



Department of  
Environmental  
Conservation

# Navigating the New Freshwater Wetlands Regulations

6 NYCRR Part 664 – Freshwater Wetlands Jurisdiction and Classification

June 20, 2025

# Overview

Freshwater Wetlands Statute

Final Regulations

Implementation

General Permits





# Statutory Provisions

## Freshwater Wetlands Act (Article 24)

- Jurisdiction no longer tied to maps
- Regulate wetlands and adjacent area
- Regulate larger wetlands >12.4 acres (>7.4 acres in 2028)
- Regulate smaller wetlands of “Unusual Importance”



# INFORMATIONAL Maps

The screenshot displays the New York State Department of Environmental Conservation's Environmental Resource Mapper. The top navigation bar includes the NYS logo and links for Services, News, and Government. Below this is a dark green header with the text "NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION" and a share icon. The main title "Environmental Resource Mapper" is in a light green banner. On the left, a sidebar contains a search bar, tools, and a "Layers and Legend" section. The legend lists several layers, with "Informational Freshwater Wetland Mapping" selected and checked. The main map area shows a map of New York State with various geographical features. A browser window titled "NYS Wetlands - Google Chrome" is overlaid on the map, displaying the URL "gisservices.dec.ny.gov/gis/erm/infoWetlands.html". The browser window content includes the title "Informational NYS Freshwater Wetlands", a disclaimer, and a statement about the layer's purpose.

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**

**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.



# Exempt Activities



- Ordinary maintenance and repair of existing structures and improved areas
  - maintaining existing lawns and landscaped areas
  - resurfacing paved areas
- Seasonal installation and removal of docks
- Boating, fishing, and other outdoor recreation

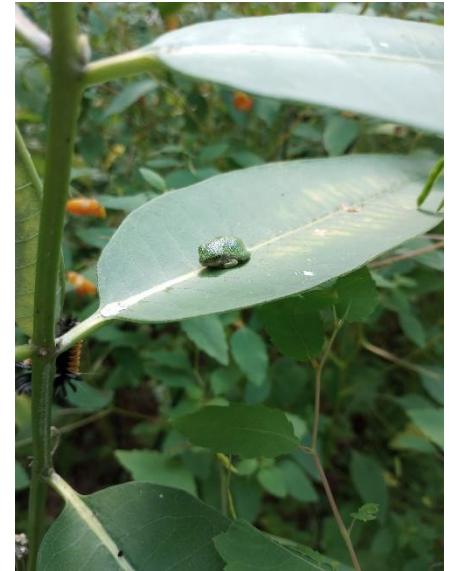
# Regulated Activities

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





# 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



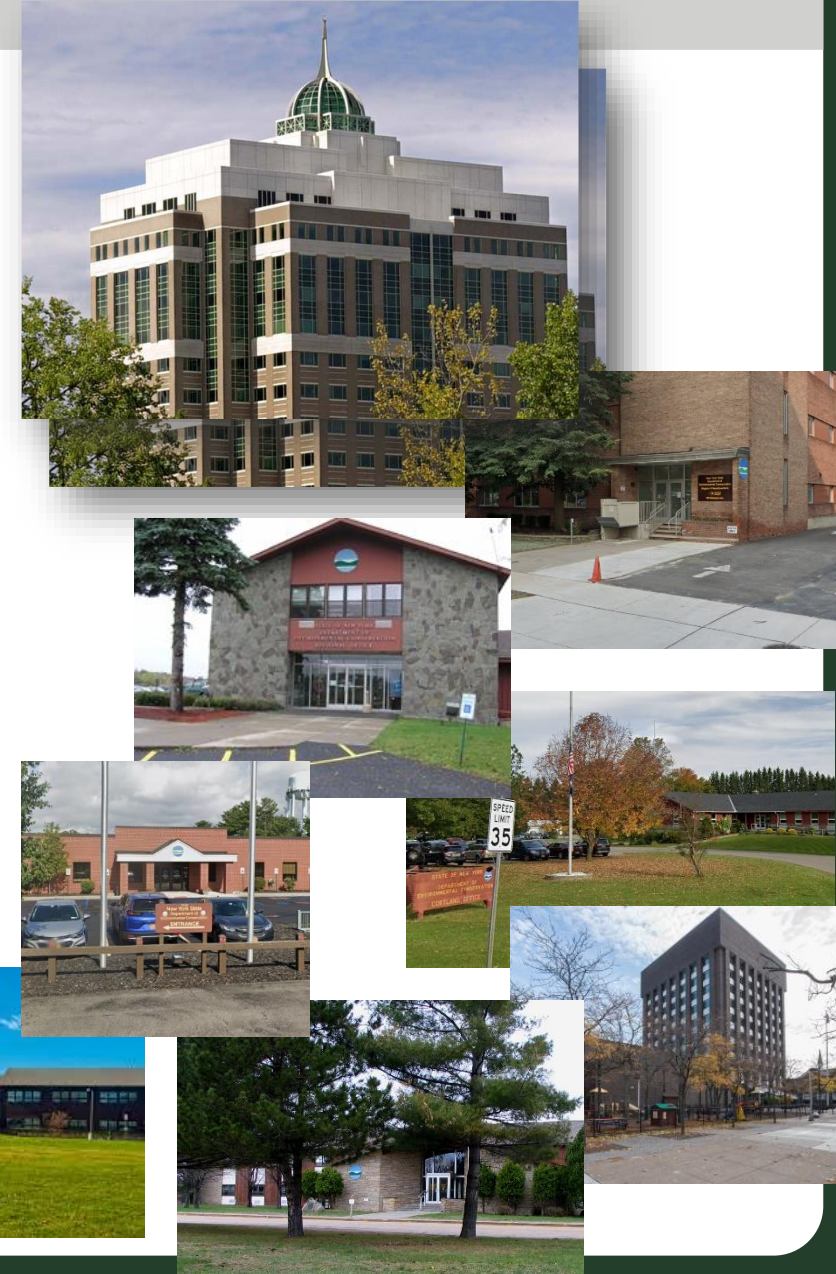
# **Jurisdictional Determination(JD) Process**

