

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Environmental Protection is promulgating rules that would amend the existing Rules that govern recreational use of NYCDEP lands that are a part of the City's water supply system, and would expand recreational access opportunities.

**When and where are the hearings?** The department will hold public hearings on the proposed Rules.

Public hearings will take place at:

6 pm on Tuesday, July 24, 2018, at the Putnam County Bureau of Emergency Services, 112 Old Route 6, Carmel, NY 10512;

6 pm on Thursday, July 26, 2018, at the Margaretville Telephone Company, 61 Academy Street, Margaretville NY 12455;

10 am on Wednesday, August 1, 2018, in the 8th floor conference room at 59-17 Junction Boulevard, Flushing NY 11373.

**How do I comment on the proposed Rules?** Anyone can comment on the proposed Rules by:

- **Website.** You can submit comments to the Department of Environmental Protection through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19<sup>th</sup> Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department of Environmental Protection, Bureau of Legal Affairs, at 718-595-6543.
- **By speaking at a hearing.** Anyone who wants to comment on the proposed rule at the public hearing **MUST** sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can also sign up in the hearing room before the hearings begin. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by August 1, 2018.

**What if I need assistance to participate in the hearing?** You must tell the Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 718-595-6531. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 17, 2018.

These locations have the following accessibility option available: Wheelchair accessibility.

**Can I review the comments made on the proposed Rules?** You can review the comments made online on the proposed Rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

**What authorizes the department to make these Rules?** Section 1403 of the Charter of the City of New York, sections 24-302, 24-315, 24-326, 24-327, 24-346 and 24-359 of the Administrative Code of the City of New York authorize the department to make these proposed Rules. These proposed Rules were included in the department's regulatory agenda for this fiscal year.

**Where can I find the department's Rules?** The department's current Rules are in Chapter 16 of Title 15 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The department must meet the requirements of Section 1043(c) of the City Charter when creating or changing Rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

## **Statement of Basis and Purpose**

The New York City Department of Environmental Protection (“NYCDEP”) proposes to amend the Rules for the Recreational Use of Water Supply Lands and Waters (“Rules”). There are currently 112,993 Access Permit holders and 13,081 Boat Tag holders. In 2017, NYCDEP held several recreation-related events in which almost 800 people attended.

These Rule changes will increase recreational opportunities on New York City lands and waters, provide greater flexibility for NYCDEP to manage boats stored on reservoirs, and make the Rules clearer and easier to read and follow. These proposed Rules provide a wide range of recreational opportunities, including fishing, boating, hunting, trapping and hiking. Recreational opportunities improve the quality of life of nearby residents by providing several additional leisure activities, and by expanding access to outdoor physical activities that improve health and fitness. Many of the changes in the proposed rule are in response to comments and feedback received from users of NYCDEP’s properties and amenities.

Examples of changes beneficial to users include:

- Expansion of the recreation season,
- Extension of the time that Fishing Boat Tags are valid,
- Acceptance of the IDNYC as valid identification, and
- Allowing the use of service dogs.

The proposed changes, listed by type of change, are as follows:

### **Changes to improve readability and clarity:**

Information in the proposed rules is easier to find and the proposed rules are better organized than the existing rules. Sections with similar language/requirements (i.e. Fishing Boats and Recreational Boats) are consolidated. Additionally, definitions are included for clarity based on questions NYCDEP received from recreation users.

Specifically, the proposed rule:

- Adds a table of contents.
- Moves and consolidates various sections and provides a more logical flow that will help users find specific information without having to search through several sections.
- Provides new rules and more details on abandoned and confiscated property, including boats and tree stands, and a process for disposition of such property, including clarification of the procedures for the confiscation and disposition of Fishing and Recreational Boats.
- Adds the following definitions to improve understanding of the Rules: angling, Controlled Lake (which includes Lake Gleneida and Gilead), ice free period, Access

- Permit Areas, watershed, fishing boats, fishing boat tag, recreational boats, restricted areas, tags, trapping, voluntary, and watershed regulations.
- Adds a consolidated Boating Section that includes Fishing Boats and Recreational Boats as subdivisions.
    - Adds pistols, air rifles and crossbows to the definition of Firearms. NYCDEP has received many questions as to whether NYCDEP considers these implements Firearms, which it does.
  - Clarifies that handguns and pistols may only be carried by individuals with a valid handgun license or pistol permit.
    - It is a State requirement that a valid handgun license/pistol permit is required to carry a handgun/pistol, NYCDEP is reaffirming that this requirement applies to City Property.

**New uses of recreational lands:**

NYCDEP is adding several new uses to the Rules which are compatible with protecting the City’s water supply, protecting public health and safety, and do not increase recreational user conflicts or create additional administrative burdens for NYCDEP. Specifically, the rule now:

- Allows service dogs on all Day Use Areas, even in Day Use Areas where dogs are not allowed.
  - Over the past few years, people have mentioned the desire to use service dogs on DUAs so NYCDEP is accommodating this request.
- Allows school-issued identification, IDNYC, and a passport as acceptable forms of identification for access permits/guest passes.
  - Current Rules require a driver’s license or non-drivers identification. These propose Rules expand the forms of identification in order to be more inclusive and allow a wider audience to obtain an Access Permit.
- Allows trail cameras.
  - Current Rules are silent on this use. Trail cameras have become very popular and we have received many requests to allow them.
- Added a requirement for wearing blaze orange while small game hunting or as otherwise required by NYSDEC. Blaze orange may be removed for fall turkey hunting while at a stationary calling station or while stationary or on stand for archery season.
  - The current Rules do not require this. The provision to wear blaze orange increased the safety of recreational users.

**New and expanded recreational uses:**

After considering feedback from the public, NYCDEP is expanding certain recreational uses that are consistent with protecting the City's water supply and public health and safety. Specifically the rule now:

- Allows the use of electric ice augers with rechargeable batteries contained within the auger housing or hand-held power drills used to power augers.
  - NYCDEP has received many requests to use these devices and NYCDEP does not anticipate any negative environmental impacts from their use.
- Adds a “Special Event Area” to the rule to allow NYCDEP to waive its access permit requirements for special one-time events such as Family Fishing Day or Reservoir Clean Ups.
  - Currently, City Property around reservoirs, where most clean ups and family fishing days occur, require an Access Permit. By removing this requirement, NYCDEP is hoping participation in these events will increase and it will remove an administrative burden on NYCDEP staff during these events, allowing them to focus on interacting with event participants.
- Allows NYCDEP to select a single use or a combination of uses (hunt, hike, trap, fish) allowed on Public Access Areas (“PAA”) or Access Permit Areas (“APA”).
  - Current Rules require all four uses (hunt, hike, fish, trap) on any City Property designated as a PAA (no Access Permit required). The proposed Rules allow PAAs to be open for less than the four uses, thereby expanding the City Properties in which Access Permits are not required. For example, a current hiking area now requiring a NYCDEP Access Permit can now be a PAA for hiking.
- Provides ability for a Public Access Area designation, which does not require a permit, on certain East-of-Hudson (EOH) water supply lands.
  - All City Property open for recreation EOH now requires a NYCDEP Access Permit. This change will allow NYCDEP to designate certain EOH recreation lands as PAAs. This is especially useful for City property adjacent to State land as many uses are similar (*e.g.* hunting).
- Allows hunting for special programs aimed at reducing or managing deer populations with restrictions to certain participants and not open to the general public for hunting.
  - NYCDEP may wish to allow limited hunting programs on City property not open to the general public. These hunting programs (*i.e.* controlled hunts) may be conducted on smaller areas of City property where NYCDEP needs to control access and/or the amount of hunters participating in the program. The primary focus will be to allow deer hunting to reduce negative impacts on water supply forests by deer over-browsing. NYCDEP will develop methods to involve public participation in this process.
- Expands the Recreational Boating Season to begin at sunrise on May 1st of each year and end at sunset on November 1st unless otherwise determined by NYCDEP.

- Current Rules allow Recreational Boating from the Friday before Memorial Day through Columbus Day. NYCDEP received several requests from stakeholders and recreational boaters to expand the season. Thus far, the recreational boating program has a very good safety record and NYCDEP sees no negative consequences with expanding the length of the season for this program.

### **Improvements to boat management and clarity on recreational boating:**

There are over 12,000 NYCDEP permitted fishing boats on City Property. These Rules give NYCDEP better tools to manage them to prevent overcrowding, damage to trees and natural resources, increased access, and reduce user conflicts. NYCDEP has heard from boat owners on how to improve boat storage and use. Many of the changes in these Rules, listed below, will make boating a better experience, improve shoreline conditions, and allow more boaters to participate in the boating programs, among other improvements.

- Fishing Boat Tags will now be valid for four (4) years.
  - The current rules have a two (2) year expiration date for a Fishing Boat Tag; the proposed Rules make it valid for four (4) years. This extension decreases the administrative burden on both boat owners and NYCDEP. NYCDEP considers this extension a way to increase compliance with the Boat Tag renewal process and result in less boats NYCDEP has to confiscate for lack of compliance.
- Prohibits transfer of boat ownership within or into closed Boat Storage Areas and gives NYCDEP the ability to limit the number of transfers by an individual in a calendar year.
  - This is being added to reduce the number of boats stored in closed boat storage areas, enable those on the waiting lists to gain access to these areas, and reduce the administrative burden of processing excessive transfer requests. It also eliminates boat transfers that may be facilitating commercial uses of City property, which are not allowed without NYCDEP's approval.
- Current Rules require NYCDEP staff to attempt to locate a lost or stolen boat and, if unsuccessful, report the incident to NYCDEP Police.
  - The proposed Rules eliminates the requirement that NYCDEP attempt to locate the boat and file a NYCDEP Police report. The boat owner now directly reports the lost or stolen boat to the NYCDEP Police with notice to the appropriate NYCDEP Boat Office. This eliminates an administrative burden on NYCDEP and establishes a direct contact between the boat owner and the NYCDEP Police.
- The proposed Rules have a new provision to allow a boat owner whose boat has been stolen to replace their boat at the same boat storage area within 90 days of filing a NYCDEP Police report.

- This will be helpful to boat owners who have had their boat stolen from a boat storage area that is closed to new boats, they won't be "penalized" by not being able to replace their boat or having to go on a waiting list.
- Adds the following limitations for boats at NYCDEP's discretion:
  - (i) The total number of valid Fishing or Recreational Boat Tags any individual can hold at one time;
  - (ii) The number of Reservoir-specific valid Fishing or Recreational Boat Tags any individual can hold at one time.
  - (iii) The number of Fishing or Recreational Boat Tags issued for a particular Reservoir; and/or,
  - (iv) The number of all boats stored at a particular Boat Storage Area or Recreational Boat launch site.
- These changes are being added to give NYCDEP better control over boat management, especially on reservoirs or in boat storage areas that are closed and/or at capacity. It will also provide more opportunities for those boat owners wishing to place a boat on a reservoir. There are currently some boat owners who have more than 20 boats on various reservoirs. A NYCDEP survey of boat owners supported some type of limits on the number of boats one individual can have. Boat owners who exceed any limits placed by NYCDEP shall be grandfathered at their current numbers.
- Changes "removal fees" for boats to "penalties."
- Allows those who wish to place a Fishing Boat in a closed Boat Storage Area to place their names on a NYCDEP waiting list, or some other method, to obtain an available space.
  - Although NYCDEP currently maintains a waiting list, the current Rules do not provide for it. NYCDEP may use a waiting list or some other method to assign boat storage area slots in closed boat storage areas.
- Requires that Recreational Boats be secured to hitching posts, racks or stanchions, when supplied by NYCDEP and there is available space.
  - With the popularity of Recreational Boating, NYCDEP is concerned about storage space, impacts to shoreline vegetation, and potential user conflicts. NYCDEP may install hitching posts or stanchions, or purchase additional storage racks to make storage and launching easier for Recreational Boaters. NYCDEP can also better define boat storage locations.
- With written approval, allows Fishing Boat owners to loan their boats to other persons holding a valid access permit.
  - The current Rules are silent on this. Allowing boaters to share boats might help facilitate boat sharing and reduce the number of overall boats needed, and reduce over-crowding at boat storage areas.
- Allows NYCDEP to sell confiscated boats in as-is condition through a public auction such as the NYC Department of Citywide Administrative Services (DCAS) on-line

system. Also allows NYCDEP to dispose or sell any boats, not just unseaworthy ones, and provides for the storage of confiscated boats in place (at boat storage areas) rather than removing them to a NYCDEP facility.

- This will make disposing of confiscated boats easier for NYCDEP and improve the experience for those wishing to purchase a confiscated boat. This will eliminate the need for bidders to obtain money orders for deposits and mail them in. It will also allow NYCDEP to use contracted vendors to remove boats, thereby reducing staff and administrative resources. After confiscation, boats may remain in place so NYCDEP does not have to physically remove and transport them to a facility, which is very labor intensive.
- Clarifies that pedal kayaks or kayaks with sails are not allowed as a Recreational Boat.
  - NYCDEP is prohibiting these due to the concerns over invasive species such as Zebra mussels and Hydrilla that may be found on these types of kayaks. The effectiveness of steam cleaning these types of accessories may not be enough to effectively guard against invasive species from entering NYCDEP Reservoirs or Controlled Lakes.

