



Department of
Environmental
Conservation

Navigating NYS Freshwater Wetlands Regulations

6 NYCRR Part 664 – Freshwater Wetlands Jurisdiction and Classification

March 26, 2025

Onondaga County Planning Federation, Hotel Syracuse

DEC Mission:

To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being.



Wetlands Functions & Benefits

Wetlands (swamps, marshes, bogs, wet meadows, etc.) are areas saturated by surface or ground water sufficient to support distinctive vegetation adapted for life in saturated soil conditions.

Flood and Stormwater Control: Wetlands absorb, store, and slow down the movement of rain and melt water, minimizing flooding and stabilizing water flow.

Surface and Groundwater Protection: Wetlands often serve as groundwater discharge sites; maintaining base flow in streams and rivers; and supporting ponds and lakes. In some places, wetlands are very important in recharging groundwater supplies. Wetlands also improve water quality by absorbing pollutants and reducing turbidity.

Erosion Control: Wetlands slow water velocity and filter sediments, protecting streams, lakes, reservoirs and navigational channels. They also buffer shorelines and agricultural soils from water erosion.

Fish and Wildlife Habitat: Wetlands provide productive habitats for feeding, nesting, spawning, resting and cover for fish and wildlife, including many rare and endangered species.

Pollution Treatment and Nutrient Cycling: Wetlands cleanse water by filtering out natural and many manmade pollutants, which are then broken down or immobilized. Wetlands recycle organic materials and return nutrients into the environment, to support the food chain.

Public Enjoyment: Wetlands provide areas for recreation, education and research.


Statutory Provisions

Freshwater Wetlands Act (Article 24) 2022 law replaced 1975 law

- Jurisdiction no longer tied to static maps
- Continues to regulate wetlands and adjacent area
- Regulate larger wetlands >12.4 acres (>7.4 acres in 2028)
- Regulate smaller wetlands of “Unusual Importance”
- Provides timelines and dispute resolution processes.



INFORMATIONAL Maps



Services News Government

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Resource Mapper

Search

Tools

Layers and Legend

☐ Waterbody Classifications for Lakes

☐ Waterbody Inventory/Priority Waterbodies List

- Lakes and Reservoirs
- Estuaries
- Rivers and Streams
- Shorelines

☐ Previously Mapped Freshwater Wetlands (Outside of the Adirondack Park)

