



**DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

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

May 16, 2008

**Proposed Amendments to Chapter 16 of Title 15 of the Rules of the City of  
New York: "Rules for the Recreational use of Water Supply Lands and  
Waters"**

**CEQR No. 08DEP056Y**

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 amended rules (Proposed Rules) were drafted with the purpose of allowing recreational uses on certain City-owned lands within the watershed in a manner that would be consistent with the recreational uses permitted on New York State-owned recreational lands managed by the New York State Department of Environmental Conservation. 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 action requires promulgation pursuant to authority granted to the Commissioner of the Department of Environmental Protection as set forth in Section 1043(a) of the New York Charter and Sections 24-315, 24-326, 24-327 and 24-359 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 (SEQRA) authorized by Article 8 of the Environmental Conservation Law and its implementing regulations as set forth in 6NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and its amendments, this Department believes it is the appropriate Lead Agency and assumes responsibility for conducting the SEQRA/CEQR review for the above referenced action. The long environmental assessment form and attachments have been prepared for the proposed action and are attached for your review.



[www.nyc.gov/dep](http://www.nyc.gov/dep)

**DIAL 311** Government Information  
and Services for NYC

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.

If you have any comments or questions, please contact Mr. Mark N. Page, Jr. at (718) 595-4395 or [mpage@dep.nyc.gov](mailto: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  
Donna DeCostanzo, 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  
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

**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.

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**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

Rules for the Recreational Use of Water Supply Lands and Waters

\_\_\_\_\_  
Name of Action

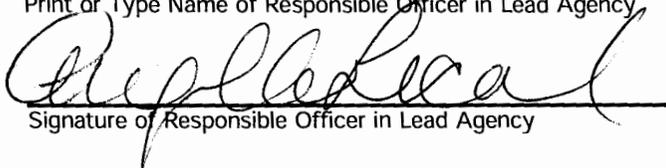
New York City Department of Environmental Protection  
\_\_\_\_\_  
Name of Lead Agency

Angela Licata

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

Deputy Commissioner

\_\_\_\_\_  
Title of Responsible Officer

  
\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

  
\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

May 16 2008

\_\_\_\_\_  
Date

**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 checked="" 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 access to certain NYC Watershed Lands without an access permit.

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**

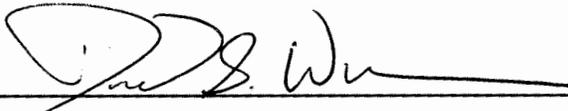
I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name David Wame

Date

5/5/08

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.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information (Read Carefully)**

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions (Read carefully)**

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

**Examples** that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

**Examples** that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO     YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO     YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO     YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

- |   | 1<br>Small to<br>Moderate<br>Impact | 2<br>Potential<br>Large<br>Impact | 3<br>Can Impact Be<br>Mitigated by<br>Project Change     |
|---|-------------------------------------|-----------------------------------|--|
| • Removal of any portion of a critical or significant wildlife habitat.                               | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

- NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

- NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

• Other impacts:

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO  YES

**Examples** that would apply to column 2

- |   |                          |                                     |   |
|---|--------------------------|-------------------------------------|---|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| • A major reduction of an open space important to the community.  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| • Other impacts:  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Beneficial Impact: One of the modifications to the Rule will open certain NYC Watershed Lands for public use without needing an access permit.

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO  YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

- |   |                          |                          |  |
|---|--------------------------|--------------------------|--|
| • Proposed Action to locate within the CEA?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO  YES

**Examples** that would apply to column 2

- |  |                                     |                          |                              |  |
|--|-------------------------------------|--------------------------|------------------------------|--|
| • Alteration of present patterns of movement of people and/or goods. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No            |
| • Other impacts:   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No            |

The Rule modifications could result in shifting patterns of how the public utilizes NYC watershed lands.