### **New Prohibitions:**

NYCDEP has instituted the following prohibitions to address safety and potential water quality issues.

- Prohibits 1) manned and unmanned aircraft from landing on, or taking off, from City Property, 2) horses, and 3) target shooting on City Property.
  - These uses are not in the best interest of City water supply lands, safety or security. Additionally, potential user conflicts may arise from drones landing or taking off.
- Prohibits the posting of notices or signs by recreational users except for those that use “flagging” tape for hunting purposes.
  - Recreational users should not be posting signs, only NYCDEP. Non-NYCDEP signage may cause confusion for recreational users and have incorrect information.
- Removes sailboats as an allowable Recreational Boat.
  - Due to the concern over invasive species such as Zebra mussels and Hydrilla that may be found on boats and transported to NYCDEP Reservoirs and Controlled Lakes, NYCDEP has determined sailboats are unwieldy to effectively steam clean. In addition, sail and center/dagger boards may be difficult to steam clean and effectively remove all invasive species. The number of sailboats used to date under the Recreational Boating program is very low.
- Prohibits smoking, including electronic cigarettes (e-cigarettes).
  - As a matter of policy, the City seeks to create a smoke free environment which decreases exposure to unhealthy second hand smoke and encourages healthy

lifestyles. In addition, as a safety measure, NYCDEP seeks to eliminate potential fires on City Property. A few small fires on City Property have occurred as a result of cigarettes being discarded.

- Adds language to prohibit biking on City Property except in certain DUAs.
  - Current Rules are silent on any limitations on bike use on City Property and the proposed Rules will add clarification.

### **Miscellaneous:**

- Adds violations and Access Permit suspension terms related to Fishing Boat Tag, Special Event Areas, Firearms, weapons, explosives, Access Permit Areas, drones, commercial activities, recreational boat tags, hunter behavior/safety, destruction or abuse of natural resources or property, animals, tents and other structures, motor vehicle access, littering, pollution, dumping, bathing, swimming, washing of objects, and target shooting.
- Clarifies that waterfowl hunting is not allowed in or over reservoirs or Controlled Lakes, including waterbodies within 500 feet of a Reservoir or Controlled Lake.
  - Current Rules state that a firearm may not be discharged over or into a Reservoir or Controlled Lake but do not specifically state that hunting waterfowl in these areas is prohibited. Based upon questions NYCDEP has received on this subject, the proposed Rules specifically clarify that waterfowl hunting is prohibited in these areas. Waterfowl hunting is still allowed in PAAs and APAs as allowed by signage.
- Adds language repeating the NYSDEC requirement that a back tag be displayed while hunting on City Property unless in the Catskill Park.
  - The proposed Rules clarify that this State law applies to City Property.
- The proposed Rules change the age from 12 to 16 for obtaining an Access Permit. Persons under 16 years of age cannot obtain an Access Permit but do not need one so long as they are with a person with an Access Permit aged 18 or older. Clarified that persons 16 and 17 may enter City property for recreational activities without an adult as long as they have a valid Access Permit.
  - NYCDEP proposes this change in Access Permit age to increase safety and supervision of 12-15 year olds on City Property who will now need to be with an adult when entering City Property that requires an Access Permit. Up to 6 persons under the age of 16 may accompany an adult Access Permit holder; groups of 7 or more are required to have a Group Access Permit.
- The proposed rules include a number of plain language revisions that were identified by the retrospective rules review.

The proposed Rules are derived from historical recreational uses of the lands that are recognized in the New York City Watershed Memorandum of Agreement dated January 21, 1997, and are not intended to establish supervised recreational activities on these lands.

**Statutory Authority**

The Department of Environmental Protection is proposing this rule pursuant to its authority under section 1403 of the Charter of the City of New York, sections 24-302, 24-315, 24-326, 24-327, 24-346 and 24-359 of the Administrative Code of the City of New York.

It is hereby proposed that Chapter 16 (“Rules for Recreational Use of Water Supply Lands and Waters”) of Title 15 of the Rules of the City of New York, be repealed and recodified, to read as follows. The table below explains, section by section, the changes that are proposed in these Rules:

<b>New Subdivision Designation</b>	<b>New Section</b>	<b>Description</b>	<b>Old Subdivision Designation</b>
N/A: “Table of Contents”	Table of Contents	Added Table of Contents where none previously existed	N/A
Unchanged	Scope and Purpose	Amended text to make the scope and purpose clearer	§16-01
Unchanged	Definitions	Amended text to advise definitions are capitalized	16-02
Unchanged	Access Permit	Amended text to include “valid”	16-02(a)
16-02(b)	Access Permit Area	New section defining “Access Permit Area”	NA
16-02(c)	Angling	New section defining “Angling”	NA
16-02(d)	Big Game	New section defining “Big Game”	NA
16-02(e)	Boat Storage Area	Amended text to include Fishing and/or Recreational Boats	16-02(b)
NA	Boat Tag	Deleted	16-02(c)
	City	Unchanged	16-02(d)
16-02(g)	City Property	Amended text to include Reservoirs and Controlled Lakes	16-02(e)
16-02(i)	Day Use Area	Amended text from “Designated Use Area” to “Day Use Area” and added a few examples of allowed activities	16-02(f)
16-02(h)	Controlled Lake	Added definition	NA
16-02(j)	Fishing	Amended text to remove ECL section	16-02(g)
NA	Fishing Area	Deleted	16-02(h)
16-02(k)	Fishing Boats	Added definition of Fishing Boats	NA
16-02(l)	Fishing Boat Tag	Added definition of “Fishing Boat Tag”	NA
16-02(m)	Group Access Permit	Amended text to say “which has not been expired or revoked”	16-02(i)
16-02(n)	Group	Unchanged	16-02(j)
16-02(o)	Group Leader	Unchanged	16-02(k)
16-02(p)	Group Member	Unchanged	16-02(l)
16-02(q)	Guest	Unchanged	16-02(m)
16-02(r)	Guest Pass	Amended text to say “which has not been expired or revoked”	16-02(n)
16-02(s)	Hiking	Unchanged	16-02(o)

16-02(t)	High Water Mark	Added definition for “High Water mark”	NA
16-02(u)	Hunting	Added definition of “Hunting”	NA
16-02(v)	Ice Free Period	Added definition of “Ice Free Period”	NA
NA	Hiking Area	Deleted	16-02(p)
NA	Hunting Area	Deleted	16-02(q)
16-02(w)	Manned and Unmanned Aircraft	Added definition of “Manned and Unmanned Aircraft”	NA
16-02(x)	NYCDEP	Unchanged	16-02(r)
16-02(y)	NYSDEC	Unchanged	16-02(s)
16-02(z)	Public Access Area	Amended text to say as defined by these Rules, are designated by NYCDEP and are generally not adjacent to City-owned Reservoirs	16-02(t)
NA	Public map	Deleted	16-02(u)
16-02(aa)	Recreational Areas	Added new text for definition of “Recreational Areas”	NA
16-02(bb)	Recreational Boats	Added definition of Recreational Boats	NA
16-02(cc)	Recreational Boat Tag	Amended text to explain what the form of a boat tag could be.	16-02(v)
16-02(dd)	Recreational Boating Area	Amended text so say it’s for recreational boats	16-02(w)
16-02(ee)	Recreational Uses	Added new text for definition of “Recreational Uses”	NA
16-02(ff)	Reservoir	Added new text for definition of “Reservoir”	
16-02(gg)	Restricted Area	Added definition for Restricted Area	NA
16-02(hh)	Small Game	Added text for definition of “Small Game”	NA
16-02(ii)	Special Event Area	Added test for definition of “Special Event Area”	NA
16-02(jj)	Tag	Added definition of “Tag”	NA
16-02(kk)	Trapping	Added definition of Trapping	NA
16-02(ll)	Vehicle Tag	Amended text to change section reference	16-02(x)
16-02(mm)	Voluntary	Added definition of Voluntary	NA
16-02(nn)	Water Supply	Amended text to include “Controlled Lakes”	16-02(y)
16-02(oo)	Watercourse	Unchanged	16-02(z)
16-02(pp)	Watershed	Amended text to include defined term “Water Supply”	16-02(aa)
16-03	Open Access Areas	Added text for section header	NA

16-03.1	Public Access Areas	Amended text to delete references to specific sections of the Rules	16-13
16-03.1(a)	Designation	Added text on how PAAs will be designated	NA
16-03.1(b)	Season	Amended text-Removed "when applicable, on the NYCDEP website, on Public Maps, and/or "in other publications or notices"	16-13(e)
16-03.1(c)	Uses	Added text on what uses are allowed	NA
NA	NA	Deleted text	16-13(a) 1 and 2
NA	NA	Deleted text	16-13(b) 1 and 2
NA	Trapping, hiking	Deleted text	16-13(c)(d)
16-03.2	Designated Use Area-now Day use Area	Amended text to delete references to specific sections of the Rules	16-14
16-03.2(a)	Designations	Added text on how DUAs will be designated	NA
16-03.2(b)	Uses	Amended text to Included examples of uses in DUAs	16-14(b)
16-03.2(c)	Hours	Added text identifying hours for DUAs	NA
NA	NA	Deleted text	16-14(a)
16-03.3 (a), (b), (c)	Special Event Area	Added test-New section for new use, no AP needed	NA
16-04 (a), (b), (c)	Access Permit Areas	Added text- new section for areas that need an AP. These were covered individually (hunting area, fishing area) previously	NA
16-04.1	Access Permit	Amended text to delete reference to PAAs and DUAs (because you don't need an AP to enter these) and referenced the new Access Permit Areas	16-03
16-04.1(a)	Application	Unchanged	16-03(a)
16-04.1(b) 1-6	Required information	Amended text to require e-mail for paper applications, added NYCID, valid passport or school-issued id as acceptable identification	16-03(b) 1-6
16-04.1(c)	Eligibility	Amended text-removed the ability for someone 12-15 to get an AP and added someone 16 and older can get an AP so they enter Access Permit Areas and REC boating areas	16-03(c)
16-04.1(d)	Other Access	Amended text to clear up confusing language and say persons under 16 may enter City property without an access permit but must	16-03(d)

		be accompanied by a permit holder 18 years or older. Persons 16 and 17 years old with a valid Access Permit do not need to be accompanied by an adult while on City Property.	
16-04.1(e)	Internet submission and processing	Unchanged	16-03(e)
16-04.1(f)	Mail submission and processing	Amended text-added the word “generally”	16-03(f)
16-04.1(g)	Refusal	Amended text to say refusal may be by e-mail rather than “by electronic means through the internet”	16-03(g)
16-04.1(h)	Term	Amended text-removed “for the period of”	16-03(h)
16-04(i)	Renewal	Amended text to state NYCDEP shall send an AP renewal application and added text indicating that Vehicle Tags do not expire	16-03(i)
16-04.1(j)	Replacement	Amended text to better define response times	16-03(j)
16-04.1(k)	Notifications	Unchanged	16-03(k)
16-04.1(l)	Updating Contact Info	Amended text to add notifications for Fishing or Rec boating tag renewals	16-03(l)
16-04.1(m)	Transferability	Unchanged	16-03(m)
16-04.1(n)	Fishing and Recreational Boat Tags	Added text stating NYCDEP may revoke certain tags upon AO expiration or revocation.	NA
16-04.2	Vehicle Tag	Unchanged	16-11
16-04.2(a)	Issuance	Removed text-“over the age of 16”	16-11(a)
16-04.2(b)	Term	Unchanged	16-11(b)
16-04.2(c)	Use of Vehicle Tag	Changed text “Designated Use Area” to “DUA” and “Public Access Area” to “PAA”	16-11(c)
16-04.2(d)	Transferability	Amended text to say “the permittee” rather than “that person”	16-11(d)
16-04.2(e)	Replacement	Amended text to make sentence clearer	16-11(e)
16-05	Guest Pass	Amended text to simplify and remove age requirements	16-10
16-05(a)	Application	Amended text to remove no fee language and section reference	16-10(a)
16-05(b) (1-6)	Required information	Amended text at 3 to allow valid passport or school-issued id as acceptable identification	16-10(b) 1-6
16-05(c)	Eligibility	Amended text to remove language about outstanding AP suspension....	16-10(c)

