

STATE OF NEW YORK



ANDREW W. GOODELL
ASSEMBLYMAN, 150TH DISTRICT
MINORITY LEADER PRO TEMPORE

GEORGE M. BORRELLO
SENATOR, 57TH DISTRICT
RANKING MEMBER OF
BUDGET AND REVENUE

June 18, 2024

Hon. Sean Mahar
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Re: Wetland Regulations

Dear Commissioner Mahar:

Please ensure that the proposed DEC regulations regarding wetlands do not designate navigable lakes as "wetlands." Such a designation would be inconsistent with both existing statutory language and decades of precedence.

Environmental Conservation Law section 24-0107 defines "wetlands" as "lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats" that support certain aquatic or semi-aquatic vegetation. Although the 2022 amendments to the Environmental Conservation Law removed the requirement that wetlands be designated on a wetland map prepared by the DEC, the amendments did not otherwise change the statutory definition of "wetlands."

In the past, navigable lakes such as Chautauqua Lake, Cassadaga Lake, Bear Lake, and Findley Lake have not been considered "marshes, swamps, sloughs, bogs, and flats," have not been designated as wetlands on a wetland map, and have not been otherwise considered as "wetlands." These lakes should continue to be characterized as lakes, and not as wetlands.

Please take our comments into consideration when revising the DEC wetland regulations to ensure that these navigable lakes are not inadvertently designated as wetlands.

Sincerely yours,

Handwritten signature of George M. Borrello in black ink.

George Borrello
Senator

Handwritten signature of Andrew Goodell in black ink.

Andrew Goodell
Assemblyman