# NEW JD Process (664.8)

Step 1 – Parcel JD: Determine if there are state-jurisdictional wetlands and/or adjacent areas within the parcel or property boundaries.

## Step 2 – Wetland Delineation: Determine extent of wetlands and adjacent areas on the parcel or property

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





# Parcel JD Consultant Option

1. Applicant determines there are jurisdictional wetlands on the parcel.
2. Using the "Standard Operating Procedures for Remote Jurisdictional Determinations" PDF and "Consultant Option Parcel JD" PDF located on the website, applicant can skip the Parcel JD step and move to Project JD.
3. Applicant submits the compiled list to the region to have the data verified.
4. Once data are verified, applicant develops project plans depicting delineated boundary, project features and limit of disturbance.
5. Applicant moves to the permit process or Project JD.

# Parcel JD – Consultant Option



Department of  
Environmental  
Conservation

KATHY HOCHUL  
Governor

AMANDA LEFTON

## Parcel JD – Consultant Option

To use the Parcel JD – Consultant Option, consultants and other environmental professionals with wetlands expertise must submit the following information to the appropriate regional Bureau of Ecosystem Health email address (listed in the schedule boundary validations):

- Name and contact information of the property owner.
- Name and contact information of the consultant.
- Location of parcel(s), street address or nearest intersection, County and tax map identification numbers.
- Summary report that describes all the wetlands regulated by Article 24 on the parcel or property, including nutrient poor wetlands and vernal pools for amphibian breeding where adjacent areas may be extended under 6 NYCRR Part 664.7(a). The report must include an accounting of the criteria and unusual importance criteria met for each wetland(s) and the most recent version of DEC's "Standard Operating Procedures (SOP) for Remote Jurisdictional Determinations and Classification of Freshwater Wetlands Pursuant to 6 NYCRR Part 664, Freshwater Wetlands Jurisdiction and Classification." Off-site wetlands, where appropriate, must be considered when making determinations.
- Proposed classification of each Article 24 regulated wetland(s) located on the parcel(s) based on the most recent version of DEC's "Standard Operating Procedures (SOP) for Remote Jurisdictional Determinations and Classification of Freshwater Wetlands Pursuant to 6 NYCRR Part 664, Freshwater Wetlands Jurisdiction and Classification." Off-site wetlands, where appropriate, must be considered when proposing classifications.
- A wetland delineation report that includes a map of the regulated property boundaries and field data sheets. USACOE or other credible maps and sheets are acceptable.
- Shapefiles of the delineated wetland boundary, wetland survey data, and if known, the limits of disturbance for the proposed project.

