

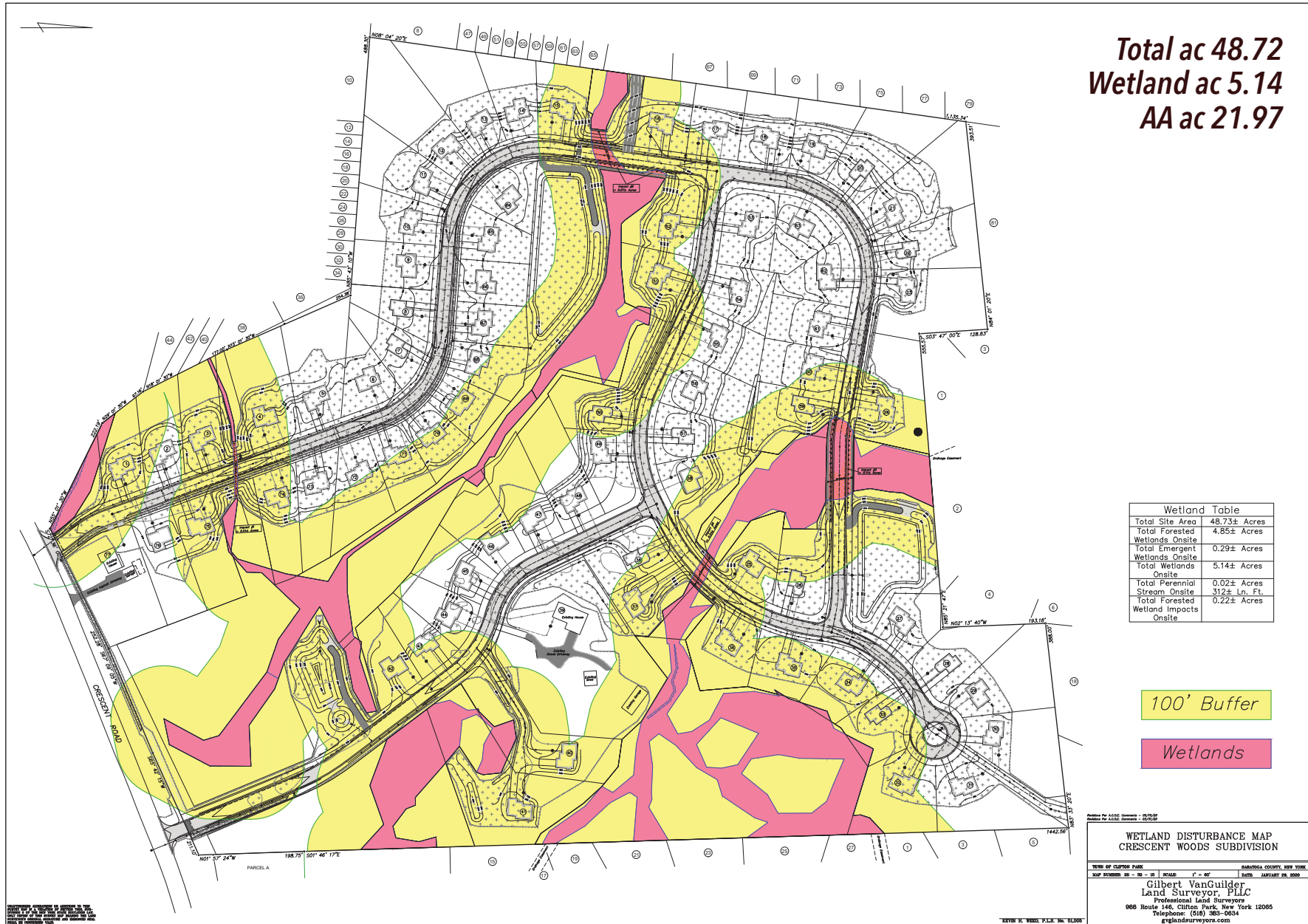


# NEW YORK STATE BUILDERS ASSOCIATION

## EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT

### 77 Lot Under Construction

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NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
77 Lot Under Construction

