

## NYCDEP

### Rules for the Recreational Use of Water Supply Lands and Waters

#### §16-01 **Scope and Purpose.**

The following rules shall apply to all recreational use of the New York City lands, lakes and reservoirs owned for Water Supply purposes in the counties of Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, and Westchester. These rules are in furtherance of the City's goal of safeguarding an adequate supply of high quality drinking water while allowing compatible recreational use and enjoyment. Additional information about recreational use opportunities is available from NYCDEP offices and on the NYCDEP website at [www.nyc.gov/dep](http://www.nyc.gov/dep).

#### §16-02 **Definitions.**

All terms shall have the same meaning as in the New York State Environmental Conservation Law ("ECL") unless defined differently as follows:

- (a) **Access Permit.** "Access Permit" means an instrument of registration and permission to access certain City Property for recreational use as further described in §16-03 herein.
- (b) **Boat Storage Area.** "Boat Storage Area" means a location on land designated by NYCDEP for boats to be stored when not on the water.
- (c) **Boat Tag.** "Boat Tag" means an instrument of permission issued for the purpose of allowing Access Permit holders to store a boat for use when Fishing on City Property, as further described in §16-05 herein.
- (d) **City.** "City" means the City of New York.
- (e) **City Property.** "City Property" means all real property owned by the City and within the jurisdiction of NYCDEP in the counties of Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, and Westchester.
- (f) **Designated Use Area.** "Designated Use Area" means a location designated by NYCDEP as available for designated recreational uses, in accordance with these rules, but not requiring NYCDEP Access Permits or Vehicle Tags.
- (g) **Fishing.** "Fishing" means taking fish by angling as defined in ECL §11-0103 and shall also include the use of tip-ups for ice fishing and the taking of carp by bow and arrow.

(h) **Fishing Area.** “Fishing Area” means a location designated by NYCDEP as available for Fishing to holders of valid Access Permits.

(i) **Group Access Permit.** “Group Access Permit” means an instrument of registration and permission for groups to temporarily access certain City Property for recreational use without each member having to obtain an individual Access Permit, as further described in §16-12 herein.

(j) **Group.** “Group” means any congregation of individuals in excess of twelve people and shall not consist of more than thirty individuals.

(k) **Group Leader.** “Group Leader” means the person who applies for the Group Access Permit and who agrees to accept responsibility for the conduct, activities, and safety of all Group Members.

(l) **Group Member.** “Group Member” means an individual listed on the Group Access Permit application for whom completed liability waivers have been received and accepted by NYCDEP, and who will accompany the Group Leader on the permitted Group activity.

(m) **Guest.** “Guest” means a person accompanying a valid Access Permit holder aged 18 or older onto City Property.

(n) **Guest Pass.** “Guest Pass” means an instrument of registration and permission for Guests of valid Access Permit holders to temporarily access certain City Property for recreational use as further described in §16-10 herein.

(o) **Hiking.** “Hiking” means foot travel including hiking, walking, running, cross-country skiing, snowshoeing, bird watching, nature observation and photography.

(p) **Hiking Area.** “Hiking Area” means a location designated by NYCDEP as available for Hiking to holders of valid Access Permits.

(q) **Hunting Area.** “Hunting Area” means a location designated by NYCDEP as available for hunting to holders of valid Access Permits.

(r) **NYCDEP.** “NYCDEP” means the New York City Department of Environmental Protection, an executive agency of the City.

(s) **NYSDEC.** “NYSDEC” means the New York State Department of Environmental Conservation, an executive agency of the State of New York.

(t) **Public Access Area.** “Public Access Area” means a location designated by NYCDEP as available for recreational uses as allowed by New York State law and these Rules, and on which NYCDEP Access Permits and Vehicle Tags are not required.

(u) **Public Map.** “Public Map” means a map produced by NYCDEP to convey information to Access Permit holders and the public.

(v) **Recreational Boat Tag.** “Recreational Boat Tag” means an instrument of permission issued for the purpose of allowing Access Permit holders to use and store boats for use when boating on Recreational Boating Areas, as further described in §16-07 herein.

(w) **Recreational Boating Area.** “Recreational Boating Area” means a location designated by NYCDEP that is available for boating that does not require boat occupants to be plausibly engaged in the activity of Fishing.

(x) **Vehicle Tag.** “Vehicle Tag” means an instrument of permission issued in support of an Access Permit for the purpose of allowing visitors to park a vehicle on City Property while accessing City Property for recreational use, as further described in §16-11 herein.

(y) **Water Supply.** “Water Supply” means the New York City public water supply system, and includes all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto.

(z) **Watercourse.** “Watercourse” means a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the Water Supply.

(aa) **Watershed.** “Watershed” or “New York City Watershed” means the land area contributing surface water to the New York City water supply.

(bb) **Watershed Rules.** “Watershed Rules” means the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, 15 Rules of the City of New York Chapter 18; 10 NYCRR Part 128.

### §16-03           **Access Permit.**

All persons 16 years of age and older must complete an application for and receive, maintain and carry a valid Access Permit in order to access Hiking Areas, Fishing Areas, Hunting Areas and Recreational Boating Areas for recreational purposes as defined in these rules. Entry onto City Property, other than Public Access Areas and Designated Use Areas, without a valid Access Permit, Guest Pass, or without appropriate accompaniment as described herein, is prohibited and shall be considered a trespass.

(a) **Application.** The Access Permit application shall be available for download or completion on the NYCDEP website for pick-up at NYCDEP facilities in New York City NYCDEP offices throughout the Watershed and such other locations as indicated on the NYCDEP website. No application fee is required.

(b) **Required Information.** An Access Permit application shall require the following information:

- (1) Applicant name, mailing address, phone number, electronic mail address if submitted via the NYCDEP website, and date of birth;
- (2) Applicant gender, height, eye color and hair color;
- (3) Applicant driver's license number and state of issuance, or non-driver's identification number and state of issuance;
- (4) Acknowledgement of risks and waiver of liability;
- (5) Applicant signature and date of signature;
- (6) Parent or legal guardian signature and date of signature if applicant is under 18.

Information provided shall be maintained by NYCDEP for agency purposes only.

(c) **Eligibility.** Individuals aged 12 years or older who do not have an outstanding Access Permit suspension or revocation; do not have a valid current Access Permit; and are not otherwise restricted for security or public safety reasons from applying are eligible to receive an Access Permit. Individuals under the age of 18 must have the written consent of their parent or legal guardian indicated on their Access Permit application.

(d) **Minors.** Persons between the ages of 12 and 18 are eligible to receive Access Permits with parental or legal guardian consent and may participate in recreational opportunities in accordance with these rules. Persons under 16 years of age may access City Property for recreational purposes without an Access Permit, but must be accompanied by a valid Access Permit holder aged 18 or older. A valid Access Permit holder aged 18 or older may accompany up to five (5) persons under the age of 16 who do not have Access Permits, but he or she is responsible for their conduct and safety and shall be liable for any of their violations of these rules.

(e) **Internet Submission.** The NYCDEP Access Permit application may be completed and submitted, and Access Permits issued through the NYCDEP website.

(f) **Internet Processing.** For applications submitted through the interactive NYCDEP website:

- (1) An Access Permit issuance letter, Access Permit and corresponding Vehicle Tag may be printed directly from the NYCDEP website.
- (2) Processing time will generally be immediate. NYCDEP is not responsible for limitations of equipment and services not maintained by NYCDEP or its representatives that may cause delays or prevent printing.

(g) **Mail Submission.** Completed Access Permit applications may be submitted by United States Postal Service (“USPS”) mail to the address on the form.

(h) **Mail Processing.** Accepted applications submitted by USPS mail shall include the following steps:

- (1) An Access Permit issuance letter and Access Permit shall be generated and mailed with the corresponding Vehicle Tag directly to the address on file for the permittee.
- (2) Processing time shall generally be within two weeks of application receipt, except in unusual circumstances.
- (3) Mailings may be accompanied by other official NYCDEP communications, e.g. the *Watershed Recreation* newsletter, notices, and other recreational use materials.

(i) **Returned Mailings.** Mailings returned to NYCDEP as undeliverable by the USPS shall be handled as follows:

- (1) If a forwarding address is provided by USPS, the contact information shall be updated accordingly in NYCDEP files and the returned mailing re-mailed to the new address on file;
- (2) If no forwarding address is provided, the address will be checked for accuracy and corrected and re-mailed if necessary; updated via telephone or electronic mail, and re-mailed if necessary; and/or status marked “invalid” in NYCDEP files and excluded from all further Access Permit mailings, the returned mail filed, and contact attempts documented.

