



Empowering Communities, Advocating Solutions.

MEMORANDUM IN SUPPORT

EXPANDED STREAM PROTECTION

A.4601A- GLICK

S.1725A - HARCKHAM

DESCRIPTION: Expands New York State DEC's stream protection provisions of the Protection of Waters regulations to include Class C Streams

JUSTIFICATION

Streams and small water bodies located in the course of a stream with a classification of AA, A, or B, or with a classification of C with a standard of (T) or (TS) are collectively referred to as "protected streams," and are subject to the New York State DEC's stream protection provisions of the Protection of Waters regulations. However, class C waterways are not provided the same level of protections, despite the fact that they are often used for boating, fishing, and other recreational activities, as well as supporting public drinking water supplies.

Vulnerabilities to public drinking water supplies, harm to water quality and habitat, and adverse impacts to fish have resulted from the lack of protections for Class C streams. This legislation will include class C waterways as "protected streams," which will allow for their protection under state regulations. This classification will help prevent undesirable activities on class C streams that degrade water quality or threaten public health. The legislation adds protections to nearly 41,000 miles of streams across New York.

The legislation also provides for several exemptions from requiring a permit, including irrigating from a stream; crossing a stream for agricultural uses, including livestock; local governments with the written permission of DEC; and removal of trees and debris; and other activities. In addition to these exemptions, DEC may also issue an Emergency Declaration/Authorization in certain circumstances that exempt certain activities from the regular permitting process due to events that immediately threaten life, health, property, general welfare, and natural resources and require a prompt response.

CITIZENS CAMPAIGN FOR THE ENVIRONMENT SUPPORTS

A.4601 – Expanded Stream Protections

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