

Bill Memo: A-B-Cs of Stream Protection

Environmental Advocates Strongly Supports this Bill

[A.8349 \(Ryan, et al.\)](#) | [S.5612-A \(Harckham, et al.\)](#)

Summary

This bill amends New York’s Environmental Conservation Law to include class C streams in the list of protected streams within the NYS DEC regulatory system.

Explanation

Given the federal government’s rollback of clean water protections, New York needs to bolster our efforts to protect thousands of miles of streams that serve a critical role in the health of our watersheds, drinking water supplies, and downstream communities. This bill adds class C streams to the list of those included under the Protection of Waters Regulatory Program within the NYS Department of Environmental Conservation.

New York’s freshwater resources provide us with abundant drinking water supplies and support agriculture, industry, and recreational opportunities. Healthy streams protect against flooding, filter harmful pollutants, provide flow for surface waters, and recharge groundwater aquifers. New York is also one of the [most dependent states](#) on small streams for our drinking water. The state established the Protection of Waters Regulatory Program to prevent undesirable activities from harming these waterways.

Waters of the state are assigned a class based on existing or expected usage. Class AA or A are given to waters that are used as drinking water sources; class B waters are used for swimming and contact recreation; class C waters support fisheries and non-contact recreation; and class D waters support fishing but not fish propagation. Classifications with (T) support trout populations and (TS) support trout spawning. Currently, only AA, A, and B streams, plus those supporting trout populations or trout spawning, are afforded protections under this program. Small ponds and lakes with a surface area of 10 acres or less, located within the course of a stream, are also subject to protection. Permits on protected streams are required for certain activities such as stream bank or bed disturbance, construction or repair of dams, and construction or expansion of docking structures.

In 2019, the Trump administration finalized its repeal of the science-based, Obama-era Clean Water Rule, replacing it with a 30-year-old definition of the Waters of the United States which decreases the protections of New York waterways under the Clean Water Act. With thousands of miles of [streams losing federal protections](#), New York needs to stand strong by bolstering our protections of class C streams which serve as critical arteries of our state’s waterways.

Environmental Advocates NY Bill Rating: Major Benefit

Memo #: 1

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