☒ Informational Freshwater Wetland Mapping

☐ Imperiled Mussels

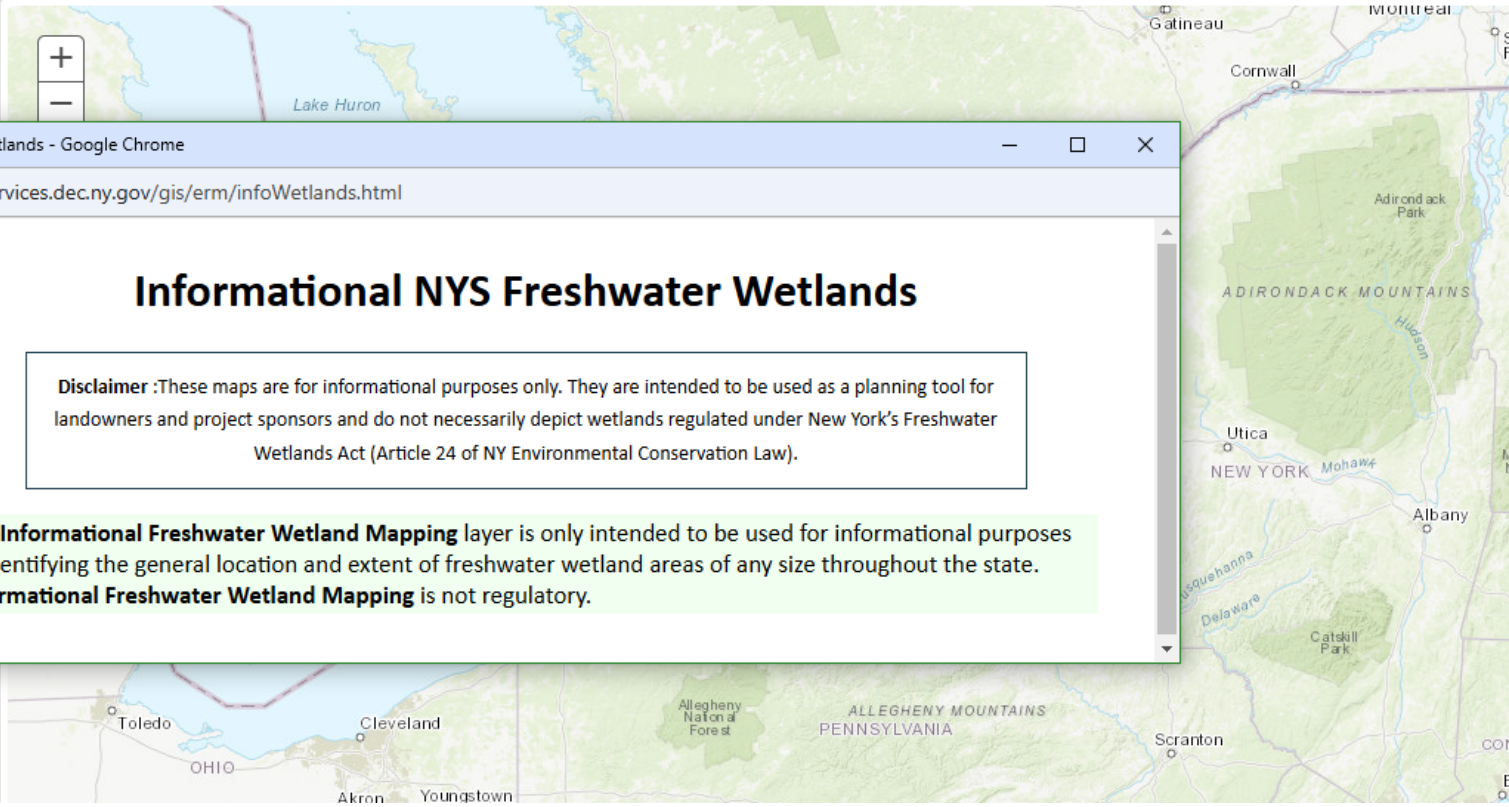
☐ Mussel Screening Ponded Waters

Other Wetland Layers

Reference Layers

+

-



NYS Wetlands - Google Chrome

gisservices.dec.ny.gov/gis/erm/infoWetlands.html

Informational NYS Freshwater Wetlands

Disclaimer :These maps are for informational purposes only. They are intended to be used as a planning tool for landowners and project sponsors and do not necessarily depict wetlands regulated under New York's Freshwater Wetlands Act (Article 24 of NY Environmental Conservation Law).

The **Informational Freshwater Wetland Mapping** layer is only intended to be used for informational purposes in identifying the general location and extent of freshwater wetland areas of any size throughout the state. **Informational Freshwater Wetland Mapping** is not regulatory.

Transition Period (664.1)

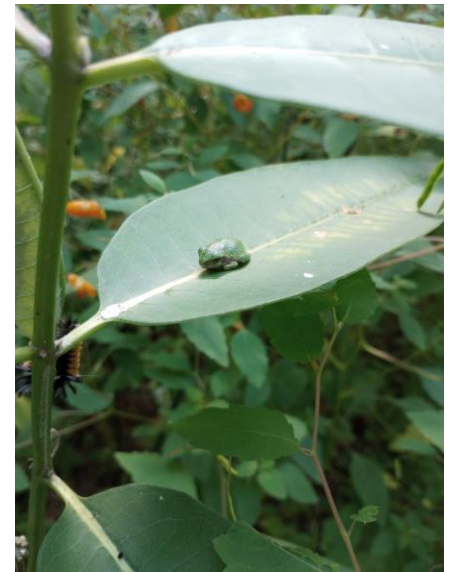
3.5 to 2 years

Before 1/1/25, project meets one of the following:

- DEC wetlands permit or complete application
- Final Environmental Impact Statement (FEIS) or Negative Declaration for Type 1 and unlisted actions by lead agency
- Site plan approval by municipality