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO  YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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- Proposed Action will set an important precedent for future projects.    Yes  No
- Proposed Action will create or eliminate employment.    Yes  No
- Other impacts:    Yes  No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO       YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## **Action Description**

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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 with the purpose of allowing recreational uses on certain City-owned lands within the watershed in a manner that would be consistent with the recreational uses permitted on New York State (NYS) –owned recreational lands, managed by the New York State Department of Environmental Conservation (NYSDEC). 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 most significant change to the Existing Rules is the creation of a new designation for City-owned water supply lands to be designated as Public Access Areas (PAAs) where:

- access would be allowed without NYCDEP permits and tags, and
- certain recreational uses would be allowed, including:
  - o Hiking
  - o Hunting
  - o Trapping
  - o Fishing

NYCDEP would retain other land designations from the Existing Rules, including:

- Hiking Areas, where access is allowed only with a NYCDEP Access Permit;
- Fishing Areas, where access is allowed only with a NYCDEP Access Permit and NYS Fishing License, when necessary;
- Hunting Areas, where access is allowed only with a NYCDEP Access Permit, a NYCDEP Hunting Tag and NYS Hunting License, when necessary; and
- Designated Use Areas, where access is allowed without NYCDEP permits or tags for certain designated, site-specific recreational uses (Designated Use Areas are referred to as “Public Areas” under the Existing Rules).

Additional proposed changes to the Existing Rules include:

- Trapping would be allowed on certain properties (including PAAs), as designated;
- Persons aged 12 and over are eligible to obtain Access Permits;
- NYCDEP may prohibit the use of specified bait;
- Season for Fishing by boat would be extended on the Amawalk, Bog Brook, Boyd’s Corner, Cross River, Croton Falls, Diverting, East Branch, Middle Branch, Titicus, and West Branch Reservoirs, and Lakes Gleneida and Gilead to include ice-free periods;
- Hunting of all NYSDEC permitted species in accordance with all NYSDEC authorized methods;
- Firearms may not be discharged within 500 feet of the shoreline of a reservoir or controlled lake;

- Dogs would be permitted to enter waterbodies in Public Access Areas; and
- Modification of the language of the Existing Rules and expansion of the list of definitions to clarify the Existing Rules, and clarification of processing requirements for NYCDEP Access Permits.

Based on the information provided, the Bureau of Environmental Planning and Analysis (BEPA) has concluded that, as defined in the New York State Environmental Quality Review Act (SEQRA) and the New York City Environmental Quality Review (CEQR) procedures, the proposed action is classified as a Type I Action.

### Project Purpose

The primary purpose of the Proposed Rules is to open certain areas of New York City water supply lands to public recreational use without the need for a New York City Department of Environmental Protection Access Permit. In addition, the Existing Rules would be modified to clarify, and in certain cases, to be less restrictive concerning, permitted activities allowed on New York City lands.

### Environmental Assessment

The proposed environmental review of the Proposed Rules would evaluate the potential for significant adverse impacts that could occur as a result of the modifications to the Existing Rules. This assessment would utilize the Existing Rules, which came into effect on September 15, 2006, to establish the baseline condition relative to the Proposed Rules in order to evaluate the environmental effects of the changes in the Proposed Rules. It should be noted however, that the adoption of the Existing Rules was contested in a lawsuit brought by the Town of Hunter against the City of New York. As of this assessment, the judicial decision that the Existing Rules were not properly adopted has been stayed; therefore the Existing Rules remain in effect.

Below is an analysis of the environmental assessment criteria considered to have potential to be affected by the Proposed Rules.

### Natural Resources

#### Surface or Groundwater Quality

It is the intent of the Proposed Rules to make NYC's watershed lands more accessible for recreational use without weakening the water quality protections codified in the Existing Rules. For example, the following are activities that continue to be prohibited: the use of motorized equipment, littering, polluting, or dumping; bathing, swimming, or washing of any objects; camping; and depositing game entrails in any watercourse or within a certain distance of such watercourses. However, in order to make NYC's watershed lands more accessible for recreational use a number of the restrictions in the existing Rules are being relaxed or altered.