(j) **Refusal.** Rejected applications shall be returned to the applicant, accompanied by a letter identifying the reason(s) for refusal, generally within two weeks of application receipt or by electronic means through the Internet. Within ten days of receipt of the communication, the applicant may provide NYCDEP with an appeal of NYCDEP’s refusal to issue an Access Permit that shall include any relevant information pertaining to the basis for the refusal. Upon examination of the circumstances and generally within two weeks of receipt, NYCDEP will either uphold the refusal or revise its prior decision and issue an Access Permit upon such terms and conditions as may be appropriate. The applicant will be notified of NYCDEP’s determination in writing. Grounds for refusal of an Access Permit include the following:

- (1) Incomplete or illegible application;
- (2) Failure to meet application eligibility requirements;
- (3) Submission of false information;
- (4) Current, valid Access Permit status.

(k) **Term.** An Access Permit is valid for the period of five (5) years, or the period indicated thereon, expiring on the permit holder's day and month of birth, unless revoked, suspended or altered by NYCDEP.

(l) **Renewal.** An Access Permit renewal application shall be sent via electronic or USPS mail to the address on file for each valid Access Permit holder generally two months prior to the Access Permit expiration date. Content of an Access Permit renewal application shall include confirmation of the permit holder's information on file, as well as user survey questions, if any. Access Permit renewal processing shall be as provided for initial application, except that Vehicle Tags do not expire, and therefore will not be renewed.

(m) **Replacement.** Lost or destroyed Access Permits may be replaced upon the permit holder's written request to NYCDEP by USPS or electronic mail. Electronically requested replacements may be printed immediately. Replacements requested by USPS mail will generally be issued within two weeks.

(n) **Notifications.** Notices to Access Permit holders shall be sent to the address on record with NYCDEP. It is the Access Permit holder's responsibility to inform NYCDEP of any changes to the address and information submitted on a permit application or renewal form.

(o) **Updating Registration Information.** Access Permit holders shall notify NYCDEP in writing, via electronic mail or USPS mail, of any changes to their contact information on file with NYCDEP. Failure to do so may result in the Access Permit holder not receiving important communications, such as boat removal or area closure notices. Access Permit holders may use the Access Permit Update Form to submit such changes. This form shall be available for download or completion on the NYCDEP website and for pick-up at NYCDEP facilities in New York City NYCDEP offices throughout the Watershed and such other locations as indicated on the NYCDEP website.

(p) **Transferability.** An Access Permit is not transferable and may be used only by the person to whom it has been issued.

#### §16-04 **Fishing and Fishing Areas.**

(a) **Access.** Access to Fishing Areas on City Property for purposes of Fishing shall be by Access Permit. No additional NYCDEP permits or tags are required. Individuals engaged in Fishing shall also possess a valid New York State fishing license, when required by State law.

(b) **Designation.** Fishing Areas shall be designated by NYCDEP in publications and notices, on the NYCDEP website, on Public Maps available to Access Permit holders, and by sign postings.

(c) **Shoreline Fishing.** Shoreline Fishing is allowed at Fishing Areas, Hiking Areas, Public Access Areas, and certain Designated Use Areas as indicated by NYCDEP on sign postings and,

when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices.

(d) **Ice Fishing.** Ice Fishing is allowed only on the Amawalk, Bog Brook, Boyds Corner, Cross River, Diverting, East Branch, Muscoot, Titicus, West Branch, Croton Falls and Middle Branch Reservoirs, on Lake Gilead and Lake Gleneida and on ponds located in Hiking Areas, Public Access Areas, and certain Designated Use Areas as indicated by NYCDEP on sign postings, and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices. All other reservoirs are off-limits to ice fishing due to safety considerations.

(e) **Season.** Access to Fishing Areas is year-round during New York State fishing seasons, except as otherwise restricted by these rules or by NYCDEP postings or notices.

(f) **Means.** Angling is the only permissible means of Fishing on City Property. Tip-ups may be used for ice fishing, and bow and arrow may be used for carp fishing. Anglers shall be in immediate attendance of their lines.

(g) **Bait and Bait Disposal.** The use of terrestrial bait such as worms and crickets is allowed. Live aquatic bait, which may include, but is not limited to, alewives, shiners, leeches, and crawfish, may be used for Fishing unless it has been taken from waters infested with zebra mussels, including, but not limited to: Lake Champlain, Lake Erie, Lake Ontario, the Finger Lakes, the Erie Canal, the Niagara River, the Mohawk River, the St. Lawrence River, the Susquehanna River and the Hudson River. Neither bait nor the water from aquatic bait containers shall be disposed of on City Property. NYCDEP, at its sole discretion, may prohibit the use of specified bait. Any such prohibitions shall be indicated by NYCDEP on sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices.

(h) **Fishing Equipment.** The following equipment rules apply to Fishing:

- (1) Waterproof waders shall be used when entering water for purposes of Fishing.
- (2) Temporary, portable, fabric fishing shelters and windbreaks may be used for ice fishing on City Property. Wood or metal shelters are not permitted.
- (3) Ice fishing equipment, including shelters and windbreaks, shall remain within view of the occupant and shall be removed from City Property by the occupant when not in use or at the end of each day, whichever is sooner.
- (4) Use of float tubes or inflatable waders is prohibited.
- (5) Motorized fishing equipment is prohibited on City Property, including but not limited to power ice augers and trolling motors.
- (6) Anglers may carry pocket or hunting knives for purposes of Fishing.

(i) **Fishing Litter.** Upon leaving City Property, anglers shall remove any and all equipment, supplies, or other items brought onto the City Property for use while Fishing. These include but are not limited to: equipment packaging, fishing line, monofilament, bait, bait containers, lures, hooks, sinkers, bobbers, food and drink containers, bags, chairs, cigarette remains, and clothing. Anglers are encouraged to carry trash bags with them and remove trash and litter left by others to help protect the Water Supply, wildlife and the scenic appearance of Fishing Areas.

(j) **Fish Entrails.** Fish entrails shall not be deposited in or within 100 feet of a reservoir, lake, pond, Watercourse, public access point, public road, or private property.

(k) **Fishing from Bridges.** Fishing from vehicular bridges located on City Property is not permitted except where designated by NYCDEP.

#### §16-05 **Boat Tag.**

Due to the threat of Water Supply contamination by organisms such as zebra mussel larvae that may be introduced to City waters by boats previously used in contaminated waters, all boats used on City Property shall be registered and cleaned by NYCDEP or its designees, and permanently stored on-site in Boat Storage Areas designated by NYCDEP. All boats on City Property must have a valid Boat Tag affixed thereto.

(a) **Application.** Boat Tag applications shall be available at the same locations as Access Permit applications as indicated in §16-03(a) above. No application fee is required.

(b) **Required Information.** A Boat Tag application shall require the following information:

- (1) Applicant's valid Access Permit number;
- (2) Applicant's name, mailing address, phone number, electronic mail address, if available, and date of birth;
- (3) Boat make, model, serial number, color, width, length, material, and hull shape;
- (4) Designated Fishing Area and Boat Storage Area requested;
- (5) Acknowledgement of risk and waiver of liability;
- (6) Applicant signature and date of signature; and
- (7) Parent or legal guardian signature and date of signature if applicant is under 18.

(c) **Eligibility.** Valid Access Permit holders aged 16 years or older who do not have an outstanding Access Permit suspension or revocation; are not otherwise restricted for security or public safety reasons from applying by NYCDEP; and who own the rowboat that they are registering are eligible to receive a Boat Tag for the boat documented on the application.

Applicants under 18 need parental or legal guardian consent. Each Boat Tag will be issued to one boat owner only. Access Permit holders may apply for Boat Tags for more than one boat.

**(d) Application Submission and Appointment.** Boat Tag applications shall be submitted to NYCDEP at the boat registration appointment on the day the boat is to be placed on a reservoir or lake. The appointment must be made in advance by contacting the NYCDEP office nearest the reservoir where the boat will be located as listed on the NYCDEP website. Boat owners shall speak directly with a NYCDEP representative and provide their name, telephone number, valid Access Permit number, and desired Boat Storage Area in order to make a processing appointment. Completed applications shall be submitted in person at the processing appointment. Boat Tag applications may be completed in advance of the appointment. A boat owner who is unable to attend his or her appointment shall notify NYCDEP in advance. Appointments may be rescheduled to a later available date.

