



Department of
Environmental
Conservation

Changes in NYS Wetland Regulations

Onondaga County Planning Federation Annual Planning Symposium
Dereth Glance, Director Region 7
New York State Department of Environmental Conservation

Thursday, March 19, 2026

DEC MISSION

Conserve, Improve and Protect
natural resources and environment

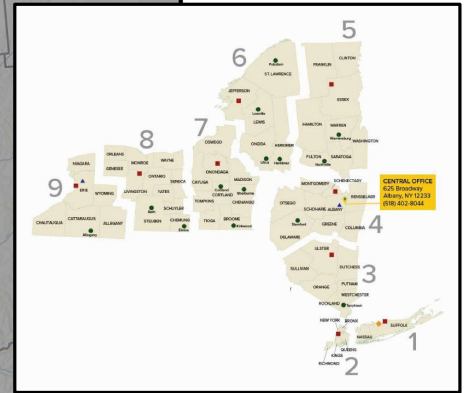
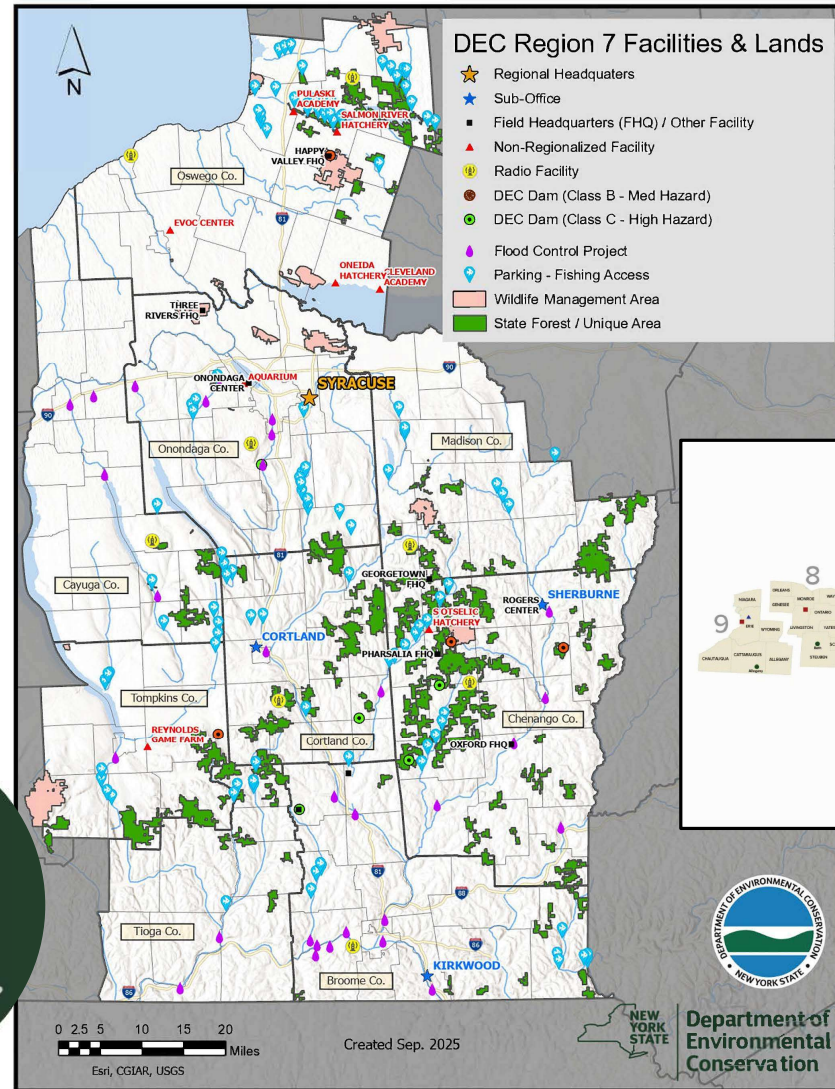
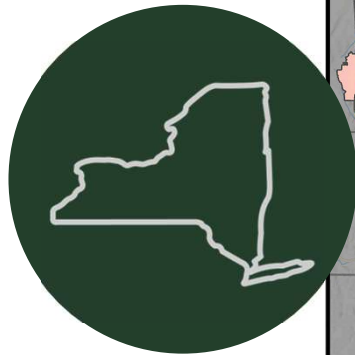
Prevent, Abate and Control
water, land and air pollution

Enhance
economic and social well-being

DEC Region 7

Region 7 covers nine counties across Central New York and the Southern Tier:

- Broome
- Cayuga
- Chenango
- Cortland
- Madison
- Onondaga
- Oswego
- Tioga
- Tompkins



Governor Hochul: LET THEM BUILD State of the State 2026 Initiative

- ✓ Accelerate affordable new housing and other critical infrastructure in New York State
- ✓ Prioritize previously disturbed lands, maintain consistency with local zoning, simplify routine procurement
- ✓ State agencies directed to conduct end-to-end review of permitting processes and identify opportunities to accelerate reviews and alleviate bottlenecks by September 2026.