16-05(d)	Term	Amended text to clarify the 7 day term starts when the guest pass was signed	16-10(d)
16-05(e)	Using a Guest Pass	Unchanged	16-10(e)
16-05(e)(1)	Using a Guest Pass	Unchanged	16-10(e)1
16-05(e)(2)	Using a guest pass	Amended test to say guest pass must be produced rather than carried	16-10(e)2
NA	NA	Deleted text	16-10(e)3
16-05(e)(3)	Using a Guest Pass	Amended text to increase guests from 2 to 6. Added “at all times”	16-10(e)4
16-05(e)(4)	Using a Guest Pass	Amended text to shorten sentence and remove restriction on using guest pass for hunting	16-10(e)5
16-05(e)(5)	Using a Guest Pass	Added text restricting guest pass holders from getting a Fishing or REC boat tag	NA
16-05(f)	Transferability	Unchanged	16-10(f)
16-05(g)	Renewal	Amended text referencing guest pass application rather than AP application	16-10(g)
16-06	Group Access Permit	Amended text to require NYCDEP approval	16-12
16-06(a)	Uses	Added text to include examples of what is allowed	NA
16-06(b)	Eligibility	Added text stating group leader must be 18 and those under need permission of parent/guardian	NA
16-06(c)	Term	Unchanged	16-12(a)
16-06(d)	Application	Amended text to allow for e-mail submission and state that application is available online and at certain NYCDEP locations	16-12(b)
16-06(e)	Required Information	Amended text to say “must be provided” rather than “shall be required”	16-12(c)
16-06(e) (1,2)	Required Information	Unchanged	16-12(c) (1,2)
16-06(e) (3)	Required Information	Amended text to allow passport or NYCID as acceptable identification	16-12(c) (3)
16-06(e)(4)	Required Information	Unchanged	16-12(c)(4)
16-06(e) (5,6,7)	Required Information	Unchanged	16-12(c)(5,6,7)
16-06(e)(8)	Required Information	Added “in addition to group leader”	16-12(c)8
NA	Required Information	Removed waiver text	16-12(c)9

16-06(f)	Issuance Criteria	Removed reference that the proposed uses are subordinate to the primary interests of Water Supply and the Group Leader age requirement	16-12(d)
16-06(f) (1-4)	Issuance Criteria	Unchanged	16-12(d) (1-4)
16-06(f)(5)	Issuance Criteria	Amended text from “good neighborhood” to “strong neighborhood”	16-12(d)(5)
16-06(f)(6)	Issuance Criteria	Unchanged	16-12(d)(6)
16-06(f)(7)	Issuance Criteria	Amended text from “Water supply lands” to “City property”	16-12(d)(7)
16-06(g)	General Conditions	Amended text from “shall” to “must” and to state “these Rules” rather than the entire title	16-12(e)
16-06(g) (1,2)	General Conditions	Unchanged	16-12(e)(1,2)
16-06(g)(3)	General Conditions	Amended text from “shall” to “must” and added “photocopy of the permit”	16-12(e)(3)
16-06(g)(4)	General Conditions	Changed “water supply lands” to “City Property”	16-12(e)(4)
NA	NA	Deleted text	16-12(e)(5)
16-06(g)(5)	General conditions	Changed “shall” to “must”	16-12(e)(6)
16-06(h)	Responsibility	Amended text from “Water Supply Lands” to “City Property.” Removed sentence stating the group leader is the permit holder.	16-12(f)
16-07	Old-“Fishing and Fishing Areas” New-“Fishing”	Added new section “Fishing”	16-04
16-07(a)	Fishing Activities	Added new text	NA
NA	NA	Deleted text	16-04(a)
16-07(b)	Designation	Amended text to remove “public maps” and “sign postings”	16-04(b)
16-07(c)	Season	Amended text to remove “year-round”	16-04(e)
16-07(d)	Allowable Species	Added text for allowable species	NA
16-07(e)	Means	Amended text stating anglers must be in attendance when their lines are in the water	16-04(f)
16-07(f)	Bait and Bait Disposal	Amended text to remove reference to “other publications and notices” and added “Use of bait must also be consistent with all applicable NYSDEC Rules and regulations, including those regarding the use and transport of certified baitfish.”	16-04(g)
16-07(g)(1)	Fishing Equipment	Amended text to “must” from “shall” and “prohibit certain waders from use in the	16-04(h)(1)

		watershed" to "restrict the use certain types of waders and/or from use on City Property"	
16-07(g)(2)	Fishing Equipment	Amended text to "must" from "shall"	16-04(h)(2)
16-07(g)(3)	Fishing Equipment	Amended text to "must" from "shall"	16-04(h)(3)
16-07(g)(4)	Fishing Equipment	Unchanged	16-04(h)(4)
16-07(g)(5)	Fishing Equipment	Amended text to add "gasoline or propane-powered motors" and included section references	16-04(h)(5)
16-07(g)(6)	Fishing Equipment	New text	NA
16-07(g)(7)	Fishing Equipment	New text	NA
NA	NA	Deleted text	16-04(h)(6)
16-07(h)	Fish Entrails	Amended text to add "on City property" and removed private property reference	16-04(j)
16-07(i)	Shoreline Fishing	Amended text to delete "and/or in other publications and notices."	16-04(c)
16-07(j)	Fishing from Bridges	Amended text to add "Disallowances will be indicated by NYCDEP on sign postings, on the NYCDEP website, and on NYCDEP maps"	16-04(k)
16-07(k)	Ice Fishing	Amended text to remove " and/or in other publications and notices" and changed "All other reservoirs are off-limits to ice fishing due to safety considerations" to "Ice fishing is prohibited in all other reservoirs for safety and operational reasons"	16-04(d)
NA	NA	Deleted text	16-04(i)
16-08	Hunting	Amended text from "Hunting and Hunting Areas" to "Hunting"	16-08
16-08(a)	Hunting Activities	Added text	NA
16-08(b)	Designation	Amended text to remove "Public Maps, and/or in other publications and notices."	16-08(a)
NA	NA	Deleted text	16-08(a)1
NA	NA	Deleted text	16-08(a)2
16-08(c)	Season	Added text	NA
16-08(d)	Allowable Species	Amended text to add prohibition on waterfowl hunting in or over reservoirs or Controlled Lakes, including within 500 feet of waterbodies	16-08(c)
16-08(e)	Game Pursuit	Amended text to include "in accordance with all applicable law"	16-08(e)

16-08(f)	Hunter Behavior	Amended text to say “loss of one’s Access Permit” rather than “individual permissions”	16-08(f)
16-08(g)	Game Cleaning Practices	Amended text to “must” from “shall”	16-08(g)
16-08(h)	Tree Stands, Hunting Blinds and Trail Cameras	Added “trail cameras” and clarification that tree stands, hunting blinds and trail cameras may be used in PAAs and Access Permit Areas	16-08(h)
16-08(h)(1)	Tree Stands, Hunting Blinds and Trail Cameras	Unchanged	16-08(h)1
16-08(h)(2)	Tree Stands, Hunting Blinds and Trail Cameras	Amended text to include trail cameras	16-08(h)2
16-08(h)(3)	Tree Stands, Hunting Blinds and Trail Cameras	Amended text to add trail camera and removed “temporary”	16-08(h) second #1 (Was numbered wrong in Rules)
16-08(h)(4)	Tree Stands, Hunting Blinds and Trail Cameras	Amended text to include “if applicable” before Access Permit and added trail cameras	16-08(h) second #2 (Was numbered wrong in Rules)
16-08.2(h)(5)	Tree Stands, Hunting Blinds and Trail Cameras	New text	NA
16-08.2(h)(6)	Tree Stands, Hunting Blinds and Trail Cameras	Unchanged	16-08(h)3
16-08(i)	Shooting Lanes	Unchanged	16-08(i)
16-08(j)	Use of Dogs	Amended text to add “Dog training activities are allowed on Public Access Areas consistent with NYSDEC regulations.”	16-08 (j)
16-08(k)	Blaze Orange	Amended text to add requirement for blaze orange while small game hunting or as otherwise required by NYSDEC and that blaze orange may be removed for fall turkey hunting while at a stationary calling station or while stationary or on stand for archery season.	16-08(k)
16-08(l)	Discharge of Firearms	Amended text to add “discharge”	16-08(m)

16.-08(m)	Back Tags	Added new text requiring display of NYS-issued back tag to be consistent with NYSDEC regulation	NA
NA	NA	Deleted text	16-08(d)
NA	Animals	Moved and amended text to 16-12(c) Animals	16-08(j) (Use of dogs)
NA	NA	Deleted text	16-08(l)
16-09	Hiking	Amended text to remove “hiking areas”	16-09
16-09(a)	Hiking Activities	Amended text to remove hiking areas and removed “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”	16-09(c)
16-09(b)	Designation	Amended text to remove “areas” and “ on Public Maps, and/or in other publications and notices”	16-09(b)
16-09(c)	Season	Unchanged	16-09(d)
NA	NA	Deleted text	16-09(a)
16-10.1	Fishing Boats	Amended text to remove “by boat” and added “fishing boats” and “fishing boat tags”	16-06
NA	NA	Deleted text	16-06(a)
16-10.1(a)	Use	Amended text to add “fishing” and specify NYS fishing license requirement and changed “shall” to “must”	16-06(b)
16-10.1(b)	Eligible Boats	Amended text to remove section reference	16-05(f)
16-10.1(c)	Mooring	Amended text to add “fishing” and allowance for temporary anchor	16-06(c)
16-10.1(d)	Fishing Boat Season	Amended text to change add “fishing Boat” and “Ice Free Period” to a defined term	16-06(d)
16-10.1(e)	Condition and Maintenance	Amended text to add “Fishing”	16-06(e)
16-10.1(f)	Safety	Amended text to add Fishing and change “shall” to “must”	16-06(f)
16-10(f)(1)	Safety	Added new text for guidance on using Fishing Boats after sunset	NA
16-10.1(g)	Capacity	Amended to add Fishing	16-06(g)
16-10.1(h)	Winter Storage	Amended text to change wording order but kept meaning	16-06(h)

16-10.1(i)	Steam Cleaning and Storage	Took text from Boat Tag paragraph and incorporated it into a section (i)	16-05
16-10.1(j)	Application	Amended text to add Fishing and add details on where application can be found	16-05(a)
16-10.1(k)	Required Information	Amended text to include Fishing	16-05(b)
16-10.1(k)(1, 2, 3, 4, 5)	Required Information	Unchanged	16-05(b)1,2,3,4,5
16-10.1(k)6	Required Information	Added new text requiring applicants acknowledgement that NYCDEP can confiscate if Rules are violated and NYCDEP has no liability for damage	NA
16-10.1(k)7	Required Information	Unchanged	16-05(b)6
16-10.1(k)8	Required Information	Unchanged	16-05(b)7
16-10.1(l)	Eligibility	Amended text to add Fishing and added “subject to the restrictions included in these Rules”	16-05(c)
16-10.1(m)	Application Submission and Appointment	Amended text to include placing a boat on an open boat storage area rather than reservoir, “shall” to “must,” adding “cancelled appointments” and Fishing	16-05(d)
16-10.1(n)	Boat Processing and Tag Issuance	Amended text “shall” to “must”	16-05(e)
16-10.1(n)(1)	Boat Processing and Tag Issuance	Amended text “shall” to “must” and added fishing	16-05(e)1
16-10.1(n)(2)	Boat Processing and Tag Issuance	Unchanged	16-05(e)2
16-10.1(n)(3)	Boat Processing and Tag Issuance	Amended text to add “boat condition”	16-05(e)3
16-10.1(n)(4)	Boat Processing and Tag Issuance	Amended text to add “and equipment” and “or its designee”	16-05(e)4
16-10.1(n)(5)	Boat Processing and Tag Issuance	Unchanged	16-05(e)5
NA	NA	Deleted text	16-05(e)6
NA	NA	Deleted text	16-05(e)7
16-10.1(n)(6)	Boat Processing and Tag Issuance	Amended text to remove some requirements of detailed materials NYCDEP must give to the boat owner. Added text that the boat must be placed immediately at the assigned Boat Storage Area	16-05(e)8