One of the most notable modifications to the Existing Rules is the creation of Public Access Areas. Within these areas the public would be allowed to access NYC property without a NYCDEP Access Permit, Hunting Tag or Vehicle Tag. Within these areas hiking, hunting, trapping, and shoreline fishing would be permitted in accordance with NYSDEC regulations. Additionally, within these areas, dogs are permitted to enter water bodies. This is an exception from the other areas within the NYC watershed lands, where dogs other than hunting dogs are required to be securely leashed and no dogs are permitted to enter any water body.

As long as users of the City's watershed reservoirs and lands use them while abiding by the revised rules, significant adverse water quality impacts are not anticipated as a result of the proposed action. First, NYCDEP continually manages City lands in the watershed and monitors the quality of water in the City's reservoirs. Therefore, it should become apparent if recreational use of City lands and reservoirs were impairing or had the potential to significantly impair water quality, and NYCDEP would be able to limit or prohibit public access. Moreover, there is no known incidence of any adverse impact on water quality due to recreational uses of City-owned property to date. Thus, it is anticipated that the permitted recreational uses would not compromise the City's water supply in the future.

The revision to the Existing Rules would introduce a new category of usage area on the NYC watershed lands, the Public Access Area. No NYCDEP Access Permit would be required in these Areas for the public to utilize the lands for recreational purposes. Since no Access Permit would be required to access these lands it is possible that users of these lands could be unfamiliar with the rules governing the use of City lands and could potentially conduct activities that could pose a threat to water quality. However, this is unlikely to occur for a number of reasons. First, the areas NYCDEP intends to designate as Public Access Areas are in locations removed from sensitive water bodies. Second, NYCDEP would enforce the proposed Rules within the Public Access Areas and would undertake monitoring and management of the Public Access Areas, as required, to prevent significant impairment to the natural environment within these Areas. And, third, NYCDEP would retain the authority to limit or prohibit access to Public Access Areas if it is determined that there is potential to significantly impair water quality as a result of activities within the Public Access Areas.

Recreational activities have the potential to introduce sediments, nutrients, pathogens, toxic chemicals, trash, or exotic species to water bodies, thus they do have the potential to disrupt the physical, chemical, and biological characteristics of a drinking water supply. Because the watershed lands are the source of water for nine million people, protecting water quality is of a higher concern than recreation; if there were to be concern that recreational use of watershed lands could potentially jeopardize water quality, the Proposed Rules clearly establish that NYCDEP, in its discretion, would be able to suspend access to select areas or to the entire New York City watershed at any time as may be necessary by posting or notice. For instance, in order to protect the water supply and to ensure public safety, the City temporarily closed all of its reservoirs and watershed lands after to the September 11th terrorist attacks on New York City. NYCDEP has many means for communicating what areas are designated for recreational use and whether access to any of the areas is restricted: posted signs, , direct mailings to Access Permit holders, press releases, NYCDEP's web site, announcements on 1-800-575-LAND (5263), and NYCDEP's annual newsletter *Watershed Recreation* which is sent to Access Permit holders and posted on the NYCDEP website

The Proposed Rules would continue to prohibit the use on City property of live aquatic bait from waters infested with zebra mussels, which are organisms that can clog public drinking water intakes and disrupt aquatic ecosystems (such use is prohibited under the Existing Rules governing fishing and boating on the lakes and reservoirs used or built by New York City for water supply purposes). In addition, the Proposed Rules continue to require inspection and cleaning of boats immediately before they are placed at Fishing Areas on City property or transferred between reservoirs. These rules would aid in the prevention of zebra mussel infestation in the City's water supply reservoirs and lakes, as well as prevent other contaminants, pollutants, and organisms from entering the waters.

