§ 24-0301. Commissioner's study.

1. Except as provided in subdivision three of this section, the commissioner shall supervise the maintenance of freshwater wetlands maps, which shall be available to the public for inspection and examination at the regional office of the department in which the wetlands are wholly or partly located on the department's website. Digital files of freshwater wetland maps may also be made available, upon request, to the clerk of each county, city, town, or village in which each such wetland or a portion thereof is located. The commissioner may readjust the map at any time to more accurately depict the approximate location of wetlands, provided however, that a description of such changes shall be made available on the department's website along with the date such changes were made.

2. Except as provided in subdivision three of this section, the commissioner may, upon their own initiative, and shall, upon a written request by a landowner whose land or a portion thereof may be included within a wetland, or upon the written request of another person or persons or an official body whose interests are shown to be affected, cause to be delineated the boundary line or lines of a freshwater wetland or a portion thereof. The commissioner shall undertake to delineate the boundary of a particular wetland or wetlands, or a particular part of the boundary thereof only upon a showing by the applicant therefor of good cause for such delineation and the establishment of such line. Such delineation shall be effective for a period of five years from the date of such delineation.

3. The supervision of the maintenance of any freshwater wetlands map or portion thereof applicable to wetlands within the Adirondack park, the readjustment and precise delineation of wetland boundary lines and the other functions and duties ascribed to the commissioner by subdivisions one and two of this section shall be performed by the Adirondack park agency, which shall make such maps available for public inspection and examination at its headquarters and on the agency's website.

4. There is a rebuttable presumption that mapped and unmapped areas meeting the definition of a freshwater wetland in this article are regulated and subject to permit requirements. This presumption may be rebutted by presenting information to the department that the area does not meet the definition contained in this article. A wetland delineation by the department, or a verification by the department of a wetland delineation by another party, is required to identify the regulated freshwater wetland boundary in a particular location.

5. By January 1, 2025, in addition to any ongoing aerial photography, soil surveys or field verifications being conducted by the department, the department shall accept information from federal government sources, other state sources, local governments, colleges, universities, environmental organizations or other private agencies, regarding the location of freshwater wetlands.

6. By January 1, 2025, the department shall make educational materials available on its website to inform landowners and local governments of the process for determining how to identify freshwater wetlands.