Wetlands of Unusual Importance

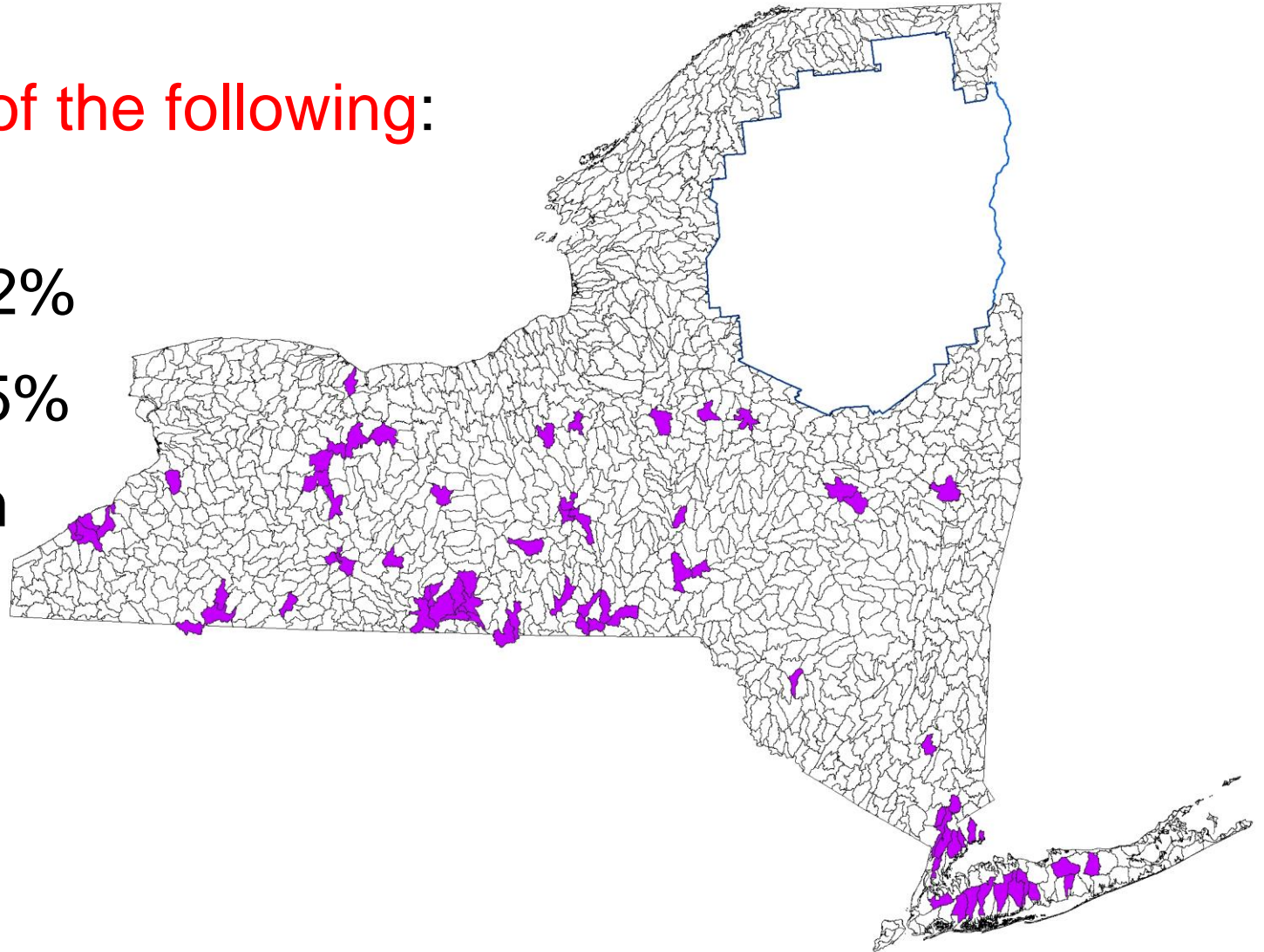


- 1) Urban areas
- 2) Rare plants
- 3) Previously designated as a wetland of Unusual Local Importance (ULI)
- 4) Wetlands in floodways
- 5) Previously mapped
- 6) Habitat for essential behavior of Endangered/threatened/special concern/species of greatest conservation need
- 7) Watershed with significant flooding
- 8) Productive vernal pools
- 9) Class I wetland
- 10) Regional or local significance
- 11) Significant for protecting state's water quality