Allowing increased access to City lands for hunting may also have a positive impact on water quality. Overabundant wildlife can negatively impact water quality. With few remaining natural predators, deer populations on watershed lands have increased to levels that are resulting in overbrowsing and significant understory vegetation loss. Such conditions have been documented throughout the watershed on City-owned properties, with over 50 percent of the land area affected. Such degradation can lead to long-term forest and soil damage that diminishes water quality. It is anticipated that the expansion of deer hunting as provided by the Proposed Rules, which was introduced as a recreational use of watershed lands in 1999 under interim conditions, may actually result in beneficial water quality impacts by helping to restore the balance needed to maintain healthy forests.

Therefore, it is not anticipated that the Proposed Rules would have a significant adverse impact on surface or groundwater quality.

### Soil Impacts

The introduction of Public Access Areas as one of the categories of areas within the NYC watershed lands has the potential to cause an increase in soil degradation on the lands within these areas due to the anticipated increase of usership as a result of allowing access without requiring a NYCDEP Access Permit. It is anticipated that the number of visitors to the areas designated as Public Access Areas would increase to levels above those currently experienced on these lands.

While it is expected that the usership of the land that would become Public Access Areas would increase, it is not expected that this would result in a detrimental increase in soil exposure, compaction or erosion that could adversely affect the water quality of streams, reservoirs, or other water bodies within the watershed lands. It is anticipated that a majority of these new users would utilize the lands for hiking rather than other permissible uses, such as hunting or trapping. It is anticipated that most of these hikers would utilize established pathways and old lumber trails instead of walking through undisturbed areas of the lands. In addition, it should be noted that NYCDEP would continue to provide maintenance and upkeep to ensure that no detrimental affects occur to nature or the water quality of the receiving waters from these lands. Therefore, if it is determined that soil impacts are occurring as a result of the increased usership of the lands, NYCDEP would implement best management practices (BMPs) to reduce or alleviate the soil impacts resulting from the public's use of the lands. These measures might include using material or water management structures, such as water bars, on paths or silt curtains to prevent sediment from entering water bodies.

The NYCDEP lands to be designated as Public Access Areas are lands that are remote from the reservoirs. Their remote locations would significantly avoid detrimental effects to the water quality of the water supply as a result of erosion. The Public Access Areas would be sited at distances and locations where any erosion problems would have little or no impact on the water supply. Monitoring and management activities on Public Access Areas would also focus on any susceptible surface waters that are tributary to reservoirs.

### Wildlife

As discussed above, both the Existing and Proposed Rules prohibit the use of live aquatic bait on City property from waters infested with zebra mussels and require inspection and cleaning of boats immediately before they are placed at Fishing Areas on City property or transferred between reservoirs. These rules aid in the prevention of zebra mussel infestation and the introduction of other contaminants, pollutants, and organisms from entering the City's water supply reservoirs and lakes, and they therefore have a beneficial impact on aquatic wildlife. Furthermore, deer hunting, which is a codified use under the proposed action, helps to control the deer population, which helps to control diseases, unhealthy wildlife, and environmental damage.

The Proposed Rules allow NYCDEP to limit access to an area because of overcrowding. For example, several of the approximately 240 boat storage areas are currently closed to the placement of new boats. There has been no documentation of over-fishing or degradation of water quality as a result of recreational use of City land and reservoirs to date. However, if heavy use of a particular area were to have the potential to cause adverse impacts such as over-fishing or water quality degradation, access could be limited before impacts would rise to a level of significance.

The New York Natural Heritage Program (NYNHP) has the most comprehensive database on ecological communities in New York State, which is used for natural resources planning, protection, and management. Any Public Access Areas which, according to the NYNHP, may have rare ecological communities or endangered or threatened species populations, would be evaluated for the actual presence and location of these species and communities, prior to their designation as Public Access Areas or for other recreational uses. On those properties where such species or communities are found to exist and are in susceptible locations, for example, near recreation access points or popular recreation destinations, plans would be developed to monitor and manage these areas to prevent detrimental impacts to these sensitive species.