**(e) Boat Processing and Tag Issuance.** A boat owner shall attend the processing appointment for his or her boat in person and shall bring his or her boat, valid Access Permit, and government-issued photo identification. A boat processing appointment shall consist of the following steps:

- (1) The boat owner shall submit the completed Boat Tag application.
- (2) Access Permit data on file shall be confirmed with the applicant. This information shall include contact information and Access Permit status.
- (3) Boat type, shape, size, color, make, model, serial number, absence of possible contaminants, and apparent seaworthiness shall be confirmed and entered into the file.
- (4) Boats shall be steam cleaned by NYCDEP on all surfaces to remove any possible Water Supply contaminants such as zebra mussel larvae.
- (5) A unique number shall be assigned to the boat.
- (6) The boat number shall be painted by NYCDEP on both sides of the bow hull above the anticipated immersion line using permanent white or black paint, whichever color is most visible given the color of the boat.
- (7) An appropriately dated Boat Tag shall be completed in permanent ink and affixed to the exterior port-side bow. Boat Tag completion shall include: writing the boat owner's Access Permit number in the appropriate field; writing the reservoir prefix, if any, and boat number in the appropriate field; and punching out the appropriate water supply location abbreviation.
- (8) The boat owner shall receive from NYCDEP at the processing appointment information including: a copy of the current rules, if the boat owner does not already have one; a current *Watershed Recreation* newsletter, if desired; a map and/or directions to the

designated Boat Storage Area for their boat; a verbal summary of important rules and conditions, including the Boat Tag expiration and renewal process, boat storage requirements, and the procedures for boat removal and disposal.

- (9) Upon completion of the boat cleaning and processing appointment, the boat owner shall immediately place the registered boat on the appropriate water body or at the assigned Boat Storage Area without storing or placing the boat in any other location or water body.

(f) **Eligible Boats.** Boats eligible for Boat Tags shall be aluminum or metal-alloy row boats, except boats on record as having had valid Boat Tags that were issued initially prior to March 31, 2006 may be wooden or fiberglass row boats. Only rowboats that are a minimum of 11'6" in length and 42" in width and are a maximum of 16' in length are permitted on City Property. Other vessels, including but not limited to sailboats, motorized boats, canoes, kayaks, sculls, inflatable boats and collapsible boats are prohibited.

(g) **Rejection.** Grounds for rejection of a Boat Tag application include the following:

- (1) Incomplete application;
- (2) Failure to meet application eligibility requirements;
- (3) Submission of false information;
- (4) Illegible application;
- (5) Failure of boat to meet inspection and cleaning standards.

Rejected applications shall be returned immediately to the applicant, accompanied by an explanation of the reason(s) for rejection, and an opportunity provided for the immediate resubmission of the corrected application, if applicable.

(h) **Term.** Boat Tags shall be valid for two (2) years or until the expiration date indicated thereon, unless revoked, suspended, or altered by NYCDEP. Boat Tags shall only remain valid so long as the boat owner remains a valid Access Permit holder. If an Access Permit holder's Access Permit is suspended or revoked, they may remove their boat if accompanied by a NYCDEP representative.

(i) **Display.** Boat Tags shall be affixed to the upper port-side exterior bow (top left outside front) of the corresponding registered boat. It shall be the Boat Tag holder's responsibility to keep a Boat Tag affixed and clearly legible at all times.

(j) **Replacement.** Lost or destroyed Boat Tags may be replaced upon the boat owner's written request to NYCDEP by USPS or electronic mail. Replacements will generally be issued within two weeks.

(k) **Renewal.** A renewal Boat Tag application shall be sent via electronic or USPS mail to the address on file for each valid boat owner generally in the spring of the Boat Tag expiration year. Content of the renewal Boat Tag application shall include confirmation of boat owner and boat information on file, as well as any angler survey questions. Renewed Boat Tags shall be mailed to the address on file for the boat owner generally within two weeks of application receipt.

(l) **Transferability.** Boat Tags are not transferable to either another person or another boat.

(m) **Transfer of Boat Ownership.** Owners of boats with valid Boat Tags who would like to transfer ownership of their boat to another valid Access Permit holder may do so according to the following process:

- (1) The current boat owner shall put the following information in writing to NYCDEP: the current boat owner's Access Permit number and name; the reservoir or lake and specific Boat Storage Area where the boat is currently stored; the boat number issued by NYCDEP; the name of the person to whom ownership is being transferred; the valid Access Permit number of the person to whom ownership is being transferred; the signature of the current boat owner and the date of signature.
- (2) The new owner shall complete a Boat Tag application for the boat, in accordance with §16-05.
- (3) The current owner shall mail the transfer information together with the Boat Tag application completed by the new owner to NYCDEP at the address indicated on the application.
- (4) NYCDEP shall issue and mail a new Boat Tag and other materials to the accepted new boat owner at the address on file generally within two weeks of transfer of ownership request receipt.
- (5) The new boat owner shall remove the prior owner's invalid Boat Tag from the boat and replace it with the new valid Boat Tag.

New boat owners who would like to change the Boat Storage Area for the boat shall comply with the rules for a change of Boat Storage Area location.

(n) **Boat Storage Area.** Each registered boat shall be assigned to a Boat Storage Area. The boat must be stored in the assigned Boat Storage Area when not in use on the water, except that during the months from April through September the boat may be temporarily stored at any other Boat Storage Area on the same reservoir or lake for convenience of Fishing, provided there is storage space available as determined by NYCDEP. NYCDEP may limit the number and location of boats assigned to any particular Boat Storage Area. Information about Boat Storage Areas closed to additional boats shall be available from NYCDEP and, when applicable, on the NYCDEP website. Requests to place a boat at high-demand Boat Storage Areas shall be handled in the order they are received. Boat Tags on boats not stored within their assigned Boat Storage

Areas during the months of October through March, or on boats stored in Boat Storage Areas that have been closed by NYCDEP and/or to which they were not assigned, shall be invalid. Boat owners may request a change of assigned Boat Storage Area for their boat on the same water body once per calendar year by contacting NYCDEP. NYCDEP shall grant a change of assigned Boat Storage Area provided that the requested area is open to additional boats.

(o) **Boat Storage.** When not in use on the water for Fishing, boats shall be stored in assigned Boat Storage Areas at all times. Boats shall be stored above the high water mark within their assigned Boat Storage Areas from December 1 to April 1. Boat owners are encouraged to store their boats back from the shoreline so as not to obstruct other anglers' access to the water. Boats shall not be stored in shoreline buffer zones, which are generally within ten (10) feet of the shoreline, but may be more or less than ten (10) feet as designated. Boats shall not be stored on or against other stored boats as this may make some boats inaccessible to their owners. Boats shall not be secured to dead trees or trees marked with blue paint by NYCDEP for removal.

(p) **Boat Placement and Securing.** To prevent the creation of insect breeding grounds in water-filled boats, boats shall be stored hull-up (upside down) at all times. Boat owners may store on site such fishing equipment as may be secured under their overturned, stored boat. Equipment or items left on City Property and not secured under boats shall be subject to confiscation and disposal. Boat owners are encouraged to secure their stored boats to reduce the possibility of theft and scattering. Boats shall be secured to manufactured hitches provided by NYCDEP where these are available. Where NYCDEP has provided such securing resources, boats shall not be secured to trees. Where no securing resources are provided by NYCDEP, boats may be secured to trees. Boats secured to trees shall not be tightly bound to trees, but shall be loosely secured so as not to damage the trees.

(q) **Owner Removal of a Boat.** Boat owners may remove their boats from City Property at any time. Boat owners shall notify the local NYCDEP Office prior to removing their boat from City Property. NYCDEP shall document the owner removal activity. Upon removal of a boat from City Property, its Boat Tag shall be immediately rendered invalid. Boat owners wishing to return a once-registered, removed boat to a City reservoir or lake shall make a registration and processing appointment with the local NYCDEP Office.

(r) **Change of Boat Storage Area Location.** Boat owners may change the location of their boat from one reservoir or lake in the Water Supply system to another, but such change shall be treated the way a new boat would be treated. This shall require an application, boat processing appointment, and a new Boat Tag. It is prohibited for a boat owner to move their boat away from the assigned reservoir or lake without first notifying NYCDEP. It is prohibited for a boat owner to place any boat on a reservoir or lake without a valid Boat Tag for that location.

(s) **NYCDEP Removal of Boats.** Any boat left in the water unattended; found on land outside of the boat's assigned Boat Storage Area; found in a closed Boat Storage Area to which it was not assigned; found without a valid Boat Tag or found on City Property after expiration, suspension or revocation of the owner's Boat Tag or Access Permit; or found in a restricted area is subject to removal and storage by NYCDEP at the owner's expense of \$120.00 for removal

and \$1.00 per day for storage. While boats without valid Boat Tags may be removed from City Property, confiscated, and stored by NYCDEP at any time, such boat removal shall generally commence on October 1 of each year and be completed before March 15 of the following year. NYCDEP shall attempt to contact the owner of an invalid or removed boat at least once during the removal process or the three-month storage period in order to notify them of their boat's status. This contact may be by USPS mail, telephone, or electronic mail for the contact information on file for the boat, and the attempt as well as its outcome shall be documented.

