



## **Riverkeeper's 2020 Legislative Memorandum**

### **Support- A.8349/S.5612-A (Ryan/Harckham) - Support**

*AN ACT to amend the environmental conservation law, in relation to the protection of certain streams*

Riverkeeper strongly supports A.8349/S.5612-A, adding thousands of stream miles in New York to the list of protected classes. This legislation recognizes that water is a crucial asset for New York to protect, regardless of the classification. The legislation adds protections to nearly 41,000 miles of streams across New York. The addition of class C streams to the list of protected classes in the Protection of Waters Regulatory Program managed by the Department of Environmental Conservation, New York will further extend clean water protections. In the 2019 legislative session, the Senate passed the legislation with bipartisan support, 51-11.

The Trump Administration's current assault on the Clean Water Act with its proposed changes to the "waters of the United States" definition, threaten waters and wetlands across the nation and in New York. The rulemaking led by the EPA and Army Corps of Engineers threatens isolated freshwater wetlands, streams, rivers and lakes that may fall out of the new definition and therefore no longer receive protections afforded to it by the Clean Water Act.

Under current regulations for class AA, A, B streams and class C streams that support trout populations or may support trout spawning are protected from certain activities and require a permit for many others such as stream bank or bed disturbance. Many activities are exempt 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 the Hudson River Watershed, at least 40% of stream miles lack protections according to an analysis of DEC data. Riverkeeper has documented both vulnerabilities to public drinking water supplies, and actual harm to water quality and habitat that has resulted from alteration of Class C streams.

In tandem with additional legislation and agency actions, this legislation provides an important response to the Trump Administration's ill-conceived assaults on the Clean Water Act and other bedrock environmental protections. New York has an opportunity to extend much-needed protection to vital freshwater resources as the federal government continues to weaken clean water protections.

**Riverkeeper strongly supports A.8349/S.5612-A (Ryan/Harckham)**

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