

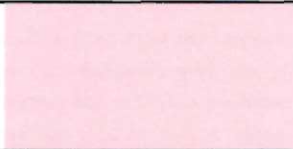
NYS Freshwater Wetlands Act Regulations Annulled

On April 8, 2026, the New York State Supreme Court, County of Albany, annulled the New York State Freshwater Wetlands Regulations for non-compliance with SEQRA. This is of great relevance to our Planning and Zoning Boards, and New York's local governments.

To read the court case, please visit the NYPF website at www.nypf.org under "News" and "Announcements."

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NYS Freshwater Wetlands Regulations Update



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NYS Freshwater Wetlands Act Regulations Update

Below please find an email sent this afternoon from the NYS Department of Environmental Conservation regarding the Freshwater Wetlands Act Regulations.

Dear Stakeholder,

We hope this message finds you well.

The New York State Department of Environmental Conservation (DEC) remains committed to the protection of wetlands and the crucial environmental and economic benefits they provide. We would like to inform you of a recent development regarding our Freshwater Wetlands Program.

On April 8, 2026, the Albany County Supreme Court issued a decision that impacts DEC freshwater wetlands regulations. Following a thorough evaluation of this decision and its potential implications for our permitting and enforcement programs in line with existing State law, we want to clarify our position moving forward.

DEC will continue to uphold New York's Freshwater Wetland Act, ensuring regulatory protections for freshwater wetlands that remain under our jurisdiction. As part of this commitment, DEC will require applications for projects that impact Previously Mapped Freshwater Wetlands and/or wetlands of 12.4 acres or greater in size.

Positive jurisdictional determinations issued before April 8, 2026, remain valid if they pertain to Previously Mapped Freshwater Wetlands or exceed 12.4 acres in size. Requestors who received a positive jurisdictional determination between January 1, 2025, and April 8, 2026, and whose jurisdiction letter references Unusual Importance criteria without mentioning Previously Mapped Wetlands will need additional review by the DEC. Recipients of these jurisdictional determination letters are encouraged to complete the online **Reassessment of Jurisdictional Determination Request** to ensure compliance with the updated regulations.

Thank you for your continued partnership in safeguarding New York's invaluable freshwater wetlands. If you have any questions or require further information, please do not hesitate to reach out.

Best,
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