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DRAFT PERMT, FEB. 5, 2025

GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

A. Unavoidable Impact Limit (acres):

Housing Type Factors: 0.010 Single Family Detached  
0.015 Multiple Family with up to 4 dwellings per building  
0.020 Multiple Family with over 4 dwellings per building

1) Impact Limit (acres) based on Development Size and Housing Type:

48.72 Total land area of all development parcels X  
.01 Housing Type Factor (entered from factors listed above) =  
.487 Wetland/AA impact limit based on wetland acreage

2) Impact Limit (acres) based on Wetland Acreage:

5.14 Total wetland area within development parcels X  
5.0% Percentage impact limit =  
.257 Wetland/AA impact limit based on wetland acreage

3) Impact Limit based on Maximum of 5 Acres

3 Acres

4) .257 Enter the lesser limit of 1, 2 or 3 above. This is the unavoidable impact limit (acres)

B. Unavoidable Impacts Proposed (acres):

For unavoidable impacts enter the  
acreage of wetland and AA:

- 1)            Permanent wetland +  
2)            Temporary wetland +  
3)            Permanent AA +  
4)            Temporary AA =

For permanent wetland impacts,  
identify the acreage of wetland

- 6)            Forested wetland  
7)            Scrub/shrub & other non-flooded wetlands  
8)            Emergent/flooded wetlands

5)            Total Proposed Impacts. Acreage must be less than unavoidable impact limit above.

C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres)

For permanent wetland impacts, the following compensatory mitigation requirements apply:

- 1)            Forested wetland (3 X permanent forested wetland impacts listed above)  
2)            Scrub/shrub & other non-flooded wetlands (2 X permanent scrub/shrub impacts listed above)  
3)            Emergent/flooded wetlands = (3 X permanent emergent/flooded wetland impacts listed above)  
4)            Total acres of wetland mitigation required.



NEW YORK STATE BUILDERS ASSOCIATION  
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77 Lot Under Construction

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet  
**NYSBA Proposed Worksheet**

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

**A. Unavoidable Impact Limit (acres):** *For all housing types*

Impact Limits

1) Wetland w/in Development

ac 5.14 x .05= ac .257

2) AA w/in Development

ac 21.97 x .20= ac 4.39

3) Total Land within Development

ac 48.73 x .05= ac 2.43

4) Total of 1 + 2 + 3 = ac 7.07

*This is the unavoidable impact limit acres*

**(5 Acres is the maximum unavoidable impact allowed)**

**B. Proposed Unavoidable Impacts (acres):**

For unavoidable impacts enter the acreage of wetland and AA:

1) ac \_\_\_\_\_ Permanent wetland +

2) ac \_\_\_\_\_ Temporary wetland +

3) ac \_\_\_\_\_ Permanent AA +

4) ac \_\_\_\_\_ Temporary AA =

For permanent wetland impacts, identify the acreage of wetland:

6) ac \_\_\_\_\_ Forested wetland

7) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetland

8) ac \_\_\_\_\_ Emergent/flooded wetlands

5) ac \_\_\_\_\_ **Total Proposed Impacts. Acreage must be equal to or less than unavoidable impact limit above.**

**C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres):**

For permanent wetland impacts, the following compensatory mitigation requirements apply:

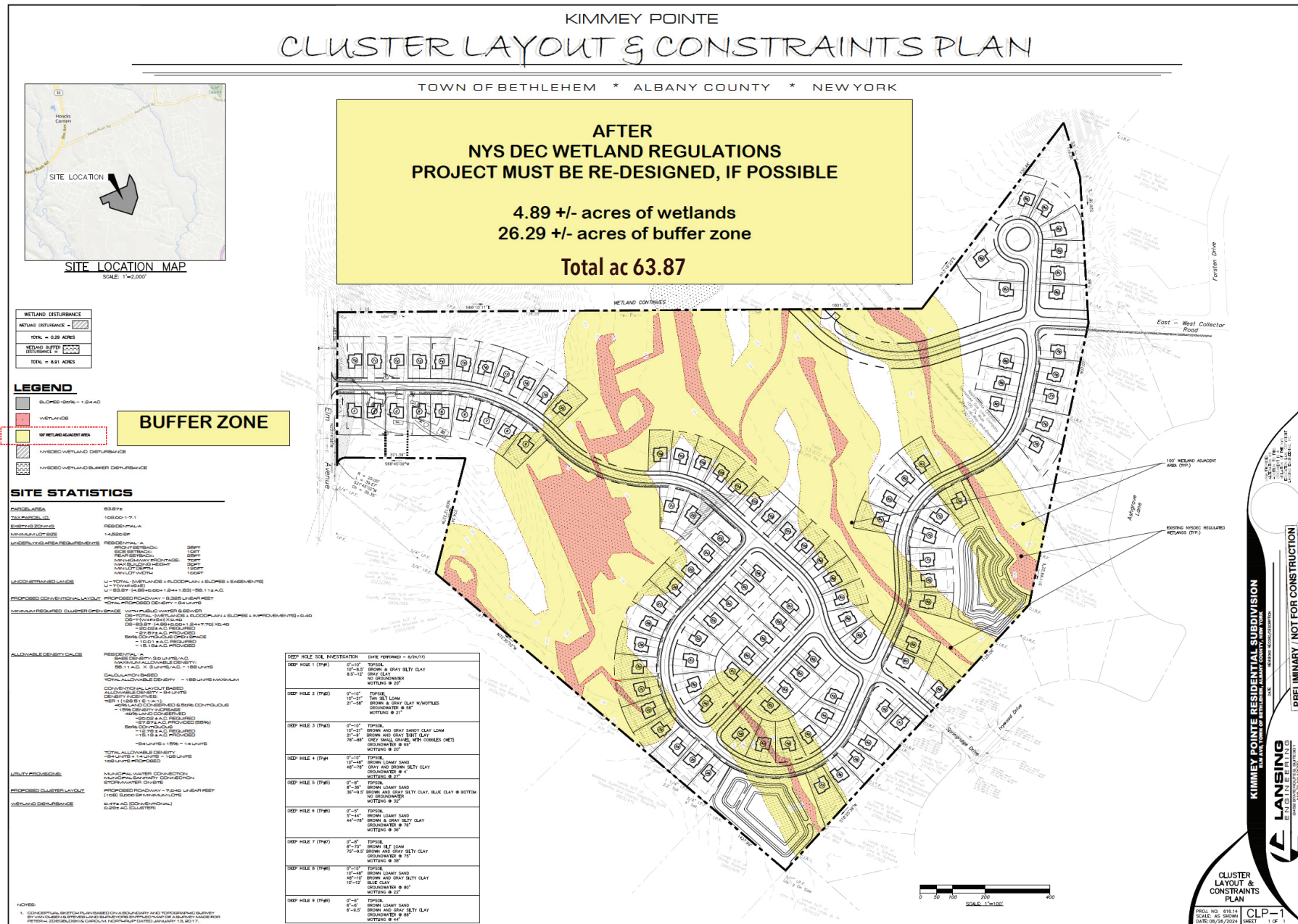
1) ac \_\_\_\_\_ Forested wetland (3x permanent forested wetland impacts) = ac \_\_\_\_\_ (required mitigation)

2) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetlands (2x permanent scrub/shrub impacts) = ac \_\_\_\_\_ (required mitigation)

3) ac \_\_\_\_\_ Emergent/flooded wetlands = (3x permanent emergent/flooded wetland impacts) = ac \_\_\_\_\_ (required mitigation)

4) Total acres of wetland mitigation required = ac \_\_\_\_\_







NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
108 Lot Subdivision Proposed Project

