 --> 00:31:28.464

And then how they're enforcing to be able to compare all of these policies.

198 "Logan Gerber-Chavez" (3119192064)

00:31:28.739 --> 00:31:36.239

So, we'll walk through some of these pieces.

199 "Logan Gerber-Chavez" (3119192064)

00:31:36.239 --> 00:31:40.139

in detail in the next few slides.

200 "Logan Gerber-Chavez" (3119192064)

00:31:40.494 --> 00:31:53.214

But here's the overview of the comparison between all these towns, and we can see slightly different definitions of wetlands differences in sizes and the inclusion of intermittent streams and the definition

201 "Logan Gerber-Chavez" (3119192064)

00:31:53.214 --> 00:32:01.224

some of them have fixed size buffers. Others have a sliding scale. And there's some pretty distinct differences in their restrictions and exemptions as well.

202 "Logan Gerber-Chavez" (3119192064)

00:32:01.499 --> 00:32:09.659

Next slide please so talking about the definition of a wetland.

203 "Logan Gerber-Chavez" (3119192064)

00:32:09.659 --> 00:32:15.509

New Paltz relies on the method for identifying wetlands that was set forth.

204 "Logan Gerber-Chavez" (3119192064)

00:32:15.509 --> 00:32:20.759

In 1987 federal wetlands delineation manual.

205 "Logan Gerber-Chavez" (3119192064)

00:32:20.759 --> 00:32:30.719

From the Army Corps of engineers, which requires the presence of all 3 criteria hydrology soil and vegetation to be able to define a wetland.

206 "Logan Gerber-Chavez" (3119192064)

00:32:31.224 --> 00:32:41.364

Whereas New castle and East Fishkill referenced the 1989 manual, which only required to criteria to be sufficient in some of the cases making it more inclusive.

207 "Logan Gerber-Chavez" (3119192064)

00:32:41.634 --> 00:32:51.414

So, this is notable because, uh, the 1989 version that's more inclusive was actually withdrawn by Congress in 1991.

208 "Logan Gerber-Chavez" (3119192064)

00:32:52.254 --> 00:33:01.434

So, federal projects have had to revert to back to the 87 version, but local governments can choose how they want to define their locally managed wetlands.

209 "Logan Gerber-Chavez" (3119192064)

00:33:01.434 --> 00:33:14.814

So, new Paltz's definition is therefore less inclusive than New castle or East Fishkill, but it's aligned with the Army Corps of engineers and with the DEC definition. So it might have more advantages in implementation there.

210 "Logan Gerber-Chavez" (3119192064)

00:33:15.119 --> 00:33:18.299

Um, and.

211 "Logan Gerber-Chavez" (3119192064)

00:33:18.299 --> 00:33:23.399

To be able to just kind of look at whether they line up or not can.

212 "Logan Gerber-Chavez" (3119192064)

00:33:23.399 --> 00:33:29.339

Make big differences in how they're actually enforcing them. Um.

213 "Logan Gerber-Chavez" (3119192064)

00:33:29.339 --> 00:33:37.979

Let me go to the next slide. Please. So, looking at the definition of watercourses.

214 "Logan Gerber-Chavez" (3119192064)

00:33:37.979 --> 00:33:45.689

Um, East Fishkill provides the most comprehensive definition of a watercourse and it's.

215 "Logan Gerber-Chavez" (3119192064)

00:33:45.689 --> 00:33:52.709

Pretty simple regulation saying any identifiable channel through which water flows continuously or intermittently.

216 "Logan Gerber-Chavez" (3119192064)

00:33:52.709 --> 00:33:59.189

So, intermittently is defined for waterbodies as meaning that water must stand or flow.

217 "Logan Gerber-Chavez" (3119192064)

00:33:59.189 --> 00:34:11.399

For, at least 3 months of the year, and New castle defines water bodies and watercourses to include any natural or artificial body or segment of water. So whether that's permanent or intermittent.

218 "Logan Gerber-Chavez" (3119192064)

00:34:11.399 --> 00:34:16.259

So the law doesn't go on to define what the level of intermittent is permitted.

219 "Logan Gerber-Chavez" (3119192064)

00:34:16.259 --> 00:34:25.559

New Paltz is similarly defining water bodies and watercourses to include both those permanent and intermittent flows, but New Paltz

220 "Logan Gerber-Chavez" (3119192064)

00:34:25.559 --> 00:34:36.539

explicitly excludes artificial water channels and waterways that are used for stormwater functions, like drainage ditches from their regulations. So those are not included.

221 "Logan Gerber-Chavez" (3119192064)

00:34:36.539 --> 00:34:46.739

Um, another note here is that these aren't covering ephemeral streams or those that only flow after rainfall. the federal law once protected these.

222 "Logan Gerber-Chavez" (3119192064)

00:34:46.739 --> 00:34:51.929

But doesn't anymore under the updated waters of the U. S. definition

223 "Logan Gerber-Chavez" (3119192064)

00:34:51.929 --> 00:34:59.789

So, possibly the New castle law, the way it's written could regulate ephemeral streams, but it's not

224 "Logan Gerber-Chavez" (3119192064)

00:34:59.789 --> 00:35:09.029

Classified. the new Paltz and fishkill laws both expressly do not cover that. So, this is more of an issue in places that are.

225 "Logan Gerber-Chavez" (3119192064)

00:35:09.029 --> 00:35:13.619

More arid than New York state. So,

226 "Logan Gerber-Chavez" (3119192064)

00:35:13.619 --> 00:35:20.939

It's not necessarily applicable in New York, but it's something to think about when, applying these lessons to other parts of the country.

227 "Logan Gerber-Chavez" (3119192064)

00:35:20.939 --> 00:35:30.779

so this is about the buffer zones in particular.

228 "Logan Gerber-Chavez" (3119192064)

00:35:30.779 --> 00:35:37.949

Good buffer zones are important, because they're, you know, providing all of those benefits that

229 "Logan Gerber-Chavez" (3119192064)

00:35:37.949 --> 00:35:41.789

Siders and Stevie were talking about before, um, but to compare here.

230 "Logan Gerber-Chavez" (3119192064)

00:35:41.789 --> 00:35:56.424

The New York state, freshwater wetlands Act sets 100 foot buffer while the environmental conservation law that's only applied to the larger watercourses, That's a 50 foot buffer. And each of these towns show a variety within that range. So you can see that.

231 "Logan Gerber-Chavez" (3119192064)

00:35:56.424 --> 00:36:04.284

Some of them make smaller buffers for smaller wetlands and East Fishkill has a sliding scale that can be set within those ranges. For each case. case

232 "Logan Gerber-Chavez" (3119192064)

00:36:05.244 --> 00:36:18.624

Also, as a note, we're doing a project in New Jersey right now where the standard is 200 to 300 feet for large rivers. So just to think about that kind of comparison. Um, but to think about these buffer zones.

233 "Logan Gerber-Chavez" (3119192064)

00:36:18.624 --> 00:36:27.324

Um, also the way that buildings or homes are placed can make a big difference on whether these buffers are

234 "Logan Gerber-Chavez" (3119192064)



00:36:27.599 --> 00:36:40.674

Big enough for what they're used for um, for example, if you're facing your backdoor directly to a particular buffer, there's temptation to put things there like a garden or a swing set.

235 "Logan Gerber-Chavez" (3119192064)

00:36:41.004 --> 00:36:51.774

Um, but if it's part of your side yard then, it's less tempting to infringe on that. And we heard about that from several officials and developers that we were interviewing. So, that makes a big difference too.

236 "Logan Gerber-Chavez" (3119192064)

00:36:52.079 --> 00:36:57.839

Next slide please, I'll pass this part off Siders.

237 "AR Siders" (217501952)

00:36:58.194 --> 00:37:08.814

Yeah, send it back to me. So, uh, so, yeah, so once you define what your buffer is around these areas, of course, you have to decide what you're actually going to prevent there. Right? And it's simple to say, you're gonna prevent development.

238 "AR Siders" (217501952)

00:37:09.084 --> 00:37:21.774

A lot of these regulations are actually preventing a larger range of things, including draining wetlands, or draining water from these buffer areas, dredging right. Introduction of pollution altering the water flow. In some way.

239 "AR Siders" (217501952)

00:37:22.074 --> 00:37:27.834

Uh, there were a couple of things that were sort of interesting, including that New Paltz had a determination that was any other.

240 "AR Siders" (217501952)

00:37:27.864 --> 00:37:41.244

Activity determined by the wetlands inspector and the planning board to have the potential for adverse effects. So that opens up a larger range of potentially regulated activities within these buffers. Uh, that could be important. Uh, in New castle.

241 "AR Siders" (217501952)

00:37:41.274 --> 00:37:51.264

It was interesting to note that they had animal grazing. Uh, particularly the animal grazing for horses. Several people have commented on the affluence of Westchester County. Uh, I think it speaks to the idea,

242 "AR Siders" (217501952)

00:37:51.264 --> 00:37:57.654

That they're concerned about the, equestrian recreation in the area, and how that would be affected. So.

243 "AR Siders" (217501952)

00:37:57.839 --> 00:38:09.539

A piece that's in that, um, but then notably with the exemptions, right? So the exemptions are what is not regulated in this area and 1 thing that's interesting is the agricultural exception.

244 "AR Siders" (217501952)

00:38:09.539 --> 00:38:23.124

So, most of the regulations, we looked at had some exception for sort of Pre-existing actions. So, these regulations were primarily aimed at new development, rather than trying to limit what people could do on their property. They've already built there.

245 "AR Siders" (217501952)

00:38:23.364 --> 00:38:34.794

And partly, this seems to be because of the political situation, right? It's easier to get political will to prevent new development than it is to get current residents who have voting power to restrict their actions on their property.

246 "AR Siders" (217501952)

00:38:35.214 --> 00:38:38.904

Uh, so we see the exemptions, but the agricultural exemption is actually a.