(t) **Storage of NYCDEP-Removed Boats.** NYCDEP shall store removed boats in designated storage yards on NYCDEP properties until the removed boats are claimed by their owners or until three months have passed since NYCDEP's initial attempt to contact the owner. If a boat remains unclaimed three months from the date of NYCDEP's initial attempt to locate the owner, it will be deemed the property of NYCDEP and will be disposed of at NYCDEP's discretion. By accepting a NYCDEP Boat Tag, the owner of the subject boat acknowledges and accepts NYCDEP's right to remove, store and/or dispose of the boat in accordance with this section in lieu of any other procedure for the storage and disposition of abandoned property required or permitted by law, and waives any right to assert a claim against NYCDEP pursuant to the provisions of the New York State Personal Property Law, Abandoned Property Law or by any such other procedure. NYCDEP is not liable to the owner under any circumstances for damage to or loss of a boat during its removal, storage or disposition.

(u) **Owner Claim of Stored Boats.** Boats removed and stored by NYCDEP shall be available for claim and pick up by the boat owner of record by appointment with NYCDEP. NYCDEP staff shall confirm that the person claiming the boat is the boat owner of record. Any accumulated removal and storage fees shall be paid to NYCDEP by certified check, bank check, or money order made out to "NYCDEP" in order for the boat to be released. Owners shall pay any accumulated fees and remove their claimed boat at the same appointment. NYCDEP shall not hold claimed boats nor allow deferred payment.

(v) **Disposal of NYCDEP-owned Boats.** When necessary, NYCDEP shall dispose of boats owned by the City through the following means:

- (1) Disposal or sale of unseaworthy boats as refuse or scrap metal;
- (2) Donation of seaworthy boats to public or community non-profit organizations through a City-approved donation process;
- (3) Sale of boats in as-is condition at public, sealed bid auction.

(w) **Boat Relinquishment.** Boat owners or their representatives may relinquish ownership of their boat stored on City Property to NYCDEP according to the following process:

- (1) The boat owner or his or her representative shall write a letter stating that he or she relinquishes ownership of his or her boat to NYCDEP. The letter shall contain the following information: boat owner name, address, telephone number, and Access

Permit number; boat number and Boat Storage Area; and, if written by the boat owner, the signature of the boat owner; and date of signature. If the letter is written by the representative of a boat owner, the representative shall affirm in writing his or her ability to act on behalf of the boat owner.

(2) The relinquishment letter shall be mailed to NYCDEP.

(x) **Lost and Stolen Boats.** Boat owners shall report boats believed to be lost or stolen to NYCDEP immediately upon discovery. NYCDEP staff shall document the report, attempt to locate the boat, and, if unsuccessful, submit the report to the NYCDEP Police for further investigation.

## §16-06 **Fishing by Boat.**

People with valid Access Permits and valid New York State fishing licenses, where applicable, may Fish on City Property from boats with valid Boat Tags in accordance with the following rules.

(a) **Relationship to Fishing Rules.** All Fishing rules shall also apply to all Fishing by boat.

(b) **Use.** Boats with valid Boat Tags shall be used at Fishing Areas only for purposes of Fishing. All boat occupants shall be in possession of valid New York State fishing licenses when required by State law; at least minimum Fishing equipment including a pole, line, and a hook and bait or a lure; and shall be plausibly engaged in the activity of Fishing while using a boat on Fishing Areas.

(c) **Mooring.** Mooring of boats, including to buoys, is prohibited.

(d) **Season.** 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, boats with valid Boat Tags may be placed on the water during any ice free period. On all other New York City Reservoirs, boats with valid Boat Tags may be placed on the water between April 1st and November 30th of each year during any ice free period.

(e) **Condition and Maintenance.** Boat owners are responsible for the sanitary condition and seaworthiness of their vessels and for all activities that occur thereon. Any supplies used for boat maintenance may not enter a water body and must be removed from City Property immediately following maintenance activities.

(f) **Safety.** Every boat used on City Property shall have at least one U.S. Coast Guard approved wearable personal flotation device in good condition for each person on board. Each person on board who is under the age of 12 must wear a securely fastened U.S. Coast Guard approved wearable flotation device of an appropriate size.

(g) **Capacity.** Each boat may carry no more than three occupants, unless the boat has a U.S. Coast Guard approved “Maximum Capacities” plate or label affixed by the manufacturer that identifies a greater occupancy capacity.

(h) **Winter Storage.** Boats must be stored at a point above the high water mark within the assigned Boat Storage Area between December 1st and March 31st.

#### §16-07 **Recreational Boating Areas.**

NYCDEP may, in its discretion, designate portions of, or entire City reservoirs and controlled lakes as Recreational Boating Areas that may be entered and used by persons with valid Access Permits for boating. For purposes of this section, individuals shall comply with all provisions of this Chapter with the exception of §16-05 and §16-06. Recreational Boating Areas and launch sites shall be designated by NYCDEP on sign postings, on the NYCDEP website, on Public Maps, and/or in other publications and notices available from NYCDEP and at local sporting outfitters. In compliance with both the State Environmental Quality Review Act and the City Environmental Quality Review requirements, NYCDEP will undertake environmental reviews for each reservoir it proposes to designate a Recreational Boating Area on prior to making such designation, including review of any cumulative impact of such designation to the watershed.

(a) **Season.** Access to Recreational Boating Areas begins at sunrise on the Friday immediately preceding Memorial Day weekend, is available seven (7) days a week from sunrise to sunset and ends on Columbus Day at sunset except as otherwise restricted on NYCDEP sign postings, on the NYCDEP website, on Public Maps, and/or in other publications or notices.

(b) **Recreational Boat Tags.** Due to the threat of Water Supply contamination by organisms such as zebra mussel larvae that may be introduced to City waters by boats previously used in contaminated waters, all boats used in Recreational Boating Areas shall be registered and steam cleaned by NYCDEP or its designee, and must have a valid Recreational Boat Tag affixed to the upper port side exterior bow.

(1) **Eligibility.** Boats eligible for Recreational Boat Tags include canoes, sculls, small sailboats with removable center/dagger boards and jonboats that measure no less than eleven feet five inches (11' 5") in length and kayaks that measure no less than nine feet (9') in length. Inflatable boats, collapsible boats and motorized boats are prohibited. NYCDEP may, at its discretion, add to or delete from the list of boats eligible for Recreational Boat Tags. Changes to the list shall be designated by NYCDEP on sign postings, the NYCDEP website, Public Maps, and/or in other publications and notices available from NYCDEP and at local sporting outfitters.

(2) **Term.** At the option of the applicant, Recreational Boat Tags shall be valid for one of the following terms: (i) one through seven days (“temporary”); or (ii) from sunrise on the Friday immediately preceding Memorial Day weekend through sunset on Columbus Day (“season”) unless revoked or suspended per the provisions of §16-19(e). Recreational Boat Tags shall only remain valid so long as the boat owner’s Access Permit is valid. If an

Access Permit holder's Access Permit and/or Recreational Boat Tag is suspended or revoked, he or she must remove the boat within 24 hours of the suspension date in the company of a NYCDEP representative.

(3) **Application.** Recreational Boat Tag applications shall be available at the same locations as Access Permit applications, and may also be available at local hotels, motels, B&Bs, sporting outfitters and other merchants designated by NYCDEP for processing certain boats for use in Recreational Boating Areas. No application fee is required.

(4) **Required Information.** A Recreational Boat Tag application shall require the following information:

- (i) Applicant's valid Access Permit number;
- (ii) Applicant's name, mailing address, phone number, electronic mail address, if available, and date of birth;
- (iii) Boat make, model, color, width, length, material, hull shape and, if known, serial number;
- (iv) Term of Recreational Boat Tag;
- (v) Acknowledgment of risk and waiver of liability;
- (vi) Applicant signature and date of signature; and
- (vii) If applicant is under 18, parent or legal guardian signature and date of signature.

(5) **Boat Processing, Registration, Steam Cleaning and Recreational Boat Tag Issuance.** Recreational Boat Tag applications may be completed in advance of submission, except for the portions which need to be completed by NYCDEP or its designee when the boat is registered, steam cleaned and placed on the reservoir. Prior to entering Recreational Boating Areas, all boats shall be steam cleaned by NYCDEP or its designee. Boat owners applying for temporary Recreational Boat Tags may have their boats processed, registered, steam cleaned and receive their Recreational Boat Tags without an appointment at local merchants designated by NYCDEP. Boat Owners applying for season Recreational Boat Tags must have their boats processed by appointment with NYCDEP at the Downsville Office, which can be made by contacting the Downsville office at the number listed on NYCDEP's website.