Refreshing SEQRA after 50 years

- Reform SEQRA and supplement with executive action to accelerate housing and infrastructure development at lower costs.
- Reduce administrative burden for projects shown to not have significant environmental impact while maintaining municipal control over local zoning requirements, as well as upholding environmental standards of all other state and local permits
- Modernize processes, getting grants and other important information out directly to municipalities and the public
- Work with local governments to cover best practices and provide assistance for localities in need of additional support

Outline



Wetlands in New York State



Jurisdictional Determination Process



General Permits

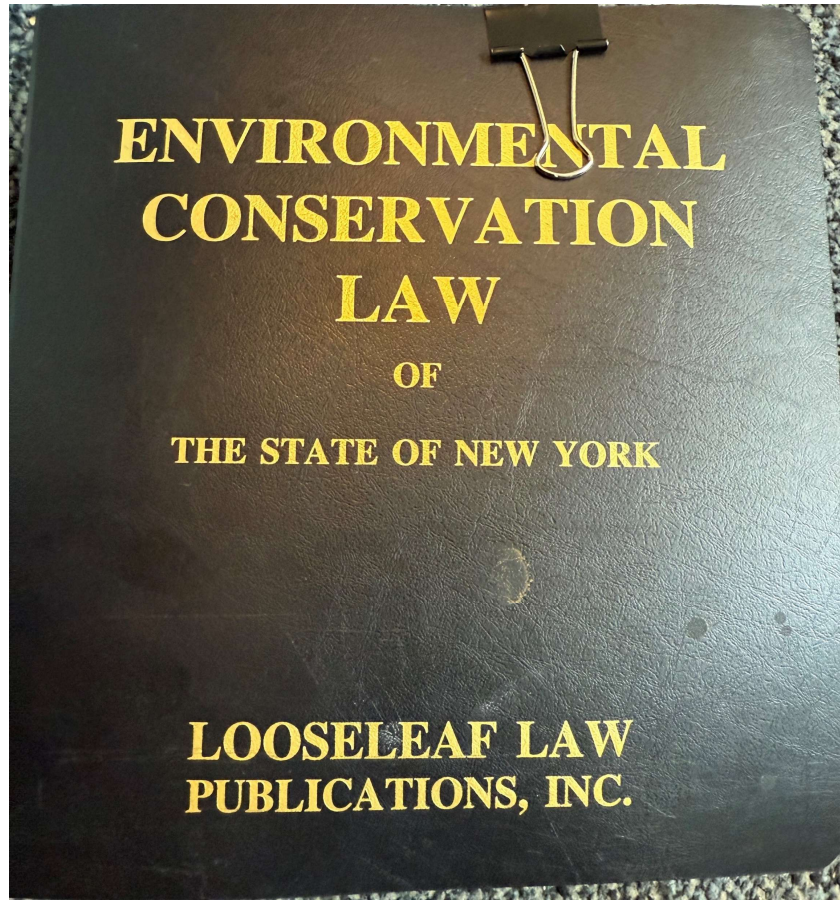


Wetland Projects



Other DEC Updates

Environmental Conservation Law Article 24 Freshwater Wetlands



September 1, 1975

Defined Wetlands as:

“Freshwater wetlands” means lands or waters of the state which contain any or all of the following:

- Emergent Vegetation
- Rooted, Floating-Leaved Vegetation
- Submergent Vegetation



Statutory Provisions Effective January 2025

Freshwater Wetlands Act (Article 24)

- Jurisdiction no longer tied to maps
- Regulate larger wetlands >12.4 acres
 - Wetlands >7.4 acres in 2028
- Regulate smaller wetlands of “Unusual Importance”



Wetlands of Unusual Importance – 11 Criteria

- 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



Freshwater Wetlands

Regulated Activities

- New construction of buildings, driveways, and accessory structures
- Clear cutting vegetation
- Excavation, dredging, and draining
- Installing and expanding new docks
- Applying pesticides/herbicides*

*except w/standard agricultural practices.