247 "AR Siders" (217501952)

00:38:39.539 --> 00:38:52.794

Potentially important 1 and, uh, like good academics, almost all of our results are going to be that we need more research to see. Uh, but this 1 appears to be important sort of. The colorful map on the top is coming from the Cornell University spatial repository.

248 "AR Siders" (217501952)

00:38:53.064 --> 00:39:05.724

And they've mapped out agricultural districts within each of these areas and you'll know if that New castle, for example, does not have agricultural districts with in it. So that's not a problem for them. But for New Paltz and East Fishkill there are agricultural districts.

249 "AR Siders" (217501952)

00:39:05.724 --> 00:39:09.474

And so having an exemption for agricultural activities in.

250 "AR Siders" (217501952)

00:39:09.539 --> 00:39:13.620

Wetland and watercourse buffer areas could actually be potentially.

251 "AR Siders" (217501952)

00:39:13.620 --> 00:39:27.295

Sort of important in terms of how much, you know, activity are you gathering this is also important because it becomes another point of tension between local and state regulation where the State Department of agriculture and markets reviews, whether local laws,

252 "AR Siders" (217501952)

00:39:27.325 --> 00:39:38.845

unnecessarily restrictive, whether they, uh, restrict agricultural activity and 1 of the ways that they look at that is that they look to see if the local laws are significantly more onerous than the state laws.

253 "AR Siders" (217501952)

00:39:39.175 --> 00:39:43.465

So, a local government that is trying to regulate more activities and more.

254 "AR Siders" (217501952)

00:39:43.645 --> 00:39:52.915

Areas than the state in terms of wetlands and watercourse buffers might inherently come up against the sort of unreasonably restrictive designation. We're not sure how prevalent this is.

255 "AR Siders" (217501952)

00:39:52.915 --> 00:40:07.405

But a concern that was noted in several interviews, and it seems to be a potential area, and the notably the Department of agriculture or the department environment does not regulate draining land or wetlands for growing agricultural products.

256 "AR Siders" (217501952)

00:40:07.645 --> 00:40:13.225

So, there's a clear point of tension here between sort of the agricultural protection and the desire to protect wetlands and water.

257 "AR Siders" (217501952)

00:40:13.620 --> 00:40:27.535

1st, so, I think 1 of the areas that we're going to need to see more alignment between local and state level, governance is in reconciling how much we want to protect the wetlands and watercourses. And how much priority should we give to agricultural activities?

258 "AR Siders" (217501952)

00:40:27.865 --> 00:40:42.745

So, that's gonna be an area for more research because that's always the conclusion for academics, but it is an area to think about more like, in what cases is this actually becoming a major concern and, and how much influence is it having on the ability of local governments to enforce these regulations.

259 "Logan Gerber-Chavez" (3119192064)

00:40:46.440 --> 00:40:59.305

Back to you Logan. so talking about the adoption of these policies. for successful adoption of these laws is often requiring, um,

260 "Logan Gerber-Chavez" (3119192064)

00:40:59.395 --> 00:41:04.495

some sort of leadership or a local champion to be able to push the law through or to keep up the momentum.

261 "Logan Gerber-Chavez" (3119192064)

00:41:05.005 --> 00:41:15.145

So there are also some non governmental organizations that have played a role in this by providing scientific expertise or educational outreach support.

262 "Logan Gerber-Chavez" (3119192064)

00:41:15.780 --> 00:41:22.225

Um, and that scientific expertise can ensure that the regulations are actually drawing on the best science.

263 "Logan Gerber-Chavez" (3119192064)

00:41:22.525 --> 00:41:37.285

Um, but at the same time, overly technical regulations can actually complicate the efforts to, um, help people understand the value of the law, whether it's to, you know, the officials or to the residents, and it can make that enforcement more challenging.

264 "Logan Gerber-Chavez" (3119192064)

00:41:37.315 --> 00:41:45.085

So, in most cases, more simple language, um, and in the law is easier to adopt and implement.

265 "Logan Gerber-Chavez" (3119192064)

00:41:45.780 --> 00:41:52.500

Which leads to the role of that environmental education and outreach piece. So it's important to get.

266 "Logan Gerber-Chavez" (3119192064)

00:41:52.500 --> 00:42:05.280

Residents on board, um, and some of these towns have done this by describing the benefits of wetlands and watercourse buffers or by drawing on local values. So.

267 "Logan Gerber-Chavez" (3119192064)

00:42:05.280 --> 00:42:09.810

Those kinds of values could be, you know, flood risk mitigation. Like, we've been talking about.

268 "Logan Gerber-Chavez" (3119192064)

00:42:10.075 --> 00:42:23.605

But also, pollution control, water quality, the recreational opportunities, or even, um, preservation of a habitat for a particularly charismatic animal like this bog turtle that's there.

269 "Logan Gerber-Chavez" (3119192064)

00:42:23.965 --> 00:42:27.865

So they can more connect to the people in that way.

270 "Logan Gerber-Chavez" (3119192064)

00:42:28.140 --> 00:42:39.475

There's also that issue of politics and development so some officials recorded increased resistance to, or or at least decreased enthusiasm for new regulations.

271 "Logan Gerber-Chavez" (3119192064)

00:42:39.475 --> 00:42:44.725

When a town is attempting to adopt several of them at the same time, or in a row.

272 "Logan Gerber-Chavez" (3119192064)

00:42:44.995 --> 00:42:58.045

So, the towns that might be planning to adopt one or more of these tools should strategically consider what their messaging is, and their timing, and maybe think about looking at comprehensive regulations.

273 "Logan Gerber-Chavez" (3119192064)

00:42:58.290 --> 00:43:01.680

That could address multiple goals at the same time.

274 "Logan Gerber-Chavez" (3119192064)

00:43:02.005 --> 00:43:14.065

And we talked about this a little bit earlier too, with outside pressures that can affect how smoothly adopting the laws actually go. Um, and 1 issue with the legal pushback in New Paltz in New castle.

275 "Logan Gerber-Chavez" (3119192064)

00:43:14.395 --> 00:43:24.925

Uh, is that there's no map required for the wetlands now? So it's difficult to outline where those buffers are and help citizens know if their land is included.

276 "Logan Gerber-Chavez" (3119192064)

00:43:25.200 --> 00:43:35.940

Next slide please, uh, and then for implementation and enforcement there are.

277 "Logan Gerber-Chavez" (3119192064)

00:43:35.965 --> 00:43:39.265

Also, a few issues here that we identified, namely these 4,

278 "Logan Gerber-Chavez" (3119192064)

00:43:39.505 --> 00:43:51.505

so a lack of technical expertise in that you need a specific wetlands inspector in order to implement these policies and that requires consistent funding in a pretty substantial way.

279 "Logan Gerber-Chavez" (3119192064)

00:43:51.565 --> 00:44:00.025

Uh, cause you need this person to be qualified to be able to perform those tasks. It's not usually another hat that someone already employed by the city can wear. So, um.

280 "Logan Gerber-Chavez" (3119192064)

00:44:00.330 --> 00:44:12.420

Most of the people that we were talking to were also only able to enforce the laws for new development because of the permitting process. But for permitting.

281 "Logan Gerber-Chavez" (3119192064)

00:44:12.420 --> 00:44:19.800

There are issues with consistency and how the board is going to decide for these things to be implemented. And also just them.

282 "Logan Gerber-Chavez" (3119192064)

00:44:19.800 --> 00:44:34.110

Only being able to prevent, you know, their foreseeable violations, and not necessarily all of the violations. And, um, on that note, in addressing violations, when they happen, there's also an issue in identifying them. And then when they are identified.

283 "Logan Gerber-Chavez" (3119192064)

00:44:34.110 --> 00:44:40.170

It's about how to go about it so, the main tool there is having a stop work order.

284 "Logan Gerber-Chavez" (3119192064)

00:44:40.170 --> 00:44:50.815

Which is helpful, because it can be expensive for a company or an individual, and it makes them pay attention but it only works if they're still in the process of violating. So it's not effective if

285 "Logan Gerber-Chavez" (3119192064)

00:44:50.815 --> 00:45:03.745

They've already completed the project and at the same time wetlands restorations to try to fix something are generally more negatively impacting the wetland than just leaving it alone after somebody's already messed with it. Um.

286 "Logan Gerber-Chavez" (3119192064)

00:45:04.050 --> 00:45:10.920

So that's also a problem and then taking people to court for violations. Um, they're.

287 "Logan Gerber-Chavez" (3119192064)

00:45:10.920 --> 00:45:25.855

These policies are often not enforced because the judicial system is more expensive and the municipality might not have money to pay for that. And the fees that might come out of it don't end up justifying the whole process, which is often time consuming. And, um.

288 "Logan Gerber-Chavez" (3119192064)

00:45:26.130 --> 00:45:34.465

Especially when if the regulation is enforced, the judges can make the consequence more of like a slap on the risk than an actual consequence.

289 "Logan Gerber-Chavez" (3119192064)

00:45:34.645 --> 00:45:44.875

So the last issue there is in educating residents and, um, a lot of those issues in adopting and enforcing these laws came from misunderstandings by residents.

290 "Logan Gerber-Chavez" (3119192064)

00:45:45.300 --> 00:45:53.640

Um, so, education piece is really crucial to have people understand and not oppose them for a reason that wasn't even applicable in the 1st place.

291 "Logan Gerber-Chavez" (3119192064)

00:45:53.640 --> 00:46:01.590

And then the next slide please. So, um.

292 "Logan Gerber-Chavez" (3119192064)

00:46:01.590 --> 00:46:11.425

In conclusion, just like, kind of an overview of what we found in the study is that the wetlands and watercourse policies do have a huge potential to help with flood plain management.

293 "Logan Gerber-Chavez" (3119192064)

00:46:11.815 --> 00:46:24.775

Uh, but they require planning and political strategy to be able to get them through with the right messaging and structure for the wording of the law. But also for the perception that allows that, uh, public support, and the ability to be able to implement it later.

