



**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

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www.nyc.gov/dep

DIAL 311 Government Information
and Services for NYC

**LEAD AGENCY DECLARATION AND NOTICE OF INTENT TO
CONDUCT AN ENVIRONMENTAL REVIEW**

February 27, 2009

**Proposed Amendments to the Rules for the Recreational Use of Water
Supply Lands and Waters, allowing Recreational Boating
CEQR No. 09DEP046U**

The New York City Department of Environmental Protection (NYCDEP) is proposing to amend Title 15, Chapter 16 of the Rules of the City of New York (RCNY), the existing rules governing the recreational use of over 112,000 acres of New York City water supply lands and waters (Existing Rules). The revised rules (Proposed Rules) were drafted to provide expanded recreational boating opportunities to the public by allowing additional types of boats to be used in areas specifically designated by the NYCDEP without the requirement that occupants of these boats be engaged in fishing. The Proposed Rules continue to ensure that appropriate protections are in place to protect water quality and ensure security.

The Proposed Rules would govern permissible recreational uses of all water supply lands and waters owned by the City of New York. The regulated community would be all persons accessing City-owned water supply lands, lakes, and reservoirs located in Delaware, Sullivan, Green, Schoharie, Ulster, Orange, Putnam, Dutchess, and Westchester counties, for purposes of recreation.

The amendments have been written to allow NYCDEP to designate Recreational Boating Areas at City-owned reservoirs or portions thereof, after compliance with site specific environmental reviews of each potential recreational boating area.

The most significant changes to the Existing Rules include:

- The creation of a "Recreational Boating Area," to refer to a location designated by the NYCDEP that is available for boating that does not require boat occupants to be plausibly engaged in the activity of Fishing.
- The creation of "Recreational Boat Tags" as instruments of permission issued for the purpose of allowing Access Permit holders to use and store boats for use when boating on Recreational Boating Areas. The tags may be either temporary or seasonal.
- Boats eligible for Recreational Boat Tags include canoes, sculls, small sailboats with removable center/dagger boards, and jonboats that measure no less than eleven feet five inches in length, and kayaks that measure no less than nine feet in length.

Additional proposed changes to the Existing Rules include the elimination of references to a Hunt Tag.

The proposed action requires promulgation pursuant to authority granted to the Commissioner of the Department of Environmental Protection as set forth in sections 24-308, 24-309, 24-310, 24-332, 24-334, 24-337, 24-342, and 24-346 of the Administrative Code of the City of New York. The proposed action also requires approval according to the City Administrative Procedure Act (CAPA). No State or Federal approvals are required to implement the proposed action.

The Bureau of Environmental Planning and Analysis has concluded that the proposed action is classified as a Type I Action. In accordance with the State Environmental Quality Review Act as set forth in 6NYCRR Part 617 authorized by Article 8 of the Environmental Conservation Law, and the City Environmental Quality Review process, as set forth in Executive Order 91 of 1977 and its amendments, NYCDEP believes that it is the appropriate lead agency and wishes to conduct a coordinated review for the above referenced action. We request that involved agencies contact this office within 30 days from this notification should there be any objection to the Department assuming lead agency for this environmental review.

Part I of the Environmental Assessment Form and a project description have been enclosed for your review. Parts II and III will be distributed for review prior to the issuance of the environmental determination document.

If you have any comments or questions, please contact Mr. Mark Page Jr. at (718) 595-4395 or mpage@dep.nyc.gov.

Sincerely,



Angela Licata
Deputy Commissioner

Enclosures

cc: Town Supervisors and Village Mayors within the Catskill, Delaware, and Croton Systems
Scott M. Stringer, Manhattan Borough President
Marty Markowitz, Brooklyn Borough President
Adolfo Carrión, Jr., Bronx Borough President
Helen Marshall, Queens Borough President
James Molinaro, Staten Island Borough President

Samara Swanson, City Council
Hector Diaz, City Clerk
Dean Frazier, Delaware County Department of Watershed Affairs
Roger P. Akeley, Dutchess County Planning Department
Warren Hart, Greene County Department of Planning and Economic Development
John J. Lynch, Putnam County Department of Planning/Development
Alicia Terry, Schoharie County Planning and Development Agency
Dr. William J. Pammer, Jr., Sullivan County Division of Planning and Community
Development
Dennis Doyle, Ulster County Planning Department
Gerard E. Mulligan, Westchester County Department of Planning
Tom O'Brien, Watershed Agricultural Council
Alan L. Rosa, Catskill Watershed Corporation
Dennis Lucas, Coalition of Watershed Towns
William C. Harding, Watershed Protection and Partnership Council
Philip Sweeney, USEPA Region 2
Roger Sokol, NYSDOH
Thomas Snow, NYSDEC
Suzanne Y. Mattei, NYSDEC Region 2
Willie Janeway, NYSDEC Region 3
Gene Kelly, NYSDEC Region 4
Kent Sanders NYSDEC
Andrew Dangler, U.S. Army Corps of Engineers
Robert Kennedy, Jr., Riverkeeper, Inc.
Leila Goldmark, Riverkeeper, Inc.
Robert Kulikowski, NYCOEC
Susan Amron, NYC Corporation Counsel
Hilary Meltzer, NYC Corporation Counsel
Paul Rush, NYCDEP
David Warne, NYCDEP
Jeff Graf, NYCDEP
Paul Lenz, NYCDEP
Jennifer Cairo, NYCDEP
Robin Levine, NYCDEP
Sandra Jackson, NYCDEP
Melissa Siegel, NYCDEP
Mark Page, Jr., NYCDEP
Sangamithra Iyer NYCDEP

