## Village of Ballston Spa Building Department

66 FRONT STREET

Ballston Spa, NY 12020
518-288-4006

September 3, 2025

Mark Katz Katz Excavating & Construction LLC 243 Sweetman Road Ballston Spa, NY 12020

Dear Mark,

Your subdivision application has recently been forward to and received by the Village of Ballston Spa Planning Board for their review. Please be aware that the new DEC guidelines will most likely require Jurisdictional Determination from DEC. It is further determined that this application will most likely require review by the Village Engineer. You will be required to set up an escrow account in the amount of \$5000 with the Village Treasurer prior to this review.

We are attaching the latest Freshwater Wetlands Program and Jurisdictional Determination guidelines for your review.

Thank you,

Dave LaFountain

Code Enforcement Officer

Rory O'Connor

Planning Board Chairman

Attachments (2)

Hearings from the state work stat

Freshwater Wetlands Program

## Looking to find out if there are regulated freshwater wetlands on your property?

## GO TO OUR JURISDICTIONAL DETERMINATION PAGE

</nature/waterbodies/wetlands/freshwaterwetlands-program/freshwater-wetlandjurisdictional-determination>

## Freshwater Wetlands Program

The New York State Legislature passed The Freshwater Wetlands Act (Environmental Conservation Law Article 24) in 1975 with the intent to preserve, protect, and conserve freshwater wetlands and their benefits, consistent with the general welfare and beneficial economic, social and agricultural development of the state.

Wetlands are essential for maintaining biodiversity, mitigating flooding, and protecting water quality. Through this program, the DEC ensures that wetlands are appropriately classified and regulated to support ecological and community resilience.

## For a wetland to meet jurisdictional criteria for protection it must:

- Have an area of 12.4 acres (5 hectares) in size or greater. As of January 1, 2028, the threshold will decrease to 7.4 acres (3 hectares).
- Meet any of 11 Unusual Importance criteria.
- To ensure the functions and benefits of jurisdictional wetlands are preserved, the department regulates a 100 foot adjacent area to maintain protective buffers.

## **Wetland Classification**

Different types of wetlands provide different functions and benefits. The Act requires wetlands be ranked based on the benefits and values provided. This system establishes four classes that rank wetlands according to their ability to perform wetland functions and provide wetland benefits. Wetlands are ranked Class I as the highest level of protections through Class IV as the lowest level of protections. It often is more difficult to get a permit to alter a Class I wetland than a Class II or III wetland because Class I wetlands provide more important wetland benefits. Lower ranked wetlands still provide important functions and benefits but typically require less protection to continue to provide these functions.

The federal Clean Water Act regulates activities in a similar manner but has slightly different requirements. Landowners are encouraged to contact the U.S. Army Corps of Engineers <a href="https://www.usace.army.mii/">https://www.usace.army.mii/</a> if they anticipate undertaking activities in or near wet areas.

## **Wetland Maps**

These mapping tools identify potential jurisdictional wetlands. It is important to note that the only way to confirm or denythe presence of regulated freshwater wetlands is by submitting a Parcel JD </ri>
/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>.

**Environmental Resource Mapper (ERM)** 

#### On this page

- The Previously Mapped Freshwater Wetlands is represented by the green layer, on the DEC Environmental Resource Mapper (ERM). This the only layer that confirms presence of regulated wetlands, as it includes those wetlands that were under jurisdictional before the regulatory changes that took effect on Jan. 1, 2025.
- Freshwater Wetland Informational Maps Created to assist identifying wetland areas that may be jurisdictional, DEC use the ERM Freshwater Wetlands Layer to view These maps display as pink, are for informational purposes only and cannot be relied upon to determine the presence or absence of freshwater wetlands regulated by DEC. The NYS Article 24 Freshwater Wetland Informational Maps were created by The Institute for Resource Information Sciences (IRIS) at Cornell University and combines a decision tree, statistical analysis, and a process that used Digital Elevation Model (DEM) to identify wetlands depicted.