To continue building a comprehensive, up-to-date inventory of the locations of rare species and ecological communities in New York, the NYNHP invites contributions from the public regarding first-hand field observations of rare plants, animals, and ecological communities. Recreational users of City property thus have the potential to augment both the City's and the State's knowledge of rare species and ecological communities on watershed lands. Observations of threatened or endangered species on the City's watershed lands and reservoirs by recreational users could aid in the protection of those species because NYCDEP would likely limit or suspend recreational use of the surrounding area if a species of concern is identified. For example, if a recreational user spotted an eagle's nest on City property, access to the surrounding land would likely be suspended. Thus, the increase in recreational use of City property that may

result from the Proposed Rules has the potential to beneficially impact threatened or endangered species and rare ecological communities.

The Proposed Rule, as mentioned in the action description is opening hunting to all species permitted to be hunted in accordance with NYSDEC regulations and trapping within designated Hunting Areas and Public Access Areas. While it is likely that due to the expansion of the species permitted to be hunted there would be increased hunting on NYC watershed lands, it is not anticipated that the levels of hunting would increase significantly since a majority of hunting in New York State is for deer and turkey, which are already permitted to be hunted on NYC lands. And while trapping has been introduced as a permitted sport, it is not anticipated that there would be a large interest in trapping since nationwide the prevalence of trapping has been decreasing. Therefore, it is not anticipated that the hunting of all NYSDEC permitted species and trapping would result in a potentially significant adverse impact on wildlife.

### Vegetation

The introduction of additional recreational uses and the establishment of Public Access Areas has the potential to affect vegetation and ecosystem function both positively and negatively. As indicated earlier, hunting of deer on City watershed lands can help control over-browsing of tree germinants and seedlings, as well as understory vegetation, which are important to maintain for watershed forest health now and in the future. If the Proposed Rules are promulgated, it is expected that there could be an increase in deer hunting on the lands that would be designated as Public Access Areas. Consequently, additional deer harvest could be a beneficial result of the promulgation. Increased recreational use on Public Access Areas can also contribute to vegetation loss from trampling in high-traffic areas, the introduction of undesirable non-native and invasive vegetation species or plant diseases which can degrade overall ecosystem function and resilience, and damage to threatened and endangered vegetation species individuals and their habitats. Because these properties are spread over a wide area, overall recreational use of any one particular PAA is not expected to be extensive, however. Therefore, drastic effects of this nature are not likely. Each Public Access Area would be regularly monitored for such issues which would then result in remediation actions including area closures, prevention of undesirable species establishment or spread, and revegetation as needed.

The Existing and Proposed Rules prohibit the injury, destruction, or abuse of natural resources on City-owned land. Specifically, they forbid the disturbance, defacement, removal, or injury of vegetation, trees, soil, and wildlife (except by acts of hunting and trapping as permitted under the Proposed Rules and NYSDEC Regulations). One exception is that cutting vegetation for tree stands and shooting lanes is permitted for hunting purposes under certain circumstances. However, creating temporary tree stands would not be permitted if damage to trees would result (for instance, the use of screws or nails for attaching foot pegs to trees is prohibited), and the vegetation could only be cut if the limbs were not greater than two inches in diameter and not further than twenty-five yards from a tree stand. Because of these restrictions, significant impacts from the cutting of vegetation for tree stands is be anticipated.

### Open Space

One of the purposes of the Proposed Rules is to open a portion of the NYC watershed lands (17,000 acres) to public access without requiring NYCDEP Access Permits and tags while lessening current restrictions to increase the recreational opportunities in the remainder of the NYC watershed lands that are open to the public if they possess NYCDEP Access Permits. These modifications would enable the public to pass between NYSDEC lands and NYCDEP Public Access Areas freely without necessitating notification of NYCDEP of their presence or needing a NYCDEP Access Permit, making it possible for the recreational use of these NYC lands to be a spontaneous event.