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Proposed Amendments to the Rules for the Recreational Use of Water Supply Lands and Waters

Name of Action

New York City Department of Environmental Protection

Name of Lead Agency

Angela Licata

Deputy Commissioner

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Signature of Responsible Officer in Lead Agency



Signature of Preparer (If different from responsible officer)

February 27, 2009

Date

website

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Rules for the Recreational Use of Water Supply Lands and Waters

Location of Action (include Street Address, Municipality and County)

New York City Watershed Lands in the Counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Dutchess, Putnam, and Westchester.

Name of Applicant/Sponsor New York City Department of Environmental Protection

Address 465 Columbus Avenue

City / PO Valhalla State NY Zip Code 10595

Business Telephone (914) 742-2099

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Please see Action Description

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Watershed Lands
-
-

2. Total acreage of project area: 76,191 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>2,000</u> acres	<u>2,000</u> acres
Forested	<u>38,500</u> acres	<u>38,500</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>700</u> acres	<u>700</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>1,500</u> acres	<u>1,500</u> acres
Water Surface Area	<u>33,401</u> acres	<u>33,401</u> acres
Unvegetated (Rock, earth or fill)	<u>80</u> acres	<u>80</u> acres
Roads, buildings and other paved surfaces	<u>10</u> acres	<u>10</u> acres
Other (Indicate type) _____	<u>N/A</u> acres	<u>N/A</u> acres

3. What is predominant soil type(s) on project site? N/A

- a. Soil drainage: Well drained _____% of site Moderately well drained _____% of site.
 Poorly drained _____% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock Varies (in feet)

5. Approximate percentage of proposed project site with slopes: N/A

- 0-10% _____% 10- 15% _____% 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? Varies (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No Only adjacent to the New Croton Reservoir

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

New York State Natural Heritage Program

Identify each species:

Bald eagle (*Haliaeetus leucocephalus*), Long-beaked bald-rush (*Rhynchospora scirpoides*), Timber rattlesnake (*Crotalus horridus*), Indiana Bat (*Myotis sodalis*), Climbing fern (*Lygodium palmatum*), Small whorled pogonia (*Sotria medioloides*), Bog turtle (*Glyptemys muhlenbergii*), Blunt-lobed grape fern (*Botrychium oneidense*), and Bigleaf yellow avens (*Geum macrophyllum*)

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

Many of New York City's watershed lands contain unique or unusual land forms.

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

Many of New York City's watershed lands are utilized by the public for recreational purposes.

14. Does the present site include scenic views known to be important to the community? Yes No

Multiple throughout subject watershed counties.

15. Streams within or contiguous to project area:

Multiple throughout subject watershed counties.

a. Name of Stream and name of River to which it is tributary

Multiple throughout subject watershed counties.

16. Lakes, ponds, wetland areas within or contiguous to project area:

Multiple throughout subject watershed counties.

b. Size (in acres):

17. Is the site served by existing public utilities? Yes No
- a. If **YES**, does sufficient capacity exist to allow connection? Yes No
- b. If **YES**, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 118,948 acres.
- b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.
- c. Project acreage to remain undeveloped: 118,948 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. %
- f. Number of off-street parking spaces existing 0 ; proposed 0
- g. Maximum vehicular trips generated per hour: 0 (upon completion of project)?
- h. If residential: Number and type of housing units: N/A
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Initially | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Ultimately | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
- i. Dimensions (in feet) of largest proposed structure: height; width; length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction N/A ; after project is complete N/A

10. Number of jobs eliminated by this project N/A .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____ ; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	NYC CAPA Process _____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

Multiple throughout subject watershed counties.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

No development is permitted on New York City Watershed Lands.

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

Yes

No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Multiple throughout subject watershed counties.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

Yes

No

9. If the proposed action is the subdivision of land, how many lots are proposed? _____

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

One of the modifications to the Rule is to permit recreational boating in areas designated by NYCDEP. The lands have sufficient capacity to handle the projected increased recreational demand. NYCDEP would enforce the rules and help coordinate emergency response.

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name David Warne Date 2/27/09

Signature 

Title Assistant Commissioner, Bureau of Water Supply

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Project Description: Proposed Amendments to the Rules for the Recreational Use of Water Supply Lands and Waters, Allowing Recreational Boating

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- The creation of “Recreational Boat Tags” as instruments of permission issued for the purpose of allowing Access Permit holders to use and store boats for use when boating on Recreational Boating Areas. The tags may be either temporary or seasonal.
- Boats eligible for Recreational Boat Tags include canoes, sculls, small sailboats with removable center/dagger boards, and jonboats that measure no less than eleven feet five inches in length, and kayaks that measure no less than nine feet in length. Inflatable boats, collapsible boats and motorized boats are prohibited. All boats would have to be steam cleaned prior to entry into the reservoir.

Additional proposed changes to the Existing Rules include the elimination of references to a Hunt Tag.