## National Wetland Inventory (NWI) Maps

<a href="https://www.fws.gov/program/national-wetlands-inventory/wetlands-data">https://www.fws.gov/program/national-wetlands-inventory/wetlands-data</a>: The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps contain information on the location and characteristics of wetlands and deep-water habitats. Wetlands are federally classified using the method described in the Classification of Wetlands and Deepwater Habitats of the United States.

New York State GIS Clearinghouse <a href="https://data.gis.ny.gov/">https://data.gis.ny.gov/>: DEC Informational Freshwater Wetland Mapping and Previously Mapped Freshwater Wetlands, in addition to wetlands of unusual importance criteria for Urban Areas and Significant Flooding -are available for download through the New York State GIS Clearinghouse.

## National Land Cover Database (NLCD):

<a href="https://www.usgs.gov/centers/eros/science/national-land-cover-database">https://www.usgs.gov/centers/eros/science/national-land-cover-database</a> A dataset produced by the U.S. Geological Survey (USGS) in collaboration with the Multi-Resolution Land Characteristics Consortium (MRLC). It provides detailed land cover information for the United States, including data on land cover change, at a 30-meter spatial resolution.

## Wetlands of Unusual Importance

Wetlands of any size that possess any of the following 11 Usual Importance characteristics meet jurisdictional criteria for protection:

Watershed with Significant Flooding



Urban Areas	+
Rare Plants	+
Rare Animals	+
Unusual Local Importance	+
Vernal Pools	+
Class I Wetland	+
Previously Mapped	+
Regional Significance	+
Floodways	+
Water Quality	4

## **Regulated Activities**

Under the Freshwater Wetlands Act, DEC regulates activities in freshwater wetlands and in their adjacent areas. DEC regulates such activities to prevent, or at least to minimize, impairment of wetland functions.

The wetland categories used in the regulations are identified by the types of vegetation present. The regulations identify:

- classifications of uses;
- procedures for conducting activities in wetlands; and
- requirements for conducting activities in wetlands.

Almost any activity which may adversely impact the natural values of the wetlands or their adjacent areas is regulated. Some activities requiring a permit include:

- construction of buildings, roadways, septic systems, bulkheads, dikes, or dams;
- placement of fill, excavation, or grading;
- modification, expansion, or extensive restoration of existing structures;
- · drainage, except for agriculture; and
- application of pesticides in wetlands.

A permit is required to conduct any regulated activity in a protected wetland or its adjacent area. The permit standards in the regulations require that impacts to wetlands be avoided and minimized.

- If the proposed activity will not seriously affect the wetland, a permit with various conditions is usually issued.
- If the proposed activity will affect the wetland, the benefits gained by allowing the action to occur must outweigh the wetland benefits lost, in order for a permit to be issued.
- Compensatory mitigation often is required for significant impacts to wetlands. This may include creating or restoring wetlands to replace the benefits lost by the proposed project.

## General Permits for Freshwater Wetlands

- DEC is proposing statewide general permits to ease permitting and streamline the approval of specific activities. General permits are only for activities that have been determined to have limited impact on the environment. They allow similar types of work not unique to a particular location, require less time to process and no application fees.
- Currently, there are two available general permits, Fresh Water Wetland Permit (GP-25-003) </regulatory/permits-licenses/general-permits/freshwater-wetlands> and Lakes and Shorelines General Permit (GP-0-25-007) </regulatory/permits-licenses/general-permits/lakes-and-shorelines-general-permit-gp-0-25-007>.
   Additionally, DEC has proposed four general permits </regulatory/permits-licenses/general-permits> to address regulated activities within jurisdictional wetlands and adjacent areas.

#### Real Property Assessment

Real property valuation is assessed at the local level, not through DEC at the state level. The Freshwater Wetlands Act recognizes that land use may influence property valuation. For more information, visit the Real Property Assessment 

/nature/waterbodies/wetlands/freshwater-wetlands-program/real-property-assessment> webpage.

