

In 2022, New York's Freshwater Wetlands Act (Environmental Conservation Law Article 24) was amended to increase application fees and make several important changes to the way the program will be administered. The following is a brief summary of the legislative amendments and their effective dates:

- 1) January 1, 2023 – Permit application fees are increased to better reflect the nature of the application review and to ensure that funds are available to wetland resource protection activities. Application fee information is available at <https://www.dec.ny.gov/permits/65153.html>
- 2) January 1, 2025 - The current official NYS Freshwater Wetlands Maps will no longer limit DEC regulatory jurisdiction to wetlands depicted on those maps. Instead, maps will become informational, and any wetlands that meet the applicable definition and criteria will be regulated by DEC and subject to permitting, regardless of whether they appear on the informational maps.
- 3) January 1, 2025 - Small wetlands of “unusual importance” will be regulated if they meet one of 11 newly-established criteria listed in the new legislation.
- 4) January 1, 2028 - The default size threshold for regulated wetlands will decrease from 12.4 acres to 7.4 acres. Small wetlands of “unusual importance” will continue to be regulated if they meet one of the criteria listed in the new legislation.

As a result of the statutory changes noted above, DEC will be working to amend DEC's freshwater wetlands regulations and update procedural steps to implement these changes. Future opportunities for reviewing and providing comment on those efforts will be posted on the DEC website when they are available.