## **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

### **Contents:**

I. Purpose.....	2
II. Standard Operating Procedures.....	2
A. Identification of Jurisdictional Wetlands by Acreage .....	3
B. Identification of Jurisdictional Wetlands Meeting	
Unusual Importance (UI) Criteria.....	4
(a) Significant Flooding .....	4
(b) Urban Areas .....	4
(c) Rare Plants .....	5
(d) Rare Animals .....	5
(e) Class I .....	7
(f) Unusual Local Importance .....	7
(g) Vernal Pools .....	8
(h) Floodways .....	9
(i) Previously Mapped Wetlands .....	9
(j) Local and Regional Significance .....	10
(k) Important for Protection of New York State's Water Quality .....	10
C. Classification of Jurisdictional Wetlands .....	11
(a) Class I .....	11
(b) Class II .....	12
(c) Class III .....	14
(d) Class IV .....	15
D. Extending the Adjacent Area.....	16
III. Terminology .....	17
IV. Spatial Data .....	19





# 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](#)

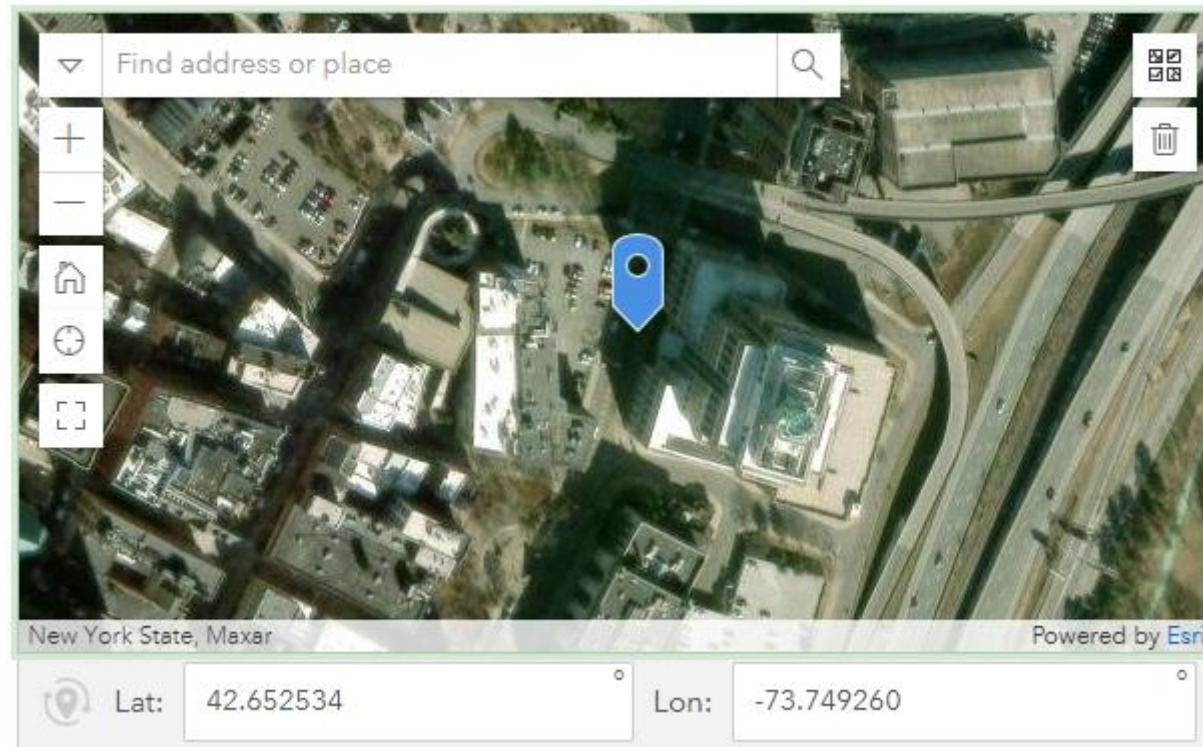
You **must provide physical address of the parcel, parcel ID #, and a way to contact you.** Either mailing address or email. Preferably email, to receive a parcel jurisdictional determination.



# Online JD Request Form

## 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, the text "New York State, Maxar" is visible on the left and "Powered by Esri" on the right. Below the map is a latitude and longitude input section. It includes a location pin icon, the label "Lat:", a text box containing "42.652534", a degree symbol, the label "Lon:", a text box containing "-73.749260", and another degree symbol.

Find address or place

New York State, Maxar

Powered by Esri

Lat: 42.652534° Lon: -73.749260°



## Timeline for JD (664.8 € through (g))

**90 Days** to provide a Parcel JD and 90 Days to provide a Project JD

- Fails to provide answer within 90 days
- Make notice of that failure by means of certified mail.
  - **New York State Department of Environmental Conservation Director of the Division of Fish and Wildlife**  
**625 Broadway**  
**Albany, NY 12233-4750**
- Fail to answer within **10 business** days of the receipt of such notice, freshwater wetland jurisdiction for the subject parcel shall be deemed **waived for a period of five years** from the date of the waiver.

