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

April 8, 2009

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

This Negative Declaration has been prepared in compliance with the requirements of the City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (NYCDEP), as lead agency, had determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. Part I of the Environmental Assessment Form (EAF) was distributed on February 27, 2009.

**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 to provide expanded recreational boating opportunities to the public by allowing additional types of boats to be used in areas specifically designated by the NYCDEP without the requirement that occupants of these boats be engaged in fishing. The Proposed Rules continue to ensure that appropriate protections are in place to protect water quality and ensure security.

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

The amendments have been written to allow NYCDEP to designate Recreational Boating Areas at City-owned reservoirs or portions thereof, after compliance with site specific environmental reviews of each potential recreational boating area. These site specific environmental reviews would also address the cumulative impacts of adding additional recreational boating areas.

The most significant changes to the Existing Rules include:

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

An additional proposed change to the Existing Rules is the elimination of the NYCDEP Hunt Tag and all references to it in the Rules. Hunters would no longer need to apply for and maintain a NYCDEP Hunt Tag in order to hunt on NYCDEP Hunting Areas and will now only be required to obtain a NYSDEC Hunting License and a NYCDEP Access Permit in order to hunt on all NYCDEP lands where hunting is allowed.

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 provide expanded recreational boating opportunities to the public in areas specifically designated for such use by the NYCDEP by allowing additional types of boats to be used without the requirement that occupants of these boats be engaged in fishing. The Proposed Rules also eliminates the requirement for a NYCDEP Hunt Tag because existing requirements by New York State DEC as well as the requirement to obtain a NYCDEP Access Permit would provide sufficient information to NYCDEP regarding recreational usership of NYCDEP lands.

All recreational activities would be conducted in a manner that would ensure appropriate protections are in place to protect water quality and ensure security.

#### 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 use the Existing Rules, which came into effect on September 22, 2008, to

establish the baseline condition relative to the Proposed Rules in order to evaluate the environmental effects of the changes in the Proposed Rules.

The Environmental Assessment focuses on the potential impacts resulting from the designation of Recreational Boating Areas on NYCDEP reservoirs. The proposed amendments to eliminate the requirement that hunters obtain a NYCDEP Hunt Tag is not anticipated to significantly alter the number of watershed users who could be hunting on NYCDEP lands since hunters would still be required to maintain a NYS Hunting License to hunt on any NYCDEP land and additionally obtain a NYCDEP Access Permit to hunt at areas designated by NYCDEP as Hunting Areas. The removal of the requirement to obtain a NYCDEP Hunt Tag is incidental since currently watershed users who wish to hunt obtain a NYCDEP Hunt Tag at the same time they obtain a NYCDEP Access Permit. Therefore, the focus of this environmental review will be on the recreational boating change in the Proposed Rules.

Below is an analysis of the environmental assessment criteria considered to have a 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. As long as users of the City's watershed reservoirs and lands use them in accordance with the Proposed Rules, significant adverse water quality impacts are not anticipated as a result of the proposed action.

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 reservoirs were impairing or had the potential to significantly impair water quality, and NYCDEP would be able to limit or prohibit public access.

The revision to the Existing Rules would introduce a new category of usage area on the NYC watershed lands, the Recreational Boating Area. Any area designated by NYCDEP as a Recreational Boating Area would undergo an environmental assessment in compliance with both the State Environmental Quality Review Act and the City Environmental Quality Review prior to making such designation to ensure protection of the water quality and supply. The potential to introduce sediments, nutrients, pathogens, toxic chemicals, trash, or exotic species to water bodies, and potential impacts on drinking water supply would be evaluated and addressed.

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 Existing Rules require inspection and cleaning of boats immediately before they are placed at Fishing Areas, on City property or transferred between reservoirs. The Proposed Rules extend these requirements to boats entering the NYCDEP designated Recreational Boating Areas as well. 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.

