



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

August 24, 2010

### **Proposed Amendments to the Rules for the Recreational Use of Water Supply Lands and Waters, allowing Recreational Boating CEQR No. 11DEP005U**

Caswell F. Holloway  
Commissioner

Angela Licata  
Deputy Commissioner  
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The New York City Department of Environmental Protection (DEP) 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 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, Greene, Schoharie, Ulster, Orange, Putnam, Dutchess, and Westchester counties, for purposes of recreation. The Proposed Rules continue to ensure that appropriate protections are in place to protect water quality and ensure security.

The purpose of these proposed rules is to expand year-round boating to the Kensico and New Croton Reservoirs, change the definition of "Group" to fill an inadvertent gap between the number of people an Access Permit holder may sponsor as guests and the number of people necessary to require a Group Access permit, prohibit certain fishing equipment due to the threat of invasive species, indicate the maximum amount that can be charged to retrieve a boat that has been removed from the water, stored by DEP and eventually becomes the property of DEP if not claimed before 90 days, limit boaters' abilities to change Boat Storage Areas to facilitate DEP's management of Boat Storage Areas, enable all recreational boaters to use steam cleaning facilities other than those belonging to DEP, and include an Access Permit penalty schedule.

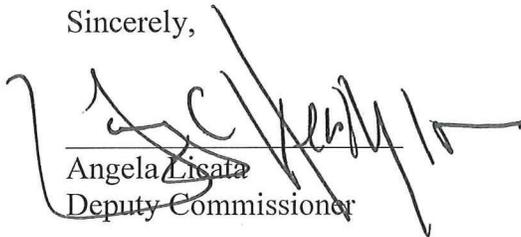
The proposed rules are derived from historical recreational uses of the lands that are recognized in the New York City Watershed Memorandum of Agreement dated January 21, 1997. The City does not assume any liability for the recreational use by the public of its lands and waters beyond that provided in General Obligation Law §9-103.

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, DEP 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, II, and III of the Environmental Assessment Form have been enclosed for your review. If you have any comments or questions, please contact Mr. Mark Page Jr. at (718) 595-4395 or [mpage@dep.nyc.gov](mailto:mpage@dep.nyc.gov).

Sincerely,



Angela Lisata  
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  
Michael McSweeney, 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  
Craig Cashman, Watershed Protection and Partnership Council  
Philip Sweeney, USEPA Region 2  
Pam Young, NYSDOH  
Thomas Snow, NYSDEC  
Suzanne Y. Mattei, NYSDEC Region 2  
Willie Janeway, NYSDEC Region 3  
Gene Kelly, NYSDEC Region 4  
Kent Sanders, NYSDEC Region 4  
Christopher Mallery, U.S. Army Corps of Engineers  
Stacey Jenson, U.S. Army Corps of Engineers  
Robert Kennedy, Jr., Riverkeeper, Inc.  
Leila Goldmark, Riverkeeper, Inc.  
Robert Kulikowski, NYCOEC  
Susan Amron, NYC Corporation Counsel  
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