294 "Logan Gerber-Chavez" (3119192064)

00:46:25.255 --> 00:46:28.945

So, for these policies, the simpler, the better clear.

295 "Logan Gerber-Chavez" (3119192064)

00:46:29.250 --> 00:46:39.780

Clearer interpretations of the laws, um, allows for better education of residents, less misunderstandings where they might feel threatened and no longer support it.

296 "Logan Gerber-Chavez" (3119192064)

00:46:39.780 --> 00:46:54.390

Um, and then enforcement is the big focus, because it doesn't matter if you pass a law that's never enforced. So, these policies need to include that structure to be able to maintain it and enforce it with budgets and mechanisms for inspections and punitive measures.

297 "Logan Gerber-Chavez" (3119192064)

00:46:54.390 --> 00:47:02.700

Um, with that specific focus on current development and expansions, and not just future development, especially in the areas that are already.

298 "Logan Gerber-Chavez" (3119192064)

00:47:02.700 --> 00:47:10.320

Largely developed, so all of these things together, hopefully we can be able to improve them and it was really great to be able to see.

299 "Logan Gerber-Chavez" (3119192064)

00:47:10.320 --> 00:47:15.390

These example, towns that were already going above and beyond in their policies.

300 "AR Siders" (217501952)  
00:47:19.075 --> 00:47:32.995

Thanks Logan. Uh, I just want to note many people have very specific questions. We're happy to discuss, uh, in Q and a but I also do want to, you know, if you're looking for particular, how did this regulation word something or what? Exactly. Where the finding levels or? Exactly. How was this implemented?

301 "AR Siders" (217501952)  
00:47:33.385 --> 00:47:43.315

Uh, I hate to always just refer you to the report, but the report does have more details and it does have a table at the end where we've actually pulled out that language from many of these regulations.

302 "AR Siders" (217501952)  
00:47:43.315 --> 00:47:48.895

So that you can, you can compare the exact amounts that they're using to fine people or their exact mechanism for.

303 "AR Siders" (217501952)  
00:47:48.990 --> 00:47:53.460

Which board assesses those violations, things like that. So, those mechanisms are important.

304 "AR Siders" (217501952)  
00:47:54.690 --> 00:48:01.410

Thanks Ingrid. Is there anything else you'd like us to cover before we open it up for Q and a discussion.

305  
00:48:02.430 --> 00:48:13.110

No, thanks. That was wonderful, but I think I'd like to jump right into Q and a, there's been a lot of questions coming in and you can also.

306  
00:48:13.110 --> 00:48:18.900

Answer some of them afterward directly through the Q and a box. Um.

307  
00:48:18.900 --> 00:48:33.510

So, there was, you know, I think 1 of the major issues, people or community members have come up against and trying to enact these types of regulations is the political will and push back from private property owners. Um.

308  
00:48:33.510 --> 00:48:48.175

And there was a question, I thought, that was relevant to this, which was asking, whether it would be considered arbitrary to regulate developers differently than existing homeowners on activities in regulated areas. I think there is more political will to regulate new development.

309  
00:48:48.175 --> 00:48:59.335



And not the existing community members, but is that legally sound you kind of talk to some of the ways these regulations may address existing development versus new permitting.

310 "AR Siders" (217501952)  
00:49:00.565 --> 00:49:13.045

Yeah, and this is where I have to give the disclaimer, I should have given at the beginning that although I have a JD I'm not a practicing attorney in New York and so nothing I say, can be taken as legal advice. And you just seek advice from, you know, an actual land use attorney in New York.

311 "AR Siders" (217501952)  
00:49:13.825 --> 00:49:17.065

So, with that disclaimer, we did see a.

312 "AR Siders" (217501952)  
00:49:17.490 --> 00:49:30.745

A big difference in the way most of these regulations were written in a way that was designed to address new development and both that means new development is in, like, you know, new subdivisions, new housing going in completely.

313 "AR Siders" (217501952)  
00:49:31.165 --> 00:49:38.125

Uh, but also potentially, you know, putting in a new garage, uh, depending on, depending on the town, putting in a new garage, or a new swimming pool, or a new tennis court.

314 "AR Siders" (217501952)  
00:49:38.455 --> 00:49:47.395

Uh, but, you know, putting in these types of new buildings, and there was a lot more pushback, we actually looked at the meeting minutes for some of these towns when these regulations were being adopted. And the news

315 "AR Siders" (217501952)  
00:49:47.490 --> 00:49:52.170

Paper articles that we're covering this, uh, and the comments from the community members were very

316 "AR Siders" (217501952)  
00:49:52.170 --> 00:50:02.155

Concerned about their ability to use their land as they saw fit, or they wanted to be able to garden. They wanted to be able to put in a shed that they wanted. They want to be able to, you know, put a swing set in the back yard.

317 "AR Siders" (217501952)  
00:50:02.395 --> 00:50:10.705

Uh, they were worried about bugs and things like that, or worried about invasive species they want to be able to do whatever they want on their property and they felt that that was their right.

318 "AR Siders" (217501952)

00:50:10.945 --> 00:50:17.425

Uh, they were far less concerned about the regulations that would prevent new development in sort of the subdivision area.

319 "AR Siders" (217501952)

00:50:18.535 --> 00:50:28.495

Now, that said, uh, it does seem to be the case and this is an area for a whole new project that we're looking at. But it does seem to be the case that the litigation risk seems to come more from the developers.

320 "AR Siders" (217501952)

00:50:28.735 --> 00:50:41.215

Uh, so if they're not able to develop a whole lot of new things, those people might be more likely to pursue actual litigation and, you know, not just try to block adoption of these, but actually pursue afterwards. And I think some of that comes down to resources. Right?

321 "AR Siders" (217501952)

00:50:41.215 --> 00:50:47.845

Who has the time and money to pursue a costly court case after this. So, there is a big divide I think between that.

322 "AR Siders" (217501952)

00:50:47.965 --> 00:50:58.375

New development and new infrastructure this also goes to 1 of the questions that was asked about tax revenue and how it's affecting the property tax base. Right? And people did not seem to be concerned and we haven't done a quantitative analysis to back this up.

323 "AR Siders" (217501952)

00:50:58.375 --> 00:51:10.165

But we did not hear concern from the people we interviewed about these regulations affecting the property values of existing homes. We heard a lot about how it would prevent new development and therefore prevent new sources of revenue.

324 "AR Siders" (217501952)

00:51:10.585 --> 00:51:17.845

Uh, and so there was a difference between no one seemed to be concerned that this would shrink their existing property tax revenue base. They were concerned that it would prevent the growth in new.

325 "AR Siders" (217501952)

00:51:17.940 --> 00:51:20.970

Areas of it. So I think that's an important distinction as well.

326 "AR Siders" (217501952)

00:51:20.970 --> 00:51:28.950

Whether or not, this is legally justified. Uh, I will defer to someone who is barred in New York. Yeah.

327

00:51:28.950 --> 00:51:41.880

And, correct me if I'm wrong, I'm not sure if you recall this detail I think that the new Paltz SEQRA process may have included a fiscal analysis that looked at tax revenue implications.

328

00:51:41.880 --> 00:51:47.730

Maybe. Well, I don't recall this detail.

329 "AR Siders" (217501952)

00:51:48.780 --> 00:51:50.035

I don't remember.

330 "AR Siders" (217501952)

00:51:50.065 --> 00:52:04.225

Okay, I'm not sure. I will say that in terms of the fiscal, uh, like so, one of the reasons we were surprised, right that Westchester had far more widespread adoption of this type of law is because we were, we thought that the.

331 "AR Siders" (217501952)

00:52:04.500 --> 00:52:18.445

The greater wealth would create a greater pushback against this, but actually, they had one of the oldest wetland and watercourse buffer regulations. It was adopted back in the seventies and so, even before they were sort of fully developed, right?

332 "AR Siders" (217501952)

00:52:18.475 --> 00:52:20.875

They'd adopted this and I think in some ways, because.

333 "AR Siders" (217501952)

00:52:21.775 --> 00:52:35.815

I don't know, I can't necessarily ascribe this to them, but it seems to be that perhaps they were also interested in maintaining large parcels. Right? And so, by maintaining large parcels, they also maintained in some ways, the, the expensiveness of some of those properties right?

334 "AR Siders" (217501952)

00:52:35.815 --> 00:52:40.165

Because they weren't being divided up into smaller subdivisions. They were maintaining as large.

335 "AR Siders" (217501952)

00:52:40.855 --> 00:52:43.915

Large 1, single parcels. Yeah.

336

00:52:44.305 --> 00:52:58.375

Um, I'm I'll note there are a bunch of questions asking about resources for communities that, um, want to develop these types of regulations or financial incentives through New York state for towns to implement new policies. Um.

337

00:52:58.740 --> 00:53:10.470

Uh, we will share links to a variety of resources and follow up to the webinar, including the study itself. Uh, Christine has shared the link through the chat box. Um.

338

00:53:10.470 --> 00:53:17.365

I am not aware of direct grant programs for developing these types of laws.

339

00:53:17.395 --> 00:53:26.724

Although I think that in the Hudson Valley, the Greenway grant program, um, could be used to help fund development of a wetland and watercourse law.

340

00:53:27.240 --> 00:53:39.930

And, uh, I'm also not familiar with direct technical assistants available from the state although, you know, some general technical assistance is available through the Department of state, local government training program. Um.

341

00:53:40.225 --> 00:53:45.025

So I just wanted to note, that we found that model ordinances were incorrect, seem to be incredibly important.

342 "AR Siders" (217501952)

00:53:45.295 --> 00:53:55.825

Uh, so we'll say that the, having a county level model ordinance could be a great way to encourage local communities within that county, and even within other country counties, right?

343 "AR Siders" (217501952)

00:53:55.855 --> 00:54:09.925

We saw that, uh, East Fishkill adopted using a model ordinance from Westchester. Right? So, even these model ordinances can cross boundaries, but I think that helps a lot not having to start, uh, you know, completely reinvent the wheel, but start from someplace. And also.