Freshwater Wetlands



Exempt Activities

- Ordinary maintenance and repair of existing functional structures and improved areas
 - Maintaining existing lawns and landscaped areas
 - Maintaining existing docks or structures
 - Resurfacing paved areas
- Boating, fishing, and other outdoor recreation
- Standard Agricultural Practices
- Selective Cutting Trees

Environmental Resource Mapper

Informational map (non regulatory)



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 Poned Waters

Other Wetland Layers

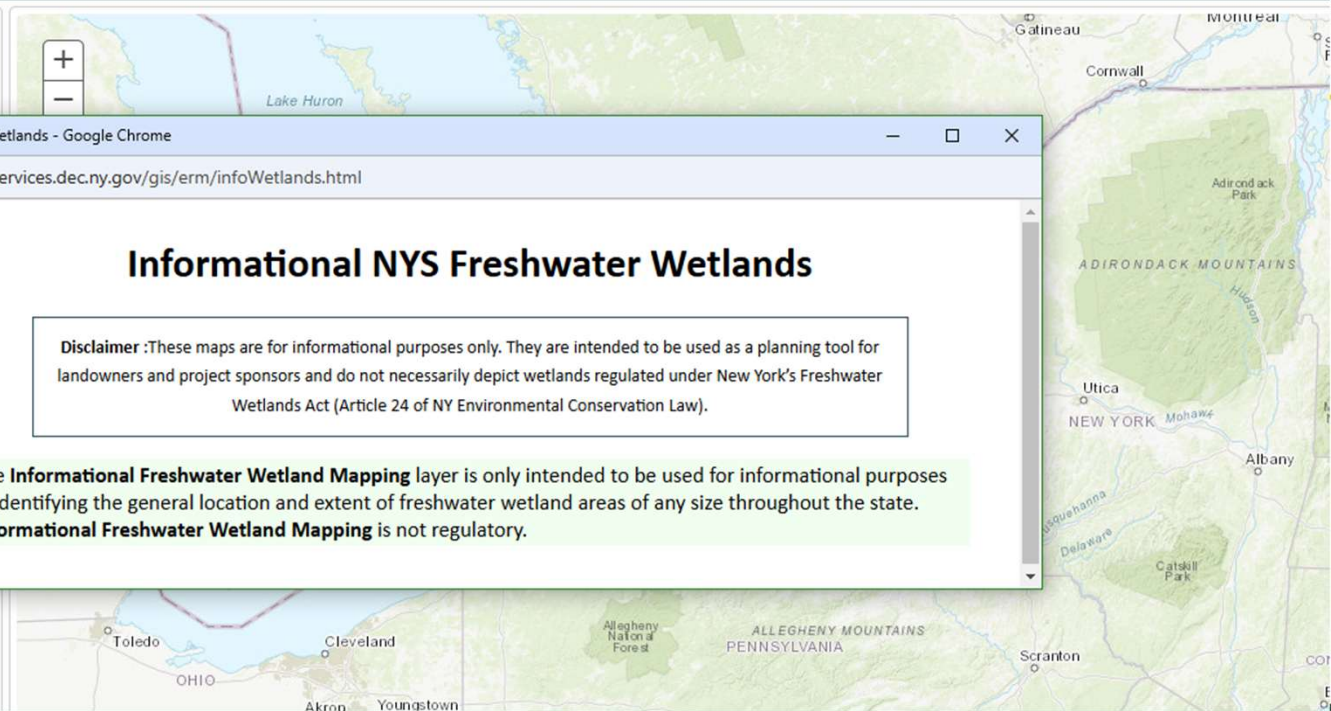
Reference Layers

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.



Wetlands Jurisdictional Determination (JD) Process

Step 1 – Parcel JD:

Determine if there are state-jurisdictional wetlands and/or adjacent areas within the parcel or property boundaries. (90 days)



Step 2 – Wetland Delineation:

Determine extent of wetlands and adjacent areas on the parcel or property (No definitive timeframe)



Step 3 – Project JD:

Determine if a project requires an Article 24 Permit (Project JD) (90 days)



Recent update:

Parcel jurisdictional Determination request form now accepts "area of interest" as well as parcels to streamline the process

In 2025:

Received: 8,819

As of February 26, 2026:

Received: 10,031

Completed: 8,595



Parcel JD Consultant Option

- Developers and agencies who use environmental consultants and know they have jurisdictional wetlands on a project site: Do not want to wait the 90 days for a Parcel JD
- Submit a draft Parcel JD to the DEC Regional Office to validate, including:
 - Identify jurisdictional wetlands according to standard operating procedures
 - Assign appropriate classifications
 - Delineation of all jurisdictional wetlands
- Moves to Project JD step – once DEC Regional staff validates and progresses to permitting



Wetlands Permits

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



General Permits Issued

Freshwater Wetlands General Permit (GP-0-25-003):