16-10.1(n)(7)	Boat Processing and Tag Issuance	Amended text to clarify that NYCDEP can restrict certain Boat Storage Areas and may maintain a waiting list for when spots become available	16-05(e)9
16-10.1(o)	Rejection	Amended text to add “Fishing”	16-05(g)
16-10.1(o)(1,2,3,5)	Rejection	Unchanged	16-05(g) 1,2,3,5
16-10.1(o)(4)	Rejection	Amended text to add “and/or”	16-05(g)4
16-10.1(p)	Term	Amended text for term of tag from 2 years to 4. Changed provision requiring boat be removed if AP is expired or revoked, but not suspended. Added language stating boats cannot be used upon AP suspension	16-05(h)
16-10.1(q)	Display	Amended text to include fishing, a provision NYCDEP may ask for owner to remove non-NYCDEP issued numbers from the boat and removal top confiscation	16-05(i)
16-10.1(r)	Replacement	Amended text to include Fishing	16-05(j)
16-10.1(s)	Renewal	Amended text to include Fishing and changed “shall” to “will”	16-05(k)
16-10.1(t)	Transferability	Amended text to include Fishing	16-05(l)
16-10.1(u)	Transfer of Fishing Boat Ownership	Amended text to include Fishing	16-05(m)
16-10.1(u)(1)(i-vi)	Transfer of Fishing Boat Ownership	Amended text to break these into separate items (i-vi)	16-05(m)1
16-10.1(u)(2)	Transfer of Fishing Boat Ownership	Transfer of Fishing Boat Ownership	16-05(m)2
16-10.1(u)(3)	Transfer of Fishing Boat Ownership	Amended text to add Fishing and changed “shall” to “must”	16-05(m)3
16-10.1(u)(4)	Transfer of Fishing Boat Ownership	Amended text to add Fishing	16-05(m)4
16-10.1(u)(5)	Transfer of Fishing Boat Ownership	Amended text to add Fishing and changed “shall” to “must”	16-05(m)5
16-10.1(u)(6)	Transfer of Fishing Boat Ownership	Added new text that transfers are not allowed within or into closed Boat Storage Areas	NA
16-10.1(u)(7)	Transfer of Fishing Boat Ownership	Added new text that NYCDEP may impose limits on the number of transfers an individual can have per calendar year	
16-10.1(v)	Fishing Boat Storage Area	Amended text to include: by NYCDEP and/or its designee, “boat” to “Fishing Boat,” changed “removal” to “confiscation”	16-05(n)
16-10.1(w)	Fishing Boat Storage	Amended text to change “boats” to “Fishing Boats,” “shall” to “must” and added a	16-05(o)

		provision that Fishing Boats must not be stored within the shoreline buffer area rather than it being recommended. Also added a provision that Fishing Boats being stored leaning against trees must be secured so they don't flip over into a hull-down position. Also add new text indicating that NYCDEP may remove Fishing Boats or suspend Access Permit holders who do not comply with the Rules.	
16-10.1(x)	Fishing Boat Placement and Securing	Amended text to change "boats" to "Fishing Boats", added a provision that boats must be stored flat against the ground, and added new text indicating that NYCDEP may remove Fishing Boats or suspend Access Permit holders who do not comply with the Rules.	16-05(p)
16-10.1(y)	Owner Removal of Fishing Boat	Amended text to change "boat" to "Fishing Boat" and "shall" to "must"	16-05(q)
16-10.1(z)	Change of Reservoir or Controlled Lake	Amended text to include "with valid access permit" and changed "boat" to "Fishing Boat." Added text specifically requiring the fishing boat be steam cleaned.	16-05(r)
16-10.1(aa)	Loaning a Fishing Boat	New text clarifying Fishing Boats may be loaded to others with a valid Access Permit.	NA
16-10.2	Recreational Boats	Amended text to remove "areas." Removed several cross references and removed reference to SEQRA /CEQRA	16-07 Recreational Boating Areas
16-10.2(a)	Season	Amended text to lengthen season	16-07(a)
16-10.2(b)	Recreational Boat Tags	Removed text re: if no NYCDEP designees are available	16-07(b)
16-10.2(b)(1)	Eligibility	Amended text to delete sailboats and kayaks with sail and or pedal drive systems as eligible recreational boats	16-07(b)(1)
16-10.2(b)(2)	Term	Amended text: removed season dates. Removed 24 hour requirement for removing boat if AP is suspended.	16-07(b)(2)
16-10.2(b)(3)	Application	Amended text, reduced the location listing of tags may be obtained	16-07(b)(3)
16-10.2(b)(4)(i-vii)	Required Information	Unchanged	16-07(b)(4)(i-vii)
16-010.2(b)(5)	Boat Processing, Registration, Steam Cleaning and	Amended text "shall" to "must." Added text that tags cannot be transferred and all boats and equipment must be steam cleaned	16-07(b)(5)

	Recreational Boat Tag Issuance		
16-10.2(c)	Recreational Boat Launch Sites	Amended text “shall” to “must.” Removed “local sporting outfitters” from list	16-07(c) Boat Launch Sites
16-10.2(d)	Recreational Boat Storage Areas and Recreational Boat Storage	Amended text: added statement that where racks or stanchions are present, boats must be secured to them and NYCDEP reserves the right to delineate certain storage areas. Also made this section consistent with the Fishing Boat section.	16-07(d) Boat Storage Areas and Boat Storage
16-10.2(e)	Owner Removal of Recreational Boat With Recreational Tag	Amended text “shall” to “must” and changed “prior” to “before”	16-07(e) Owner Removal of Boat With Recreational Boat Tag
16-10.2(f)	Safety	Amended text “shall” to “must”	16-07(k)
16-10.2(g)	Capacity	Amended text to add “recreational”	16-07(l)
16-10.2(h)	Condition and Maintenance	Amended text to add “recreational”	16-07(m)
16-10.2(i)	Use	Added new text stating Fishing is not required when Recreational Boating	NA
16-10.3(1)	NYCDEP Confiscation of all Boats	Amended and added text: Now refers to confiscation rather than removal. This section will include fishing and recreational boats rather than having language in each of those section. Gave NYCDEP ability to confiscate boats that are not in compliance with any section of the Rules. Calling the removal charge a “penalty.” Added provision NYCDEP or designee could confiscate boats.	16-05(s) NYCDEP removal of boats.
16-10.3(2)	Storage of NYCDEP Confiscated Boats	Amended and added text: Added provision NYCDEP or designee could store confiscated boats in place rather than removing them to a NYCDEP facility. Specified that NYCDEP is not liable for damage to accessories, chains etc. during removal.	16-05(t) Storage of NYCDEP removed boats
16-10.3(3)	Owner Claim of Confiscated Boats	Amended text: Added provision owner could claim a boat through NYCDEP or its designee. Added debilitating illness as a reason to waive penalty	16-05(u) Owner of claimed stored boats.
16-10.3(4)	Disposal of Confiscated Property	Amended text to allow sale/disposal of all confiscated property and removed sealed bid requirement	16-05(v) Disposal of NYCDEP-owned boats

16-10.3(5)(i, ii,iii)	Boat Relinquishment	Amended text: Changed “shall” to “must.” Added bullets for the items the letter to NYCDEP must include. Added requirements for the boat owner’s representative to follow if they are sending the letter. Added NYCDEP address where the letter must be sent.	16-05(w)
16-10.3(6)	Lost or Stolen Property	Amended text: changed from “boats” to “all property.” Removed text stating NYCDEP would attempt to locate the boat and report to NYCDEP Police	16-05(x): Lost and stolen boats.
16-10.3(7)(i-vi)	Limitations	Added new text that gives NYCDEP the ability to place limits on the number of boats individuals can have, the number of boats NYCDEP will allow on a Reservoir, Controlled Lake or Boat Storage Area.	NA
16-11(a)	Restricted Areas/General	Unchanged	16-15(a)
16-11(b)	Restricted Areas/Location	Unchanged	16-15(b)
16-11(b)(1)	Restricted Areas/Location	Unchanged	16-15(b)(1)
16-11(b)(2)	Restricted Areas/Location	Amended text to remove hiking, fishing, hunting and added “Access Permit Area.” Also added a provision indicating that NYCDEP can extend restricted area to greater than 500 feet.	16-15(b)
16-11(b)3	Restricted Areas/Location	Amended text to add “no trespassing” signs and made Restricted Area a defined term	16-15(c)(3)
16-12	General Rules	Unchanged	16-16
16-12(a)	Personal Identification	Amended text deleting reference to minors under 12, changed “shall” to “must,” allow school-issued identification for those 18 and younger and added requirement that everyone over 12 must carry ID	16-16(a)
16-12(b)	Signs and Instruction	Changed “shall” to “must”	16-16(b)
16-12(c)	Trespass	Changed “shall” to “must”	16-16(c)
16-12(d)	Property Use and Designation	Unchanged	16-16(d)
16-12(e)	Abandoned and Confiscated	Amended text to describe how abandoned and confiscated property becomes the	16-16(e) Abandoned Property

	Property other than Boats	property of NYCDEP and how it can be disposed of.	
16-12(f)	Other licenses	New text	NA
16-12(g)	Recreation Area Closures	New text	NA
16-12(h)	Season	New text	NA
16-12(i)	Hours	New text	NA
16-12(j)	Express Written Permission	New text describing how NYCDEP grants written permission for certain activities.	NA
16-13	Regulated Activities	Changed “enumerated” to “listed”	16-18
16-13(a)	Injury, Destruction or Abuse of Natural Resources or Property	Amended text to remove subsection 1 and 2 from 16-12(a).	16-18(a)
16-13(b)	Firearms, Weapons, Explosives	Amended text to include air guns, pistols, and a statement that those who use or carry a handgun/pistol must have a valid handgun license or pistol permit.	16-18(b)
16-13(c)(1-4)	Animals	Amended text to expand this restriction from “dogs” to include “animals” and to state they are excluded from City property except for certain instances, which are listed.	16-18(c)
16-13(d)	Posting of Notices or Signs	Amended text to remove temporary marking provision and added reference to subparts 16-12(d)(i) and (ii)	16-18(d) Posting of Notices, Signs and Marking of Trails
16-13(d)(1)	Posting of Notices or Signs – Flagging Tape	New text indicating when flagging tape is allowed	NA
16-13(e)	Tents and Other Structures	Amended text, removed reference to section 16-08h	16-18(e)
16-13(f)	Motor Vehicle Access	Amended text, removed reference for reasons vehicles may be removed	16-18(f)
NA	NA	Deleted text	16-18(g)
16-14	Prohibitions	Changed “enumerated” to “listed”	16-17
16-14(a)	Littering, Polluting, Dumping	Amended text to change “shall” to “must” and added language explaining examples of litter that should be removed from City property	16-17(a)
16-14(b)	Bathing, Swimming, Washing of Objects	Unchanged	16-17(b)

16-14(c)	Unauthorized Presence on City Property	Amended text to change “without” to “unless” and “rules” to “Rules”	16-17(c)
16-14(d)	Target Shooting	New text	NA
16-14(e)	Camping	Unchanged	16-17(d)
16-14(f)	Fires	Amended text to add “except as otherwise allowed per signage”	16-17(e)
16-14(g)	Smoking	Amended text to prohibit smoking, including electronic cigarettes (e-cigarettes), at all times	16-17(f)
16-14(h)	Motorized Equipment	Amended text to allow for exceptions under certain sections of the Rules. Added provision indicating that NYCDEP could allow use under certain circumstances	16-17(g)
16-14(i)	Commercial Activities	Amended text to allow a designee for NYCDEP to allow certain commercial activities consistent with the Rules and added public safety and security as a factor to consider when granting approval.	16-17(h)
16-14(j)	Other Activities	Amended text to add public safety and security as a factor to consider when granting written approval, removed examples of activities not allowed such as horseback riding, etc.	16-17(i)
16-14(k)	Manned and Unmanned Aircraft	New text restricting Manned and Unmanned Aircraft	NA
16-14(l)	Horses	New text restricting horses	NA
16-14(m)	Biking	New text restricting biking on City Property except in DUAs as posted	NA
16-15	Rule Infractions	Amended text to change “rules” to “Rules”	16-19 Permit Suspension and Revocation
16-15(a)	Confiscation	Amended text to change “shall” to “must”	16-19(a)(1-5)
16-15(b)(1-5)	Notification Procedure	Amended text stating NYCDEP will make a determination as to whether the Access Permit should be revoked, suspended or returned.	16-19(b)(1-5)
16-15(c)	Suspension	Amended text to break this section down into 3 subsections 16-15(c)(1),(2) and (3) below	16-19(c)
16-15(c)(1)	Suspension	Amended and added new text from portions of 16-14(c), including text to allow suspended AP and Tags to be renewed but not used until suspension term is expired.	Portion of 16-19(c)

16-15(c)(2)	Suspension	Amended and added new text stating a person cannot enter City land for any reason while AP is suspended	Portion of 16-19(c)
16-15(c)(3)	Suspension	Moved text	Portion of 16-19(c)
16-15(c)(4)	Suspension	New text allowing valid boats to be left on a reservoir while the AP is under suspension	NA
16-15(c)(5)	Suspension	Moved text	Portion of 16-19(c)
16-15(d)	Penalty Schedule	Amended text “rules” to “Rules,” added provision that offenders who have threatened public safety, etc. can be assessed the maximum penalty	16-19(e)
16-15(d)(1)	Penalty Schedule	New text	NA
16-15(d)(2)	Penalty Schedule	Moved and amended text <u>to address 2 or more violations and violations of 3 or more sections of the Rules during a single incident or individual offense.</u>	Portion of 16-19(e)
Now under 16-15(d/e)	Penalty Schedule Table	Amended text to reference correct sections and added several new penalties to reflect new sections in the Rules.	16-19(e)
16-15(e)	Revocation	Deleted text to remove “egregious”	16-19(d)
16-15(f)(1,2)	Appeals	Amended text to clarify an individual has 30 days from the date of the NYCDEP letter to appeal, changed “should” to “must.” Changed NYCDEP’s response time from 30 days to 45 days. Added statement that court dispositions of summons or arrests will not negate any Rules violations but may be considered in an appeal. Changed “Watershed Lands and Community Planning” to “Natural Resources Division”	16-19(f)(1,2)
16-15(g)	Reinstatement	Unchanged	16-19(g)
16-15(h)(1-4)	Group Infractions	Changed “Water Supply Lands” to “City Property”	16-19(h)(1-4)
16-15(i)(1-5)	Public Access Area and Designated Use Area Infractions	Amended text to change “designated” to “day”, (2) changed “removal” to “expulsion <del>removed text</del> , (3) changed “suspension” to “prohibition”	16-19(i)(1-5)
16-16	Conformance with State and Local Laws	Amended text to spell out ECL, changed “rules” to “Rules”, added trapping.	16-20
16-17	Unenforceability	Unchanged	16-21

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the Rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined.

Section 1. Chapter 16 (“Rules for Recreational Use of Water Supply Lands and Waters”) of Title 15 of the Official Compilation of the Rules of the City of New York is REPEALED.

