MEMORANDUM OF OPPOSITION

Assembly Bill 4666 (Assemblyman Ryan) / Senate Bill 5612 (Harckham)

AN ACT TO AMEND THE ENVIRONMENTAL CONSERVATION LAW, IN RELATION TO THE PROTECTION OF CERTAIN STREAMS.

Date: 1/15/2020

New York Farm Bureau, the state’s largest agricultural advocacy organization, respectfully requests your opposition to the above referenced legislation. If enacted, this bill would categorize class C and D waterways as streams adding them to the list of protected streams under the Protection of Waters Regulatory Program within the New York State Department of Environmental Conservation (DEC).

Currently, a permit for disruption of class AA, A, B, or C with a standard of (T) or (TS) is required by law. The addition of class D waterways would hinder a farmer’s ability to do simple ditch maintenance to prevent flooding, weed control and other activities to protect their crops. Features present to identify these intermittent streams are not always easily identifiable, and as such it is an infrequently used classification by the department further adding to the confusion on the need to obtain a permit.

The addition of class C and D streams to the Protection of Waters Regulatory Program would hinder farmers ability to quickly clear water ways, waiting to obtain a permit could be time consuming and farmers do not have extra time when protecting their crops from nature’s elements. It is important the DEC can prioritize the processing of permits on critical waterways and not use up the limited resources available on less pressing matters.

For these reasons, New York Farm Bureau requests your opposition to this legislation.