- Effective June 13, 2025.
- For various activities in state-regulated freshwater wetlands and adjacent areas, protected waterbodies, and navigable waters



Solar Photovoltaic Projects (Less than 25 MW) General Permit (GP-0-25-004)

- Effective July 25, 2025
- For the construction of solar photovoltaic projects with a nameplate generating capacity of no more than 25 megawatts in state-regulated freshwater wetlands and adjacent areas, protected waterbodies, and navigable waters



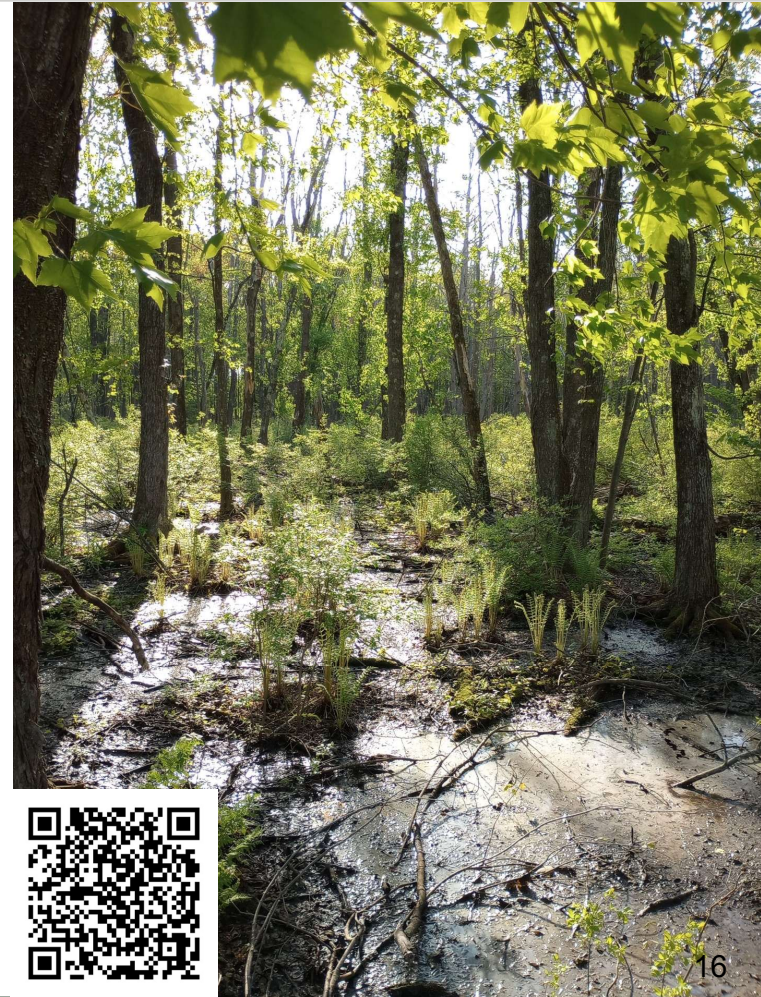
General Permits Issued

Lakes and Shorelines Freshwater Wetlands General Permit (GP-0-25-007)

- Effective August 1, 2025.
- For various activities in state-regulated freshwater wetlands and adjacent areas, protected waterbodies, and navigable waters.

Electric Utility Right of Way Maintenance and Repair General Permit (GP-0-25-005) and Natural Gas Utility Right of Way Maintenance and Repair General Permit (GP-0-25-009)

- Effective September 24, 2025.
- Two permits for electric and natural gas utilities to conduct maintenance and repair activities including vegetation management in state-regulated freshwater wetlands, freshwater wetland adjacent areas, tidal wetland adjacent areas, protected streams, and navigable waters (jurisdictional areas)



General Permits Currently Under Review

**Housing Development
General Permit**

**Management of Invasive
Species General Permit**

<https://on.ny.gov/general-permits>



Whitney Point
MUA



Micron in NY

- Subject to review under the State Environmental Quality Review Act and the National Environmental Policy Act
- Requires DEC-issued permits under the New York State Environmental Conservation Law and the associated implementing rules and regulations



Micron in NY

MICRON IN NY TIMELINE

Jan 16, 2026	MICRON Groundbreaking
Jan 9, 2026	NEPA ROD Issued by US Commerce Dept
Dec 14, 2025	DEC Issues 1 st permits to Micron (9 in total)
July 16, 2025	DEC issues complete application for Wetlands and related permits.
Nov 7, 2025	FEIS Adopted
June 25, 2025	DEIS Released
Dec 5, 2024	US Dept of Commerce awards NOFA to Micron
Aug 18, 2023	Micron files CPO application
June 14, 2023	Micron submits OCIDA Application