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

A. Unavoidable Impact Limit (acres):

Housing Type Factors: 0.010 Single Family Detached  
0.015 Multiple Family with up to 4 dwellings per building  
0.020 Multiple Family with over 4 dwellings per building

1) Impact Limit (acres) based on Development Size and Housing Type:

63.87 Total land area of all development parcels X  
.01 Housing Type Factor (entered from factors listed above) =  
.638 Wetland/AA impact limit based on wetland acreage

2) Impact Limit (acres) based on Wetland Acreage:

4.89 Total wetland area within development parcels X  
5.0% Percentage impact limit =  
.244 Wetland/AA impact limit based on wetland acreage

3) Impact Limit based on Maximum of 5 Acres

3 Acres

4) .638 Enter the lesser limit of 1, 2 or 3 above. This is the unavoidable impact limit (acres)

B. Unavoidable Impacts Proposed (acres):

For unavoidable impacts enter the  
acreage of wetland and AA:

- 1)          Permanent wetland +  
2)          Temporary wetland +  
3)          Permanent AA +  
4)          Temporary AA =

For permanent wetland impacts,  
identify the acreage of wetland

- 6)          Forested wetland  
7)          Scrub/shrub & other non-flooded wetlands  
8)          Emergent/flooded wetlands

5)          Total Proposed Impacts. Acreage must be less than unavoidable impact limit above.

C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres)

For permanent wetland impacts, the following compensatory mitigation requirements apply:

- 1)          Forested wetland (3 X permanent forested wetland impacts listed above)  
2)          Scrub/shrub & other non-flooded wetlands (2 X permanent scrub/shrub impacts listed above)  
3)          Emergent/flooded wetlands = (3 X permanent emergent/flooded wetland impacts listed above)  
4)          Total acres of wetland mitigation required.



NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
108 Lot Subdivision Proposed Project

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet  
***NYSBA Proposed Worksheet***

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

**A. Unavoidable Impact Limit (acres):** *For all housing types*

**Impact Limits**

1) Wetland w/in Development

ac 4.89 x .05= ac .244

2) AA w/in Development

ac 26.29 x .20= ac 5.25

3) Total Land within Development

ac 63.87 x .05= ac 3.19

4) Total of 1 + 2 + 3 = ac 8.68

*This is the unavoidable impact limit acres*

**Unavoidable impact limit must be less than or equal to the impact allowed.**

**B. Proposed Unavoidable Impacts (acres):**

For unavoidable impacts enter the acreage of wetland and AA:

1) ac \_\_\_\_\_ Permanent wetland +

2) ac \_\_\_\_\_ Temporary wetland +

3) ac \_\_\_\_\_ Permanent AA +

4) ac \_\_\_\_\_ Temporary AA =

For permanent wetland impacts, identify the acreage of wetland:

6) ac \_\_\_\_\_ Forested wetland

7) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetland

8) ac \_\_\_\_\_ Emergent/flooded wetlands

5) ac \_\_\_\_\_ **Total Proposed Impacts. Acreage must be equal to or less than unavoidable impact limit above.**

**C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres):**

For permanent wetland impacts, the following compensatory mitigation requirements apply:

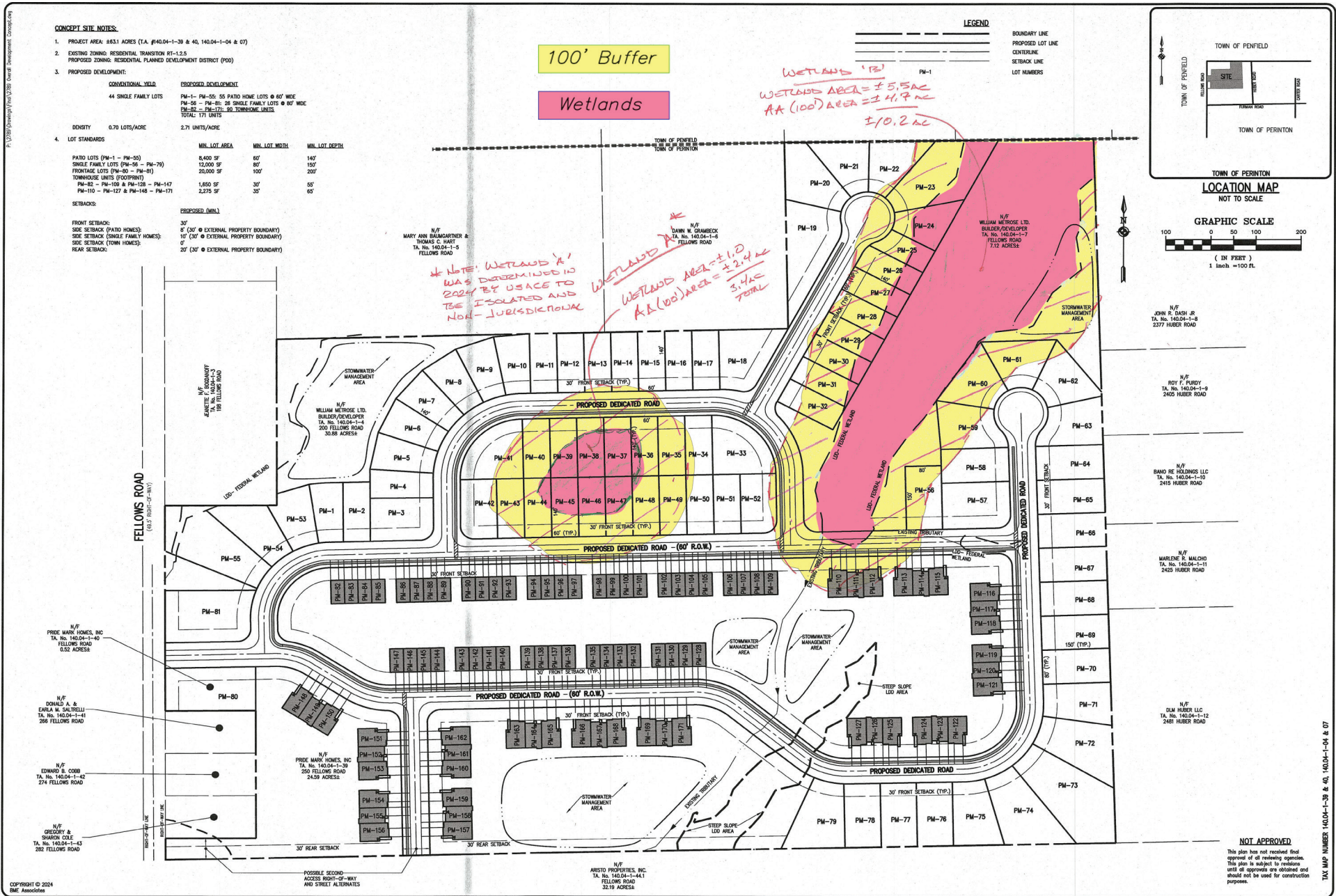
1) ac \_\_\_\_\_ Forested wetland (3x permanent forested wetland impacts) = ac \_\_\_\_\_ (required mitigation)

2) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetlands (2x permanent scrub/shrub impacts) = ac \_\_\_\_\_ (required mitigation)

3) ac \_\_\_\_\_ Emergent/flooded wetlands = (3x permanent emergent/flooded wetland impacts) = ac \_\_\_\_\_ (required mitigation)

4) Total acres of wetland mitigation required = ac \_\_\_\_\_







NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
171 Residential Units Proposed Project

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

A. Unavoidable Impact Limit (acres):

Housing Type Factors: 0.010 Single Family Detached  
0.015 Multiple Family with up to 4 dwellings per building  
0.020 Multiple Family with over 4 dwellings per building

1) Impact Limit (acres) based on Development Size and Housing Type:

