



**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

October 27, 2010

Caswell F. Holloway  
Commissioner

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

This Negative Declaration has been prepared in compliance with the requirements of the City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (NYCDEP), as lead agency, had determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. The Environmental Assessment Form (EAF) was issued on August 24, 2010.

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**Project Description**

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.

#### **Modifications To The Proposed Amendments As A Result Of The Public Review Process**

In response to comments received as part of the public review of the rulemaking, the Rule has been amended further to prohibit the use of bait taken from waters infested with all invasive exotic mussels, in addition to zebra mussels. It is not anticipated that this proposed modification would alter the conclusions of the environmental review as presented in the August 24, 2010 EAF. This additional restriction would further help ensure water quality in New York City reservoirs. It is not anticipated that this restriction would substantially affect the availability of bait used by fisherpersons and would not be anticipated to cause a substantial shift in fishing practice or attractiveness of New York City reservoirs to sport fishing.

#### **STATEMENT OF NO SIGNIFICANT EFFECT**

The NYCDEP has determined that, the Proposed Amendments to the Rules for the Recreational Use of Water Supply Lands and Waters, allowing Recreational Boating is not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts are anticipated to occur with respect to natural resources, socioeconomic conditions, growth, community character, aesthetic resources, air quality, noise, traffic and parking, public health and safety, hazardous materials, water supply infrastructure, or construction. These conclusions are based on the EAF distributed on August 24, 2010.

### Supporting Statements

The above determination is based on an environmental assessment which finds that the project, as proposed, would not result in significant effects on the environment which would require the preparation of an Environmental Impact Statement (EIS).

### For further information, please contact:

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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  
Ruben Diaz, Jr., Bronx Borough President  
Helen Marshall, Queens Borough President  
James Molinaro, Staten Island Borough President  
Samara Swanston, City Council  
Michael McSweeney, City Clerk  
Dean Frazier, Delaware County Department of Watershed Affairs  
Kealy Salomon, 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  
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Dennis Doyle, Ulster County Planning Department  
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Edward Burroughs, Watershed Agricultural Council  
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