NY WETLANDS & STREAMS

2.24 to 1	Wetlands Mitigation Ratio Average
395.39	Acres of Restored and Enhanced Wetlands will replace the
176.44	Acres NYS Wetland impacted by Micron
2.29 to 1	Stream mitigation ratio
14,448	Feet of stream restored to replace
6,283	Feet of stream filled by Micron
107	Business days between completed application and permit issuance



Micron in NY

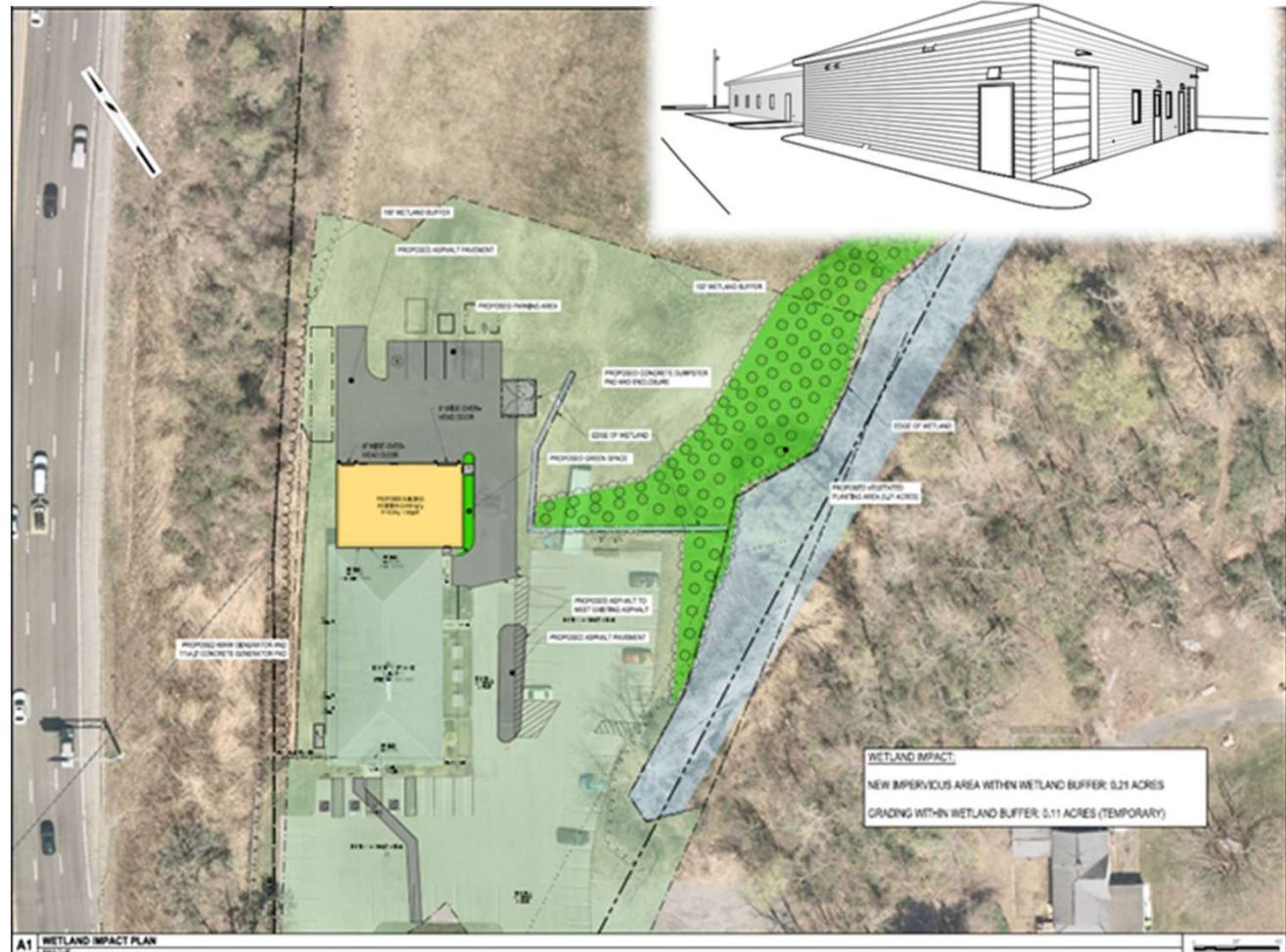


syracuse.com

Application ID	Permit Applied for	Applicant	Notice of Complete Application Date	Public Comment Period	Public Hearing	Current Status
Micron New York Semiconductor Manufacturing LLC, 7-3124-00575/00004	Air Title V permit for emissions from the operation of Fab 1 and Fab 2	Micron, OCIDA	11/5/2025	Closed 12/17/25	Held on Dec. 9 and 10, 2025	Under review
Micron New York Semiconductor Manufacturing LLC, 7-3124-00575/00003 (PDF)	Article 24, Freshwater Wetlands for 176.44 acres of impacts to NYS regulated freshwater wetlands	Micron OCIDA	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Micron New York Semiconductor Manufacturing LLC, 7-3124-00575/00007 (PDF)	Section 401, Clean Water Act Water Quality Certification for the discharge of dredged and fill material in association with the USACE Section 404 permit.	Micron OCIDA	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Micron New York Semiconductor Manufacturing LLC, 7-3124-00575/00005 (PDF)	Article 11, Endangered/Threatened Species (Incidental Take) for impacts to approximately 624-acres of NYS Threatened Northern Harrier and NYS Endangered Short-eared Owl habitat	Micron OCIDA	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Buxton Creek, 7-3554-00274/00001 (PDF)	Article 24, Freshwater Wetlands for 100.1 acres of compensatory wetland mitigation	Micron, The Wetland Trust, Inc.	