NYCDEP would enforce the proposed Rules within the Recreational Boating Areas and would undertake monitoring and management of the Recreational Boating Areas, as required, to prevent significant impairment to the natural environment within these Areas. NYCDEP would retain the authority to limit or prohibit access to Recreational Boating Areas if it is determined that there is potential to significantly impair water quality as a result of activities within these areas.

Because the watershed reservoirs and 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 water supply and 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.

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.

Proposed Recreational Boating Areas and supporting boat launch sites would be sited in areas that would not have adverse impacts on water bodies, wetlands, streams or other features. A site specific environmental review for proposed designated recreational boating areas would address siting of boating areas and launch sites and potential impacts on water quality.

Therefore, it is not anticipated that the Proposed Rules would have a significant adverse impact on surface or groundwater quality or compromise the City's water supply in the future.

#### Soil Impacts

The creation of Recreational Boating Areas at NYCDEP reservoirs may involve the creation of parking areas, launch ramps, kiosks, portable restrooms, and user access ways. A site-specific environmental review per SEQRA/CEQR would be performed to evaluate environmental

impacts prior to designating any Recreational Boating Area. The site specific reviews would incorporate an assessment of best management practices (BMPs) that would be required to be put in place to minimize erosion and run-off. Therefore, if it is determined that soil impacts have a potential of occurring as a result of the increased usership at Recreational Boating Areas or creation of facilities to support recreation boating, NYCDEP would implement best management practices (BMPs) to reduce or alleviate the soil impacts resulting from the public use of the lands. These measures might include using silt fencing to prevent sediment from entering water bodies, or the creation and maintenance of check dams, stone lined drainage ditches, infiltration trenches, swales and berms around facilities to support recreational boating.

While it is expected that the usership of the lands around potential Recreational Boating Areas would increase, it should be noted that NYCDEP would continue to provide maintenance and upkeep of these boat launch sites to ensure that no detrimental affects occur to nature or the water quality of the receiving waters from these lands.

Therefore it is not anticipated that the Proposed Rule would result in significant adverse soil impacts.

#### 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, Recreational Boating 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.

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 proposed Recreational Boating Area 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 Recreational Boating Area. On those properties where such species or communities are found to exist and are in susceptible locations, for example, near boat launch sites, plans would be developed to monitor and manage these areas to prevent detrimental impacts to these sensitive species. Launch sites would be located to the best extent practicable away from sensitive species and habitats. NYCDEP would work with NYSDEC and others in locating launch sites and Recreational Boating Areas to avoid sensitive areas.

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.

A site-specific environmental review will be performed prior to the designation of any area as a Recreational Boating Area, and will include a thorough evaluation of habitats and an assessment of preventing or mitigating any impacts to threatened or endangered species.

Therefore it is not anticipated that the Proposed Rule would significantly impact wildlife.

#### Vegetation

The Existing and Proposed Rules prohibit the injury, destruction, or abuse of natural resources on City-owned land.

Each Recreational Boating 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 reseeding as needed in areas adjacent to Recreational Boating Areas and boat launch sites. Launch areas would be sited in locations to minimize disturbance to vegetation to the extent practicable and any potential impacts would be evaluated as part of the site specific reviews.

Therefore it is not anticipated that the Proposed Rule would significantly impact vegetation.

#### 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 where recreational boating would occur.

By allowing recreational boating in certain areas designated by NYCDEP, it is anticipated that usership of the NYC watershed lands would increase above its current usership in those certain designated reservoirs. 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. By introducing the requirement for steam cleaning, additional jobs would likely be created in the vicinity of the designated reservoirs.

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 directly affect recreational use of NYC-owned lands, on which no businesses or residences exist, and it is not anticipated that additional visitors to the individual reservoir areas or the steam cleaning task would alter the

local economy to the extent that it would result in displacement of existing businesses or residents.