(c) **Boat Launch Sites.** Boats shall only be placed in or taken out of Recreational Boating Areas at boat launch sites as designated by NYCDEP. Boat launch sites shall be designated by NYCDEP on sign postings, the NYCDEP website, Public Maps, and/or in other publications and notices available from NYCDEP and at local sporting outfitters.

(d) **Boat Storage Areas and Boat Storage.** NYCDEP will assign a Boat Storage Area to boats with season Recreational Boat Tags. Boats with temporary or season Recreational Boat Tags may not be stored in shoreline buffer zones, which are generally within ten (10) feet of the shoreline, but may be more or less than ten (10) feet as designated. Boats shall not be stored on or against other stored boats. Boats stored in Boat Storage Areas within Recreational Boating Areas shall not be secured to dead trees or trees marked with blue paint by NYCDEP for removal. Boats with temporary Boat Tags may be stored, at the owner's risk, in the vicinity of the Recreational Boating Area's launch sites above the high water mark back from the shoreline so as not to obstruct access to the water and in a hull up position so as not to collect water.

(e) **Owner Removal of Boat With Recreational Boat Tag.** Boats with Recreational Boat Tags may be removed from Recreational Boat Areas by their owners at any time before the Recreational Boat Tag's expiration date. Boat owners with season Recreational Boat Tag shall notify the NYCDEP Downsville Office prior to such removal. Upon removal of a boat from a Recreational Boating Area, its Recreational Boat Tag shall be immediately rendered invalid. Boat owners wishing to return a once-registered, removed boat to a Recreational Boating Area must secure a new Recreational Boat Tag.

(f) **NYCDEP Removal of Boats.** Any boat left in the water unattended; found on land outside of the boat's assigned Boat Storage Area; found in a closed Boat Storage Area to which it was not assigned; found without a valid Recreational Boat Tag or found on City Property after expiration, suspension or revocation of the owner's Recreational Boat Tag or Access Permit; or found in a restricted area is subject to removal and storage by NYCDEP at the owner's expense of \$120.00 for removal and \$1.00 per day for storage. While boats without valid Recreational Boat Tags may be removed from City Property, confiscated, and stored by NYCDEP at any time, such boat removal shall generally commence on the day after Columbus Day of each year and be completed before the Friday preceding Memorial Day the following year. NYCDEP shall attempt to contact the owner of an invalid or removed boat at least once during the removal process or the three-month storage period in order to notify him or her of the boat's status. This contact may be by USPS mail, telephone, or electronic mail for the contact information on file for the boat, such contacts shall be documented.

(g) **Storage of NYCDEP-Removed Boats.** NYCDEP shall store removed boats in designated storage yards on NYCDEP properties until the removed boats are claimed by their owners or until three months have passed since NYCDEP's initial attempt to contact the owner. If a boat remains unclaimed three months from the date of NYCDEP's initial attempt to locate the owner, it will be deemed the property of NYCDEP and will be disposed of at NYCDEP's discretion. By accepting a NYCDEP Recreational Boat Tag, the owner of the subject boat acknowledges and accepts NYCDEP's right to remove, store and/or dispose of the boat in accordance with this section in lieu of any other procedure for the storage and disposition of abandoned property required or permitted by law, and waives any right to assert a claim against NYCDEP pursuant to the provisions of the New York State Personal Property Law, Abandoned Property Law or by any such other procedure. NYCDEP is not liable to the owner under any circumstances for damage to or loss of a boat during its removal, storage or disposition.

(h) **Owner Claim of Stored Boats.** Boats removed and stored by NYCDEP shall be available for claim and pick up by the owner of record by appointment with NYCDEP. NYCDEP staff shall confirm that the person claiming the boat is the owner of record. Any accumulated removal and storage fees shall be paid to NYCDEP by certified check, bank check, or money order made out to “NYCDEP” in order for the boat to be released. Owners shall pay any accumulated fees and remove their claimed boat at the same appointment. NYCDEP shall not hold claimed boats nor allow deferred payment.

(i) **Disposal of NYCDEP-owned Boats.** When necessary, NYCDEP shall dispose of boats owned by the City through the following means:

- (1) Disposal or sale of unseaworthy boats as refuse or scrap metal;
- (2) Donation of seaworthy boats to public or community non-profit organizations through a City-approved donation process;
- (3) Sale of in as-is condition at public, sealed bid auction.

(j) **Lost and Stolen Boats.** Boat owners shall report boats believed to be lost or stolen to NYCDEP immediately upon discovery. NYCDEP staff shall document the report, attempt to locate the boat, and, if unsuccessful, submit the report to the NYCDEP Police for further investigation.

(k) **Safety.** Every boat used on City Property shall have at least one U.S. Coast Guard approved wearable personal flotation device in good condition for each person on board. Each person on board who is under the age of 12 must wear a securely fastened U.S. Coast Guard approved wearable flotation device of an appropriate size.

(l) **Capacity.** Each boat may carry no more than three occupants, unless the boat has a U.S. Coast Guard approved “Maximum Capacities” plate or label affixed by the manufacturer that identifies a greater occupancy capacity.

(m) **Condition and Maintenance.** Boat owners are responsible for the sanitary condition and seaworthiness of their vessels and for all activities that occur thereon.

(n) **Mooring.** Mooring of boats, including to buoys, is prohibited.

## §16-08 **Hunting and Hunting Areas.**

(a) **Designation.** Hunting Areas shall be designated by NYCDEP on sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices. Hunting Areas may be further designated as follows:

- (1) Bow Hunting Area – hunting by bow only;

(2) General Hunting Area – hunting by bow and gun.

(b) **Access.** Access to Hunting Areas on City Property for purposes of hunting shall be by Access Permit. Hunting is not allowed on any other City Property except on Public Access Areas. Hunters must also be properly licensed by the State of New York.

(c) **Allowable Species.** Hunters may hunt on Hunting Areas for any species allowed under New York State law, during and in accordance with all available NYSDEC hunting seasons and NYCDEP property designations.

(d) **Entry.** Access to Hunting Areas may be regulated at entry points or locations as indicated by NYCDEP on a site-specific basis. Closed access points shall be indicated by NYCDEP on the NYCDEP website or by signs, postings, and notices or on Public Maps. Motor vehicle access into Hunting Areas is prohibited unless otherwise posted or indicated by NYCDEP on the NYCDEP website or by signs, postings, and notices or on Public Maps.

(e) **Game Pursuit.** Hunters shall respect the rights of owners of neighboring properties and shall not trespass on private lands. If an animal wounded by a hunter travels onto neighboring property, the hunter shall obtain the property owner's permission to enter the property for retrieval. If an animal wounded by a hunter travels onto City Property that is not a Hunting Area, the hunter shall obtain permission to enter the area from NYCDEP Police before entering by calling (888) 426-7433.

(f) **Hunter Behavior.** Hunters shall abide by the principles of the NYSDEC hunter education training program and conduct themselves in a safe and courteous manner in relation to other hunters and recreational users, NYCDEP employees and representatives, neighboring land owners and community members. Failure to do so may advance a detrimental image of hunting and hunters, and result in the loss of individual hunting opportunities, Hunting Area closures, and individual permissions.

(g) **Game Cleaning Practices.** Hunters are encouraged to remove all game entrails from City Property and to use gloves while cleaning harvested game in order to hinder the spread of disease and possible water contamination. Entrails shall not be deposited in or within one hundred (100) feet of any reservoir, lake, pond, Watercourse, public access point, public road, or private property.

(h) **Tree Stands and Hunting Blinds.** Temporary tree stands and hunting blinds may be used on Hunting Areas during big game hunting seasons provided that they do not cause damage to trees. The following apply:

- (1) The use of screws, nails or foot pegs in trees on City Property is prohibited.
- (2) Tree stands and hunting blinds may be placed at Hunting Areas as of two weeks prior to the opening of the archery deer hunting season.

- (1) Hunters may leave temporary tree stands or temporary hunting blinds at Hunting Areas at their own risk on a first-come, first-served basis during big game hunting seasons.
- (2) Any tree stand or hunting blind at Hunting Areas shall be clearly and legibly labeled with the user's name, Access Permit number and telephone number.
- (3) Tree stands and hunting blinds unlabeled or left at the Hunting Area after big game hunting season are subject to removal and disposal by NYCDEP.