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Fish Creek, 7-3554-00275/00001 (PDF)	Article 24, Freshwater Wetlands for 19.4 acres of compensatory wetland mitigation	Micron, The Wetland Trust, Inc.	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Oneida River, 7-3554-00276/00001 (PDF)	Article 24, Freshwater Wetlands for 168.5 acres of compensatory wetland mitigation	Micron, The Wetland Trust, Inc.	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Six Mile Creek, 7-3554-00277/00001 (PDF)	Article 24, Freshwater Wetlands for 44.3 acres of compensatory wetland mitigation	Micron, The Wetland Trust, Inc.	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Lower Caughdeny Creek, 7-3599-00242/00001 (PDF)	Article 24, Freshwater Wetlands for 53.2 acres of compensatory wetland mitigation	Micron, The Wetland Trust, Inc.	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025
Upper Caughdeny Creek, 7-3599-00056/00001 (PDF)	Article 24, Freshwater Wetlands for 36.8 acres of compensatory wetland mitigation	Micron, The Wetland Trust, Inc.	7/16/2025	Closed 9/1/25	Held on Aug. 12 and 13, 2025	Permit Issued 12/12/2025

North Area Meals on Wheels, North Syracuse

- The permit includes:
 - 60 ft. x 40 ft. building addition
 - Roadway and parking area improvements to support the non-profit organization.
- Permit issuance included 0.21-acres of vegetative plantings along the edge of the wetland
 - This will promote healthy ecosystem habitat while meeting the goals of the project
- DEC is currently working with a solar company to install a 120.64 kW array to offset the electrical needs



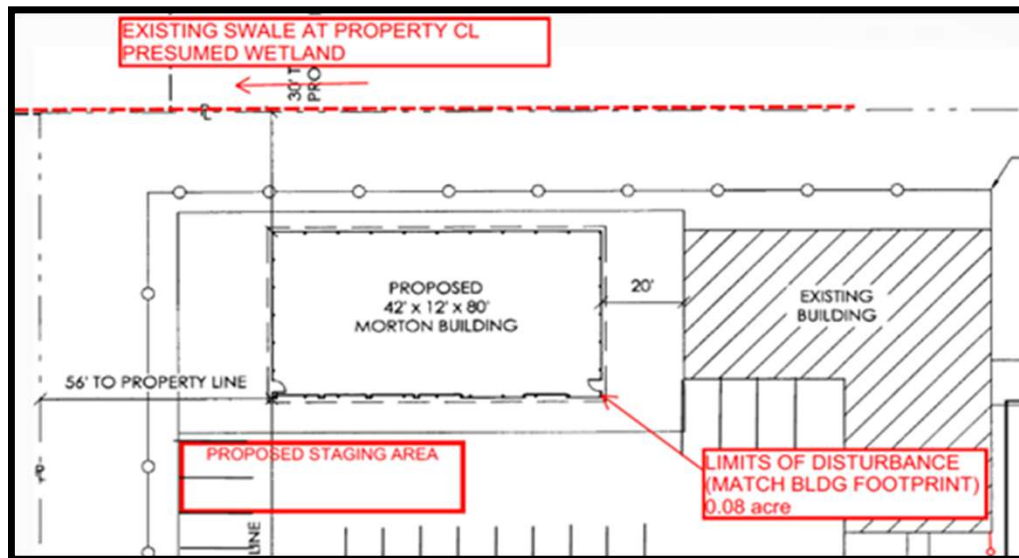
City of Syracuse Department of Public Works Composting Site