Watersheds with significant flooding

HUC 12 watershed **with all of the following:**

- Impervious Surface >2%
- Water storage area <5%
- Upstream, within 4 km of urban area



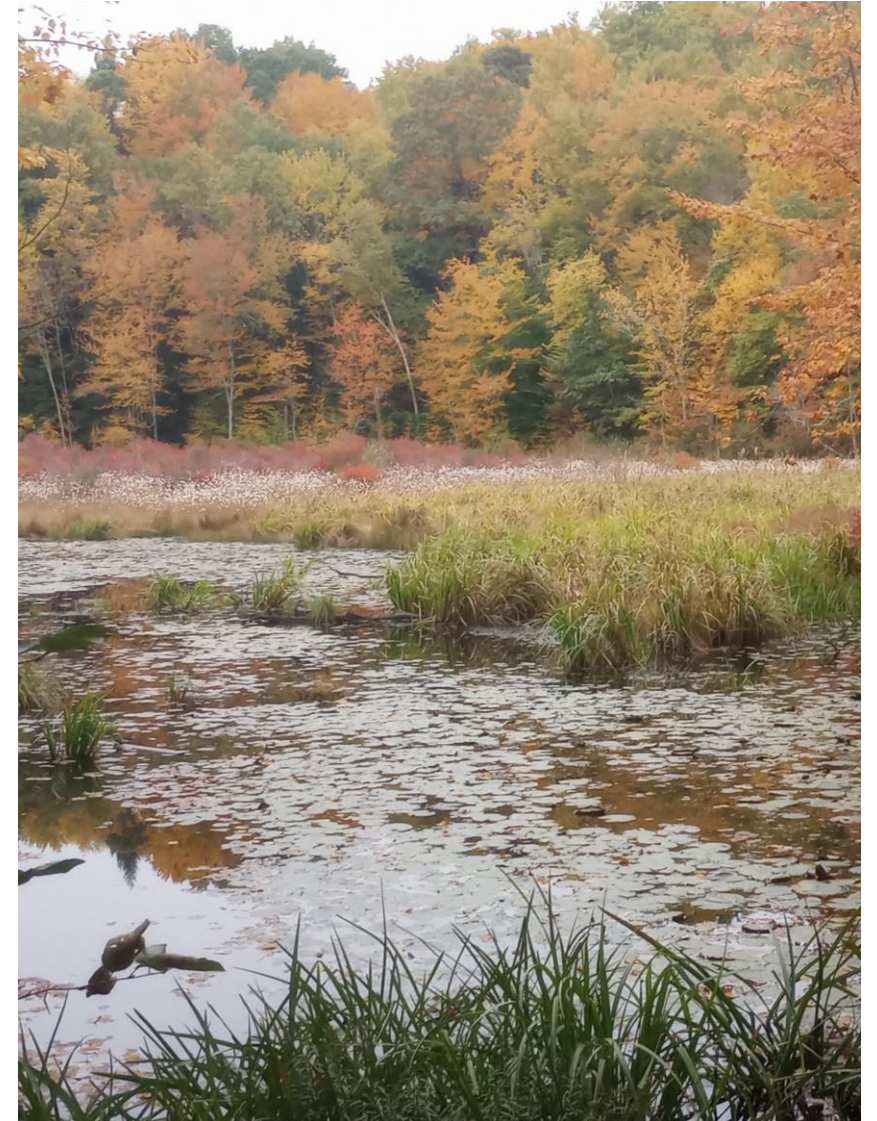
Extending Adjacent Area (664.7)

Nutrient poor wetlands

Vernal pools known to be productive for amphibian breeding

To preserve and protect the wetland

Individual analysis of each nutrient poor wetland or productive vernal pool



JD Process (664.8)