(i) **Shooting Lanes.** Hunters may cut limbs not greater than two inches in diameter and not further than twenty-five yards from a tree stand with a hand tool for purposes of clearing shooting lanes. The use of chainsaws is prohibited. Any vegetation removed for shooting lanes shall be cut flush with the vegetation's main stem. All vegetation cut shall be scattered and not stacked to a height greater than two (2) feet off of the ground.

(j) **Use of Dogs.** Dogs shall not be used for tracking injured deer without express permission from NYCDEP Police. Any tracking of injured deer permitted by NYCDEP shall comply with NYSDEC conditions for tracking injured deer with dogs. Dogs may be used for hunting small game species in compliance with NYSDEC conditions. Such dogs shall be under the control of their handler at all times.

(k) **Blaze Orange.** All persons at Hunting Areas during big game gun hunting seasons shall wear blaze or safety orange as an outermost layer in the form of an entire vest, an entire jacket, or an entire hat.

(l) **Hunting Area Closures.** NYCDEP may close Hunting Areas or parts thereof to public access, to hunting, or to certain hunting activities, and may limit the number of hunters permitted on a Hunting Area as it deems necessary. Possible considerations for Hunting Area closure include but are not limited to Water Supply protection, management and security concerns. Closures will be indicated on the NYCDEP website.

(m) **Firearms.** Firearms may not be discharged over or into the waters of any reservoir or controlled lake.

## §16-09 **Hiking and Hiking Areas.**

(a) **Access.** Access to Hiking Areas on City Property for purposes of Hiking shall be by Access Permit. No additional NYCDEP permits or tags are required.

(b) **Designation.** Hiking Areas shall be designated by NYCDEP on sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices.

(c) **Hiking Activities.** Activities permitted in Hiking Areas are foot travel including hiking, walking, running, cross-country skiing, snowshoeing, bird watching, nature observation and photography. These activities may be further restricted at certain locations in accordance with

NYCDEP sign postings or notices. Additional activities may be allowed at certain locations in accordance with NYCDEP sign postings or notices.

(d) **Season.** Access to Hiking Areas is year-round, except as otherwise restricted by NYCDEP sign postings or notices.

## §16-10 **Guest Pass.**

Guest Passes are for temporary access for the recreational use of certain City Property. A valid Access Permit holder aged 18 or older may host up to two (2) Guests on City Property who would otherwise require a valid Access Permit, provided that the Guests are each in possession of a valid Guest Pass. Guests may participate in Watershed recreational opportunities, other than hunting, while accompanied by a person who has a valid Access Permit. Sponsoring Access Permit holders are responsible for the conduct and safety of their Guests and are liable for any violations of these rules by a Guest.

(a) **Application.** The Guest Pass is a fully completed Access Permit application signed by the Guest, or signed by the Guest's parent or legal guardian if the Guest is under 18, and carried by the Guest, which shall be available as indicated in §16-03(a) above. No application fee is required.

(b) **Required Information.** A valid Guest Pass shall consist of an Access Permit application completed and signed by the Guest in permanent ink and containing the following required information:

- (1) Guest name, mailing address, phone number, and date of birth;
- (2) Guest gender, height, eye color and hair color;
- (3) Guest's driver's license number and state of issuance, or non-driver's identification number and state of issuance;
- (4) Acknowledgement of risks and waiver of liability;
- (5) Guest signature and date of signature or parent or legal guardian signature and date of signature if Guest is under 18.

(c) **Eligibility.** An individual aged 16 years or older who does not have a current valid Access Permit, does not have an outstanding Access Permit suspension or revocation, and is not otherwise restricted for security or other public safety reasons is eligible to use a Guest Pass. The sponsoring Access Permit holder must be aged 18 years or older.

(d) **Term.** A Guest Pass shall be valid for seven (7) consecutive days starting on and including the signature date thereon. A Guest Pass without a signature date is invalid.

(e) **Using a Guest Pass.** The following is required for proper use of a Guest Pass:

- (1) Guests must fully complete the Guest Pass and carry it with them at all times while on City Property.
- (2) Guests must carry their government-issued photo identification while on City Property.
- (3) Guests must produce their Guest Pass and identification upon request of any law enforcement officer or NYCDEP representative.
- (4) All Guests shall be accompanied by the valid Access Permit holder sponsoring the Guest at all times while on City Property. Access to City property by a Guest unaccompanied by the sponsor Access Permit holder constitutes a trespass. The accompanying sponsor Access Permit holder shall be responsible for the conduct and safety of their Guests, and is liable for any violations committed by their Guests. A valid Access Permit holder may sponsor and accompany up to two (2) Guests at any one time on City Property.
- (5) Guests shall comply with the Rules for the Recreational Use of New York City Water Supply Lands and Waters. Guest Pass holders may not hunt on City Property.

(f) **Transferability.** A Guest Pass is non-transferable and may only be used by the person identified thereon.

(g) **Renewal.** A Guest Pass is not renewable but may be submitted in application for an Access Permit. Guest Pass holders may submit their completed and signed Guest Pass in application for a permanent Access Permit by mailing them to NYCDEP at the address indicated on the application. An Access Permit will be mailed directly to each accepted applicant.

## §16-11 **Vehicle Tag.**

All vehicles used for access to or parked on City Property for recreational uses other than at Designated Use Areas and Public Access Areas must have the driver's valid Vehicle Tag prominently displayed so that it is visible from the front of the vehicle.

(a) **Issuance.** Any person over the age of 16 who has been issued an Access Permit and who has a valid driver's license issued by any state as indicated on his or her Access Permit application shall be issued a Vehicle Tag. An Access Permit holder who subsequently obtains a driver's license may request and receive a Vehicle Tag at no cost.

(b) **Term.** A Vehicle Tag is valid only if and for so long as the person's Access Permit is valid.

(c) **Use of a Vehicle Tag.** The driver's Vehicle Tag shall be prominently displayed so that it is visible from the front of the vehicle, typically hanging from the rear view mirror whenever a person is accessing City Property for recreational use, except in Designated Use Areas and

Public Access Areas. Only one Vehicle Tag is required to be displayed if multiple Access Permit holders are visiting City Property in the same vehicle, but for emergency reasons, it is recommended that all Vehicle Tags be displayed on the dashboard. Motorcycle drivers may display a photocopy of their Vehicle Tag on the motorcycle.

(d) **Transferability.** Vehicle Tags are not transferable to another person but may be used by that person on any vehicle.

(e) **Replacement.** Lost or destroyed Vehicle Tags will be replaced upon the holder's written request to NYCDEP by USPS or electronic mail. Electronically requested replacements may be printed immediately. Replacements requested by USPS mail will generally be issued within two weeks.

## §16-12 **Group Access Permit.**

Group Access Permits of limited duration are available for Groups of between twelve and thirty individuals to conduct such activities as would normally be available to individual Access Permit holders and shall be issued in accordance with NYCDEP policies and procedures.

(a) **Term.** Group Access Permits may be issued for a term of one day to three consecutive months.

(b) **Application.** Applicants for a Group Access Permit must fully complete a Group Access Permit application and submit it to the address on the application or through the NYCDEP website. Group Access Permit applications and waivers shall be available at the same locations as indicated in §16-03(a) above. No application fee is required.

(c) **Required Information.** The following information shall be required on or with the Group Access Permit application:

- (1) Application date;
- (2) Group name and address;
- (3) Group Leader name, date of birth, address, primary telephone, electronic mail address, driver's license or non-driver's identification number and state of issuance;
- (4) Signed and dated responsibility statement of Group Leader accepting all responsibility for Group and Group Member activity and safety while on City Property and indemnifying the City of New York;
- (5) Description of the purpose for which the Group is applying for access;
- (6) Date(s) and duration(s) for which the Group is seeking access;

- (7) Location of City Property for which Group access is being requested, including township, adjacent roadways, and description of intended entrance and exit points;
- (8) Names, ages, addresses and telephone numbers of up to twenty-nine Group Members;
- (9) Waiver of liability and acknowledgement of risk for Group Leader and Group Members, with parent or guardian signature for those under 18 years of age.

(d) **Issuance Criteria.** NYCDEP shall deny Group Access Permit applications that fail to meet the issuance criteria. Although NYCDEP shall strive to accommodate Group Access Permit requests whenever possible, the use of Water Supply lands for non-Water Supply purposes is subordinate to the primary interests of the Water Supply. Group Leaders must be aged 18 years or older. NYCDEP shall consider the following criteria when evaluating a Group Access Permit application:

- (1) Completeness of the application;
- (2) Consistency of proposed use with allowable activities;
- (3) Eligibility of Group or Group Leader to receive an Access Permit;
- (4) Availability and public access status of City Property proposed for use;
- (5) Consistency with water quality protection, Water Supply security, good neighborhood relations, and available City resources;
- (6) Compatibility with the City's land management goals;
- (7) Compatibility with existing uses, rights, easements, or facilities requirements on those Water Supply lands where Group access is requested.

