



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

November 7, 2011

Carter H. Strickland Jr.
Commissioner

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

CEQR No. 11DEP046U

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 reenactment 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 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.

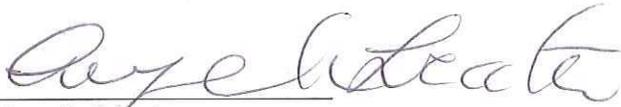
- to provide 30 days' notice prior to revocation to give the permittee the opportunity to resolve the problem underlying the proposed revocation;
- to reorganize the fee schedule into table format and to differentiate between Commercial and Non-Commercial fees to make the fee schedule easier to understand; and
- to adjust the annual fees to reflect Cost of Living Adjustments since 2005 (as provided in the January 21, 1997 New York City Memorandum of Agreement.)

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. In accordance with the State Environmental Quality Review Act as set forth in 6NYCRR Part 617 authorized by Article 8 of the Environmental Conservation Law, and the City Environmental Quality Review process, as set forth in Executive Order 91 of 1977 and its amendments, DEP believes that it is the appropriate lead agency and wishes to conduct a coordinated review for the above referenced action. We request that involved agencies contact this office within 30 days from this notification should there be any objection to the Department assuming lead agency for this environmental review.

Part I, II, and III of the Environmental Assessment Form have been enclosed for your review. If you have any comments or questions, please contact Sangamithra Iyer at (718) 595-3585 or siyer@dep.nyc.gov.

Sincerely,



Angela Licata
Deputy Commissioner

Enclosures

cc: Town Supervisors and Village Mayors within the Catskill, Delaware, and Croton Systems
Scott M. Stringer, Manhattan Borough President
Marty Markowitz, Brooklyn Borough President
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

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