Section 2. A new Chapter 16 (“Rules for Recreational Use of Water Supply Lands and Waters”) of Title 15 of the Official Compilation of the Rules of the City of New York is added to read as follows:

**NYCDEP**  
**Rules for the Recreational Use of**  
**Water Supply Lands and Waters**

CHAPTER 16  
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§ 16-09                      Hiking.

Subchapter C: Boats

<u>§ 16-10.1</u>	<u>Fishing Boats.</u>
<u>§ 16-10.2</u>	<u>Recreational Boats.</u>
<u>§ 16-11</u>	<u>Restricted Areas.</u>

Subchapter D: General Provisions and Prohibitions

<u>§ 16-12</u>	<u>General Rules.</u>
<u>§ 16-13</u>	<u>Regulated Activities.</u>
<u>§ 16-14</u>	<u>Prohibitions.</u>
<u>§ 16-15</u>	<u>Rule Infractions.</u>
<u>§ 16-16</u>	<u>Conformance with State and Local Laws.</u>
<u>§ 16-17</u>	<u>Enforceability.</u>

**§16-01 Scope and Purpose.**

The following rules (the “Rules”) apply to all recreational use of the New York City lands, lakes and reservoirs owned for Water Supply (as defined below) purposes in the counties of Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, and Westchester. These Rules promote New York City’s goal of allowing recreational use and enjoyment of its water supply lands and waters and water supply protection. Additional information about recreational use opportunities is available from the New York City Department of Environmental Protection (as defined below, the “NYCDEP”) offices and on the NYCDEP website at [www.nyc.gov/dep](http://www.nyc.gov/dep).

**§16-02 Definitions.**

All capitalized terms have the same meaning as in the New York State Environmental Conservation Law (“ECL”) unless defined differently herein as follows:

(a) **Access Permit.** “Access Permit” means a valid NYCDEP instrument of registration and permission to access certain City Property for Recreational Use as further described in section 16-04.1 herein.

(b) **Access Permit Areas.** “Access Permit Areas” means a City Property location designated by NYCDEP as available for recreation uses as determined by NYCDEP, and for which a NYCDEP Access Permit and Vehicle Tag are required. Access Permit Areas are generally located near Water Supply facilities, such as Reservoirs and Controlled Lakes, and may have special access requirements or restrictions.

(c) **Angling.** “Angling” means taking fish by hook and line. This includes bait and fly fishing, casting, trolling and the use of landing nets to complete the catch.

(d) **Big Game.** “Big Game” means deer and bear.

(e) **Boat Storage Area.** “Boat Storage Area” means a location on land designated by NYCDEP for Fishing and/or Recreational Boats to be stored when not on the water.

(f) **City.** “City” means the City of New York.

(g) **City Property.** “City Property” means all real property, Reservoirs and Controlled Lakes owned by the City and within the jurisdiction of NYCDEP in the counties of Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, and Westchester.

(h) **Controlled Lake.** “Controlled Lake” means a lake from which the City may withdraw water pursuant to rights acquired by the City or as a right of ownership. The Controlled Lakes, for purposes of these Rules, are Lake Gilead and Lake Gleneida.

(i) **Day Use Area.** “Day Use Area” means a City Property location designated by NYCDEP as available for designated Recreational Uses, as determined by NYCDEP in accordance with these

Rules. It is not necessary to have an Access Permit or a Vehicle Tag for activities in a Day Use Area. Day Use Areas are generally areas that may be designated for activities including, but not limited to, running, walking, in-line skating, biking, and dog walking.

(j) **Fishing.** “Fishing” means taking fish by Angling and also includes the use of tip-ups for ice fishing and the taking of carp by bow and arrow.

(k) **Fishing Boats.** “Fishing Boats” means metal rowboats with a location-designated NYCDEP Fishing Boat Tag that may be used on City Reservoirs and Controlled Lakes and stored on an adjacent Boat Storage Area for Fishing.

(l) **Fishing Boat Tag.** “Fishing Boat Tag” means a valid instrument of permission, which may include a sticker, bar code, or other instrument as determined by NYCDEP, issued to allow Access Permit holders to store a Fishing Boat in an adjacent Boat Storage Area, as further described in section 16-10.2(i) herein.

(m) **Group Access Permit.** “Group Access Permit” means an valid instrument of registration and permission for groups to temporarily access certain City Property that requires an Access Permit for Recreational Use without each member having to obtain an individual Access Permit, as further described in section 16-06 herein.

(n) **Group.** “Group” means any congregation of individuals in excess of six (6) people and shall not consist of more than thirty (30) individuals. Groups larger than 30 people are not permitted.

(o) **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.

(p) **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.

(q) **Guest.** “Guest” means a person accompanying a valid Access Permit holder who has completed and signed a Guest Pass application.

(r) **Guest Pass.** “Guest Pass” means a valid 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 section 16-05 herein.

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

(t) **High Water Mark.** “High Water Mark” means the visible mark along the shoreline where the Reservoir water intersects with the shoreline during its high peak level. Boaters are encouraged to contact the appropriate NYCDEP Boat Office if they have questions identifying this boundary.

(u) **Hunting.** “Hunting” means pursuing, shooting, killing or capturing (other than Trapping as defined below) wildlife, except wildlife which has been lawfully trapped or otherwise reduced to possession, and includes all lesser acts such as disturbing, harrying or worrying, whether they result in taking or not, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife.

(v) **Ice Free Period.** “Ice Free Period” means that the main bodies and shorelines of the Reservoirs and Controlled Lakes are free from ice. There is the possibility that a Reservoir whose main body is free of ice (and therefore “open” to Fishing) may still have some ice present in some of the isolated coves and protected areas.

(w) **Manned and Unmanned Aircraft.** “Manned and Unmanned Aircraft” means, without limitation, drones, model airplanes, airplanes, flying machines, balloons, parachutes or other apparatus for aviation.

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

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

(z) **Public Access Area.** “Public Access Area” means those areas of City Property designated by NYCDEP and by these Rules as available for Recreational Uses without a NYCDEP Access Permit and Vehicle Tag, as designated by NYCDEP and described herein. Public Access Areas are generally not adjacent to Reservoirs.

(aa) **Recreational Areas.** “Recreational Areas” means Public Access Areas, Day Use Areas, Access Permit Areas, Fishing Boat Areas, and Recreational Boating Areas

(bb) **Recreational Boats.** “Recreational Boats” means vessels that may be used in Recreational Boating Areas and stored on adjacent City Property for Recreational Uses, as further described in section 16-10.2(b)(1).

(cc) **Recreational Boat Tag.** “Recreational Boat Tag” means a valid instrument of permission, which could include a sticker or bar code or other instrument as determined by NYCDEP, 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 section 16-10.2 herein.

(dd) **Recreational Boating Area.** “Recreational Boating Area” means a location designated by NYCDEP within the Cannonsville, Neversink, Pepacton and Schoharie Reservoirs that is available for use of Recreational Boats.

(ee) **Recreational Uses.** “Recreational Uses” means activities on City Property that, in the sole discretion of NYCDEP, do not pose a potential adverse impact to natural resources, water quality or security, and includes, without limitation, the following activities: Hunting, Hiking, Fishing, Trapping, paddling, exercising, bird watching, nature observation, sightseeing, cross country skiing, snowshoeing, and nature photography.

(ff) **Reservoir.** “Reservoir” means any natural or artificial impoundment of water owned or controlled by the City which is tributary to the City Water Supply system.

(gg) **Restricted Area.** “Restricted Area” means any area in which public access is not allowed.

(hh) **Small Game.** “Small Game” means upland and migratory game birds, small game mammals (e.g., squirrel, rabbit), furbearers (e.g., fox, coyote), and reptiles and amphibians.

(ii) **Special Event Area.** “Special Event Area” means a location on City Property designated by NYCDEP as available for designated Recreational Uses, which shall be designated by NYCDEP in accordance with these Rules, but not requiring NYCDEP Access Permits or Vehicle Tags. These areas are for short duration, low-impact activities including but not limited to “Family Fishing Day” and Reservoir clean-ups in which NYCDEP staff are present as facilitators of the event.

(jj) **Tag.** “Tag” includes Vehicle Tags, Recreational Boat Tags and Fishing Boat Tags.

(kk) **Trapping.** “Trapping” means taking, killing and capturing wildlife with traps, deadfalls and other devices commonly used to take wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, deadfalls and other devices whether they result in taking or not, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, deadfalls or other devices.

(ll) **Vehicle Tag.** “Vehicle Tag” means a valid 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 section 16-04.2 herein.

(mm) **Voluntarily.** “Voluntarily” means anything other than a forced or emergency landing of any manned or unmanned aircraft.

(nn) **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.

(oo) **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. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered to be a Watercourse.

(pp) **Watershed.** “Watershed” or “New York City Watershed” means the land area contributing surface water to the New York City Water Supply.

## **Subchapter A: Open Access Areas**

### **§ 16-03.1 Public Access Areas**

Public Access Areas (PAA) are those locations designated for public use without the need for a Access Permit. NYCDEP may, in its discretion, designate portions of City Property as PAAs. PAAs are located on City Property that is not adjacent to Water Supply facilities such as Reservoirs or Controlled Lakes.

(a) **Designations.** PAAs are posted with signs and otherwise designated as such by NYCDEP on NYCDEP maps, the NYCDEP website, and/or in other NYCDEP publications.

(b) **Season.** Access to PAAs is year-round except as otherwise restricted on NYCDEP sign postings and on NYCDEP maps on the NYCDEP website.

(c) **Uses.** Permitted uses shall be posted on signs in the PAA, and may, at NYCDEP’s discretion, include one or more of the following permitted uses: Fishing, Hunting, Hiking and/or Trapping. No boating is allowed on PAAs.

### **§ 16-03.2 Day Use Areas.**

Day Use Areas (DUAs) are those locations on City Property designated for public use without the need for a NYCDEP Access Permit. These areas may be near Water Supply facilities and usually have some improvements. DUAs may or may not have management agreements with local municipalities.

(a) **Designations.** DUAs and their allowed uses shall be designated by NYCDEP on NYCDEP maps on the NYCDEP website and by NYCDEP sign postings.

(b) **Uses.** Permitted uses shall be posted on signs in the DUA, and may, at NYCDEP’s discretion, include one or more of the following activities: walking, picnicking, in-line skating, dog walking, bicycling and Fishing. Permitted uses shall be posted on signs and on the NYCDEP website.

(c) **Hours.** Hours of use shall be posted on NYCDEP signage and will typically be dawn to dusk.

**§ 16-03.3 Special Event Areas.**

Special Event Areas (SEA) are those locations on City Property designated for public use during a NYCDEP-sponsored event without the need for a NYCDEP Access Permit.

(a) **Designations.** SEAs will be designated by NYCDEP for specific limited duration events, typically one day.

(b) **Uses.** Uses allowed in SEAs shall be determined by NYCDEP and shall be posted on event flyers and other outreach material.

(c) **Hours.** Hours of use shall be determined by NYCDEP on an event-by-event basis.

**§ 16-04 Access Permit Areas.**

Access Permit Areas (APAs) are those areas that require a valid NYCDEP Access Permit and Vehicle Tag for entry. NYCDEP may, in its discretion, designate portions of City Property as APAs that may be entered and used by the public for Recreational Uses with the requirement of having a valid NYCDEP Access Permit and Vehicle Tag.

(a) **Designations.** APAs and their allowed uses shall be designated by NYCDEP on NYCDEP maps on the NYCDEP website and by NYCDEP sign postings.

(b) **Uses.** Permitted uses shall be posted on signs in the APA, and may, at NYCDEP’s discretion, include Fishing, Hunting, Hiking, Trapping, and use of Fishing Boats, and Recreational Boats. Scouting for the purpose of deer Hunting is allowed, provided that valid NYCDEP Access Permits are carried.

(c) All individuals entering APAs must have (1) a valid NYCDEP Access Permit as required in section 16-04.1 of these Rules, and (2) a Vehicle Tag as required in section 16-04.2 herein.

**§ 16-04.1 Access Permit.**

(a) **Application.** The Access Permit application shall be available for download or completion on the NYCDEP website and for pick-up at certain 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's name, mailing address, phone number, electronic mail address, and date of birth;
- (2) Applicant's gender, height, eye color and hair color;
- (3) Applicant's driver's license number and state of issuance, or non-driver's identification number and state of issuance, or IDNYC identification card, or any valid passport, or any school-issued identification;
- (4) Acknowledgement of risks and waiver of liability;
- (5) Applicant's signature and date of signature;
- (6) Parent or legal guardian's signature and date of signature if applicant is between 16 and 17.

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

**(c) Access Permit Eligibility.** All persons 18 years of age and older must complete an application for and receive, maintain and carry a valid Access Permit in order to enter Access Permit Areas (and must have the applicable NYSDEC hunting, fishing and/or trapping licenses as required by the NYSDEC Environmental Conservation Law as described in section 16-12(f) herein) and Recreational Boating Areas for recreational purposes as defined in these Rules. Entry onto Access Permit Areas, without a valid Access Permit, Guest Pass, or appropriate accompaniment as described herein, is prohibited and shall be considered a trespass.