344 "AR Siders" (217501952)

00:54:09.930 --> 00:54:24.415

We're looking, if anyone's looking to try to improve the quality of new regulations are going forward, which include vernal pools, et cetera, then, I think modifying those model ordinances would be very important. Because it does seem that a lot of these jurisdictions are adopting model ordinances, fairly whole cloth.

345 "AR Siders" (217501952)

00:54:24.445 --> 00:54:36.175

Like, they're, they're taking 90% or more of that model language and just adopting it 1 of the questions that we didn't get to dig into. And will

be interesting is like, are towns that just adopt a model ordinance, entirely, then still enforcing it right?

346 "AR Siders" (217501952)  
00:54:36.205 --> 00:54:39.865

Because it might demonstrate less investment because they haven't gone

347 "AR Siders" (217501952)  
00:54:39.930 --> 00:54:41.910

Through The process of really thinking.

348 "AR Siders" (217501952)  
00:54:41.910 --> 00:54:51.510

In depth about what they want, they've just taken the whole thing. So I think there's still a potential weakness there, but model ordinances seem like a really important way to help support local governments.

349  
00:54:52.315 --> 00:55:04.705

Definitely, I think we'll just take 1 more question, although I hope, hopefully you can continue to answer a couple of these through the Q a box, and we will share the contact information for all the presenters as well. So you can follow up with your questions.

350  
00:55:04.705 --> 00:55:19.645

I know we're only able to answer a few of them right now, but there was a question about a really hot topic right now, solar development, whether anyone can speak to how solar installations have been regulated, or accommodated through these laws.

351 "AR Siders" (217501952)  
00:55:22.140 --> 00:55:27.300

I don't think we came across any examples of solar Logan. Do you recall any.

352 "AR Siders" (217501952)  
00:55:27.300 --> 00:55:35.340

Yeah, I don't know if you're still, uh, if you have any examples of this, but we didn't examples we saw for. This were all, um.

353 "AR Siders" (217501952)  
00:55:36.505 --> 00:55:47.665

We're far more about things, like wanting to expand a driveway or build a shed, put a garage in. I mean, I joke, but it is like tennis courts, swimming pools, um, gardening, swing sets, things like that.

354 "AR Siders" (217501952)  
00:55:47.665 --> 00:55:58.795

Like, those are all as we went through some of these violations and these meeting minutes like, those were the kinds of things that kept coming up where these very structural things. Occasionally it was issues about, um, the use of, uh.

355 "AR Siders" (217501952)

00:55:59.130 --> 00:56:09.300

Use of pesticides or other chemicals in these areas, but so we didn't, I don't know. Yeah, I wish I had a better answer for that, but it didn't come up in any of the, the violations that we noted.

356

00:56:10.650 --> 00:56:15.450

Thanks, um, any other final notes login.

357

00:56:16.920 --> 00:56:29.545

Well, thank you, thank you very much for this presentation. We will also be sharing the slides from the presentation and a reminder that the recording will be posted and will notify you when that up. So, thank you again.

358

00:56:30.265 --> 00:56:32.875

I'm going to go ahead now and.

359

00:56:33.150 --> 00:56:38.460

Pass the controls over to JR.

360

00:56:40.290 --> 00:56:43.590

And while he's putting up his presentation, I will

361

00:56:43.590 --> 00:56:50.185

Briefly, introduce him. J. R. Jacobson has worked for the New York State Department of Environmental Conservation for more than 30 years.

362

00:56:50.395 --> 00:57:05.275

Currently, he's the head of the habitat protection section and oversees statewide administration of the freshwater wetlands, aquatic habitat protection, instream flow, renewable energy, and stream electric programs but more importantly, as he would let,

363

00:57:05.275 --> 00:57:09.775

you know, he has a wonderful life and 2 great kids who tolerate him mostly.

364 "Roy Jacobson" (3423875584)

00:57:12.985 --> 00:57:25.045

Thanks JR. Uh, Hello everybody, uh, thanks for the opportunity to chat here. I, you know, Ingrid said that I've been working here for a long, long time and that's true. I started actually doing freshwater wetlands work.

365 "Roy Jacobson" (3423875584)

00:57:25.350 --> 00:57:30.810  
In 1988 when I was 2 years old.

366 "Roy Jacobson" (3423875584)  
00:57:30.810 --> 00:57:38.190  
That was the 1st and only joke that we have here. Um, I'm sharing my slides now. Hopefully Ingrid Can you see those.

367 "Roy Jacobson" (3423875584)  
00:57:38.190 --> 00:57:47.670  
Not yet, it's a blank screen. No, we're not seeing them yet. Because I forgot the share button again. We practiced this and I still messed that up. Sorry about that.

368 "Roy Jacobson" (3423875584)  
00:57:47.670 --> 00:57:51.540  
That's, um, so, you know.

369 "Roy Jacobson" (3423875584)  
00:57:51.540 --> 00:57:56.880  
I, I'm, I've been doing this for a while and like I said, it.

370 "Roy Jacobson" (3423875584)  
00:57:56.880 --> 00:58:09.445  
What comes to mind is an old Frank Sinatra song. So, for the folks here on the large group of folks here, who know Frank Sinatra, he has a song that I'd sing for you, but I really can't, um, that deals with the young at heart.

371 "Roy Jacobson" (3423875584)  
00:58:09.445 --> 00:58:21.835  
And the 1st, line of this is, I think, very telling for this project at least for me, is fairy tales can come True. It can happen to you. And the next line is if you're young at heart. But I would say it's really if you work as a team.

372 "Roy Jacobson" (3423875584)  
00:58:21.835 --> 00:58:26.875  
So, the story I'd like to tell today is really about an effort that has

373 "Roy Jacobson" (3423875584)  
00:58:26.880 --> 00:58:34.680  
Taken years and years decades with a whole bunch of people pushing in the same direction. So, you know, instead of changes to wetlands.

374 "Roy Jacobson" (3423875584)  
00:58:34.680 --> 00:58:38.310  
Policy it's, it's really fairy tales can come true. So.

375 "Roy Jacobson" (3423875584)  
00:58:38.310 --> 00:58:41.400  
Changes to the freshwater wetlands act. Um.

376 "Roy Jacobson" (3423875584)

00:58:42.205 --> 00:58:56.845

Siders Sort of mentioned the idea that that we've had some sweeping changes here. I'm gonna talk a little bit about the regulatory story. Tell the story of how we got to where we are today. Some key provisions in that new legislation, and then, you know, plot out the path forward. Um.

377 "Roy Jacobson" (3423875584)

00:58:57.150 --> 00:59:05.580

So, for folks who don't know this may come as a big shock, but our New York state, freshwater wetland maps stink.

378 "Roy Jacobson" (3423875584)

00:59:05.580 --> 00:59:15.990

I've been working on this since, like I said, 1988, and they haven't gotten much better. And so we've been trying for years to work on this.

379 "Roy Jacobson" (3423875584)

00:59:15.990 --> 00:59:25.290

To give us a kind of scale on the amount of problem. Folks may have heard me talk about this before, but we estimate that we need about a 1 Million acres of wetlands.

380 "Roy Jacobson" (3423875584)

00:59:25.290 --> 00:59:30.780

To just add to the maps to make that 12.4 acre threshold. That's in the statute.

381 "Roy Jacobson" (3423875584)

00:59:30.780 --> 00:59:41.130

For context we have about 1.2 Million acres on the maps currently. So we've recognized for a very long time that there's a problem here with with the maps.

382 "Roy Jacobson" (3423875584)

00:59:41.755 --> 00:59:55.165

So, a little bit of memories okay, I'll walk quickly through some history here. 1975 the freshwater wetlands act came into existence. The legislature passed it. 1984. that was the 1st set of maps, final maps that we promulgated in New York state.

383 "Roy Jacobson" (3423875584)

00:59:55.195 --> 00:59:58.165

final maps that we promulgated in new york state

384 "Roy Jacobson" (3423875584)

00:59:58.890 --> 01:00:04.020

1992 was the time where we did our 1st map amendment

385 "Roy Jacobson" (3423875584)

01:00:04.255 --> 01:00:14.785

1995 was our last set of map promulgations and that was in Queens. So it took 75 to 95 to get the maps and we already recognized that we had some issues with the maps. in 2007



386 "Roy Jacobson" (3423875584)

01:00:14.785 --> 01:00:24.595

we recognized that there were so many problems with the maps that we weren't going to be able to do it individually and we needed to take a watershed approach. So we got some money from EPA to start doing some mapping work.

387 "Roy Jacobson" (3423875584)

01:00:24.595 --> 01:00:33.355

And so we did some technical work on trying to draft some maps in a few key watersheds

388 "Roy Jacobson" (3423875584)

01:00:33.630 --> 01:00:40.710

In 2013, we had what I thought was going to be a important change. the

389 "Roy Jacobson" (3423875584)

01:00:40.710 --> 01:00:50.395

2100 commission report came out from the governor's office and, and this was in the heels of Irene and Lee and Sandy there was a lot of push. Wetlands were very important in that in that document.

390 "Roy Jacobson" (3423875584)

01:00:50.515 --> 01:01:01.255

It was mentioned that the maps are woefully outdated and they need to be improved so we were thinking, oh, this was gotta be the political push to kind of move it. Well, 2018.

391 "Roy Jacobson" (3423875584)

01:01:01.255 --> 01:01:08.605

um, we had another thing in the state of the state, New York state. You know, the governor's state of the state. the governor's state of the state

392 "Roy Jacobson" (3423875584)

01:01:08.880 --> 01:01:13.050

You know, briefing book, there is 1 clause in there that said the maps needed to be changed.

393 "Roy Jacobson" (3423875584)

01:01:15.295 --> 01:01:29.185

You know, I quote Jefferson's Smith that your fight harder for the lost causes, then, for any others, for those of, you who know Jefferson Smith you'll come as no surprise that I'm a big fan. for those you don't know there's a 1939 movie Mr. Smith goes to Washington.

