



New York State Archives

**New York State Freshwater Wetlands Appeals Board Case
Files B2812**

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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of case files from individuals submitting written appeals to the Freshwater Wetlands Appeals Board. Case files contain affidavits, notices of appeals, appeals, briefs, answers to notices of appeals, notices of appearance, applications for reply, transcripts of hearings, stipulations, decisions, orders, maps, slides, positive photographs, and stays of decisions. The board's decision sets forth its reasons why the original wetlands designation was upheld or overturned.
Creator:	New York (State). Freshwater Wetlands Appeals Board
Title:	Freshwater Wetlands Appeals Board case files
Quantity:	61 cubic feet
Inclusive Date:	1976-1995
Series:	B2812

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Arrangement

Numerical by case number.

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Administrative History

Designations of wetlands are made in accordance with the provisions set forth in Article 24 (Freshwater Wetlands) of the Environmental Conservation Law (ECL) and the department's rules and regulations (6 NYCRR sections 663-665).

The Commissioner of Environmental Conservation is authorized to classify the state's freshwater wetlands based on a set of final maps prescribed by Article 24, Section 301 of the ECL. Under this section the commissioner is empowered to identify and map wetlands of 12.4 acres or more or smaller wetlands of unusual local importance. The inventory and mapping process include a public hearing in each area to be mapped, with each affected landowner and

local government being notified by the Department of Environmental Conservation (DEC). Upon completion, copies of the final map are filed with the clerk of each local government in which a wetland is located, and landowners are notified of the filing.

The department's regulations divide wetlands into four classes in descending order of critical importance. The higher the classification, the more stringent the land-use controls. Section 664.6 of the regulations defines the scientific terms used in the classification system.

The Freshwater Wetlands Appeals Board was established in 1975 (Chapter 614) as an administrative board to review determinations of the Environmental Conservation Commissioner, a local government, or the Adirondack Park Agency concerning freshwater wetlands. The board functions as a separate entity within DEC and provides an option to those who are dissatisfied with determinations made regarding wetlands.

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Scope and Content Note

This series consists of case files from individuals submitting written appeals to the Freshwater Wetlands Appeals Board. Case files consist of affidavits, notices of appeals, appeals, briefs, answers to notices of appeals, notices of appearance, applications for reply, transcripts of hearings, stipulations, decisions, orders, maps, slides, positive photographs, and stays of decisions.

Of the documents typically found in a file, the notices of appeals, briefs, and the board's decisions provide the most information. The notices of appeal (filed by the appellant), describe the nature and the size of the wetlands involved in the appeal; the reason why the appeal is being filed; and the portion of the decision, order, or determination to which the appellant objects. The briefs (also filed by the appellant) summarize the facts concerning the appeal; set forth the argument as to why the designation should be overturned; and state the precise relief the appellant seeks. Many of the briefs also contain an appendix which usually consists of copies of specific statutes, ordinances, rules and regulations, and cases upon which the appeal relies. The board's decision sets forth its reasons why the original wetlands designation was upheld or overturned.

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Other Finding Aids

Available at Repository

Container list is available at the repository.

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Use of Records

Access Restrictions

There are no restrictions regarding access to or use of this material.

Administrative Information

Acquisition Information

This series was transferred under RDA 15181 and includes records from transfer lists 010526 and 025261.

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Access Terms

- Hearing transcripts
- Real property
- Environmental protection
- Case files
- Wetland conservation
- Maps (documents)
- Briefs (legal documents)
- New York (State). Department of Environmental Conservation
- Adirondack Park Agency (N.Y.)