- Located at Midler Ave/I-690
- Syracuse and C&S Engineers engaged DEC to bring the existing storage and compost site into compliance with Article 24
- Permits included removal of fill within regulated areas, environmental improvements to stormwater, organizational infrastructure, and better-defined work areas.
- Improvements created a great partnership

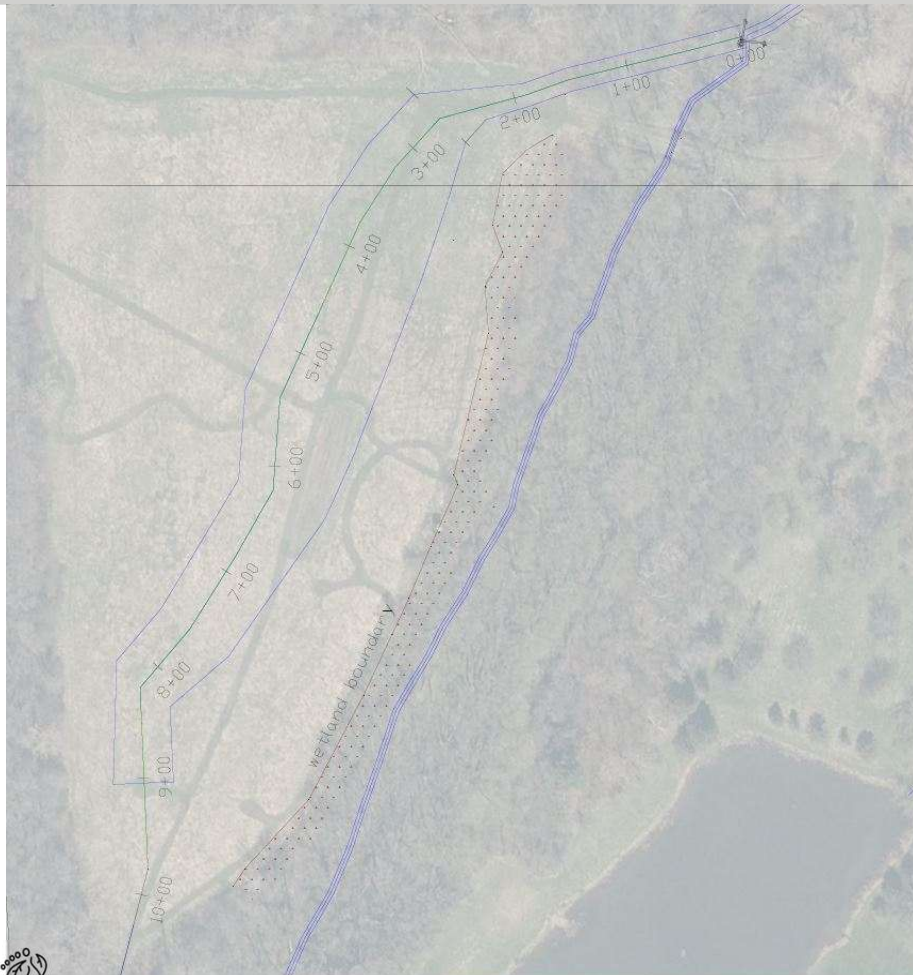
Town of Cicero Pole Barn

- The Cicero Police Department applied for a 42 ft. X 80 ft. expansion within the footprint of their existing parking lot.



- A permit was issued within 16 days using the newly issued Basic Freshwater Wetland General Permit GP-0-25-003