## **Revised Regulations**

On January 1, 2025, changes to 6 NYCRR Part 664, Freshwater Wetlands Mapping and Classification to Freshwater Wetlands Jurisdiction and Classification to implement amendments to the Freshwater Wetlands Act went into effect. The newly adopted regulations define key terms, describe the revised freshwater wetland classification system, present criteria for the identification of Wetlands of Unusual Importance, and describe procedures DEC uses in making jurisdictional determinations to enhance

consistency and conservation. In 2022, New York's Freshwater Wetlands Act (Environmental Conservation Law Article 24) was amended to make several important changes.

#### Regulation Resources

- Regulation Q&A </sites/default/files/2025-05/wetlandsregsqa.pdf>
   (PDF) Covers and answers some of the most commonly asked questions
- Text of Regulations </sites/default/files/2025-03/part664expressterms.pdf> (PDF)
- Assessment of Public Comment </sites/default/files/2024-12/wetlands\_apc\_pt664.pdf> (PDF)
- Regulatory Impact Statement </sites/default/files/2024-07/wetlands\_ris\_pt664.pdf> (PDF) - provides background and additional information.
- Supporting Documents (PDF) Regulatory flexibility Analysis for Small Businesses and Local Governments </sites/default/files/2024-07/wetlands\_rfa\_pt664.pdf>, Rural Area Flexibility Analysis, and Job Impact Statement </sites/default/files/2024-07/wetlands\_rafa\_pt664.pdf>.

#### Informational Webinar

DEC hosted a webinar to provide information and answer questions about the updated Freshwater Wetlands Program regulations.

Navigating New Waters: Understanding DEC's Freshwater
Wetland Regulations for NY Municipalities <a href="https://meetny-gov.webex.com/recordingservice/sites/meetny-gov/recording/af7896e4dc00103dabf6aab6a7a50013/playback">https://meetny-gov/recording/af7896e4dc00103dabf6aab6a7a50013/playback</a>, March 5, 2025

## **Contacts for Freshwater Wetlands**

DEC's Freshwater Wetlands Program resides in the Division of Fish and Wildlife. Most aspects of the wetlands program are implemented by staff in regional offices and can be reached at the below emails.

Contacts for Freshwater Wetlands

Region

Mailing Address

Email

**NYSDEC** 

Region 1 SUNY @ 1 (Nassau Stony Brook and Suffolk R1BEH@dec.ny.gov 50 Circle Counties) Road Stony Brook, NY 11790-3409 NYSDEC Region 2 2 (Bronx, 1 Hunters Kings, New Point Plaza York, 47-40 21st R2BEH@dec.ny.gov Queens, and Street Richmond Long Island Counties) City, NY 11101-5401 3 (Dutchess, NYSDEC Orange, Region 3 Putnam, 21 South Putt Rockland, Corners r3.beh@dec.ny.gov Sullivan, Road Ulster, and New Paltz, Westchester NY 12561-Counties) 1696 4 (Albany, Columbia, NYSDEC Delaware, Region 4 Greene, Stamford Montgomery, Sub-Office Otsego, 65561 State R4BEH@dec.ny.gov Rensselaer, Highway 10, Schenectady, Suite 1 and Stamford, NY Schoharie 12167 Counties) (North) NYSDEC Region 5 1115 NYS Route 86 P.O. Box 296 5 (Clinton, Ray Brook, Essex, NY 12977-Franklin, 0296 Fulton, R5BEH@dec.ny.gov

Hamilton, Saratoga, Warren, and Washington Counties)

(South)
NYSDEC
Region 5
Warrensburg
Sub-Office
232 Golf
Course Road

Warrensburg, NY 12885

(North) NYSDEC Region 6 317

Washington Street

Watertown,

6 (Herkimer, Jefferson,

Lewis,

NY 13601-

3787

Oneida, and St. Lawrence

Counties)

(South)
NYSDEC
Region 6
Utica Sub-

Office
207
Genesee
Street
Utica, NY
13501

R6BEH@dec.ny.gov

R7BEH@dec.ny.gov

7 (Broome,

Cayuga, Chenango,

Cortland,

Madison,

NYSDEC

Region 7

5786

Widewaters

Parkway

Syracuse, NY 13214-1867

Oswego, Tioga, and Tompkins

Onondaga,

Counties)