394 "Roy Jacobson" (3423875584)

01:01:29.185 --> 01:01:41.725

It's probably my favorite movie. Jefferson Smith was the protagonist in there where he was fighting the good fight and trying to protect the world from various things. And so. from various things and so

395 "Roy Jacobson" (3423875584)

01:01:43.765 --> 01:01:55.135

Telling to me, that keep working keep fighting hard. and in 2019, as part of the state executive budget, the article 7 legislation that implements, that helps to implement the budget in the TED area,

396 "Roy Jacobson" (3423875584)

01:01:55.135 --> 01:02:02.875

which is the transportation economic development and environmental conservation portion of the article 7 legislation, there was a piece.

397 "Roy Jacobson" (3423875584)

01:02:03.925 --> 01:02:17.815

Part J. Part J was really just to make map amendments cheaper. The process to amend the Maps is incredibly complicated, requires, you know, notification, via certified mail to every land owner, a lot of public notifications and some of that's good.

398 "Roy Jacobson" (3423875584)

01:02:17.815 --> 01:02:31.855

But it's critically expensive. So the idea was that we would, we would make it cheaper so that we could move these maps. But in the final analysis part J was intentionally omitted for those who don't cover or follow the article 7 bills.

399 "Roy Jacobson" (3423875584)

01:02:31.855 --> 01:02:32.845

This is a nice way.

400 "Roy Jacobson" (3423875584)

01:02:33.180 --> 01:02:44.430

Saying sorry, we thought about doing this in the budget, but we decided not to. No, I'm sorry. No. Did you see no state which we tried to do it? But we didn't just this bureaucratic sort of language.

401 "Roy Jacobson" (3423875584)

01:02:44.430 --> 01:02:47.730

But I have to channel my inner Yoda.

402 "Roy Jacobson" (3423875584)

01:02:47.730 --> 01:02:54.030

In 2020, we had another proposal this time it was in governor's proposal too. This was part T. T.

403 "Roy Jacobson" (3423875584)

01:02:54.030 --> 01:03:06.240

Now part T, T, we were hoping with a different name would have a different mojo, but here was a, a total change in in what we were doing. It wasn't just designed to make it cheaper. It was really designed to

404 "Roy Jacobson" (3423875584)

01:03:06.240 --> 01:03:18.295

To change the link between those maps that need all this updating and the regulations so that we would break the link between those maps being regulatory maps to those maps just being educational, much

405 "Roy Jacobson" (3423875584)

01:03:18.295 --> 01:03:22.105

The same as what happens with the Army Corps of engineers and their national wetlands inventory.

406 "Roy Jacobson" (3423875584)

01:03:23.520 --> 01:03:31.230

IN 2020, the pandemic was coming, uh, Part TT we thought would have better Mojo, but it didn't, um.

407 "Roy Jacobson" (3423875584)

01:03:31.230 --> 01:03:42.690

So, it was intentionally omitted again. 2021 this time the governor's office didn't didn't go into it with the, with the budget.

408 "Roy Jacobson" (3423875584)

01:03:43.315 --> 01:03:58.285

Um, but the Senate did, and the Senate really kept true with this, make maps, educational, not regulatory. They added some things after talking to various stakeholders and moved that forward and they actually passed the Senate.

409 "Roy Jacobson" (3423875584)

01:03:58.560 --> 01:04:06.420

Okay, it didn't pass the assembly so it died in the Senate, but it did move it and we kept progressing a little bit here.

410 "Roy Jacobson" (3423875584)

01:04:06.420 --> 01:04:19.980

So, Yoda again. And in 2022 this year, the governor did propose as part of the TED bill again part QQ. So now we've got another name, won't give anything away, but the Mojo was better with part QQ.

411 "Roy Jacobson" (3423875584)

01:04:19.980 --> 01:04:26.610

And it was still to make maps educational, not regulatory. There was a bunch of other provisions in there, but that was the key thing.

412 "Roy Jacobson" (3423875584)

01:04:26.610 --> 01:04:29.880

I started off by saying.

413 "Roy Jacobson" (3423875584)

01:04:29.880 --> 01:04:44.695

This work is amazing to me, I'm not by any means in in the legislative affairs office in our agency, but it's phenomenal to me how many hands it took pushing and helping each other to move this.

414 "Roy Jacobson" (3423875584)

01:04:44.905 --> 01:04:58.225

This bill to where we got it. I have a binder this is actually the binder of the article 24 dream. It's really a True collaboration among the governor's office the Senate - Pete Harkham.

415 "Roy Jacobson" (3423875584)

01:04:59.880 --> 01:05:11.515

That's the one of the, the originators of the bill and in the assembly Steve Englebright was a key player in this because he's the chair of the environmental committee. They work together with the environmental groups.

416 "Roy Jacobson" (3423875584)

01:05:11.545 --> 01:05:25.525

Now, there were 90 environmental groups who signed on letters and TNC was 1 of them, but the 2 people who kept pushing and pushing and pushing were Sierra Club and Audubon New York. without them, this would not have moved anywhere either.

417 "Roy Jacobson" (3423875584)

01:05:25.765 --> 01:05:29.845

Of course, folks here at DEC that that worked with me in legislative affairs.

418 "Roy Jacobson" (3423875584)

01:05:29.880 --> 01:05:35.970

And in My division, the Division of fish and wildlife and, and other stakeholders. So, the bill.

419 "Roy Jacobson" (3423875584)

01:05:35.970 --> 01:05:42.030

It passed right and it was signed by the governor. So I did my little happy dance.

420 "Roy Jacobson" (3423875584)

01:05:42.030 --> 01:05:46.380

So, let me talk a little bit about the major provisions of that part QQ.

421 "Roy Jacobson" (3423875584)

01:05:47.940 --> 01:05:51.180

So, in 2025.

422 "Roy Jacobson" (3423875584)

01:05:51.475 --> 01:06:03.865

The maps go away, so the regulatory nature of the maps, the paper maps that many of you may have seen at the local towns, or at the DEC office those will no longer be the regulatory maps.

423 "Roy Jacobson" (3423875584)

01:06:04.165 --> 01:06:17.005

We still are required to do informational maps, but they won't have connection to regulation. So we will have resources. And I'll talk a little bit more about our plans for, for doing informational maps. But that link between regulation.

424 "Roy Jacobson" (3423875584)  
01:06:17.310 --> 01:06:21.870  
And the maps is gone. The acreage threshold.

425 "Roy Jacobson" (3423875584)  
01:06:21.870 --> 01:06:25.410  
Siders and I just sort of mentioned the default 12.4 acres that.

426 "Roy Jacobson" (3423875584)  
01:06:25.525 --> 01:06:35.875  
Maintains until 2028, um, so from 2025 to 2028, it's still 12.4 acres, the minimum threshold, but that decreased. And this was part of the negotiation in this bill to go to 7.4 acres in 2028.

427 "Roy Jacobson" (3423875584)  
01:06:35.875 --> 01:06:48.625  
so, it went from 5 hectares because in 75, we were going to go to the metric system to 3 hectares in 2028.

428 "Roy Jacobson" (3423875584)  
01:06:50.340 --> 01:07:03.415  
Smaller wetlands, um, there's provisions in part QQ to regulate smaller wetlands. unlike the previous terms that are in the statute that say, wetlands up unusual local importance.

429 "Roy Jacobson" (3423875584)  
01:07:03.685 --> 01:07:10.885  
We went with unusual importance and it's the same sort of concept, but it's those smaller wetlands regardless of size that have.

430 "Roy Jacobson" (3423875584)  
01:07:11.220 --> 01:07:20.790  
Characteristics and there's 11 characteristics that I'll go through in just a second, um, but the intent here is, uh, unlike the current system that says unusual local importance.

431 "Roy Jacobson" (3423875584)  
01:07:20.790 --> 01:07:25.830  
Whatever that means, we're going to be actually define those 11 criteria.

432 "Roy Jacobson" (3423875584)  
01:07:25.830 --> 01:07:33.450  
And so 1, watershed of significant flooding so the idea was in these watersheds where you have a problem um.

433 "Roy Jacobson" (3423875584)  
01:07:33.450 --> 01:07:39.870  
with flooding, you can you can regulate those smaller wetlands in that that watershed.

434 "Roy Jacobson" (3423875584)  
01:07:39.870 --> 01:07:46.440  
Urban areas makes perfect sense areas where we've already lost a lot of our wetlands. Those are.

435 "Roy Jacobson" (3423875584)

01:07:46.440 --> 01:08:00.145

Special, and they should be protected as such. rare plants so if things that have known for our plants. We also talked about endangered and threatened species. We added, um, species of greatest conservation need. There's some real questions there on how we'll do that.

436 "Roy Jacobson" (3423875584)

01:08:00.355 --> 01:08:01.795

But, um, the idea of.

437 "Roy Jacobson" (3423875584)

01:08:02.250 --> 01:08:09.690

Rare things, we should be, we should be protecting those. class 1 wetlands. We classify our wetlands from 1 to 4, 1 being the highest

438 "Roy Jacobson" (3423875584)

01:08:09.690 --> 01:08:15.990

Benefits, 4 being the, the lower benefits, uh, class 1 wetlands would be would be protected. Um.

439 "Roy Jacobson" (3423875584)

01:08:16.465 --> 01:08:30.775

Previously designated wetlands of unusual, local, importance, uh, I was trying to figure out a way when we were drafting some of this to artfully do this. I didn't come up with something, but our partners came up with a much better way to do that.

440 "Roy Jacobson" (3423875584)

01:08:30.835 --> 01:08:45.595

If we designated it before it still is regulated. productive vernal pools, this was a new piece that was done as part of the negotiation. There's an awful lot of questions there. I'll talk a little bit about that in a minute, but, um, productive vernal pools. Wetlands in flood ways is really.