Therefore, since the Proposed Rules would lessen, in many cases, restrictions on recreational use of NYC's watershed lands as well as increase the acreage available for public recreation, thus creating a beneficial impact to the open space availability of these lands, it is not anticipated that the Proposed Rules would result in a significant adverse impact to open space.

### Socioeconomic Conditions

It is anticipated that the Proposed Rules would result in a beneficial impact to the economies of the towns in proximity to the NYC watershed lands.

By opening more land acreage to recreational use and easing some of the restrictions found in the Existing Rules it is anticipated that usership of the NYC watershed lands would increase above its current usership. With this increase in usership, it is expected that these additional visitors would patronize businesses in the local communities, including such businesses as gas stations, restaurants, hotels, and sporting goods shops, thus infusing capital into the local economy.

The Proposed Rules are not anticipated to result in either direct or indirect displacement due to the fact that the modifications to the Existing Rules would only affect recreational use of NYC-owned lands, on which no businesses or residences exist.

Therefore, it is not anticipated that the Proposed Rules would result in a significant adverse socioeconomic impact.

### Induced Growth

The Proposed Rules are designed to ease restrictions on recreational use of NYC watershed lands and attract larger numbers of users to the lands and their surrounding areas. It is anticipated that these users would patronize businesses in the communities in the vicinity of the watershed lands providing additional inputs into the regional and local economies beyond inputs from tourism currently experienced as a result of recreational use of NYC watershed lands. While it is anticipated that the promulgation of the Proposed Rules could result in increased economic activity in the local economies around the NYC watershed lands, it is not anticipated that the level of activity will rise to a level to induce new businesses to move to the area or for existing

businesses to expand since the level of increased activity in each community is expected to be minimal due the expanse of the watershed lands, due to the spread of users throughout the vast expanse of watershed communities, and thus would produce a minimal increase in users visiting the individual communities at any given time.

In addition to inducing more economic activity in the local communities as a result of additional visitors to the watershed lands, there is a minimal potential for the Proposed Rules to induce residential migration to the watershed communities. While it is possible that with the promulgation of the Proposed Rules people could be compelled to move to the watershed communities, it is expected that this migration would be minimal and would not rise to a level that would substantially affect the services or needs of the local communities.

Therefore, it is not anticipated that the Proposed Rules would result in a significant adverse growth inducement impact to the local communities in the vicinity of the NYC watershed lands.

#### Community and Neighborhood Character

The amendment of the Existing Rules to open certain NYC watershed lands to public recreational use without requiring a NYCDEP Access Permit could attract greater numbers of users to NYC lands than they do currently. It is likely that a majority of these users would come from the communities surrounding the City's watershed lands but a portion of the users could also be attracted from outside the immediate areas around the watershed lands. These users could be drawn to move to the local communities after experiencing the recreational opportunities available on NYC lands. If this were to occur, however, it is not anticipated that it would place a significant burden on the local communities or alter the character of the area due to the geographical spread of the NYC lands. There are approximately 71 towns and villages, encompassed within seven counties, within which these lands could be opened. It is not expected that if new residents were to move into the local towns as a result of this promulgation that they would congregate in any one particular town but would likely spread amongst the towns and lessen the effect to the towns individually. Some neighbors to City recreation areas have reported increased incidences of trespass from adjacent City recreation areas, dumping of trash and entrails on their property by believed City land users, and roads or driveways blocked by recreation visitors' vehicles. These issues would be detected and addressed through recreational use monitoring and law enforcement by NYCDEP staff, and communication with City watershed land neighbors. Although the absence of individual permissions and the inability to directly communicate with recreational users not required to possess NYCDEP Access Permits would reduce direct control of such situations, it is anticipated that such problems can be minimized and would continue to be so resolved on Public Access Areas. Therefore, it is not anticipated that the Proposed Rules would result in significant adverse community and neighborhood character impacts.