8 (Chemung,

Genesee, Livingston,

Monroe,

NYSDEC

Ontario, Orleans, Region 8 6274 East

Schuyler, Avon-Lima dec.sm.R8BEH@dec.ny.gov Seneca, Road Steuben, Avon, NY Wayne, and 14414-9519 Yates Counties) 9 (Allegany, NYSDEC Cattaraugus, Region 9 Chautauqua, 700 Erie, Niagara, Delaware R9BEH@dec.ny.gov and Avenue Wyoming Buffalo, NY Counties) 14209

## **Important Links**

Programs To Conserve Wetlands

</nature/waterbodies/wetlands/freshwaterwetlands-program/conserve>

Region 1: Nassau and Suffolk Counties	+
Region 2: Bronx, Kings, New York, Queens, and Richmond Counties	+
Region 3: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties	+
Region 4: Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, and Schoharie Counties	+
Region 5: Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, and Washington Counties	+
Region 6: Herkimer, Jefferson, Lewis, Oneida, and St. Lawrence Counties	÷

Region 7: Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, and Tompkins Counties

+

Region 8: Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, and Yates Counties

4

Region 9: Allegany, Cattaraugus, Chautauqua, Erie, Niagara, and Wyoming Counties

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## Contact for this Page

DFW, Bureau of Ecosystem Health 625 Broadway Albany, NY 12233

Phone: 518-402-6604 fw.ecohealth@dec.ny.gov

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## Freshwater Wetland Jurisdictional Determination

On this page

A freshwater wetland Jurisdictional Determination (JD) is a formal assessment conducted by DEC to determine if an area meets the criteria for classification as a regulated freshwater wetland and/or adjacent area under the Freshwater Wetlands Act. This determination helps define boundaries and characteristics of wetlands that require protection from degradation to maintain their functionality at optimal levels. Protecting New York's natural resources is a shared responsibility and understanding the role of freshwater wetlands is essential for sustainable development and environmental stewardship.

Got Wetlands?
Submit the Parcel
Jurisdictional
Determination
Request Form Below
to Find Out

Note: One jurisdictional request per parcel. This streamlines the process to ensure quicker response time.

After submitting the parcel JD request online, an email confirmation will be sent to the applicant that includes a summary of all of the information provided. Be sure to check all Junk or Spam folders for a confirmation email from DEC. If you did not receive an email or your information is incorrect, please resubmit your request with the correct information.

## PARCEL JURISDICTIONAL DETERMINATIONS REQUEST FORM

<a href="https://arcg.is/1mydvn">https://arcg.is/1mydvn></a>

If you're unable to submit an online application, please complete the DEC Jurisdiction Determination Application

</sites/default/files/2025-03/parceljdpaperrequest.pdf> (PDF) and submit it to DEC by following the instructions provided on the application.

JDs are necessary to protect the State's wetlands, ease confusion for project planning, and ensure people are within regulatory compliance.

- Project Planning: Knowing if jurisdictional wetlands and/or adjacent areas are present can significantly influence project design and planning. Ensuring that your project adheres to environmental regulations by avoiding jurisdictional wetlands and/or adjacent area can help prevent costly delays and modifications.
- Regulatory Compliance: If you are planning activities that may
  impact a jurisdictional wetland area such as construction, land
  development, filling or dredging, it's essential to know whether
  your project falls within a regulated wetland or adjacent area.
  The JD is the starting point in the process to understand what
  the next steps you are going to have to take to be in
  compliance with The Freshwater Wetland Act.

## **Jurisdiction Determination Process**

Step 1: Parcel Jurisdictional Determination



Step 2: Wetland Delineation	+
Step 3: Project Jurisdictional Determination	4

## Note

- For projects sponsors who have hired consultants, there
  is another option for Consultant Option Parcel JD
  </sites/default/files/2025-02/parcel/dconsultant.pdf> (PDF).
- If you believe that your project site does not contain jurisdictional wetlands or adjacent areas and are therefore seeking a Non-jurisdictional letter, submitting a parcel JD request will help you obtain it.