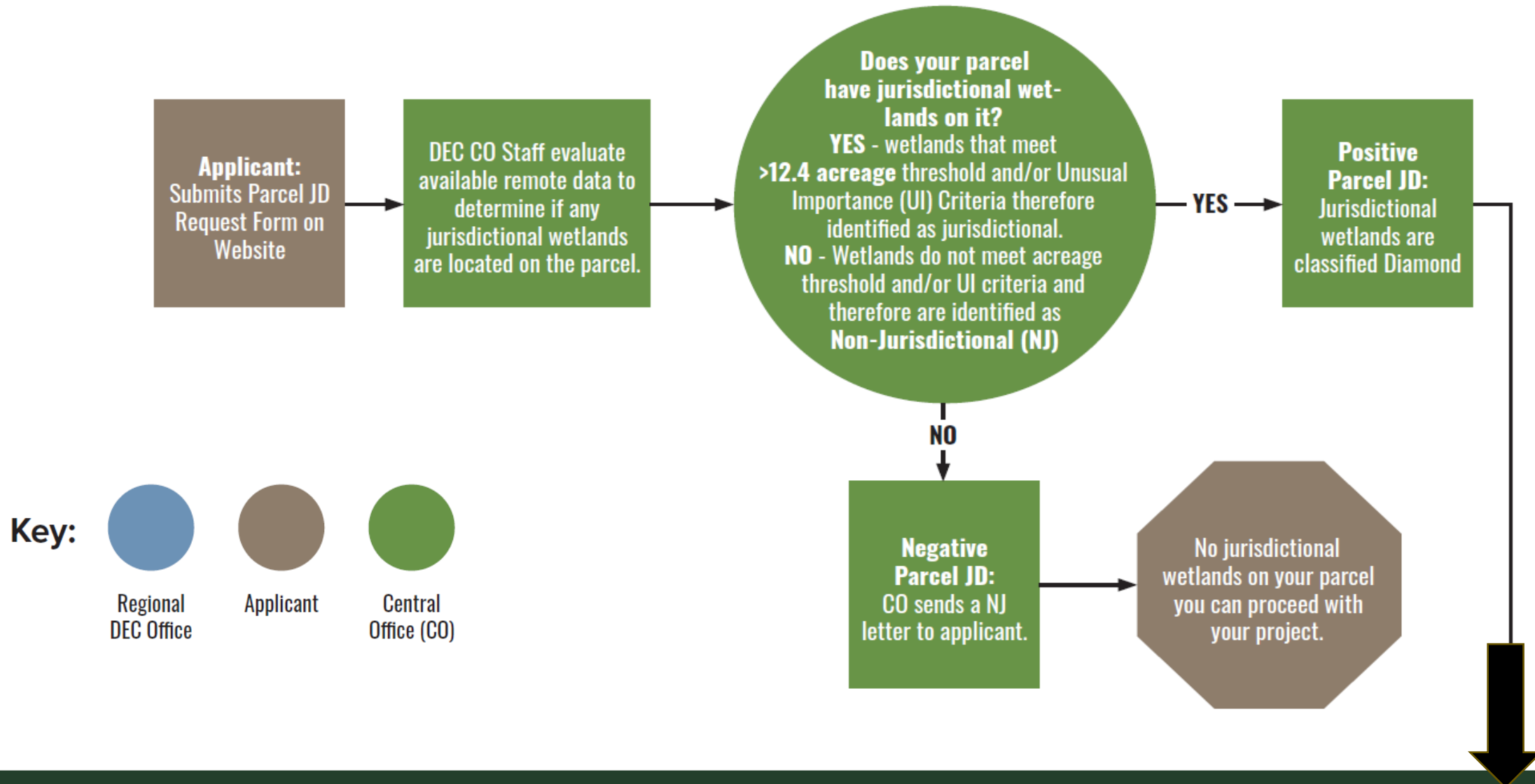
Step 1 – Determine if parcel or property is within Article 24 Jurisdiction (Parcel JD)

Step 2 – Determine extent of wetlands on the parcel or property (Delineation)