#### Community Resources

The opening of approximately 17,000 acres of NYC watershed lands for recreational use without requiring NYCDEP Access Permits could have an impact on community resources. As discussed under the section addressing traffic, below, it is likely that additional access to NYC watershed lands could attract greater numbers of users to those lands. This could tax local community resources to provide emergency services necessary for water supply protection and safety for all of the lands that could be open to the public. However, NYCDEP would continue to be responsible for maintaining and overseeing these lands. Therefore, the opening of these lands will not result in additional strain on local resources. Thus, it is anticipated that the Proposed Rules would not result in a significant adverse impact to community resources.

### Aesthetic Resources

The Proposed Rules are not anticipated to adversely affect the aesthetic resources of the NYC watershed lands. The proposed changes could result in an increase in usership of the lands because of the establishment of Public Access Areas, the introduction of trapping as a permitted use within Hunting, certain Designated Use, and Public Access Areas, and the opening of hunting to all species permitted by NYSDEC. However, it is not expected that an increase in usership would alter the visual and aesthetic character of the lands, or the density of use, due to the large area available for use. Therefore, the aesthetic character of the lands would remain unaltered. Thus, no significant adverse impact to aesthetic resources is anticipated as a result of the proposed action.

### Air Quality

It is anticipated that there could be additional vehicle traffic to NYC watershed lands as a result of opening certain lands for public use without Access Permits. However, it is anticipated that these additional vehicles would be widely dispersed throughout the watershed and are not expected to result in concentrations of emission sources significantly greater than those that currently exist. Therefore, no significant adverse air quality impact is anticipated.

### Noise

The proposed modifications to the Existing Rules are not anticipated to substantially result in increased noise generation from recreational use of the NYC watershed lands.

Gunfire associated with hunting within the newly designated Public Access Areas could be a potential source of additional noise due to the promulgation of the Proposed Rules. The Proposed Rules introduce a new category of land designation, the Public Access Area, where hunting would be permitted. Currently, hunting is only allowed in Hunting Areas. It should be noted, however, that the majority of the anticipated Public Access Areas replace existing Hunting Areas. Therefore, promulgation of the Proposed Rules would not substantially increase the amount of land where hunting is permitted.

Noise generation within Hunting Areas is not anticipated to substantially increase as a result of the amendments to the Existing Rules, even with the expansion of permitted hunting to include all species permitted under NYSDEC regulations, since it is not anticipated that the density of hunters within Hunting Areas would increase with the Proposed Rules. While hunting would be permitted year-round under the Proposed Rules, it is anticipated that deer and turkey seasons, which are already permitted under the Existing Rules, would remain the most popular. It is anticipated that other gun use would be sparse and would not result in significant additional noise generation.

While the introduction of other new land designations under the Proposed Rules could increase the number of hunters using NYC watershed lands, due to the increased acreage where hunting would be permitted, it is not anticipated that the increased number of hunters would substantially increase noise levels generated from the City's lands impacting sensitive receptors.

Additionally, it is anticipated that the introduction of Public Access Areas could increase the user population of these lands above the levels currently experienced. If the Proposed Rules are promulgated, approximately 17,000 acres would be accessible to the public without NYCDEP Access Permits. Currently, Access Permit holders already have recreational access to over 76,000 acres of NYC-owned watershed lands. The Proposed Rules would only add an additional 3,000 acres to that area. Given the large geographical area that would be open for public use, it is anticipated that the increased number of users would be dispersed in concentrations similar to their current concentrations, and would therefore not cause significantly greater noise levels.

The Proposed Rules would not alter the current restriction on the use of motorized equipment on watershed lands and waters since the existing restrictions of the use of motorized equipment would remain as part of the Proposed Rules. However, the amendments would alter the regulations concerning times of year when boat access is permitted on NYC reservoirs and controlled lakes, species permitted to be hunted and areas where hunting would be permitted, and areas where recreational use of NYC-owned lands is permitted.