63.1 Total land area of all development parcels X  
.01 Housing Type Factor (entered from factors listed above) =  
.63 Wetland/AA impact limit based on wetland acreage

2) Impact Limit (acres) based on Wetland Acreage:

6.5 Total wetland area within development parcels X  
5.0% Percentage impact limit =  
.32 Wetland/AA impact limit based on wetland acreage

3) Impact Limit based on Maximum of 5 Acres

3 Acres

4) .32 Enter the lesser limit of 1, 2 or 3 above. This is the unavoidable impact limit (acres)

B. Unavoidable Impacts Proposed (acres):

For unavoidable impacts enter the  
acreage of wetland and AA:

- 1)          Permanent wetland +  
2)          Temporary wetland +  
3)          Permanent AA +  
4)          Temporary AA =

For permanent wetland impacts,  
identify the acreage of wetland

- 6)          Forested wetland  
7)          Scrub/shrub & other non-flooded wetlands  
8)          Emergent/flooded wetlands

5)          Total Proposed Impacts. Acreage must be less than unavoidable impact limit above.

C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres)

For permanent wetland impacts, the following compensatory mitigation requirements apply:

- 1)          Forested wetland (3 X permanent forested wetland impacts listed above)  
2)          Scrub/shrub & other non-flooded wetlands (2 X permanent scrub/shrub impacts listed above)  
3)          Emergent/flooded wetlands = (3 X permanent emergent/flooded wetland impacts listed above)  
4)          Total acres of wetland mitigation required.





NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
171 Residential Units Proposed Project

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet  
**NYSBA Proposed Worksheet**

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

**A. Unavoidable Impact Limit (acres):** *For all housing types*

Impact Limits

1) Wetland w/in Development

ac 6.5 x .05= ac .325

2) AA w/in Development

ac 7.1 x .20= ac 1.42

3) Total Land within Development

ac 63.1 x .05= ac 3.15

4) Total of 1 + 2 + 3 = ac 4.9

*This is the unavoidable impact limit acres  
(5 Acres is the maximum unavoidable impact allowed)*

**B. Proposed Unavoidable Impacts (acres):**

For unavoidable impacts enter the acreage  
of wetland and AA:

1) ac \_\_\_\_\_ Permanent wetland +

2) ac \_\_\_\_\_ Temporary wetland +

3) ac \_\_\_\_\_ Permanent AA +

4) ac \_\_\_\_\_ Temporary AA =

For permanent wetland impacts, identify  
the acreage of wetland:

6) ac \_\_\_\_\_ Forested wetland

7) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetland

8) ac \_\_\_\_\_ Emergent/flooded wetlands

5) ac \_\_\_\_\_ Total Proposed Impacts. Acreage must be *equal to or less than* unavoidable impact limit above.