## **Contact for Freshwater Wetlands**

If you are having difficulties with submitting a JD request, please contact FWWjurisdiction@dec.ny.gov for further assistance.

To receive a Project JD, and/or a Wetland Permit, contact your local DEC Regional Office at the below listed emails. View a Map of All DEC Offices </about/contact-us/map-of-dec-offices> to locate a Regional Office near you.

Region	Mailing Address	Email
1 (Nassau and Suffolk Counties)	NYSDEC Region 1 SUNY @ Stony Brook 50 Circle Road Stony Brook, NY 11790- 3409	R1BEH@dec.ny.gov
2 (Bronx, Kings, New York,	NYSDEC Region 2 1 Hunters Point Plaza	

Queens, and Richmond Counties)	47-40 21st Street Long Island City, NY 11101-5401	R2BEH@dec.ny.gov
3 (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties)	NYSDEC Region 3 21 South Putt Corners Road New Paltz, NY 12561- 1696	r3.beh@dec.ny.gov
4 (Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, and Schoharie Counties)	NYSDEC Region 4 Stamford Sub-Office 65561 State Highway 10, Suite 1 Stamford, NY 12167	R4BEH@dec.ny.gov
5 (Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, and Washington Counties)	(North) NYSDEC Region 5 1115 NYS Route 86 P.O. Box 296 Ray Brook, NY 12977- 0296  (South) NYSDEC Region 5 Warrensburg Sub-Office 232 Golf Course Road Warrensburg, NY 12885	R5BEH@dec.ny.gov

(North) NYSDEC Region 6 317

Washington Street

6 (Herkimer, Jefferson,

Watertown, NY 13601-

Lewis,

3787

R6BEH@dec.ny.gov

Oneida, and St. Lawrence Counties)

(South) NYSDEC Region 6 Utica Sub-Office 207

Genesee Street Utica, NY 13501

7 (Broome,

Cayuga,

NYSDEC Chenango, Region 7

Cortland,

5786

Madison, Onondaga,

Widewaters Parkway

R7BEH@dec.ny.gov

Oswego, Tioga, and

Syracuse, NY 13214-1867

Tompkins

Counties)

8 (Chemung,

Genesee, Livingston,

NYSDEC

Monroe, Ontario, Orleans,

Schuyler,

Seneca,

Region 8 6274 East

Avon-Lima

Road

Avon, NY 14414-9519

Steuben, Wayne, and

Yates

Counties)

9 (Allegany,

**NYSDEC** Region 9

Cattaraugus, Chautauqua,

700

Erie, Niagara,

Delaware Avenue

R9BEH@dec.ny.gov

dec.sm.R8BEH@dec.ny.gov

and

Wyoming Counties)

Buffalo, NY 14209

## **Appeals Process**

Landowners may appeal positive JDs by meeting with DEC for an initial consultation and providing a delineation of the wetlands identified in the JD. If the landowner does not already have a delineation, they may request DEC delineate the boundary of the particular wetland or wetlands on their property prior to the date of the initial consultation.

After the initial consultation, the landowner must submit a complete Freshwater Wetlands Jurisdictional Determination Appeal application </sites/default/files/2024-12/jurisdictional appeal form.pdf> (PDF). Appeals must be filed within 120 days of the consultation and sent by certified mail with a return receipt to:

New York State Department of Environmental Conservation Director of the Division of Fish and Wildlife 625 Broadway Albany, NY 12233-4750

DEC will make a written decision within 60 days of receiving a complete appeal application. If another visit to the property is needed, DEC may extend this deadline by up to 30 days. While the appeal is being reviewed, the original determination remains in effect.

To appeal, you must show technical information proving one of these:

- 1. Important facts were left out.
- 2. The current rules were applied incorrectly.
- 3. Guidance for identifying wetlands and their boundaries was not applied correctly.

#### Contact for this Page

DFW, Bureau of Ecosystem Health 625 Broadway Albany, NY 12233

Phone: 518-402-6604 fw.ecohealth@dec.ny.gov

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