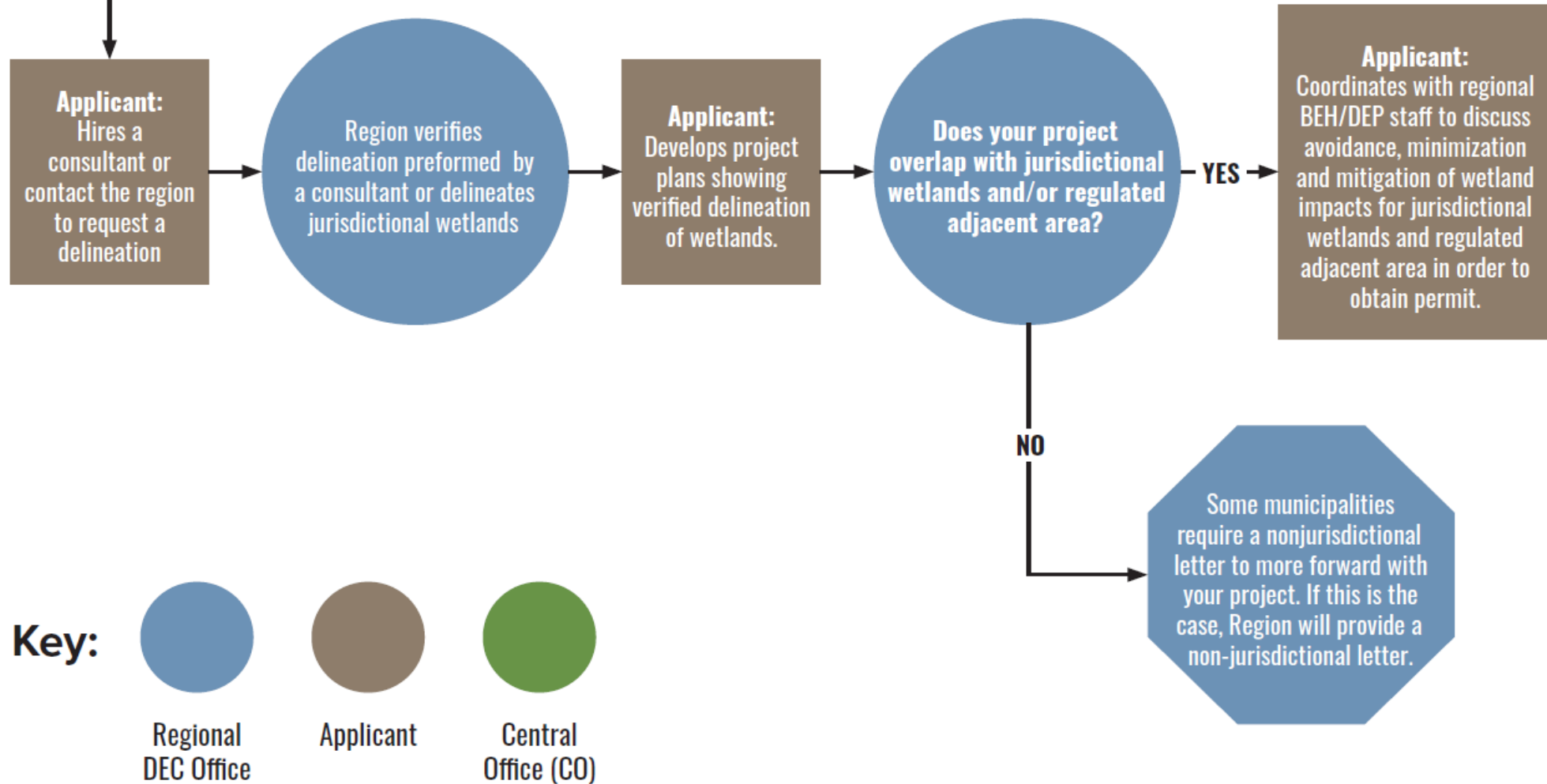
Step 3 – Determine if a project requires an Article 24 Permit (Project JD)



Parcel Jurisdictional Determination (JD) Process



Project Jurisdictional Determination (JD) Process



Standard Operating Procedures on Website

Standard Operating Procedures (SOP) for Remote Jurisdictional Determinations and Classification of Freshwater Wetlands Pursuant to 6 NYCRR Part 664, Freshwater Wetland Jurisdiction and Classification

Last Revised: 14 January 2025

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Online Jurisdictional Determination (JD) Request Form

- **Allow Pop Ups**
- **What you'll need**
 - **Landowner:**
 - Parcel ID #
 - Physical Address
 - Contact Info: Mailing Address/Email
 - **Private Company/NGO**
 - Same as above
 - Company Name
 - Shapefile – not required but appreciated

Apply for a Jurisdictional Determination

To apply for a freshwater wetland JD, submit an online request to DEC and provide your name, parcel address and ID number, and your contact information.

