



NEGATIVE DECLARATION
Determination of Non-Significance

March 20, 2012

Carter H. Strickland Jr.
Commissioner

**The Repeal and Reenactment of the Rules for the Issuance of
Revocable Land Use Permits for the Occupancy or Use of City
Property**

Angela Licata
Deputy Commissioner
For Sustainability
alicata@dep.nyc.gov

CEQR No. 11DEP046U

59-17 Junction Blvd.
Flushing, New York 11373

Tel. (718) 595-4398
Fax (718) 595-4479

This Negative Declaration has been prepared in compliance with the requirements of the City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (NYCDEP), as lead agency, had determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. The Environmental Assessment Form (EAF) was issued on November 7, 2011

Project Description

The New York City Department of Environmental Protection (DEP) is proposing to repeal and reenact Title 15, Chapter 17 of the Rules of the City of New York (RCNY), the existing rules governing the Issuance of Revocable Land Use Permits for the Occupation or Use of City Property (Existing Rules). The Proposed Rules would apply to any Permitted occupation or use of New York City property (lands, waterbodies, reservoirs and infrastructure) in the counties of Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, and Westchester. These rules are for the benefit of municipalities, utilities, government agencies, organizations exempt from Federal taxation pursuant to IRC ("Internal Revenue Code") §501(c)(3), individuals and commercial enterprises who may wish access over or to occupy City owned property. DEP would be the City agency designated as the issuing authority for Revocable Land Use Permits ("Permits")

The purposes of the proposed repeal and re-promulgation of the Rules for the Issuance of Revocable Land Use Permits for the Occupancy or Use of City Property include:

- to provide a more user-friendly format;
- to clarify the application process;
- to establish a new section that covers the term and renewal of the Revocable Land Use Permit;
- to establish a category of applicants for which the application and permit fees will be waived, and remove the Commissioner's discretion to waive fees only for entities that provide services to NYC-owned facilities;
- to require that permittees supply a surety bond when siting major infrastructure improvements on City property. The surety bond will cover the cost of any repairs or remediation made necessary by:
 - a permittee's use of City property; and
 - the removal of such improvements and restoration of the property in case the permittee abandons those improvements after DEP revokes or terminates the permit.

The proposed rule also allows DEP the opportunity to perform such repairs, remediation or removal itself based on the nature and location of the repair, remediation or removal at issue.

- to provide 30 days' notice prior to revocation to give the permittee the opportunity to resolve the problem underlying the proposed revocation;
- to reorganize the fee schedule into table format and to differentiate between Commercial and Non-Commercial fees to make the fee schedule easier to understand;

The proposed action requires promulgation pursuant to authority granted to the Commissioner of the Department of Environmental Protection as set forth in sections 24-308, 24-309, 24-310, 24-332, 24-334, 24-337, 24-342, and 24-346 of the Administrative Code of the City of New York. The proposed action also requires approval according to the City Administrative Procedure Act (CAPA). No State or Federal approvals are required to implement the proposed action.

The Bureau of Environmental Planning and Analysis has concluded that the proposed action is classified as a Type I Action

Modifications to the Proposed Amendments as a Result of the Public Review Process

Reference to adjustment of fees annually based on Cost of Living Adjustment (COLA) was removed from the Proposed Rules. Fees would not be raised automatically annually based on COLA since COLA is not directly tied to DEP administrative costs. For future fee increases, a cost analysis would be performed to support future amendments to the Rules, which would be subject to a new environmental review. The Proposed Rules were also clarified to indicate that when a permit has expired and DEP agrees to allow the former permittee to undertake restoration of the site, a new permit must be secured for such restoration work. The proposed increase in permit fees have been minimal and are not anticipated to place a substantial burden on applicants, and future increases as stated above would be subject to another environmental review. Water connections were removed from the list of improvements requiring a surety bond, which would reduce any economic burden for this activity.

Therefore, the proposed modifications are not anticipated to have any significant adverse environmental or socioeconomic impacts.

STATEMENT OF NO SIGNIFICANT EFFECT

DEP has determined that, the Proposed Repeal and Reenactment of the Rules for the Issuance of Revocable Land Use Permits for the Occupancy or Use of City Property and the modifications listed above are not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts are anticipated to occur with respect to natural resources, socioeconomic conditions, growth, community character, aesthetic resources, air quality, noise, traffic and parking, public health and safety, hazardous materials, water supply infrastructure, or construction. These conclusions are based on the EAF distributed on November 7, 2011.

Supporting Statements

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

For further information, please contact:

Sangamithra Iyer
Project Manager
Water Supply Infrastructure and Watershed Assessment
NYC Department of Environmental Protection
Bureau of Environmental Planning and Analysis
59-17 Junction Boulevard, 11th Floor
Flushing, New York 11373
Phone (718) 595-3585

Sincerely,



Angela Licata
Deputy Commissioner

cc: Town Supervisors and Village Mayors within the Catskill, Delaware, and Croton Systems
Scott M. Stringer, Manhattan Borough President
Marty Markowitz, Brooklyn Borough President
Ruben Diaz Jr., Bronx Borough President
Helen Marshall, Queens Borough President
James Molinaro, Staten Island Borough President
Gail Benjamin, City Council
Michael McSweeney, City Clerk
Dean Frazier, Delaware County Department of Watershed Affairs
Kealy Salomon, Dutchess County Planning Department
Warren Hart, Greene County Department of Planning and Economic Development
John J. Lynch, Putnam County Department of Planning/Development
Alicia Terry, Schoharie County Planning and Development Agency
Luiz C. Aragon Sullivan County Division of Planning and Environmental Management
Dennis Doyle, Ulster County Planning Department
Gerard E. Mulligan, Westchester County Department of Planning
Craig Cashman, Watershed Agricultural Council
Alan L. Rosa, Catskill Watershed Corporation
Dennis Lucas, Coalition of Watershed Towns
William Harding, Watershed Protection and Partnership Council
Philip Sweeney, USEPA Region 2
Pam Young, NYSDOH
Thomas Snow, NYSDEC
Suzanne Y. Mattei, NYSDEC Region 2
Willie Janeway, NYSDEC Region 3
Gene Kelly, NYSDEC Region 4
Kent Sanders, NYSDEC Region 4
Christopher Mallery, U.S. Army Corps of Engineers
Stacey Jenson, U.S. Army Corps of Engineers
Kate Hudson., Riverkeeper, Inc.
Robert Kulikowski, NYCOEC
Susan Amron, NYC Corporation Counsel
Hilary Meltzer, NYC Corporation Counsel
Paul Rush, DEP

David Warne, DEP
Jeff Graf, DEP
Paul Lenz, DEP
Robin Levine, DEP
Melissa Siegel, DEP
Mark Page, Jr., DEP
Sangamithra Iyer, DEP