**C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres):**

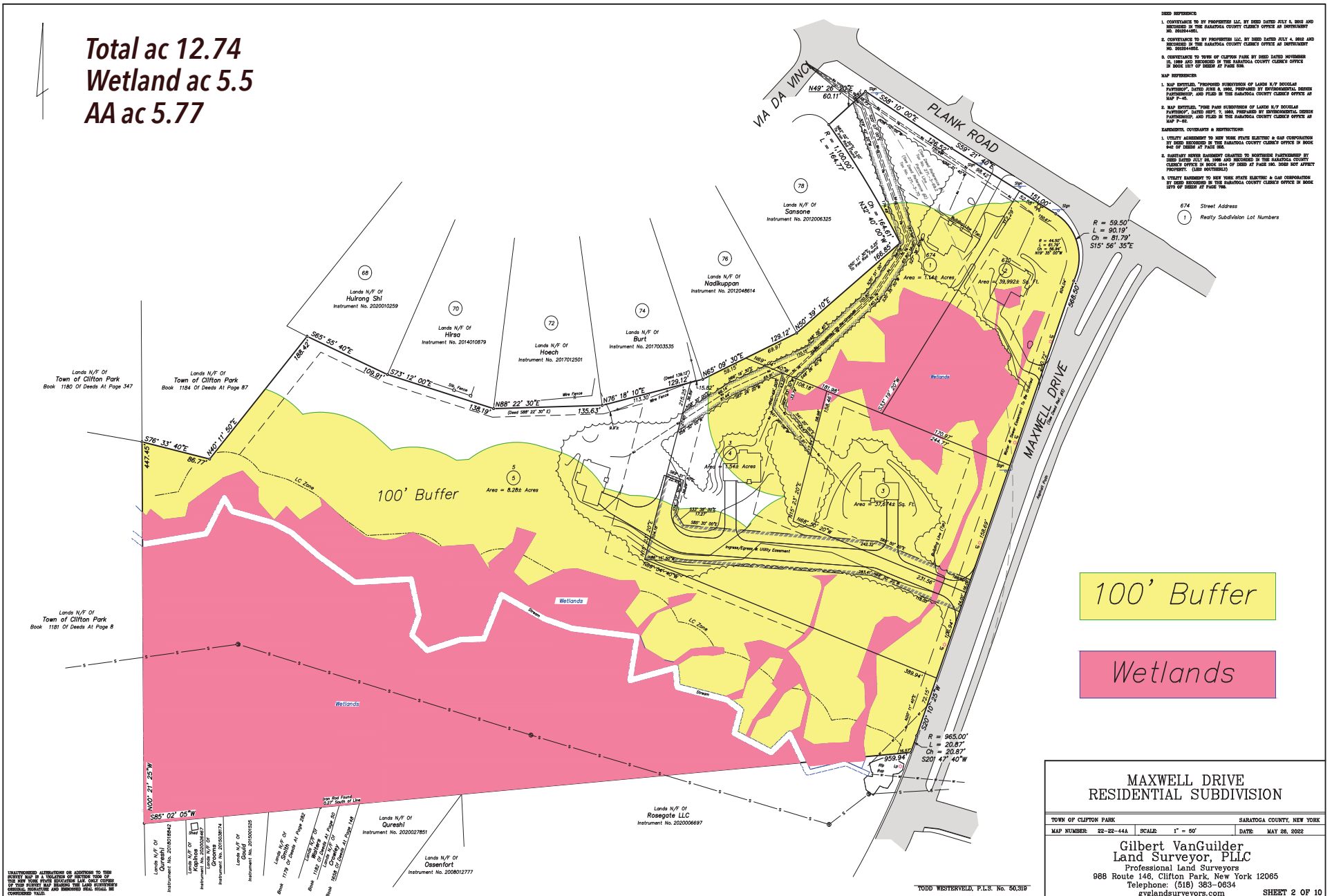
For permanent wetland impacts, the following compensatory mitigation requirements apply:

1) ac \_\_\_\_\_ Forested wetland (3x permanent forested wetland impacts) = ac \_\_\_\_\_ (required mitigation)

2) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetlands (2x permanent scrub/shrub impacts) = ac \_\_\_\_\_ (required mitigation)

3) ac \_\_\_\_\_ Emergent/flooded wetlands = (3x permanent emergent/flooded wetland impacts) = ac \_\_\_\_\_ (required mitigation)

4) Total acres of wetland mitigation required = ac \_\_\_\_\_





NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
4 Lot Subdivision Under Construction

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

A. Unavoidable Impact Limit (acres):

Housing Type Factors: 0.010 Single Family Detached  
0.015 Multiple Family with up to 4 dwellings per building  
0.020 Multiple Family with over 4 dwellings per building

1) Impact Limit (acres) based on Development Size and Housing Type:

12.74 Total land area of all development parcels X  
.01 Housing Type Factor (entered from factors listed above) =  
.127 Wetland/AA impact limit based on wetland acreage

2) Impact Limit (acres) based on Wetland Acreage:

