

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 3

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Alexander B. Grannis  
Commissioner

### Notice to Local Governments, Project Sponsors and Applicants:

In order to clarify and explain the meaning of the State freshwater wetland boundary and 100 foot adjacent area depicted on development and subdivision plans, the New York State Department of Environmental Conservation (DEC) requests that the following note or a properly completed wetland boundary validation block (see enclosure "Delineating and Surveying Freshwater Wetland Boundaries") be incorporated onto the plans:

"Any proposed construction, grading, filling, excavating, clearing or other regulated activity within the State freshwater wetland or adjacent 100 feet requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to the commencement of work."

The validation block should be used for all subdivision plats.

In addition to the above, applicants and project sponsors should be aware that if a freshwater wetlands permit is ultimately issued for the project, it likely will contain a special condition requiring that the deed for each affected lot or parcel contain a notice as written below:

"This property contains State regulated freshwater wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the Environmental Conservation Law on this property within the freshwater wetland area or 100 foot adjacent area at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantee's, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property."

In order to ensure that State freshwater wetland regulations are known, DEC requests that municipal planning boards also require the above plan note and deed notice for each affected lot as part of any subdivision of property containing State freshwater wetland and/or adjacent area. DEC encourages planning boards and property owners to involve DEC early on in the planning of subdivisions involving State freshwater wetlands to ensure that all proposed lots will comply with State regulations and that wetland benefits and functions are protected and preserved.

## WETLAND ADJACENT AREA SURVEY MARKER LANGUAGE

These markers must contain the following language:

- "STATE WETLAND ADJACENT AREA"
- "SURVEY MARKER NOT TO BE REMOVED"
- "CONTACT NYS DEC"

# EXAMPLE - SURVEY MARKER