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 allow increased use of boating in certain areas designated by NYCDEP. 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 existing 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 Recreational Boating Areas, it is not anticipated that the level of activity would rise to a level to induce new businesses to move to the area or for existing businesses to significantly expand to a level that would adversely affect the local economy.

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.

The potential for impacts on growth would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation. 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 allow recreational boating at NYCDEP designated Recreational Boating Areas could attract greater numbers of users to NYC lands than is currently experienced. 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. Expansion of boating is not anticipated to change the landscape or the character of the watershed communities.

The potential for impacts on Community and Neighborhood Character would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation.

Therefore, it is not anticipated that the adoption of the Proposed Rules would result in significant adverse community and neighborhood character impacts.

#### 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. NYCDEP would take on the responsibility of coordinating emergency services as necessary and for water supply protection and safety for all of the lands that could be open to the public. Therefore, the Proposed Rules are not anticipated to place an increased burden on community resources.

The potential for impacts on Community Resources would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation.

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 Reservoirs. The proposed changes could result in an increase in usership in certain areas designated as Recreational Boating Areas, and in the number of boats in these areas. However, it is not expected that an increase in usership would drastically alter the visual and aesthetic character of the reservoirs due to the size of the reservoirs and anticipated characteristics of recreational boaters.

The potential for impacts on Aesthetic Resources would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation.

Thus, no significant adverse impact to aesthetic resources is anticipated as a result of the proposed action.

#### Air Quality

It is possible that there could be additional vehicle traffic to NYC watershed lands as a result of designating Recreational Boating Areas. However, it is anticipated that these additional vehicles would be widely distributed around the designated areas since it is likely that multiple access locations would be constructed for each designated reservoir and therefore it is not expected that these additional vehicles would result in concentrations of emission sources significantly greater than those that currently exist.

The potential for impacts on Air Quality would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation.

Therefore, no significant adverse air quality impact is anticipated.

#### Noise

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.

An increase to the number of boaters on the Reservoirs may increase the noise levels, but the boaters would likely be spread out across a particular Reservoir and the noise would not be concentrated in any one particular area. The potential for impacts on Noise would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation.

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 possible that opening NYC watershed lands to recreational boating could attract greater numbers of recreational users to NYC watershed lands 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.

The potential for impacts on Traffic would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation in order to evaluate potential impacts to the road networks and parking areas in the reservoir areas.

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 by the public for recreation. The Proposed Rules are intended to increase the availability of recreation boating opportunities without weakening the water supply protections provided by the Existing Rules and other rules and regulations. The Proposed Rules would not reduce the restrictions to the use of motorized equipment by the public on watershed lands nor would the requirements concerning cleaning and storing of 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.

The potential for impacts on Public Health would be assessed in a site-specific environmental review of each potential Recreational Boating Area prior to NYCDEP designation.

### Hazardous Materials

Under the Proposed Rules, no motorized boats would be allowed on the reservoir, so there is no potential for gasoline leaks from recreational boats. No vehicles would be allowed to drive to the edge of the reservoir. All boats would be hand carried, minimizing the potential of any automotive fluids or fuels entering the reservoir.

Any potential for hazardous materials would be assessed in a site-specific environmental review of any proposed Recreational Boating Area.

Therefore the Proposed Rule is not anticipated to have any hazardous material impacts.

### Infrastructure

A site specific environmental review would be performed for any proposed Recreational Boating Area and measures would be incorporated to protect the integrity of NYCDEP water supply infrastructure.

Therefore it is not anticipated that the proposed action would result in any significant impacts to NYC water infrastructure.

### Construction

The designation of Recreational Boating Areas may involve construction of new parking lots, kiosks, restrooms, boat launch ramps. A site specific environmental review will be performed prior to the designation of any areas as Recreational Boating Areas and will include an assessment of construction impacts.

Therefore, no significant construction impacts would be anticipated as a result of the adopting the Proposed Rule.

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

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

#### Supporting Statements

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

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