[ONLINE JURISDICTIONAL DETERMINATION FORM](#)

You **must provide physical address of the parcel, parcel ID #, and a way to contact you.** Either mailing address or email. Preferably email, to receive a parcel jurisdictional determination.



Online JD Request Form

NYS Freshwater Wetlands Jurisdictional Determination Reques...

First Name:*

Last Name:*

This request is being sent by or on behalf of:*

-Please select-

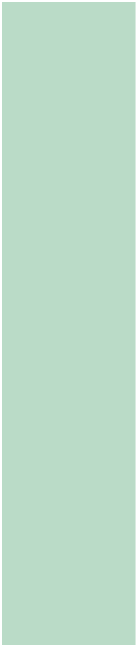
If this project has any associated spatial data, please upload the shapefile(s) below:

1

Drop file here or select file

Contact Telephone Number:*

Contact Email Address:



This request is being sent by or on behalf of:*

Private Landowner

Government Agency

Private Company

Private Landowner

Real Estate Professional

atial data, please upload the

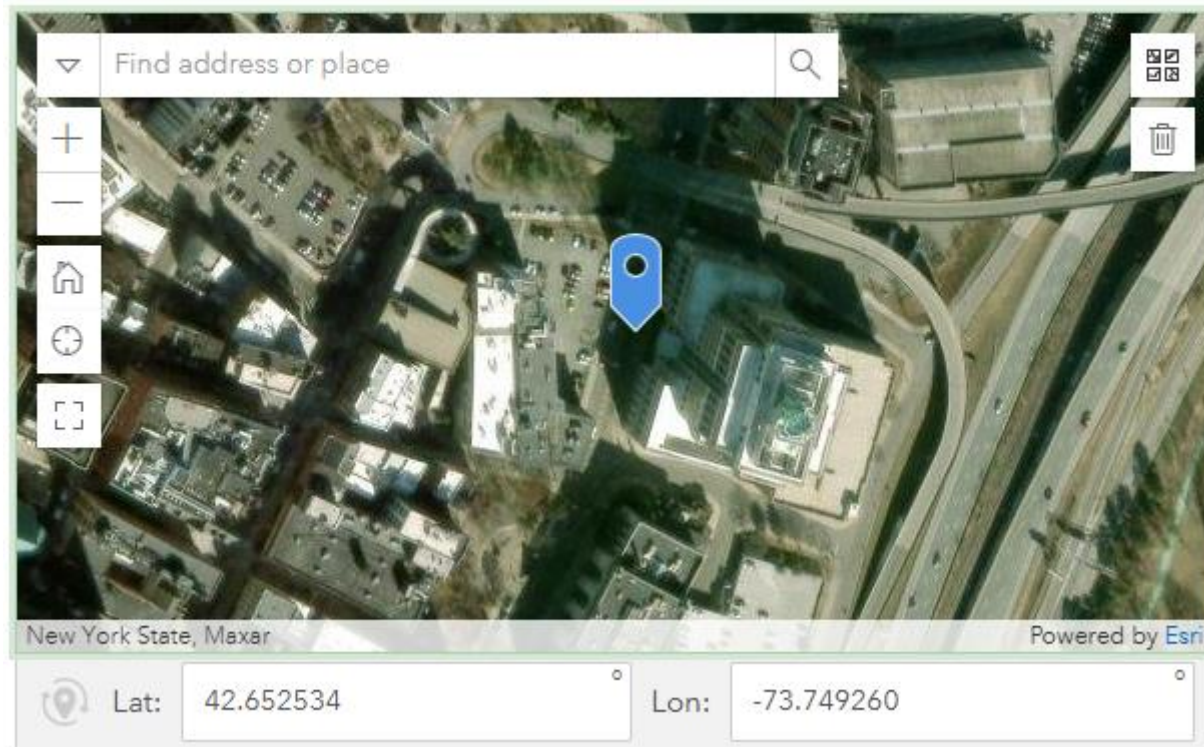
here or select file

Contact Telephone Number:*

Online JD Request Form

Parcel Address:*

Please click the map icon, type the address of the parcel where you wish the determination to be performed into the search bar, and confirm the point is in the proper location.