Persons aged 16 and 17 are eligible to apply for an Access Permit and must have the written consent of their parent or legal guardian indicated on their Access Permit application to obtain an Access Permit. Persons aged 16 and 17 years old who obtain a valid Access Permit may enter City Property for Recreational Activities without an adult.

**(d) Other Access.** All persons under 16 years of age may access City Property without an Access Permit or a Guest Pass for Recreational Uses 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 six (6) persons under the age of 16 and he or she is responsible for their conduct and safety and shall be liable for any of their violations of these Rules. Groups in excess of six (6) persons under the age of 16 require a Group Access Pass, signed by a parent or guardian as provided in section 16-06.

**(e) Internet Submission and Processing.** The NYCDEP Access Permit application may be completed and submitted on the NYCDEP website. Access Permit issuance letters, Access Permits

and corresponding Vehicle Tags may be printed directly from the NYCDEP website. NYCDEP is not responsible for electronic delivery errors or limitations of equipment and services not maintained by NYCDEP that may cause delays or prevent printing.

(f) **Mail Submission and Processing.** Completed Access Permit applications may be submitted by United States Postal Service (“USPS”) mail to the address on the form. Accepted applications submitted by USPS mail shall be processed as follows:

An Access Permit issuance letter and Access Permit shall be generated and mailed with the corresponding Vehicle Tag generally within two weeks of receipt, except in unusual circumstances, directly to the address submitted on the application.

Addresses on any mailings returned to NYCDEP as undeliverable by the USPS shall be verified for accuracy and re-mailed if necessary. Applicants are responsible for maintaining current, accurate contact information with NYCDEP. NYCDEP shall not be responsible for USPS delivery errors or lost mail.

(g) **Refusal.** Rejected applications will be returned to the applicant, accompanied by a letter or e-mail identifying the reason(s) for refusal, generally within two weeks of application receipt, except in unusual circumstances, directly to the address submitted on the application. Within ten days of receipt of the communication, the applicant may send an appeal of NYCDEP’s refusal to issue an Access Permit to the NYCDEP Deputy Chief of City Land Stewardship. Such appeal must include any relevant information pertaining to the basis for the refusal. Upon examination of the circumstances and generally within two weeks of receipt, the NYCDEP Deputy Chief City Land Stewardship 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 but are not limited to the following:

- (1) Incomplete or illegible application;
- (2) Failure to meet application eligibility requirements;
- (3) Submission of false information.

(h) **Term.** An Access Permit is valid for 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.

(i) **Renewal.** NYCDEP will send an Access Permit renewal application by electronic or USPS mail to the address on file for each valid Access Permit holder generally two months before the Access Permit expiration date. The Access Permit renewal application will require confirmation of the permit holder’s information on file, as well as user survey questions, if any. Access Permit renewal processing will be as provided for in the initial application. Applicants may renew their Access Permits by returning the application by USPS mail or through the NYCDEP website.

(j) **Replacement.** To replace lost or destroyed Access Permits the permit holder must send a written request to NYCDEP by USPS, electronic mail or through the NYCDEP website. Electronically requested replacements may be printed immediately upon NYCDEP's approval, whereas replacements requested by USPS mail will generally be issued within two weeks of receipt of the request.

(k) **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.

(l) **Updating Contact Information.** It is the Access Permit holder's responsibility to inform NYCDEP of any changes to the contact information submitted on his or her application or renewal form. Access Permit holders must notify NYCDEP in writing, either by electronic or USPS mail, of any such changes. Failure to do so may result in the Access Permit holder not receiving important notifications, such as Fishing or Recreational Boat Tag renewal notices, area closure notices or Access Permit renewal notices. Access Permit holders may use the Access Permit Update Form to submit contact changes or update their information on the NYCDEP website. This form is available for download from or completion on the NYCDEP website and for pick-up at certain NYCDEP facilities in New York City, NYCDEP offices throughout the Watershed and such other locations as indicated on the NYCDEP website.

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

(n) **Fishing and Recreational Boat Tags.** NYCDEP may revoke an individual's Fishing or Recreational Boat Tag(s) upon Access Permit revocation or expiration.

#### **§ 16-04.2 Vehicle Tag.**

All vehicles parked on City Property for Recreational Uses other than at DUAs and PAAs must have the driver's valid Vehicle Tag prominently displayed in their vehicle so that it is visible from the front of the vehicle.

(a) **Issuance.** Any person who has been issued an Access Permit shall be issued a Vehicle Tag.

(b) **Term.** A Vehicle Tag is valid only if and for so long as the person's Access Permit is valid. If an expired Access Permit is renewed, the Vehicle Tag becomes valid again upon renewal of the Access Permit.

(c) **Use of a Vehicle Tag.** The driver's Vehicle Tag must 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 DUAs and PAAs. Only one Vehicle Tag is required to be displayed if multiple Access Permit holders are visiting Access Permit Areas

in the same vehicle. 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 the permittee on any vehicle.

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

#### **§ 16-05 Guest Pass.**

Guest Passes are for temporary access for the Recreational Use of certain City Property. Guests may participate in all Watershed recreational opportunities while accompanied by a person who has a valid Access Permit. A Guest Pass cannot be used to obtain a Fishing or Recreational Boat Tag. Access Permit holders are responsible for their Guests and must ensure their Guests follow all Recreational Rules.

(a) **Application.** The Guest Pass is a fully completed Guest Pass 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. No Guest Pass is necessary for individuals under 16 years of age, or for groups of up to 6 under 16 years of age, provided they are accompanied by an Access Permit holder aged 18 or older. No application fee is required.

(b) **Required Information.** A valid Guest Pass application must be filled out by the Guest and include:

- (1) Guest's name, mailing address, phone number, electronic mailing address, and date of birth;
- (2) Guest's 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, or IDNYC identification card, any valid passport or any school-issued identification;
- (4) Acknowledgement of risks and waiver of liability;
- (5) Guest's signature and date of signature;
- (6) Parent or legal guardian's signature and date of signature if Guest is under 18.

(c) **Eligibility.** The sponsoring Access Permit holder must be aged 18 years or older. An individual aged 16 years and older, without an Access Permit, must use a Guest Pass. Individuals

under 18 years of age must have the signature of a parent or guardian on the Guest Pass. Individuals under 16 years of age, and groups of up to 6 individuals under 16 years of age, do not need a Guest Pass provided an Access Permit holder 18 or older accompanies them while they are on City Property where an Access Permit is required.

(d) **Term.** A Guest Pass is valid for 7 consecutive days starting on and including the date the Guest Pass was signed. 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 produce their Guest Pass and identification upon request of any law enforcement officer or NYCDEP representative.

(3) All Guests must be accompanied at all times while on City Property by the valid Access Permit holder sponsoring the Guest. Access to City property by a Guest unaccompanied by the sponsor Access Permit holder constitutes trespass. The sponsoring Access Permit holder may sponsor and accompany up to 6 Guests at any one time on City Property.

(4) Guests must comply with these Rules.

(5) Guest Passes cannot be used to obtain a Fishing or Recreational Boat Tag.

(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.

#### **§ 16-06 Group Access Permit.**

Group Access Permits of limited duration are available for Groups of between 7 and 30 individuals to conduct such activities as would normally be available to individual Access Permit holders and shall be issued in writing if approved by NYCDEP. Groups larger than 30 people are not permitted. Any individual members of a Group accessing NYCDEP land pursuant to a Group Access Permit must possess all applicable NYSDEC hunting, fishing and trapping licenses as required by the NYSDEC Environmental Conservation Law.

(a) **Uses.** Group Access Permits may be used for all activities allowed by these Rules in addition to other recreational opportunities approved by NYCDEP, including but not limited to Reservoir clean-ups, nature and outdoor educational walks and talks and school field trips.

(b) **Eligibility.** A Group Leader must be 18 years of age or older. Group Members may be any age but individuals under 18 years of age must have the signature of a parent or guardian on the Group Access Permit.

(c) **Term.** Group Access Permits may be issued for a term of 1 day to 3 consecutive months.

(d) **Application.** An application for a Group Access Permit must be fully completed by the assigned Group Leader and submitted to the mail or email address on the application. Group Access Permit applications shall be available by calling 1-800-575-LAND (5263). No application fee is required.

(e) **Required Information.** The following information must be provided on or with the Group Access Permit application:

(1) Application date;

(2) Group name and address;

(3) Group Leader's name, date of birth, address, primary telephone, electronic mail address, driver's license or non-driver's identification number and state of issuance, any valid passport or IDNYC identification card;

(4) Signed and dated statement by Group Leader accepting all responsibility for Group and Group Member activity and safety while on City Property and indemnifying the City of New York, as well as 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;

(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 in addition to the Group Leader;

(f) **Issuance Criteria.** NYCDEP will deny Group Access Permit applications that fail to meet the issuance criteria listed below. NYCDEP will 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, strong 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 the portion of City Property for which Group access is requested.

(g) **General Conditions.** Group Access Permit Leaders and Group Members must comply with these Rules. Group Access Permit Leaders and Group Members must 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 must carry the approved Group Access Permit or a legible photocopy of the permit at all times while on City Property;
- (4) Group Members must be accompanied by a Group Leader at all times while on City Property;
- (5) All vehicles used by the Group to access City Property must 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.

(h) **Responsibility.** Use of and activities on City Property under the Group Access Permit by Group Members is the sole responsibility of the Group Leader who must accept responsibility for the conduct, activities, and safety of all Group Members. The Group Leader must accompany the Group at all times while on City Property.

## Subchapter B: Recreational Activities

### § 16-07      **Fishing.**

(a) **Fishing Activities.** Fishing is allowed consistent with NYSDEC regulations. A valid NYSDEC fishing license is required.

(b) **Designation.** Areas that allow Fishing shall be designated by NYCDEP on sign postings, the NYCDEP website, and on NYCDEP maps.

(c) **Season.** Access for Fishing is allowed during applicable New York State fishing seasons as established in NYSDEC fishing regulations, as amended, except as otherwise restricted by these Rules or by NYCDEP postings or notices.

(d) **Allowable Species.** Fishing is allowed for any species allowed under New York State law, during and in accordance with all available NYSDEC fishing seasons and City Property designations unless otherwise posted by NYCDEP.

(e) **Means.** Angling is the only permissible means of Fishing on City Property, except that pursuant to and in conformance with NYSDEC regulations, (i) tip-ups may be used for ice fishing, and (ii) bow and arrow may be used for carp fishing. Anglers must be in immediate attendance when their lines are in the water.

(f) **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 such bait has been taken from waters infested with zebra and/or Quagga mussels or other invasive species, 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. A complete list of Zebra and Quagga mussel-infested waters may be found at: <http://nas.er.usgs.gov/mollusks/zebramussel/>. 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, on the NYCDEP website, and on NYCDEP maps. Use of bait must also be consistent with all applicable provisions of New York State law and NYSDEC regulations, as amended, including those regarding the use and transport of certified baitfish.

(g) **Fishing Equipment.** Fishing equipment must comply with the following:

(1) Waterproof waders must be used when entering Reservoirs or Controlled Lakes for the purposes of Fishing. Due to the potential threat of invasive species being transferred from waders into the NYC Water Supply, NYCDEP reserves the right to restrict the use of certain types of waders and/or prohibit use on City Property. A list of waders and/or boots prohibited for use, if and when determined, shall be posted on the NYCDEP website. As an alternative to prohibition of certain waders, NYCDEP may require waders be cleaned as per NYCDEP guidelines, if and when such guidelines are developed.

(2) Temporary, portable, fabric fishing shelters and windbreaks may be used for ice fishing

on City Property. Shelters must contain the occupant's name, telephone number and Access Permit number. Wood or metal shelters are not permitted.

- (3) Ice fishing equipment, including fabric fishing and shelters and windbreaks, must remain within view of the equipment owner and must 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 in Reservoirs or Controlled Lakes.
- (5) Motorized fishing equipment is prohibited on City Property, including but not limited to gasoline or propane-powered motors or ice augers except as allowed in section 16-07(g)(6) of these Rules.
- (6) Electric ice augers with rechargeable batteries contained within the auger housing or hand-held power drills to power ice augers may be used. Small 12-volt sealed batteries may be used for portable fish finders. No automotive-type batteries are allowed on City Property.
- (7) Propane bottles to heat portable heating units or ice augers are not allowed for use on Reservoirs or Controlled Lakes.

(h) **Fish Entrails.** Fish entrails shall not be deposited on City Property that is in or within 100 feet of a Reservoir, Controlled Lake, pond, Watercourse, public access point, or public road.

(i) **Shoreline Fishing.** Shoreline Fishing is allowed at Access Permit Areas, Public Access Areas, and certain Day Use Areas as indicated by NYCDEP on sign postings, on the NYCDEP website, and on NYCDEP maps.

(j) **Fishing from Bridges.** Fishing from vehicular bridges located on City Property is not permitted except where designated by NYCDEP and as indicated by NYCDEP on sign postings, on the NYCDEP website, and on NYCDEP maps.

(k) **Ice Fishing.** Ice Fishing is allowed, in conformance with NYSDEC regulations, 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 Access Permit Areas and Public Access Areas as indicated by NYCDEP on sign postings, on the NYCDEP website, and on NYCDEP maps. Ice fishing is prohibited in all other Reservoirs for safety and operational reasons.