The Proposed Rules expand boat access for those with valid Boat Tags, beyond the period of April 1<sup>st</sup> to November 30<sup>th</sup> found in the Existing Rules allowed on the Amawalk, Bog Brook, Boyds Corner, Cross River, Croton Falls, Diverting, East Branch, Middle Branch, Muscoot, Titicus, and West Branch Reservoirs, and on Lake Gilead and Lake Gleneida. Access under the Proposed Rules would be allowed during any ice free period, while access to the other reservoirs would remain unchanged. This change in access to many of the East of Hudson Reservoirs could result in increased use of the reservoirs for recreational use. While it is likely that noise levels emanating from the reservoirs during the time periods previously prohibited could increase, residences and other sensitive receptors would be likely to have their windows closed before April and after November, and it is therefore unlikely that they would be substantially inconvenienced by the expansion of permitted boating period.

Therefore, it is not anticipated that a significant adverse noise related impact would occur as a result of promulgation of the Proposed Rules.

## Traffic

It is anticipated that opening NYC watershed lands could attract greater numbers of recreational users to NYC watershed lands for recreational purposes than they do currently. As a result, it is anticipated that there could be larger volumes of traffic traveling to and from NYC watershed lands as well as an increased need for parking in the vicinity of the lands.

Currently, 76,000 acres of NYC watershed lands are open for recreation use with a NYCDEP Access Permit. Of this area, approximately 14,000 acres would be converted to be open to public use without requiring an Access Permit and another approximately 3,000 acres would be newly-opened to public access. While it is anticipated that the population of recreational users of NYC watershed lands could increase as a result of creating Public Access Areas and the other modifications to the Existing Rules, given the large area being affected by the rule change it is not anticipated that the usership of any one area would substantially increase. It is anticipated that usership, as it is now, would be spread throughout the watershed area. Thus it is not expected that traffic and parking needs would significantly increase in any one area as a result of the Proposed Rules.

As agreed upon in the Watershed Memorandum of Agreement, NYCDEP is not obligated to provide, construct, or maintain any facilities for the public on City-owned property where recreational use is allowed. There are pull-off opportunities that provide for parking near many of the public access lands. If there is no room to park at a particular location, there are numerous other places one can go to hike, fish, and hunt. Currently, approximately 117 NYCDEP properties, and 22 NYCDEP reservoirs and lakes are open for recreational use, in addition to the thousands of miles of hiking trails, thousands of miles of rivers and streams, and thousands of lakes and other water bodies on New York State Public Lands, and the millions of acres of private land in New York State that are used for recreation..

Therefore, no significant traffic or parking impacts would be anticipated as a result of the proposed action.

### Public Health

One of the purposes of the Existing Rules is to allow the use of the lands New York City owns in the watershed areas to be utilized by the public for recreation. The Proposed Rules are intended to increase the availability of recreation opportunities and use of the NYC watershed lands without weakening the water supply protections provided by the Existing Rules and other rules and regulations. While the Proposed Rules would open portions of the NYC watershed lands to public use without requiring NYC Access Permits and would open many of the East of Hudson reservoirs to boating year round, they would not reduce the restrictions on the requirements that no motorized equipment be utilized by the public on watershed lands nor would the restrictions on cleaning and storing of row boats be reduced as a result of the Proposed Rules. Therefore, the Proposed Rules are not anticipated to result in a significant adverse public health impact to the New York City Water Supply System.

### Hazardous Materials

Historically, most City-owned properties accessible by permit have been forested and used for hunting and fishing. As these historical uses would not have caused contamination of the lands with hazardous materials, and the Proposed Rules only allow passive use of the land (i.e. they would not permit ground disturbance), it is anticipated that the proposed action would not have hazardous materials impacts.

### Construction

Construction is not an element of the proposed action. Therefore, no further review is necessary.