The screenshot shows a web-based map application. At the top, there is a search bar with a dropdown arrow and the placeholder text "Find address or place". To the right of the search bar is a magnifying glass icon. Below the search bar is a vertical toolbar with icons for zooming in (+), zooming out (-), home, compass, and full-screen. To the right of the map are icons for a grid view and a trash can. The map itself is an aerial view of a city area with a blue location pin. At the bottom of the map, there is a status bar with the text "New York State, Maxar" on the left and "Powered by Esri" on the right. Below the map, there are two input fields: "Lat: 42.652534" and "Lon: -73.749260".

Timeline for JD (664.8 € through (g))

90 days for DEC review

10 day to Respond

120 days for applicant to appeal

60 days for DEC to respond to appeal

5 years –JD & permits are valid

90 Days to provide a Parcel JD and/or Project JD

If the department fails to provide a definite answer in writing, or notification of an extension within 90 days of the receipt of a parcel jurisdictional determination, or a project jurisdictional determination, the requestor shall make notice of that failure by means of certified mail.

If the department fails to provide a definite answer within 10 business days of the receipt of such notice, freshwater wetland jurisdiction for the subject parcel shall be deemed waived. Such waiver shall serve as a complete defense to the enforcement of the Act for a period of **five years** from the date of the waiver.

Review of Jurisdictional Determinations (664.9)

Initial consultation/delineation (field meeting, discussion)

Complete JD appeal application within 120 days from initial consultation

Acceptable basis of appeal:

- Missing technical information
- Incorrect application of regulatory criteria
- Incorrect application of guidance

Department responds within 60 days



General Permits

- Typical Projects – Out for public comment
- Housing Development Freshwater Wetlands General Permit
- Community-Scale Solar Energy Installations
- Lake Shorelines Freshwater Wetlands General Permit
- Management of Invasive Species
- Electric Rights of Way Maintenance and Repair
- Natural Gas Rights of Way Maintenance and Repair

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
General Permit Number: GP-0-25-00?
[Drawing]

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

GENERAL PERMIT GP-0-25-00?
Freshwater Wetlands

Permit Issued To:

Facility:

Applicable DEC Region(s): ALL

General Permit Authorized Activity: This permit authorizes following activities that occur within state-regulated/freshwater wetlands and freshwater wetland adjacent areas (Article 24) in accordance with the conditions identified in this permit and the project-specific plans.

Authorized Activities:

1. Repair, replacement and/or removal of existing functional structures and facilities in a freshwater wetland or freshwater wetland adjacent area excluding drainage ditches and septic systems.
2. Construction and/or modification of the following residential structures that results in permanent...

Typical Projects General Permit



- Freshwater Wetlands General Permit (GP-0-25-003)
- Five-Year Term
- Allow:
 - Repair, replacement, or removal of existing structures and facilities;
 - Construction or modification of various residential, commercial, industrial, or public structures;
 - Temporary installation of access roads and laydown areas;
 - Cutting trees and vegetation;
 - Drilling test wells;
 - Routine beach maintenance and replenishment in areas under DEC jurisdiction.
- Public comments will be accepted through Jan. 27, 2025, and can be submitted via email to DEPPermitting@dec.ny.gov or via mail to NYSDEC Division of Environmental Permits, Attn: Kristen Cady-Poulin, 4th Floor, NYSDEC 625 Broadway, Albany NY 12233-1750.

Drafts General Permits Released February 5, 2025

- Electric Utility Right of Way Maintenance and Repair General Permit (GP-0-25-005)
- Lake Shorelines Freshwater Wetlands General Permit (GP-0-25-007)
- Modification of Management of Invasive Species General Permit (GP-0-25-008)
- Natural Gas Utility Right of Way Maintenance General Permit (GP-0-25-009)
- Modification of Stream Crossings for Timber Harvesting General Permits (GP-0-23-004 and GP-0-23-005)
- Housing Development GP (GP-0-25-006)
- The Community-Scale Solar Energy Installations GP (GP-0-25-004)
- ***Comment period extended to 3/31***



Thank You

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