#### § 16-08        **Hunting.**

(a) **Hunting Activities.** Hunting is allowed consistent with applicable NYSDEC regulations.

(b) **Designation.** Areas that allow Hunting will be designated by NYCDEP on sign postings, the NYCDEP website, and on NYCDEP maps. NYCDEP may designate specific Hunting activities or restrictions (e.g. no rifle use, bow Hunting-only), or implement special Hunting programs (deer culls) on Recreational Areas that allow Hunting.

(c) **Season.** Access for Hunting is allowed during applicable New York State Hunting seasons, except as otherwise restricted by these Rules or by NYCDEP postings or notices.

(d) **Allowable Species.** Hunters may hunt for any species allowed under New York State law, during and in accordance with all available NYSDEC Hunting seasons and City Property designations unless otherwise posted by NYCDEP on its website. Waterfowl Hunting is not allowed in, over, or within 500 feet of Reservoirs or Controlled Lakes.

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

(f) **Hunter Behavior.** Hunters must 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 result in the loss of individual Hunting opportunities, Recreational Area closures, and loss of Access Permit.

(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 must 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, Hunting Blinds and Trail Cameras.** Temporary tree stands, Hunting blinds and trail cameras may be used during Big Game Hunting seasons in Public Access Areas and Access Permit Areas provided that they do not cause damage to trees. The following conditions apply:

- (1) The use of screws, nails or foot pegs in trees on City Property is prohibited.
- (2) Tree stands, Hunting blinds and trail cameras may be placed on City Property up to two weeks prior to the opening of the archery deer Hunting season.
- (3) Hunters may leave tree stands, Hunting blinds and trail cameras on City Property at their own risk on a first-come, first-served basis during Big Game Hunting seasons.

- (4) Any tree stand, Hunting blind or trail camera on City Property must be clearly and legibly labeled with the user's name, Access Permit number (if applicable) and telephone number.
- (5) Tree stands, Hunting blinds and trail cameras must be removed from City Property by midnight of the last day of the Big Game Hunting season.
- (6) Tree stands, Hunting blinds and trail cameras unlabeled or left on City Property after Big Game Hunting season are subject to confiscation and disposal by NYCDEP pursuant to section 16-12(e) of these Rules.

(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 must be cut flush with the vegetation's main stem. All vegetation cut must be scattered and not stacked to a height greater than 2 feet off of the ground.

(j) **Use of Dogs.** Dogs may be used for Hunting Small Game species in compliance with NYSDEC regulations. Dogs must be under the control of their handler at all times. Dog training activities are allowed on Public Access Areas consistent with NYSDEC regulations. Dogs must not be used for tracking injured deer or bear without express permission from NYCDEP Police as provided for in section 16-12(k) of these Rules. Any tracking of injured deer or bear permitted by NYCDEP must comply with NYSDEC conditions for tracking injured deer or bear with dogs.

(k) **Blaze Orange.** All persons Hunting during Big and Small Game Hunting seasons must wear blaze or safety orange as an outermost layer in the form of an entire vest, an entire jacket, or an entire hat or as otherwise may be required by NYSDEC. Blaze orange may be removed for fall turkey Hunting while at a stationary calling station or while stationary or on stand for archery season. Blaze orange is not required during the spring turkey season.

(l) **Discharge of Firearms.** Firearms may not be discharged over or into the waters of any Reservoir or Controlled Lake.

(m) **Back Tags.** Back Tags must be displayed while Hunting on City Property as required by NYSDEC.

#### § 16-09 Hiking.

(a) **Hiking Activities.** Hiking activities permitted are: foot travel including Hiking, walking, running, cross-country skiing, snowshoeing, bird watching, nature observation, and photography.

(b) **Designation.** Areas that allow Hiking will be designated by NYCDEP on sign postings, the NYCDEP website, and on NYCDEP maps.

(c) **Season.** Access for Hiking is year-round except as otherwise restricted by these Rules or by NYCDEP postings or notices.

## Subchapter C: Boats

### § 16-10.1 Fishing Boats.

People with valid Access Permits may fish on City Property from Fishing Boats with valid Fishing Boat Tags in accordance with the following Rules.

(a) **Use.** Fishing Boats with valid Fishing Boat Tags must be used at Access Permit Areas only for purposes of Fishing. All Fishing Boat occupants must be in possession of minimum Fishing equipment including a pole, line, and a hook and bait or a lure; and must be plausibly engaged in the activity of Fishing while using a Fishing Boat in Access Permit Areas.

(b) **Eligible Boats.** Boats eligible for Fishing Boat Tags shall be metal row boats, except boats on record as having had valid Fishing Boat Tags that were issued before March 31, 2006 may be wooden or fiberglass row boats. Only rowboats that are (1) a minimum of 11'6" in length and 42" in width and (2) a maximum of 16' in length are permitted on City Property. Other vessels, including but not limited to sailboats, motorized boats, inflatable boats, guide/river boats, and collapsible boats are prohibited as Fishing Boats.

(c) **Mooring.** Mooring of Fishing Boats, including to buoys, is prohibited. A temporary anchor is allowed.

(d) **Fishing Boat Season.** On the Amawalk, Bog Brook, Boyds Corner, Cross River, Croton Falls, Diverting, East Branch, Kensico, Middle Branch, Muscoot, New Croton, Titicus, and West Branch Reservoirs, and on Lake Gilead and Lake Gleneida, Fishing Boats with valid Fishing Boat Tags may be placed on the water during any Ice Free Period. On all other New York City Reservoirs, Fishing Boats with valid Fishing 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.** Fishing Boat owners are responsible for the sanitary condition and seaworthiness of their vessels and for all activities that occur thereon. Any supplies used for Fishing Boat maintenance may not enter a water body and must be removed from City Property immediately following maintenance activities.

(f) **Safety.** Every Fishing Boat used on City Property must 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 at all times. All boaters must comply with U.S. Coast Guard, New York State, and any other applicable laws and regulations.

- (1) Fishing Boats used after sunset must have a device (e.g. headlamp, flashlight, or lantern) at the ready capable of producing a white light, which must be temporarily exhibited in sufficient time to prevent collision. Fishing Boats users must wear U.S. Coast Guard approved wearable personal flotation devices after sunset.

(g) **Capacity.** Each Fishing Boat may carry no more than three occupants, unless the Fishing 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.** Between December 1st and March 31st, Fishing Boats must be stored at a point above the High Water Mark within the assigned Boat Storage Area.

(i) **Steam Cleaning and Storage.** Due to the threat of Water Supply contamination by invasive species organisms that may be introduced to City Reservoirs and Controlled Lakes by boats previously used in contaminated waters, all Fishing Boats (and equipment (i.e. anchors, anchor lines, paddles, etc.) used on City Reservoirs and Controlled Lakes shall be registered and steam cleaned by NYCDEP or its designees, when available, as listed on the NYCDEP website, and stored on-site in Boat Storage Areas designated by NYCDEP. All Fishing Boats stored and used on City Reservoirs, Controlled Lakes and adjacent City Property must have a valid Fishing Boat Tag affixed thereto.

(j) **Application.** Fishing Boat Tag applications shall be available for download on the NYCDEP website or 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.

(k) **Fishing Boat Tag Application Required Information.** A Fishing 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 Boat Storage Area requested;
- (5) Applicant’s acknowledgement of risk and waiver of liability;
- (6) Applicant’s acknowledgement and acceptance that NYCDEP or its designee has the right to confiscate and store a boat that NYCDEP determines is in violation of these regulations

and to dispose of the boat in accordance with section 16-10.3; waives any right to assert a claim against NYCDEP and/or its designee or hold either liable under any circumstances for damage to, or loss of, a boat or accessories such as, but not limited to, chains, locks and oars during its confiscation, storage or disposition.

(7) Applicant's signature and date of signature; and

(8) Parent or legal guardian's signature and date of signature if applicant is under 18.

(l) **Eligibility.** Valid Access Permit holders 16 years of age and older and who own the rowboat that they are registering are eligible to receive a Fishing Boat Tag for the boat documented on the application. Applicants ages 16-17 need parental or legal guardian consent. Each Fishing Boat Tag will be issued to a single boat owner only. Access Permit holders may apply for Fishing Boat Tags for more than one Fishing Boat subject to the limitations included in these Rules under section 16-10.3(7). With express written permission from NYCDEP as provided for in section 16-12(k), an organization may be eligible to receive Fishing Boat Tags on Fishing Boats for its members to use.

(m) **Application Submission and Appointment.** Fishing Boat Tag applications must be submitted to NYCDEP or its designee, when available, as listed on the NYCDEP website, at the boat registration appointment on the day the Fishing Boat is to be placed on an open Boat Storage Area. The appointment must be made in advance by contacting the NYCDEP office nearest the Reservoir where the Fishing Boat will be located, or the NYCDEP designee, when available, as listed on the NYCDEP website. Completed applications must be submitted in person at the processing appointment. Fishing Boat Tag applications may be completed in advance of the appointment. Cancelled appointments may be rescheduled to a later date as available.

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

(1) The Fishing Boat owner must submit the completed Fishing Boat Tag application in person or via the NYCDEP website, when available.

(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, boat condition (i.e. peeling paint) and apparent seaworthiness shall be confirmed and entered into the file.

(4) Boats and equipment will be steam cleaned by NYCDEP or its designee on all surfaces to remove any possible Water Supply contaminants such as zebra mussel larvae.

(5) A unique Fishing Boat number will be assigned and affixed to the boat by NYCDEP.

(6) Upon completion of the boat cleaning and processing appointment, the Fishing Boat owner shall be given a Reservoir map and/or directions to the designated Boat Storage Area and must immediately place the registered Fishing Boat at the assigned Boat Storage Area.

(7) Fishing Boat owners may be restricted from placing their Fishing Boat in certain Boat Storage Areas, as determined by NYCDEP. NYCDEP may maintain a waiting list and other methods of allocating Boat Storage Area spaces when available.

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

(1) Incomplete application;

(2) Failure to meet application eligibility requirements;

(3) Submission of false information;

(4) Illegible application; and/or

(5) Failure of Fishing Boat to meet inspection and cleaning standards;

Rejected applications will 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. Within 10 days of applicant's receipt of NYCDEP's rejection notification, the applicant may send an appeal of NYCDEP's refusal to issue a Fishing Boat Tag to the NYCDEP Deputy Chief of City Land Stewardship. Such appeal must include any relevant information pertaining to the basis for the refusal. Upon examination of the circumstances and generally within two weeks of receipt, the NYCDEP Deputy Chief City Land Stewardship will either uphold the refusal or revise NYCDEP's prior decision and issue a Fishing Boat Tag upon such terms and conditions as may be appropriate. The applicant will be notified of NYCDEP's determination in writing.

(p) **Term.** Fishing Boat Tags are valid for 4 years, unless revoked, or altered by NYCDEP. If a Fishing Boat Tag is expired or revoked, the Fishing Boat owner must remove the boat from City Property promptly. NYCDEP may remove the Fishing Boats per section 16-10.3. Fishing Boat Tag holders with an expired or suspended Access Permit may not use their Fishing Boat.

(q) **Display.** Fishing Boat Tags must be affixed to the upper port-side exterior bow of the corresponding registered Fishing Boat. The Fishing Boat Tag holder must keep a Fishing Boat Tag affixed and clearly legible at all times. The Fishing Boat owner must ensure that the NYCDEP-issued Fishing Boat numbers are clearly legible and visible. Fishing Boats with missing

or illegible NYCDEP-issued Fishing Boat Tags and/or boat numbers are subject to confiscation by NYCDEP. Other non-NYCDEP issued numbers may need to be removed at NYCDEP's discretion.

(r) **Replacement.** Lost or destroyed Fishing 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.

(s) **Renewal.** A renewal Fishing Boat Tag notice or application will be sent via USPS or electronic mail to the address on file for each valid Fishing Boat owner, generally in the spring of the Fishing Boat Tag expiration year. Content of the renewal Fishing Boat Tag application will include confirmation of boat owner and boat information on file. Renewed Fishing Boat Tags will be updated and/or sent to the address on file for the Fishing Boat owner.

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

(u) **Transfer of Fishing Boat Ownership.** An owner of a Fishing Boat with a valid Fishing Boat Tag who would like to transfer ownership of their Fishing Boat to another valid Access Permit holder may do so by filing an application with NYCDEP and according to the following process:

- (1) A Fishing Boat Tag Transfer application must include:
  - i. The current Fishing Boat owner's Access Permit number and name;
  - ii. The Reservoir or lake and specific Boat Storage Area where the Fishing Boat is currently stored;
  - iii. The Fishing Boat number issued by NYCDEP; the name of the person to whom ownership is being transferred;
  - iv. The valid Access Permit number of the person to whom ownership is being transferred;
  - v. The signature of the current Fishing Boat owner, and
  - vi. The date of signature.
- (2) The new Fishing Boat owner must complete a Fishing Boat Tag application for the Fishing Boat, in accordance with section 16-10.2(i).
- (3) The current Fishing Boat owner must mail the transfer information together with the Fishing Boat Tag application completed by the new owner to NYCDEP at the address indicated on the application.
- (4) NYCDEP will issue and mail a new Fishing Boat Tag and other materials to the accepted new Fishing Boat owner at the address on file, generally within 2 weeks of transfer of ownership request receipt.

