

October 26, 2020

The Honorable Andrew M. Cuomo, Governor
State of New York
Executive Chamber
New York State Capitol
Albany, NY 12224

RE: Protect New York's Streams and fight back against Trump's Clean Water Assaults

Dear Governor Cuomo:

In light of the Trump administration's rollbacks of environmental protections for clean water, the undersigned organizations urge you to sign legislation protecting New York's streams. A.8349/S.5612A sponsored by Assemblymember Sean Ryan and Senator Pete Harckham to protect New York's streams. We urge quick action on this bill given the ongoing assaults on the Clean Water Act and rollbacks on stream and wetland protections by the Trump administration in the Navigable Water Protection Rule.

On February 28, 2017, President Trump signed an executive order rolling back Obama's Clean Water Rule under the Clean Water Act, endangering thousands of miles of streams that were once protected. 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 in New York and across the nation. The rule, promulgated 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 federal protections afforded to them by the Clean Water Act. New York, as a leader, must extend protections to these vital clean water resources and close the new gap between federal and state protections.

A.8349/S.5612A will simply add New York's class C streams into the Department of Environmental Conservation's Protection of Waters Program. Under current regulations, full state protections are in place only class AA, A, B streams and the small subset of class C streams that support trout populations or may support trout spawning. These streams are protected from certain activities and require a permit for many others such as stream bank or bed disturbance. Included in the Protections of Water Program are exemptions for certain activities including some agriculture activities, irrigation activities, activities removing fallen tree and debris, as well as an exemption for town and county governments which may enter into written agreements with DEC for specified categories of work which can be undertaken in compliance with performance criteria that are protective of the stream resources. On top of these exemptions, there are two instances where DEC may issue permits or authorize exemptions to allow necessary clean up and repair work necessitated by storms and other emergency situations. Each of these exemptions will also apply to newly protected class C streams.

Protecting the integrity of streams is vital to strengthening our community and ecological resilience in the face of climate change. High-quality streams help ensure communities have access to clean drinking water, mitigate flooding risks and provide critical habitat to wildlife. With 1 million species at risk of extinction globally, according to a new UN report, protecting critical habitat for these species is more important than ever.

Class C streams include many of the stream types targeted by the Trump administration's Dirty Water Rule including ephemeral and intermittent streams. Ephemeral streams which are channels that flow for hours or days following rainfall and intermittent streams which are streams that cease flowing for weeks or months each year will lose protections under the federal rollback. According to Trout Unlimited, there is an estimated one mile of ephemeral stream for every mapped stream mile in New York State – therefore, excluding ephemeral, intermittent streams and smaller streams that are not connected to water bodies regulated as navigable waters, will result in roughly 50 percent of streams losing protection. In addition, over half of New Yorkers (11.2 million) are dependent on public water systems which are supplied by water from small unprotected streams.

Currently, over 40,000 miles of class C streams in New York lack state protections. The following watersheds (measured in stream miles) will continue to be at risk unless we pass this legislation: Allegheny River (2,123), Atlantic Ocean / Long Island Sound (176), Black River (1,050), Chemung River (2,513), Delaware River (457), Genesee River watershed (4,059), Lake Champlain (724), Lake Ontario (3,859), Lower Hudson River (2,803), Mohawk River (3,479), Niagara River / Lake Erie (2,157), Oswego River / Finger Lakes (5,822), Ramapo River (44), St. Lawrence River (4,494), Susquehanna River (3,586), and Upper Hudson River (3,039).

New York has incredible freshwater stream resources, but we need to protect them to ensure their continuity. New York's streams provide us with abundant drinking water supplies, fish and wildlife habitat and support agriculture, industry, and recreational opportunities. However, these resources are at risk from the Trump administration. We urge you to sign this critical clean water bill before the end of the year.

Thank you for your support of clean water,

Adirondack Mountain Club

Michael Barrett

American Littoral Society

Don Riepe

Audubon New York

Erin McGrath

Battenkill Conservancy

Lorraine Merghart Ballard

Bronx Climate Justice North

Jennifer Scarlott

Church Women United in New York State

Mary Smith

Citizens Campaign for the Environment

Adrienne Esposito

Ducks Unlimited

Nikki Ghorpade

EcoPlum

Gia Machlin

Environmental Advocates NY

Maureen Cunningham

Green Ossining

Suzie Ross

Hudson Highlands Land Trust

Michelle Smith

Hudson River Sloop Clearwater, Inc.

Manna Jo Greene

Natural Areas Conservancy

Sarah Charlop-Powers

New York League of Conservation Voters

Julie Tighe

**Northeast Organic Farming Association of New York
(NOFA-NY)**

Bethany Wallis

NY Climate Reality Chapters Coalition

Tim Guinee

NYC H2O

Matt A Malina

Parks & Trails New York

Robin Dropkin

Protect the Adirondacks!

Peter Bauer

Quassaick Creek Watershed Alliance

John Gebhards

Riverkeeper

Jeremy Cherson

Roe Jan Watershed Community

Kaare Christian

Save The Sound

William Lucey

Scenic Hudson

Andy Bicking

Sierra Club Atlantic Chapter

Roger Downs

Sierra Club Niagara Group

Sara Schultz

Stormwater Infrastructure Matters Coalition

Julie Welch

Surfrider Foundation

Matt Gove

Sustainable Saratoga

Wendy Mahaney

The Climate Reality Project Peconic Region, NY Chapter

Cate Rogers

The Climate Reality Rockland County Chapter

Darwin Keung

The Heights Urban Empowerment, Inc.

Antonio A. Camacho

The Nature Conservancy in New York

Jessica Ottney Mahar

Upper Green Side

Sarah W Gallagher

WESPAC Foundation, Inc.

Nada Khader

Western New York Environmental Alliance

Jay Burney

Woodstock Land Conservancy

Maxanne Resnick