# Transition Period (Applicability 664.1)

Proposed regulations include a transition period of 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





# **Freshwater Wetlands Permitting**

# 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.

# Drafts Permits Under Review

- 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)





# Drafts Permits Released February 5, 2025

- **Housing Development GP (GP-0-25-006)** - would authorize the construction of detached single- family homes, multiple family dwellings up to and over four units, and apartment buildings, and all unavoidable permanent and temporary disturbances associated with the development. An unavoidable impact limit acreage worksheet defines the limits of impact. Unavoidable permanent impacts will require wetland mitigation.



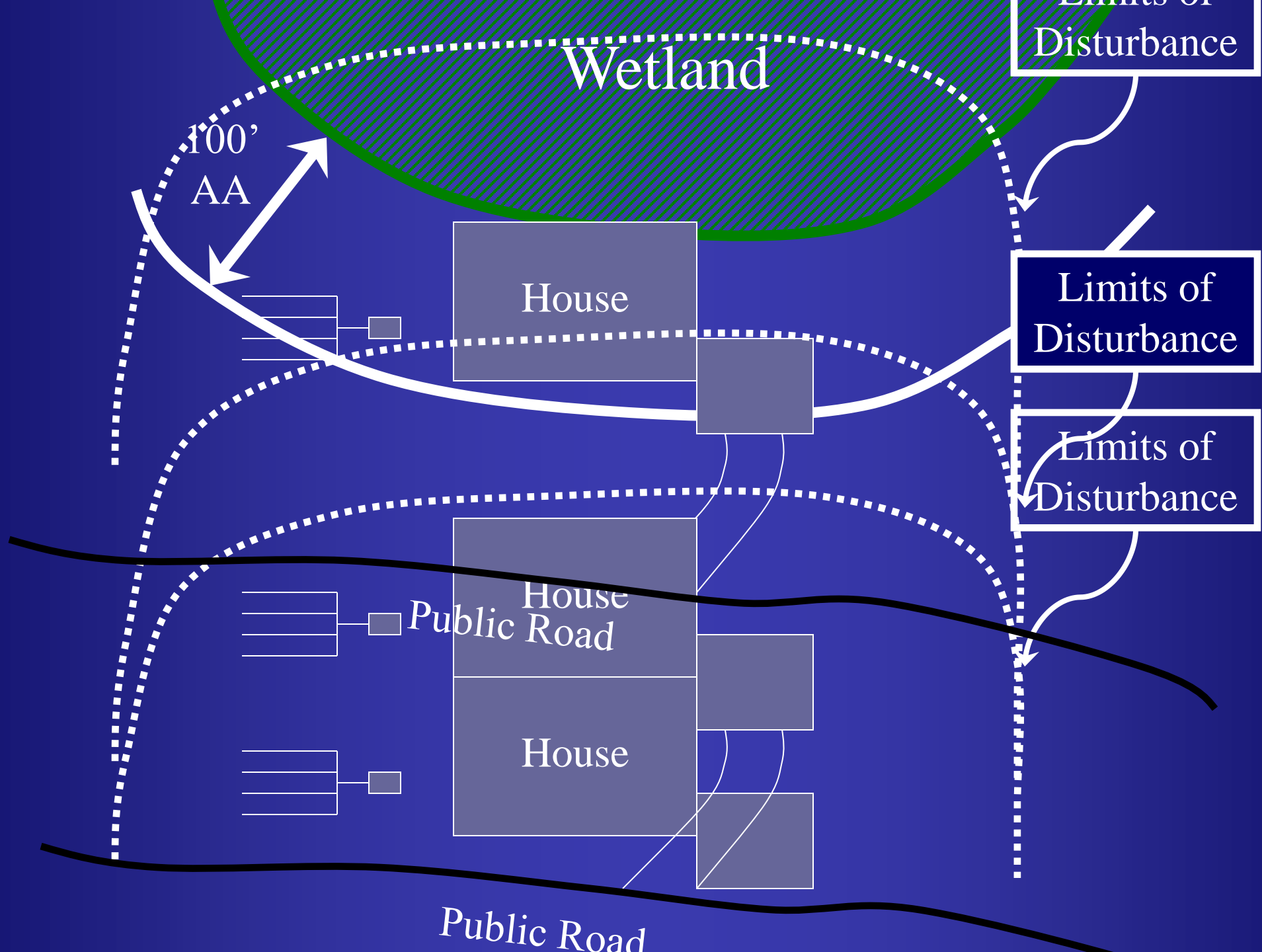
# Permit Issuance Standards

# **3 Step Permit Review Process**

**Avoid**  
**Minimize**  
**Mitigate**







# **At the End of the Day**

- Need to consider project impacts on wetland functions and benefits...
- For unavoidable impacts, mitigation may be required...
- Any unmitigated impacts are then assessed in relation to economic and social need.



“It is a rough road that leads to the heights of greatness.”

– *Lucius Annaeus Seneca*



# *Thank You!*

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