(e) **General Conditions.** Group Access Permit holders and Group Members shall comply with the Rules for the Recreational Use of New York City Water Supply Lands and Waters. Group Access Permit holders and Group Members shall also comply with the following conditions:

- (1) Access to City property by the Group is only allowed for the dates, locations and Group Members stated on the approved Group Access Permit;
- (2) Use of City property by the Group is only permitted for those uses stated on the approved Group Access Permit;
- (3) The Group Leader shall carry the approved Group Access Permit or legible photocopy thereof at all times while on City Property;

- (4) Group Members must be accompanied by a Group Leader at all times while on water supply lands;
- (5) The Group Leader and all Group Members age 14 years or older shall carry a government-issued photo identification while on City Property;
- (6) All vehicles used by the Group to access City property shall be identified by a photocopy of the approved Group Access Permit in or on the vehicle such that it is clearly visible from the exterior front of the vehicle.

(f) **Responsibility.** Use of and activities on Water Supply lands under the Group Access Permit by Group Members is the sole responsibility of the Group Leader who shall accept responsibility for the conduct, activities, and safety of all Group Members. The Group Leader must accompany the Group at all times while on water supply lands. The Group Leader is the permit holder.

### §16-13 **Public Access Areas.**

NYCDEP may, in its discretion, designate portions of City Property as Public Access Areas that may be entered and used by the public for recreational uses as allowed by New York State law without the requirement of having a valid NYCDEP Access Permit or Vehicle Tag. Public Access Areas are not subject to these rules except for those set forth in this section and in sections 16-01 (Scope and Purpose), 16-02 (Definitions), 16-15 (Restricted Areas), 16-16 (General Rules), 16-17 (Prohibitions), 16-18 (Regulated Activities), 16-19 (Permit Suspension and Revocation), 16-20 (Conformance with State and Local Laws), and 16-21 (Unenforceability). Public Access Areas shall be designated by NYCDEP on sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices.

(a) **Fishing.** Fishing is allowed in Public Access Areas, subject to the following:

- (1) Fishing by boat is prohibited, unless specifically permitted by NYCDEP on sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices;
- (2) Motorized fishing equipment is prohibited on City property, including but not limited to power ice augers and trolling motors.

(b) **Hunting.** Hunting is allowed on Public Access Areas, subject to the following:

- (1) Hunters shall respect the rights of owners of neighboring properties and shall not trespass on private lands. If an animal wounded by a hunter travels onto neighboring property, the hunter shall obtain the property owner's permission to enter the property for retrieval. If an animal wounded by a hunter travels onto City Property that is not a

Public Access Area, the hunter shall obtain permission to enter the area from NYCDEP Police before entering by calling (888) 426-7433;

- (2) Firearms may not be discharged over or into the waters of any reservoir or controlled lake.

(c) **Trapping.** Trapping is allowed in Public Access Areas.

(d) **Hiking.** Hiking is allowed in Public Access Areas.

(e) **Season.** Access to Public Access Areas is year-round except as otherwise restricted on NYCDEP sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications or notices.

#### §16-14 **Designated Use Areas.**

NYCDEP may, in its discretion, designate portions of City Property as Designated Use Areas that may be entered and used by the public for specified recreational uses without the requirement of having a valid NYCDEP Access Permit or Vehicle Tag. Where Fishing is allowed in Designated Use Areas, it is subject to the rules for Fishing specified above in §16-04, except for the requirement for an Access Permit set forth in §16-04(a). Where Hiking is allowed in Designated Use Areas, it is subject to the rules for Hiking specified above in §16-09, except for the requirement for an Access Permit set forth in §16-09(a). Designated Use Areas are not otherwise subject to these rules except for those set forth in this section and in sections 16-01 (Scope and Purpose), 16-02 (Definitions), 16-15 (Restricted Areas), 16-16 (General Rules), 16-17 (Prohibitions), 16-18 (Regulated Activities), 16-19 (Permit Suspension and Revocation), 16-20 (Conformance with State and Local Laws), and 16-21 (Unenforceability).

(a) **Locations.** Designated Use Areas are posted with signs and, when applicable, otherwise designated as such by NYCDEP on Public Maps, the NYCDEP website, and/or in other NYCDEP publications.

(b) **Use.** Recreational uses in Designated Use Areas will be allowed or restricted in some or all such areas by NYCDEP sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications and notices.

(c) **Season.** Access to Designated Use Areas is year-round except as otherwise restricted by NYCDEP sign postings and, when applicable, on the NYCDEP website, on Public Maps, and/or in other publications or notices.

#### §16-15 **Restricted Areas.**

(a) **General.** NYCDEP may, in its discretion, temporarily limit or forbid access to any or all City Properties at any time and from time to time as may be necessary for Water Supply security,

for public safety or resource protection by posting signs and, when applicable, on the NYCDEP website and/or by publishing announcements.

(b) **Location.** Unless otherwise posted, all persons other than NYCDEP employees and contractors on City business, on-duty law enforcement personnel and others with express written permission from NYCDEP are prohibited from entering City Property that is:

- (1) on or within five hundred (500) feet of any dikes, dams, tunnel outlets, spillways, buildings and other significant Water Supply structures;
- (2) any area not officially designated as a Hiking, Fishing, Hunting, Public Access, or Designated Use Area; and
- (3) any other area posted with signs or otherwise designated as a restricted area.

## §16-16 **General Rules.**

The following general requirements apply to all recreational use on City Property:

(a) **Personal Identification.** All Access Permit holders, their guests, and visitors to Designated Use Areas and Public Access Areas, except for minors under the age of 12, shall carry government-issued, photo identification while on City Property and must produce such identification upon request of any law enforcement officer or NYCDEP representative.

(b) **Signs and Instruction.** All persons on City Property shall observe all instructions and warnings on posted signs and notices and from NYCDEP representatives.

(c) **Trespass.** All persons entering on City Property shall respect the rights of owners of adjacent property and shall not trespass onto private lands.

(d) **Property Use and Designation.** NYCDEP shall designate and list areas for recreational use by posting signs and, when applicable, by publishing announcements on the NYCDEP website, on Public Maps, and/or in other publications and notices.

(e) **Abandoned Property.** Abandoned or prohibited equipment found on City lands and waters shall be confiscated by NYCDEP.

## §16-17 **Prohibitions.**

The activities and uses enumerated in this section shall be prohibited on all City Property.

(a) **Littering, Polluting, Dumping.** No person shall in any manner cause any rubbish, garbage, trash, refuse, organic or inorganic waste, cremated remains, diseased or dead animal or other offensive matter or any abandoned property or material to be placed or left on City Property.

(b) **Bathing, Swimming, Washing of Objects.** No bathing, swimming or washing of any objects is permitted on City Property.

(c) **Unauthorized Presence on City Property.** No person shall enter upon and remain on City Property without participating in a recreational use activity allowed by these rules.

(d) **Camping.** Camping is not permitted on City Property.

(e) **Fires.** The causing, building or maintaining of fires on City Property is prohibited.

(f) **Smoking.** Smoking is prohibited on City Property during fire danger prediction periods classified as “very high” or “extreme” by New York State. Smoking is also prohibited during any period in which New York State or a local municipality has suspended the issuance of burning permits due to drought or high fire danger or by the direction or order of NYCDEP.

(g) **Motorized Equipment.** The use or possession of motorized equipment on City Property is prohibited unless designated by NYCDEP on sign postings, Public Maps, or on notices, or unless NYCDEP grants express written permission for such use or possession on a case-by-case basis, when considering, among other factors, compatibility with water quality protection, site constraints, site management considerations and whether the use or possession will serve a significant public purpose.

(h) **Commercial Activities.** The use of City Property for any commercial activity or as part of any commercial enterprise is prohibited unless NYCDEP grants express written permission for a specified commercial activity on a case-by-case basis, when considering, among other factors, compatibility with water quality protection, site constraints, site management considerations and whether the commercial activity will serve a significant public purpose.

(i) **Other Activities.** Any recreational or other activity not expressly allowed by these rules, including but not limited to bicycle riding, horseback riding, ice-skating, recreational boating, sleigh riding, and downhill skiing, is prohibited on City Property unless specified by NYCDEP on sign postings and, where applicable, on other notices, or unless NYCDEP grants express written permission for such activity on a case-by-case basis, when considering, among other factors, compatibility with water quality protection, site constraints, site management considerations and whether the activity will serve a significant public purpose.