441 "Roy Jacobson" (3423875584)

01:08:45.990 --> 01:08:47.280

Ties Together with the.

442 "Roy Jacobson" (3423875584)

01:08:47.280 --> 01:08:58.560

Talk you just heard about. we've got wetlands in floodplains and flood ways. They really active part of the channel. So any wetlands in that that area should be protected and would be regardless of size.

443 "Roy Jacobson" (3423875584)

01:08:59.095 --> 01:09:06.714

Previously mapped, um, regional local significance. Here's something that again was added on as part of the negotiations. A good thing.

444 "Roy Jacobson" (3423875584)

01:09:06.985 --> 01:09:21.655

Um, this is where we can actually have some more interaction with our local partners to figure out what, which of those smaller wetlands are so critical that we need to regulate them under article 24. and then number 11 was significant for.

445 "Roy Jacobson" (3423875584)  
01:09:21.655 --> 01:09:22.045  
for

446 "Roy Jacobson" (3423875584)  
01:09:22.320 --> 01:09:29.400  
protecting State's water quality. Um, it, it was really just, uh, because, as Siders said.

447 "Roy Jacobson" (3423875584)  
01:09:29.400 --> 01:09:44.280  
The changes to the waters of the U. S rules have continued to change and who knows what's going to happen as we move forward. This was an avenue in the statute to give some flexibility at the commissioner level to, to address something that's unforeseen at this point.

448 "Roy Jacobson" (3423875584)  
01:09:44.280 --> 01:09:56.610  
Other major provisions, and I'll go through these quickly. There's a 90 day deadline for jurisdictional determinations. we don't have the maps so we're gonna have to make jurisdictional determinations. And we have 90 days to do it.

449 "Roy Jacobson" (3423875584)  
01:09:56.610 --> 01:10:07.410  
Delineations are good. Determination are good for 5 years. Again, We have to do informational maps. Um, and we have to post things on the website. It's all good things.

450 "Roy Jacobson" (3423875584)  
01:10:07.410 --> 01:10:19.770  
Application fees, it's another thing that came up, um, and this I'm very excited about because it puts the fees into the Conservation Fund. I know it's kind of a wonky sort of thing, but for me that puts it into the hands that.

451 "Roy Jacobson" (3423875584)  
01:10:19.770 --> 01:10:30.985  
To be perfectly blunt as the program manager I can use. Uh, previously it went to the Environmental Protection fund, which is wonderful, but it was a tiny amount of money for, and we couldn't use it for the program.

452 "Roy Jacobson" (3423875584)  
01:10:30.985 --> 01:10:37.705  
So, it's going to go in there. for our folks that are on the line from state agencies. There'll be no fees for state agencies, which, um, has.

453 "Roy Jacobson" (3423875584)  
01:10:38.070 --> 01:10:52.555

always created more of a paperwork nightmare than it was worth for the, for the small fees. Here are the fees there they're increased. Um, you know, I call them modest, certainly modest compared to our neighboring states who have much higher fees.

454 "Roy Jacobson" (3423875584)

01:10:52.585 --> 01:10:56.065

Application fees comes nowhere near covering the cost of.

455 "Roy Jacobson" (3423875584)

01:10:56.370 --> 01:11:06.660

Processing applications, but at least it gets us into a situation where we will have some money that we can put back into the program to help, uh, the program and, and, um.

456 "Roy Jacobson" (3423875584)

01:11:06.660 --> 01:11:11.970

To improve the program. Enforcement, there's a few enforcement.

457 "Roy Jacobson" (3423875584)

01:11:11.970 --> 01:11:26.070

Uh, provisions. One is civil penalties will be assessed per day. This is again a little wonky, but, um, in the past, it's just been we could assess simple penalties per violation. Uh, we had some case law that said we could do it by.

458 "Roy Jacobson" (3423875584)

01:11:26.070 --> 01:11:33.295

per truckload of fill, but it amounted to an 11,000 dollar violation for no matter how big or how small it was.

459 "Roy Jacobson" (3423875584)

01:11:33.295 --> 01:11:42.175

This gives us an opportunity for long standing violations and ones to have a little more leverage in in our ability to enforce because it's assessed per day.

460 "Roy Jacobson" (3423875584)

01:11:42.480 --> 01:11:47.550

Um, in the criminal side, we were always limited between.

461 "Roy Jacobson" (3423875584)

01:11:47.550 --> 01:12:01.530

Shooting for fines, or for restoration, but not both. Um, we have the ability to do both now and there was some additional powers for our attorneys to deal with cease and desist orders for really significant violations. So, a few provisions that really helped with our enforcement.

462 "Roy Jacobson" (3423875584)

01:12:02.305 --> 01:12:16.375

So, a path forward, so there's an awful lot of work here. You know, 2025 seems like a long time off, but it is very close when we have to think about the totality of all the things we have to do. So, I've sort of come up with a kind of conceptual plan here.



463 "Roy Jacobson" (3423875584)  
01:12:16.375 --> 01:12:18.955  
So, 1st step is to do outreach.

464 "Roy Jacobson" (3423875584)  
01:12:19.530 --> 01:12:34.525  
These sort of talks are part of that to get folks thinking about this.  
There's also gonna be some initial stakeholder outreach where we will  
talk to particular groups before we put pen to paper for the regulations.  
So, it's an idea. It's a time to say.

465 "Roy Jacobson" (3423875584)  
01:12:34.525 --> 01:12:49.435  
Okay, what are people's concerns? What would you like to see in it? No  
promises in any of this, but the idea that we should be talking to folks  
to see what's been bugging folks over the years and what we can maybe  
potentially do to, to fix those bugaboos. On the technical side.

466 "Roy Jacobson" (3423875584)  
01:12:49.530 --> 01:12:56.220  
This unusual local importance criteria. We have 11 criteria. There's an  
awful lot of work there to figure out. Um.

467 "Roy Jacobson" (3423875584)  
01:12:56.220 --> 01:13:02.215  
What those mean some are easy some are a little tougher. Vernal pools is  
probably the most difficult one. here's the actual wording.

468 "Roy Jacobson" (3423875584)  
01:13:02.215 --> 01:13:15.175  
You know, like I said, productive vernal pools in the previous slide, but  
in the statute, it says, is it a vernal pool that is known to be  
productive for amphibian breeding. so known where it is and here's a  
slide of some known, um,

469 "Roy Jacobson" (3423875584)  
01:13:15.205 --> 01:13:17.605  
sites from work that the

470 "Roy Jacobson" (3423875584)  
01:13:17.940 --> 01:13:28.830  
New York natural heritage Program, and a bunch of partners had put  
together so it needs to be known and it needs to be productive. So we're  
not going to regulate every vernal pool. Cause that would be impossible.  
Um, but.

471 "Roy Jacobson" (3423875584)  
01:13:28.830 --> 01:13:33.780  
We don't currently regulate very many vernal pools now, so we'll be able  
to do something there.

472 "Roy Jacobson" (3423875584)  
01:13:33.780 --> 01:13:43.770

So, beyond that, classification, we're going to have to totally redo the classification system, uh, because it was the old system was based on field

473 "Roy Jacobson" (3423875584)

01:13:43.770 --> 01:13:55.860

inspections of each wetland and we can't do that. We're gonna have 60 days to make a jurisdictional determination. We need to classify that. So it all has to be remote. So it has to be totally redone.

474 "Roy Jacobson" (3423875584)

01:13:55.860 --> 01:14:10.045

I mentioned the informational maps, we have to do informational maps. We've actually, uh, we're working with a Cornell University. We have an, MOU that we're exercising now to start working on, you know, informational maps that will include all wetlands.

475 "Roy Jacobson" (3423875584)

01:14:10.075 --> 01:14:23.515

Not just ones that meet our thresholds or a regulatory criteria. It's all wetlands that can be used for informational purpose, but it can also inform local governments, it can inform, you know, other partners and other folks on, on where wetlands are.

476 "Roy Jacobson" (3423875584)

01:14:23.515 --> 01:14:25.765

So, it'll be the most up to date information that we can get.

477 "Roy Jacobson" (3423875584)

01:14:25.860 --> 01:14:27.210

That will be.

478 "Roy Jacobson" (3423875584)

01:14:27.210 --> 01:14:39.000

Updated, not continuously, but pretty close. um, there's an awful lot of internal work flow that needs to be done. You know, we've got to deal with procedures and all the wonderful bureaucratic things that that.

479 "Roy Jacobson" (3423875584)

01:14:39.000 --> 01:14:51.210

It makes my tail wag, um, as a bureaucrat, but we have to talk about general permitting and other things that, in order to move this, this new set of work and then there's the whole formal

480 "Roy Jacobson" (3423875584)

01:14:51.565 --> 01:15:04.795

Process for rulemaking, which if anyone has ever followed it, it's incredibly complicated and long standing. It takes a long time to do it. And so that that all has to be part of this. timeline here. outreach.

481 "Roy Jacobson" (3423875584)

01:15:04.825 --> 01:15:12.385

You can see the Gantt chart, and you're not really meant to be able to read these things, but it's periodic outreach. We've got unusual importance.

482 "Roy Jacobson" (3423875584)

01:15:12.385 --> 01:15:21.145

We have to do a lot of work and this fall and next spring to kind of get some express terms. Classifications, The same.

483 "Roy Jacobson" (3423875584)

01:15:21.210 --> 01:15:32.635

Same way. mapping. I said that we're, we're working on that now, but that all has to be done before 2025 when the regulations would come in effect and then there's the rule making. You can see that all of these boxes.

484 "Roy Jacobson" (3423875584)

01:15:32.635 --> 01:15:46.075

The gray boxes are more toward the one end, which puts it about mid-2023 because it takes a long time to get through the formal rulemaking process so that we can have public commenting and interaction there.

485 "Roy Jacobson" (3423875584)

01:15:46.350 --> 01:15:50.430

So opportunities to help, um.