5.5 Total wetland area within development parcels X  
5.0% Percentage impact limit =  
.27 Wetland/AA impact limit based on wetland acreage

3) Impact Limit based on Maximum of 5 Acres

3 Acres

4) .27 Enter the lesser limit of 1, 2 or 3 above. This is the unavoidable impact limit (acres)

B. Unavoidable Impacts Proposed (acres):

For unavoidable impacts enter the  
acreage of wetland and AA:

- 1)            Permanent wetland +  
2)            Temporary wetland +  
3)            Permanent AA +  
4)            Temporary AA =

For permanent wetland impacts,  
identify the acreage of wetland

- 6)            Forested wetland  
7)            Scrub/shrub & other non-flooded wetlands  
8)            Emergent/flooded wetlands

5)            Total Proposed Impacts. Acreage must be less than unavoidable impact limit above.

C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres)

For permanent wetland impacts, the following compensatory mitigation requirements apply:

- 1)            Forested wetland (3 X permanent forested wetland impacts listed above)  
2)            Scrub/shrub & other non-flooded wetlands (2 X permanent scrub/shrub impacts listed above)  
3)            Emergent/flooded wetlands = (3 X permanent emergent/flooded wetland impacts listed above)  
4)            Total acres of wetland mitigation required.





NEW YORK STATE BUILDERS ASSOCIATION  
EXAMPLES OF DEVASTATING IMPACT OF THE NEW WETLANDS ACT  
4 Lot Subdivision Under Construction

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GP-0-25-006, Attachment A  
Unavoidable Impact and Mitigation Worksheet  
***NYSBA Proposed Worksheet***

Freshwater wetland and adjacent area impacts authorized under GP-0-25-006 are subject to a demonstration by the applicant that impacts have been avoided and minimized to the extent practicable. For any unavoidable impacts covered under GP-0-25-006, the area of authorized impacts is limited to the maximum acreage determined by completion of section A of this worksheet. Compensatory wetland mitigation is required for permanent wetland impacts. The acreage of wetland mitigation required is also identified by the completion of sections B and C of this worksheet.

**A. Unavoidable Impact Limit (acres):** *For all housing types*

**Impact Limits**

1) Wetland w/in Development

ac 5.5 x .05= ac .27

2) AA w/in Development

ac 5.77 x .20= ac 1.15

3) Total Land within Development

ac 12.74 x .05= ac .63

4) Total of 1 + 2 + 3 = ac 2.05

*This is the unavoidable impact limit acres  
(5 Acres is the maximum unavoidable impact allowed)*

**B. Proposed Unavoidable Impacts (acres):**

For unavoidable impacts enter the acreage of wetland and AA:

1) ac \_\_\_\_\_ Permanent wetland +

2) ac \_\_\_\_\_ Temporary wetland +

3) ac \_\_\_\_\_ Permanent AA +

4) ac \_\_\_\_\_ Temporary AA =

For permanent wetland impacts, identify the acreage of wetland:

6) ac \_\_\_\_\_ Forested wetland

7) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetland

8) ac \_\_\_\_\_ Emergent/flooded wetlands

5) ac \_\_\_\_\_ **Total Proposed Impacts. Acreage must be equal to or less than unavoidable impact limit above.**

**C. Wetland Mitigation Requirements, if DEC determines mitigation is necessary (acres):**

For permanent wetland impacts, the following compensatory mitigation requirements apply:

1) ac \_\_\_\_\_ Forested wetland (3x permanent forested wetland impacts) = ac \_\_\_\_\_ (required mitigation)

2) ac \_\_\_\_\_ Scrub/shrub & other non-flooded wetlands (2x permanent scrub/shrub impacts) = ac \_\_\_\_\_ (required mitigation)

3) ac \_\_\_\_\_ Emergent/flooded wetlands = (3x permanent emergent/flooded wetland impacts) = ac \_\_\_\_\_ (required mitigation)

4) Total acres of wetland mitigation required = ac \_\_\_\_\_