## §16-18 **Regulated Activities.**

The activities and uses enumerated in this section shall be regulated on all City Property.

(a) **Injury, Destruction or Abuse of Natural Resources or Property.** No person shall disturb, deface, remove or injure any vegetation, trees, wildlife, soil, stone or other cultural or natural resources located on City Property, including, but not limited to equipment, sampling stations, fences, gates, stone walls, boundary markers, monuments, blaze marks, NYCDEP signs, roads,

trails or other improvements, without prior written permission from NYCDEP, with the following exceptions:

- (1) The cutting of vegetation for tree stands and shooting lanes is prohibited except that limbs not greater than two inches in diameter and not further than twenty-five yards from a tree stand may be cut with a hand tool. The use of power cutting equipment such as chainsaws is prohibited.
- (2) The hunting of game species is allowed in accordance with these rules.

(b) **Firearms, Weapons, Explosives.** Rifles, shotguns, handguns, bows and arrows, muzzleloaders and pocket or hunting knives may only be carried and used as permitted in Hunting Areas by persons with valid Access Permits, or in Public Access Areas, in accordance with NYSDEC regulations (i.e., rifles may be prohibited by the State in certain locations). Bows and arrows may be used when Fishing for carp. The use or carrying of handguns is prohibited on all City Property except for purposes of hunting, either at Hunting Areas by persons with valid Access Permits or in Public Access Areas. Access Permit holders engaged in Hiking, Fishing, or hunting may carry pocket or hunting knives for purposes of Hiking, Fishing, or hunting. All other weapons, fireworks and explosives are prohibited.

(c) **Animals.** Securely leashed dogs and hunting dogs are allowed on City Property, unless otherwise posted by NYCDEP. Pet owners or handlers shall keep their dog(s) under personal control at all times and shall remove their animal's feces from City Property. Dogs are not permitted to enter any water body except in Public Access Areas. No other animals shall be brought onto City Property.

(d) **Posting of Notices, Signs and Marking of Trails.** The posting of signs, notices or the marking of trails without express written permission from NYCDEP is prohibited. Temporary markings for purposes of tracking game may be used, but must be removed within forty-eight (48) hours of placement.

(e) **Tents and Other Structures.** Tents and other temporary or permanent structures, except for temporary tree stands, temporary hunting blinds, and temporary ice fishing windbreaks, are not allowed on City Property and are subject to removal at the owner's expense and risk. Temporary tree stands may be used on Hunting Areas in accordance with §16-08(h) and in Public Access Areas.

(f) **Motor Vehicle Access.** Trucks, automobiles, all-terrain vehicles, motorcycles, snowmobiles and all other motorized vehicles, including aircraft, are prohibited on all City Property unless allowed by NYCDEP on postings, Public Maps and/or notices or by express written permission. Vehicles that are: (1) blocking gates or entryways, (2) found in areas posted with "No Parking" signs, (3) found in any unauthorized area on City Property, or (4) found without a valid NYCDEP Vehicle Tag on any City Property other than a Public Access Area or a Designated Use Area, are subject to removal and storage at the owner's expense and risk.

(g) **Trapping.** Trapping is only permitted on City Property in certain Hunting Areas specifically designated for trapping by NYCDEP and in Public Access Areas. Trapping is not permitted elsewhere.

## §16-19 **Permit Suspension and Revocation.**

Any violation of these rules by an Access Permit holder or by any person accompanying an Access Permit holder is cause for suspension or revocation of such Access Permit and any related Tags. Such violation may also affect issuance of future Access Permits and/or Tags as determined by NYCDEP and may also subject the violator to prosecution to the fullest extent of the law. Any violation of these rules by a person without an Access Permit and/or Tag may affect future eligibility for an Access Permit and/or Tag and may also subject the violator to prosecution to the fullest extent of law.

(a) **Confiscation.** Upon request of a NYCDEP representative or law enforcement officer, an Access Permit holder or Guest Pass holder shall surrender his or her Access Permit and/or Guest Pass and/or any related Tag to the requestor and must immediately leave the City Property. Such NYCDEP representative or law enforcement officer shall submit the confiscated items within ten (10) days to the NYCDEP office in Kingston along with the following information:

- (1) Date and location of alleged violation;
- (2) Confiscating personnel name, title and contact information;
- (3) Name, Access Permit number, address, telephone number, and driver's license or non-driver's identification number and state of alleged violator, as applicable;
- (4) Nature and description of the alleged violation;
- (5) Nature and description of any NYCDEP enforcement action taken, including identification number(s) and description(s) of any tickets issued or arrests made.

(b) **Initial Appeal.** The Access Permit holder may provide the NYCDEP office in Kingston with a written explanation of the alleged violation within fifteen (15) days of the confiscation. NYCDEP will consider the written explanation before notifying the Access Permit holder of a decision.

(c) **Notification Procedure.** Upon examination of the circumstances, NYCDEP will suspend, revoke or return the Access Permit, Guest Pass, and/or Tag, and will notify the person in writing of its determination generally within forty-five (45) days of the alleged violation or receipt of the written explanation, whichever is later. NYCDEP shall send a letter of suspension, revocation, or reinstatement via USPS mail to the individual's address on file. This letter shall specify the following:

- (1) Date, location, and nature of the infraction;

- (2) The violator's name, address, and Access Permit or Tag number(s), as applicable;
- (3) Citation of the violation as per these rules;
- (4) Notification of any penalty imposed and Access Permit or Tag status;
- (5) Notification of the opportunity and timeline for appeal.

(d) **Suspension.** If NYCDEP determines that the Access Permit and/or Tag should be suspended, a letter including the basis for the suspension, the period of suspension and the expiration date of the suspension period shall be sent to the Access Permit holder at the address on file. The person may not enter upon City Property until the period of suspension has ended and NYCDEP returns the Access Permit and related Tags, as applicable. Depending on the severity of the violation and record of previous violations, Access Permit/Tag suspension may be from three months to five years from the date of the violation.

(e) **Revocation.** If NYCDEP determines that the Access Permit and/or Tag should be revoked due to significant, repeated, or egregious violations, a letter including the basis for revocation shall be sent to the former Access Permit holder. Revocation is effective immediately upon issuance of such letter. The former Access Permit holder may not apply for a new Access Permit and/or Tag until the date specified in the letter, if any.

(f) **Appeals.** Individuals may appeal the suspension or revocation of their public access privileges and/or ability to apply for public access privileges by submitting a request in writing explaining why the penalty should be changed to NYCDEP within thirty (30) days of the date of the letter of suspension or revocation. NYCDEP shall respond to all appeal requests in writing within thirty (30) days of receipt. In response to a written appeal, NYCDEP may reduce the duration of suspension or revocation period. Individuals dissatisfied with the first appeal response may elect to submit a final written appeal to the NYCDEP Deputy Commissioner of the Bureau of Water Supply, for a final determination.

(g) **Reinstatement.** Upon conclusion of the suspension period, NYCDEP shall send notification of reinstatement via USPS mail or electronic mail to the individual at the address on file. This notification shall include the return of any confiscated Access Permit or Tag that is still valid or an application for a replacement.

(h) **Group Infractions.** Any violation of these rules and/or the Group Access Permit conditions by a Group Member may result in:

- (1) Removal of the Group and/or Group Members from the property;
- (2) Revocation of the Group Access Permit;
- (3) Loss of general privileges to access Water Supply lands including loss of eligibility to apply for an Access Permit, suspension or revocation of Access Permits;

and

- (4) Arrest and prosecution to the full extent of the law of the Group Members, Group Leader, and/or organization sponsoring the Group and/or which the Group represents.

(i) **Public Access Area and Designated Use Area Infractions.** Failure to comply with these rules, postings or notices in a Public Access Area or a Designated Use Area may result in, but will not be limited to, one or more of the following measures:

- (1) Removal from the property;
- (2) Suspension or revocation of Access Permit privileges, if violator is an Access Permit Holder;
- (3) Suspension from applying for an Access Permit;
- (4) Suspension from access to some, any or all City Property;
- (5) Arrest and prosecution to the full extent of the law.

#### §16-20 **Conformance with State and Local Laws.**

All persons using City Property for recreational purposes are subject to the ECL and all other statutes, ordinances, rules applicable, including (without limitation) the Watershed Rules and the rules set forth herein. Access Permits are not substitutes for any NYSDEC Fishing or Hunting Licenses required by law.

#### §16-21 **Unenforceability.**

If any clause, sentence, paragraph, subdivision, section, rule or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.