486 "Roy Jacobson" (3423875584)

01:15:50.430 --> 01:16:00.810

Thoughts and concerns, I have my email address here if you have thoughts concerns, please email me.

487 "Roy Jacobson" (3423875584)

01:16:00.810 --> 01:16:04.590

It'll get into the system. you know, a

488 "Roy Jacobson" (3423875584)

01:16:04.590 --> 01:16:16.560

Number of us are going to be working on this, but please if if you've thought about this for a while, or you have concerns about what might go into these, these new set of regulations, send me an email.

489 "Roy Jacobson" (3423875584)

01:16:16.560 --> 01:16:25.980

Um, and thank you, I'm jazzed as I usually am, but I'm particularly jazzed about this. And so that I'm not looking at myself.

490 "Roy Jacobson" (3423875584)

01:16:25.980 --> 01:16:29.100

For a while there is the contact information.

491 "Roy Jacobson" (3423875584)

01:16:32.190 --> 01:16:38.880

So, any questions I'm here, I'm, I'm listening and I hopefully will be able to answer at least some questions.

492

01:16:40.620 --> 01:16:48.390

Yeah, this is as many others are saying this is exciting. Thank you. There are lots of questions so I'll.

493

01:16:48.390 --> 01:16:53.970

I guess, um, start, you know, I think there's some confusion around.

494

01:16:53.970 --> 01:17:04.950

The maps becoming educational and, uh, understanding the jurisdictional determination process, which maps will be used, or remote sensing data.

495

01:17:04.950 --> 01:17:08.790

Can you elaborate a little bit further?

496

01:17:08.790 --> 01:17:15.480

On that. You know, folks have been relying on the old maps to determine whether permits are needed.

497 "Roy Jacobson" (3423875584)

01:17:15.480 --> 01:17:22.110

Yeah, it's a good question and one that's been not keeping me up at night, but it's been a question from the beginning. If we.

498 "Roy Jacobson" (3423875584)

01:17:22.375 --> 01:17:35.335

Break that link between the maps and the regulations on one hand we're not constrained by the maps. So, for these wetlands that continue on from the map wetland if we regulate it. There won't be any question of where does that end?

499 "Roy Jacobson" (3423875584)

01:17:35.935 --> 01:17:46.255

Um, on the other hand, how will someone know? Um, and, you know, the definitive answer will be to contact the department much the same as it kind of works with the Army Corps of engineers.

500 "Roy Jacobson" (3423875584)

01:17:46.255 --> 01:17:52.105

Now, um, the, the educational Maps will help for folks that don't have immediate.

501 "Roy Jacobson" (3423875584)

01:17:52.110 --> 01:18:00.300

Plans they're just trying to figure out well, jeez, you know, what are we talking about here? It won't be determinative. So it won't be the actual.

502 "Roy Jacobson" (3423875584)

01:18:00.300 --> 01:18:07.435

You know, final answer, but folks will then have to contact the department to have, uh, a definitive answer.

503 "Roy Jacobson" (3423875584)

01:18:07.795 --> 01:18:17.095

And as part of the budgetary process, we were able to hire, and we're doing it right now we're hiring 3 biologists to then their job will.

504 "Roy Jacobson" (3423875584)

01:18:17.665 --> 01:18:27.985

In 2025 be to answer these questions and to give jurisdictional determinations. We have that limited time window. That's 60 days. But we'll have dedicated people who are there just to do that work.

505 "Roy Jacobson" (3423875584)

01:18:27.985 --> 01:18:33.295

Um, and to move these things through quickly and to give a definitive answer.

506 "Roy Jacobson" (3423875584)

01:18:33.325 --> 01:18:46.975

When it's asked, so yeah, but the details beyond that, there's a lot to work out, you know, we have some time, but so the protocols will eventually figure out. will eventually figure out

507 "Roy Jacobson" (3423875584)

01:18:47.370 --> 01:18:48.420

Um, but.

508 "Roy Jacobson" (3423875584)

01:18:48.420 --> 01:18:54.570

Yeah, I get the me too. So, um, so.

509

01:18:54.570 --> 01:18:57.930

There is a question about, um.

510

01:18:57.930 --> 01:19:06.450

Whether this elimination of the jurisdictional Maps also applies to the Adirondack park on the same schedule.

511 "Roy Jacobson" (3423875584)

01:19:06.925 --> 01:19:20.935

Excellent question. I should have and I'll update my presentation as I do this. This does not involve the Adirondack park at all. The APA has their normal rules. Anything in the park is dictated by their normal set of rules.

512 "Roy Jacobson" (3423875584)

01:19:20.935 --> 01:19:23.185

The regulations that we're going to be changing.

513 "Roy Jacobson" (3423875584)

01:19:23.490 --> 01:19:37.260

Are really outside the Adirondack park. Um, and so, yeah, I should've stated. It's an excellent question. So Nope. Don't worry if you're in the park Nothing's changing. If you're outside the park. Now, we've got stuff to talk about.

514

01:19:37.260 --> 01:19:51.930

And back to the maps, I understand it's probably very early in the process. Um, but can you say more about that process of how the new informational Maps will be created?

515 "Roy Jacobson" (3423875584)

01:19:51.930 --> 01:20:03.420

Yeah, yeah and so we've just started our conversations with, Cornell University, the folks there, and they're in their lab will be working on.

516 "Roy Jacobson" (3423875584)

01:20:03.420 --> 01:20:15.720

You know, coming up with, uh, maps, those maps will be informed by our existing maps by our delineations that we already currently do. So they'll develop a set of maps.

517 "Roy Jacobson" (3423875584)

01:20:15.720 --> 01:20:19.170

Then they'll hand them off to us.

518 "Roy Jacobson" (3423875584)

01:20:19.170 --> 01:20:28.825

Those will be publicly available on Web sites and so forth and then, because we don't have to promulgate new maps. We don't have to do all that elaborate process to update them. We can just fix them.

519 "Roy Jacobson" (3423875584)

01:20:29.215 --> 01:20:36.715

So, as our folks go out and do delineations, or we get developers or landowners coming in, with new information, we can just.

520 "Roy Jacobson" (3423875584)

01:20:36.990 --> 01:20:40.860

Update those and so, you know, it's not.

521 "Roy Jacobson" (3423875584)

01:20:40.860 --> 01:20:55.170

Immediately in real time, but, you know, regularly updates that then will allow folks to say, oh, hey, okay. something's changed. Or we've got new information and not be the static maps that we sort of have since 1984.

522 "Roy Jacobson" (3423875584)

01:20:55.170 --> 01:20:58.740

That makes sense and Ingrid, or does yes. Okay.

523

01:20:58.740 --> 01:21:06.870

That's great. Um, you know, I think there's some overlap and issues at the local level, even, you know, with these local laws. And, um.

524

01:21:06.870 --> 01:21:21.715

The difficulty with maintaining and updating maps as there's new delineation of what one's being done. Um, so, maybe there's even a way that DEC could coordinate that on a larger scale, or incorporate this local information to the statewide map.

525 "Roy Jacobson" (3423875584)

01:21:22.015 --> 01:21:36.745

No, I didn't. That's an excellent point. Cause we want these as accurate as we can possibly make them. Um, and if there were errors, we'll fix them. And if there's things that's missed, we'll fix that too. Um, so I, I think over time, because.

526 "Roy Jacobson" (3423875584)

01:21:36.870 --> 01:21:41.850

The nature of it, and because we, we are mandated to do this. Oh.

527 "Roy Jacobson" (3423875584)

01:21:41.850 --> 01:21:45.210

There'll be as accurate as possible. Not perfect, but.

528

01:21:46.495 --> 01:22:00.595

Yeah, so there's another question about how you decide who to talk to in the stakeholder engagement, relating to rulemaking. And that's a good question. Because here's my dilemma.

529 "Roy Jacobson" (3423875584)

01:22:00.870 --> 01:22:02.545

I have a limited period of time.

530 "Roy Jacobson" (3423875584)

01:22:02.845 --> 01:22:13.855

I want to, I'd love to talk to everybody, but there's only so many hours in the day and so, you know, we're currently going through we're developing an outreach plan with our communication services folks to,

531 "Roy Jacobson" (3423875584)

01:22:13.945 --> 01:22:18.895

and get to some key stakeholders or at least representatives of that interest group.

532 "Roy Jacobson" (3423875584)

01:22:19.500 --> 01:22:32.940

For this initial again, these, these sorts of things anybody on this webinar wants to send me an email will get those thoughts into the, into the hopper but to do this more.

533 "Roy Jacobson" (3423875584)

01:22:32.940 --> 01:22:38.845

You know, targeted outreach, you know, we're, we're trying to catch interest groups, so that we,

534 "Roy Jacobson" (3423875584)

01:22:38.845 --> 01:22:48.445

we have those thoughts before we put pen to paper that doesn't mean folks are still going to have plenty of other opportunities to give us their thoughts.

535 "Roy Jacobson" (3423875584)

01:22:48.475 --> 01:23:02.875

I mean, you know, we're planning this initial, but then we're planning to also reach out to folks if we have particular questions. And of course, in the formal rulemaking process, there is a public comment period. There's so, there's multiple opportunities for folks to give us.

536 "Roy Jacobson" (3423875584)

01:23:03.295 --> 01:23:11.785

Their thoughts, um, good and bad. I, you know, I've been doing this a long time so I, I, you know, I certainly haven't figured everything out.

537 "Roy Jacobson" (3423875584)

01:23:11.785 --> 01:23:18.775

So it'd be it'd be great to get as much feedback as we can, but I don't have the, the 13, the list of 13.

538 "Roy Jacobson" (3423875584)

01:23:19.050 --> 01:23:24.630

Folks that we're, we're going to go to initially. Um, but our intent will be to really get.

539 "Roy Jacobson" (3423875584)

01:23:24.630 --> 01:23:28.770

Yeah, that those, those viewpoints into the system.