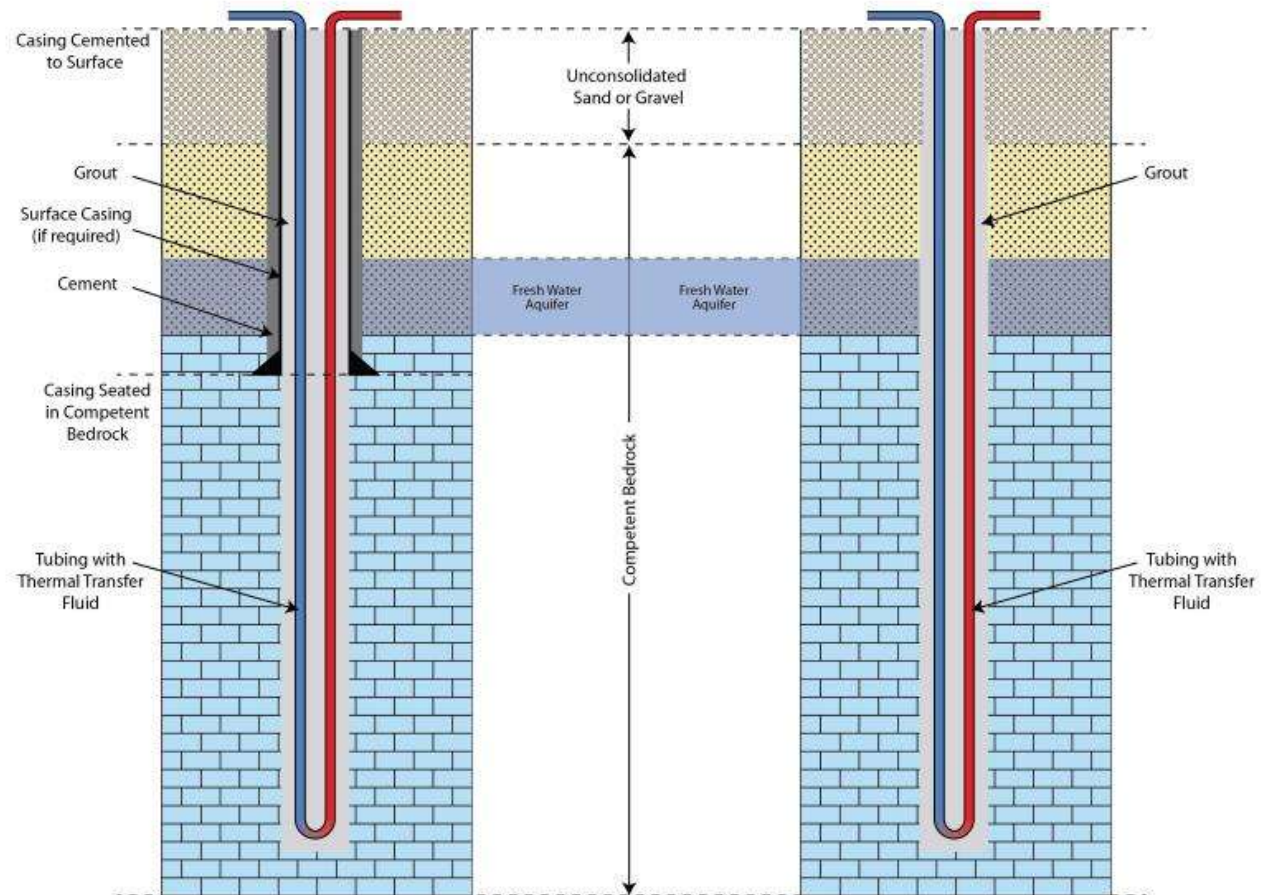
Multi-Agency Partnerships at Shotwell Brook, Skaneateles



- Partnership between
 - DEC
 - Onondaga County Soil and Water Conservation District
 - US Fish and Wildlife
 - US Army Corps of Engineers
 - City of Syracuse Water Department
- Permits included:
 - grade-control structures
 - creation of a stormwater diversion wetland
 - creation of a floodplain attenuation wetland
- Improvements help capture storm surges to redistribute and decrease deposition of sediment into Skaneateles Lake

DEC updates: Geothermal Wells

- Closed loop geothermal wells deeper than five hundred feet are not currently subject to the same requirements, as a result of September 2023 and February 2024 legislation changes ([S. 6604/A. 6949](#) and [S. 8060/A. 8565](#), respectively)
- New regulations for closed loop geothermal borehole drilled deeper than 500 feet
- Currently developing regulations for drilling, grouting, and closing of these boreholes, along with new financial security and permit fee structures.



Environmental Bond Act: Open Space Grant Program

Purpose: Support land conservation to:

- protect air and water quality
- provide habitat connectivity
- preserve diverse ecosystems
- mitigate the impacts of climate change
- provide equitable access to open space and recreational opportunities
- promote resilient communities

Eligibility: Not-for-profit organizations; Indian Nations or Tribe; and Municipalities.

Applications are due: **3:00 p.m. on Wed April 15, 2026**

More Information:

<https://dec.ny.gov/nature/open-space/open-space-conservation-grant>



DEC updates: Increasing Food Accessibility and Reducing Food Waste



NYS Food Donation & Food Scraps Recycling Law

Effective January 1, 2022, businesses and institutions that generate an annual average of two tons of wasted food per week or more must donate excess edible food and recycle all remaining food scraps if they are within 25 miles of an organics recycler

Additional requirements effective Jan 2027 and Jan 2029

Emergency Food Relief Grants

- 97 Local Emergency Food Relief Equipment grants were awarded across New York State
- Awards ranged from \$1,200 to \$100,000
- Region 7 awardees includes regional food banks

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