540

01:23:28.770 --> 01:23:39.090

Thanks there are a bunch of questions related to jurisdictional determination, I'm going to try to.

541

01:23:39.090 --> 01:23:51.205

Combine a few of them here. Um, 1 of them is clarifying when you said, you know, there's 3 new biologists, there's a question, you know, are these 3 biologists going to be making the jurisdictional determinations for the entire state?

542

01:23:51.565 --> 01:24:01.375

Um, and is it 60 days or a 90 days? Uh, there was some confusion about this. Oh, I'm sorry. Yeah, I may have misquoted the, um, the date.

543 "Roy Jacobson" (3423875584)

01:24:01.770 --> 01:24:06.210



The amount, you know, I put it in in the slide and, uh.

544 "Roy Jacobson" (3423875584)

01:24:06.210 --> 01:24:15.150

I'm sorry 90 days so good clarification. Sorry I was confusing. Um, as far as the work of these biologists yeah, they're gonna cover the whole state.

545 "Roy Jacobson" (3423875584)

01:24:15.150 --> 01:24:18.240

So, that's where we are right now.

546 "Roy Jacobson" (3423875584)

01:24:18.240 --> 01:24:30.415

There's a, there's a big state, and it's gonna be a lot of work in it particularly initially because it's a new system. There's going to be a lot of aches and legitimately. because it's a new system.

547 "Roy Jacobson" (3423875584)

01:24:30.775 --> 01:24:40.255

Um, and so the intent will be for it to be for the consistency purposes that we're making the same calls each time we'll be to do it.

548 "Roy Jacobson" (3423875584)

01:24:40.375 --> 01:24:47.755

Um, you know, with these folks, also, at this point, we're saying, okay, we're going to do this jurisdictional determination.

549 "Roy Jacobson" (3423875584)

01:24:48.240 --> 01:24:58.440

Doing it remotely, it's going to be good for 5 years so that will allow if someone gets a jurisdictional determination that says you're not regulated by us. That's good For 5 years.

550 "Roy Jacobson" (3423875584)

01:24:58.440 --> 01:25:07.530

5 years now, after 5 years things can change so they could change because the wetlands changed they could change and to be perfectly blunt because we messed up.

551 "Roy Jacobson" (3423875584)

01:25:07.530 --> 01:25:13.320

We made a bad call. I'm okay with that cause we need to move this through. People need the certainty that.

552 "Roy Jacobson" (3423875584)

01:25:13.320 --> 01:25:27.925

That comes from, you get a piece of paper from us. It's good for 5 years. Um, and that 5 year term is pretty consistent with, you know, what the corps does what we have done in the past with delineation. So, there is that time frame where you have again, the 5 years.

553 "Roy Jacobson" (3423875584)

01:25:28.075 --> 01:25:41.875

Um, but all the protocols for that. I mean, I've, we've got enough experience that we've done with some of the large renewable energy projects, and looking at maps and trying to figure out our jurisdiction. And I'm confident that we can do it fairly quickly.

554 "Roy Jacobson" (3423875584)

01:25:42.480 --> 01:25:55.290

But the trick will be how many people are coming to us at any 1 time. You know, 3 people seem like a lot, but it's a big state, you know, and so, uh, you know, that's where we are.

555

01:25:56.215 --> 01:26:04.105

Yeah, so continuing on this jurisdictional determination question, there's a couple of questions asking.

556

01:26:04.555 --> 01:26:13.735

Does this mean that developers will have to ask both DEC and army corps every time they're working on a property and.

557

01:26:14.455 --> 01:26:27.295

Would it be possible that DEC and army corps will differ. and related to that there's also a question whether the DEC will continue to rely on visual plant life, or, um,

558

01:26:27.325 --> 01:26:31.765

use is it hydric soils uh, used by army corps?

559 "Roy Jacobson" (3423875584)

01:26:32.160 --> 01:26:36.660

So, there's a lot in there. So the, the piece about.

560 "Roy Jacobson" (3423875584)

01:26:37.465 --> 01:26:46.195

Uh, what are we going to use? It's going to be done remotely so right now, as, you know, these jurisdictional determination will be much the same as we do with maps now, right?

561 "Roy Jacobson" (3423875584)

01:26:47.005 --> 01:26:57.865

We don't get down to the level of the 3 parameters on, on, doing the mapping or the determination. The delineation. Yeah. Then we're going to be doing our normal delineation.

562 "Roy Jacobson" (3423875584)

01:26:57.925 --> 01:27:06.655

But, you know, what we're going to be doing is to saying, okay, is there a regulated wetland on the parcel? Yes. Or no and then we'll make that determination based on.

563 "Roy Jacobson" (3423875584)

01:27:06.660 --> 01:27:12.565

You know, the various layers will have these, these informational maps, the soils maps then we have Lidar information.

564 "Roy Jacobson" (3423875584)

01:27:12.565 --> 01:27:25.915

That will have all the different air photographs of the pieces that will that go into that determination that will say is the property regulated or not after that, though there's still the normal delineation process.

565 "Roy Jacobson" (3423875584)

01:27:25.915 --> 01:27:28.825

So, what could happen is when you go out and do that.

566 "Roy Jacobson" (3423875584)

01:27:29.280 --> 01:27:41.790

As we have, now, there's certain ones that are only corps regulated or only federally regulated some that are only state regulated as well, depending on their connection to natural water. So there.

567 "Roy Jacobson" (3423875584)

01:27:41.790 --> 01:27:49.740

That process will still be the same because, you know, the corps is still going to do their work and we're gonna do our work. Um.

568 "Roy Jacobson" (3423875584)

01:27:49.740 --> 01:27:55.560

Did I catch on because I, I think there were a few in there in grid.

569

01:27:55.560 --> 01:28:05.790

I think. I'm trying to multitask here and see what other questions are coming in. So I apologize if I'm a little scattered.

570

01:28:05.790 --> 01:28:11.035

I do want to hit 1 or 2 more questions. We, we will try to end on time.

571

01:28:11.245 --> 01:28:20.875

Um, but there was a question about how, um, whether this change in jurisdiction will make it more difficult to permit restoration projects.

572 "Roy Jacobson" (3423875584)

01:28:21.060 --> 01:28:28.890

Oh, I can't imagine because our intent is not to do anything with the regulations about.

573 "Roy Jacobson" (3423875584)

01:28:28.890 --> 01:28:35.940

permitting decisions, and so, you know, we, in our, you know, bureaucratic speak, there's parts 663.

574 "Roy Jacobson" (3423875584)

01:28:35.940 --> 01:28:44.850

Which, uh, are the regulations to make, you know, permitting decisions at 664, the mapping classification ranks. That's where.

575 "Roy Jacobson" (3423875584)

01:28:44.850 --> 01:28:53.340

My thoughts are, that's what we're really going to be changing with this effort and so the actual decision process. So if it's a project that's good for wetlands.

576 "Roy Jacobson" (3423875584)

01:28:53.340 --> 01:28:59.520

It's going to go through our system now, anyone who's worked with our system or went for the permitting side. Might.

577 "Roy Jacobson" (3423875584)

01:28:59.520 --> 01:29:06.510

Roll their eyes a bit cause sometimes it we've never been accused of being too quick at getting our decisions out. Um.

578 "Roy Jacobson" (3423875584)

01:29:06.510 --> 01:29:09.685

But, you know, that's where this general permitting comes in.

579 "Roy Jacobson" (3423875584)

01:29:09.685 --> 01:29:23.185

Because what the intent will be is to get general permits that will move forward, particularly projects that are beneficial for wetlands but also not, maybe not benign projects, but projects that are less

580 "Roy Jacobson" (3423875584)

01:29:23.635 --> 01:29:33.385

The risk of impacting wetlands is less, let's move those through quicker and focus on the larger projects, the more controversial projects as we go.

581

01:29:34.495 --> 01:29:48.895

Uh, huh. But potentially there will be more projects requiring permits because of the expansion. There's no doubt when, the pitch has been made that we are not regulating a 1 Million acres of wetlands.

582 "Roy Jacobson" (3423875584)

01:29:49.200 --> 01:30:02.695

You start putting more wetlands on the landscape that we have to regulate. There's, there's more work there that's part of the reason for the general permitting process is, you know, we got a few people to do some work.

583 "Roy Jacobson" (3423875584)

01:30:02.695 --> 01:30:14.425

We've got the 3 people that I mentioned as far as biologists, we're going to have another program specialist who will help with outreach. So we'll

have someone dedicated to do some of that, but that's not that many people.

584 "Roy Jacobson" (3423875584)

01:30:14.515 --> 01:30:19.135

So, in order to make this work, we, we really do need to use.

585 "Roy Jacobson" (3423875584)

01:30:19.200 --> 01:30:24.720

General permitting, and kind of to move those projects, um, through our system.

586 "Roy Jacobson" (3423875584)

01:30:26.460 --> 01:30:28.885

Well, thank you so much, JR

587

01:30:28.915 --> 01:30:41.665

uh, for all of this information and our apologies to folks who has questions, we didn't get to I will share the full list of questions and comments from the chat and Q and a, with our presenters.

588

01:30:41.875 --> 01:30:56.455

So, they can follow up with you, we'll also share their contact information so you can follow up with them with your questions and we'll share the presentations and the recording and the other resources that have been mentioned. So

589

01:30:56.485 --> 01:31:05.455

I'm really excited to have such a great turnout today and I hope you'll join us again for other webinars. I'm sure we'll probably be returning to this subject again.

590

01:31:05.485 --> 01:31:12.625

And again, once again, thank you so much to our partners for their great presentations today.

591

01:31:13.020 --> 01:31:17.460

So have a great afternoon, and nice job.

592

01:31:19.350 --> 01:31:28.050

Take care, thank you.

594 "Logan Gerber-Chavez" (3119192064)

01:31:41.490 --> 01:31:45.150

Thank you. Thanks. Great. Thank you. All.

595

01:31:45.150 --> 01:31:48.396

Bye bye.