- (5) The new Fishing Boat owner must remove the prior owner's invalid Fishing Boat Tag from the Fishing Boat and replace it with the new valid Fishing Boat Tag.
- (6) Transfers are not allowed within or into closed Boat Storage Areas.
- (7) NYCDEP, at its sole discretion, may impose limits on the number of transfers an individual can request per calendar year.

(v) **Fishing Boat Storage Area.** Each registered Fishing Boat will be assigned by NYCDEP and/or its designee to a Boat Storage Area that has spaces available as determined by NYCDEP. The Fishing Boat must be stored in the assigned Boat Storage Area when not in use on the water. A Fishing Boat not stored within its assigned Boat Storage Area, or in a Boat Storage Area that has been closed by NYCDEP, or to which it was not assigned, will be subject to confiscation by NYCDEP. A Fishing Boat owner may request a change of an assigned Boat Storage Area for their Fishing Boat on the same water body once per calendar year by contacting NYCDEP. NYCDEP will grant a change of assigned Boat Storage Area provided that the requested Boat Storage Area is open to additional Fishing Boats.

(w) **Fishing Boat Storage.** When not in use on the water for Fishing, a Fishing Boat must be stored in its assigned Boat Storage Area at all times. From December 1st to April 1st, a Fishing Boat must be stored above the High Water Mark within its assigned Boat Storage Area. A Fishing Boat owner must store their Fishing Boat back from the shoreline so as not to obstruct other anglers' access to the water. A Fishing Boat must not be stored in shoreline buffer zones, which are within 10 feet of the High Water Mark of the shoreline or as otherwise designated by NYCDEP.

Where manufactured hitching posts, stanchions or boat racks are supplied and have available space, a Fishing Boat must be secured to them. A Fishing Boat must not be stored on or against other stored Fishing Boats, as this may make some Fishing Boats inaccessible to their owners.

A Fishing Boat must not be stored leaning against a tree unless there is no space available on a hitching post or other securing mechanism as provided by NYCDEP. Storage against a tree must be in a manner that does not damage the tree or may result in the boat being blown over into a hull-down position. A Fishing Boat must not be secured to a dead tree or a tree marked with blue paint by NYCDEP.

Improper stored boats may be subject to removal by NYCDEP or Access Permits holders may be subject to the penalties in section 16-15 of these Rules.

(x) **Fishing Boat Placement and Securing.** To prevent the creation of insect breeding grounds in water-filled Fishing Boats, each Fishing Boat must, except as provided in this subdivision, be stored hull-up (upside down) and flat against the ground at all times.

A Fishing Boat owner may store on site such fishing equipment as may be secured under their overturned, stored Fishing Boat. Equipment or items left on City Property and not secured under

a Fishing Boat is subject to NYCDEP confiscation and disposal. A Fishing Boat owner is encouraged to secure their stored Fishing Boat to reduce the possibility of theft and scattering.

Improper stored boats may be subject to removal by NYCDEP or Access Permits holders may be subject to the penalties in section 16-15 of these Rules.

(y) **Owner Removal of a Fishing Boat.** Fishing Boat owners may remove their Fishing Boats from City Property at any time. Fishing Boat owners must notify the appropriate NYCDEP Boat Office before removing their Fishing Boat from City Property. Upon removal of a Fishing Boat from City Property, its Fishing Boat Tag is immediately rendered invalid. Fishing Boat owners wishing to return a once-registered, removed Fishing Boat to a City Reservoir or Controlled Lake must make a registration and processing appointment with the appropriate NYCDEP Boat Office, or designee, as listed on the NYCDEP website.

(z) **Change of Reservoir or Controlled Lake.** Fishing Boat owners with a valid Access Permit may change the location of their Fishing Boat from one Reservoir or Controlled Lake to another Reservoir or Controlled Lake provided there is an open Boat Storage Area. Such change will be treated the way a new boat would be treated. This will require an application, boat processing appointment, and a new Fishing Boat Tag. It is prohibited for a boat owner to move their boat away from the assigned Reservoir or Controlled Lake without first notifying and securing approval from the appropriate NYCDEP Boat Office. It is prohibited for a Fishing Boat owner to place any boat on a Reservoir or Controlled Lake without a valid Fishing Boat Tag for that location. The Fishing Boat must be steam cleaned and receive a new Fishing Boat Tag for the new Boat Storage Area.

(aa) **Loaning a Fishing Boat.** Fishing Boats with a valid Fishing Boat Tag may be loaned to other valid Access Permit holder(s) with written permission from the Fishing Boat owner, which includes the term of the loan. The person being loaned the Fishing Boat must carry such written permission while using the Fishing Boat.

## § 16-10.2 Recreational Boats.

Recreational Boating is allowed on the Cannonsville, Neversink, Pepacton and Schoharie Reservoirs in NYCDEP designated Recreational Boating Areas and in NYCDEP's discretion. The Recreational Boating Areas may be entered and used for Recreational Boating by persons with valid Access Permits and Recreational Boating Tags as provided in these Rules. Recreational Boating Areas and launch sites will be designated by NYCDEP on sign postings, on the NYCDEP website, on NYCDEP maps, and/or in other publications and notices available from NYCDEP and at local sporting outfitters.

(a) **Season.** Access to Recreational Boating Areas begins at sunrise on May 1st and ends at sunset on October 31st or as otherwise determined by NYCDEP, and is 7 days a week from sunrise to sunset, except as otherwise restricted on NYCDEP sign postings, on the NYCDEP website, on NYCDEP maps, and/or in other publications or notices.

(b) **Recreational Boat Tags.** All boats used in Recreational Boating Areas must be registered and steam cleaned by NYCDEP's designees, as listed on NYCDEP's website, 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 but are not limited to canoes, sculls, metal jonboats, rowboats and kayaks that measure no less than 9 feet in length. Inflatable boats, collapsible boats, swim and paddle boards, stand up kayaks, kayaks with pedal drive systems and or sails, sailboats 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 will be designated by NYCDEP on sign postings, on the NYCDEP website, on NYCDEP maps, and/or in other publications and notices available from NYCDEP and at local sporting outfitters.

(2) **Term.** Seasonal Recreational Boat Tags will be valid for the full season as defined in subparagraph (a) of this section. NYCDEP, at its discretion, may issue a temporary tag valid for 1 to 7 days. Recreational Boat Tags only remain valid so long as the boat owner's Access Permit is valid. Recreational Boat Tag holders with an expired, suspended or revoked Access Permit may not use their Recreational Boat.

(3) **Application.** Recreational Boat Tag applications will be available at the same locations as Access Permit applications, including the NYCDEP website, and will also be available at vendors/designees as approved by NYCDEP for processing Recreational Boats for use in Recreational Boating Areas.

(4) **Required Information.** A Recreational Boat Tag application requires 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, and hull shape and if known, serial number;

(iv) Selection of Recreational Boat Tag term;

(v) Applicant's acknowledgement of risk and waiver of liability;

(vi) Applicant's acknowledgement and acceptance that NYCDEP or its designee has the right to confiscate and store a boat that NYCDEP determines is in violation of these regulations and to dispose of the boat in accordance with section 16-10.3; waives any right to assert a claim against NYCDEP and/or its designee or hold

either liable under any circumstances for damage to, or loss of, a boat or accessories such as, but not limited to, chains, locks and oars during its confiscation, storage or disposition.

(vi) Applicant's signature and date of signature; and

(vii) Parent or legal guardian's signature and date of signature if the applicant is aged 16 or 17.

**(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 must be completed when the boat is registered, steam cleaned and placed on the Reservoir. Prior to entering Recreational Boating Areas, all Recreational Boats and equipment (i.e. anchors, anchor lines, paddles, etc.) must be steam cleaned by one of NYCDEP's designees at the appropriate office as listed on the NYCDEP website. Recreational Boat Tags cannot be transferred from one person to another.

**(c) Recreational Boat Launch Sites.** Recreational Boats may only be placed in or taken out of Recreational Boating Areas at Recreational Boat launch sites designated by NYCDEP.

**(d) Recreational Boat Storage Areas and Recreational Boat Storage.** NYCDEP's designee will assign an available Boat Storage Area as determined by NYCDEP for all Recreational Boats. No Recreational Boat may be stored in a shoreline buffer zone, which is within 10 feet of the shoreline. A Recreational Boat not stored within its assigned Boat Storage Area, or is in a Boat Storage Area closed by NYCDEP, or to which it was not assigned, will be subject to confiscation by NYCDEP.

Where manufactured hitching posts, racks and/or stanchions are supplied by NYCDEP and have available space, a Recreational Boat must be secured to one of them. NYCDEP may also designate certain locations within the Boat Storage Areas for Recreational Boat Storage, which will be delineated at the storage area by NYCDEP.

A Recreational Boat may not be stored on or against another stored boat. A Recreational Boat must not be stored leaning against a tree unless there is no space available on a hitching post or other securing mechanism as provided by NYCDEP. Storage against a tree must be in a manner that does not damage the tree or may result in the boat being blown over into a hull-down position. A Recreational Boat must not be secured to a dead tree or a tree marked with blue paint by NYCDEP.

A Recreational Boat must 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 (upside down) position so as not to collect water.

To prevent the creation of insect breeding grounds in water-filled Recreational Boats, each Recreational Boat must, except as provided in this subdivision, be stored hull up (upside down) and flat against the ground at all times.

A Recreational Boat owner may store on site such boating equipment as may be secured under their overturned, stored Recreational Boat. Equipment or items left on City Property and not secured under a Recreational Boat is subject to NYCDEP confiscation and disposal. A Recreational Boat owner is encouraged to secure their stored Recreational Boat to reduce the possibility of theft and scattering.

Improper stored boats may be subject to removal by NYCDEP or Access Permits holders may be subject to the penalties in section 16-15 of these Rules.

(e) **Owner Removal of Recreational Boat.** Recreational 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. Recreational Boat owners with a Seasonal Recreational Boat Tag must notify the appropriate NYCDEP Boat Office before such removal. Upon removal of a Recreational Boat from a Recreational Boating Area, its Recreational Boat Tag is immediately rendered invalid. Recreational Boat owners wishing to return a once-registered, removed Recreational Boat to a Recreational Boating Area must secure a new Recreational Boat Tag.

(f) **Safety.** Every Recreational Boat used on City Property must 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. All boaters must comply with U.S. Coast Guard, New York State, and any other applicable laws and regulations regarding personal flotation device use.

(g) **Capacity.** Each Recreational Boat may only carry the occupants as recommended by the manufacturer unless the Recreational Boat has a U.S. Coast Guard approved "Maximum Capacities" plate or label affixed by the manufacturer that identifies a greater occupancy capacity.

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

(i) **Use.** Fishing is a permissible, but not required, use of Recreational Boats.

### **§16.10.3 Confiscation, Storage, Disposal, and Limitations of all Boats.**

(1) **NYCDEP Confiscation of all 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 Fishing or Recreational Boat Tag or with illegible boat numbers; found on City Property after expiration or revocation of the owner's Fishing or Recreational Boat Tag or Access Permit; found in a Restricted Area, or abandoned or otherwise

not in compliance with these Rules is subject to confiscation and storage by NYCDEP or its designee at the owner's expense.

By accepting a Fishing or Recreational Boat Tag, the owner of the tagged boat acknowledges and accepts NYCDEP's and its designee's right to confiscate and store a boat that NYCDEP determines is in violation of these regulations; NYCDEP's right to dispose of the boat in accordance with this section; and waives any right to assert a claim against NYCDEP and/or its designee for such confiscation and/or disposal or hold either liable under any circumstances for damage to, or loss of, a boat or accessories such as, but not limited to, chains, locks and oars during its confiscation, storage or disposition.

When a boat is confiscated by NYCDEP or its designee, a record of the boat's condition will be prepared and maintained including the following information: a boat description, date of confiscation, storage location, condition, equipment with the boat, if any, estimated value, and whether it appears seaworthy or not. Such record will be maintained until NYCDEP or its designee disposes of said boat in accordance with these Rules.

When a boat is confiscated, a one-time confiscation penalty of \$120.00 will be assessed per boat. A storage fee of \$1.00 per day will also be assessed per boat until the boat is claimed by its owner, or until the storage fee adds up to \$90. Together the confiscation penalty and storage fees will not exceed \$210.00 in total per boat.

NYCDEP or its designee will send a written notice to attempt to contact the owner of a NYCDEP confiscated boat within 30 days from the date NYCDEP deems the boat confiscated in order to notify such owner of the boat's status. This written notice will be documented by NYCDEP or its designee and may be by USPS mail, or electronic mail using the contact information on file for the Access Permit/Boat Tag holder. If a confiscated boat has no record of ownership with NYCDEP, the boat will be held for 3 months and if unclaimed, disposed of in accordance with section 16-10.3(4) of these Rules.

(2) **Storage of NYCDEP-Confiscated Boats.** NYCDEP or its designee will secure a confiscated boat on NYCDEP or its designee's property until the confiscated boat is claimed by its owner or until 3 months have passed from the date of notice of confiscation by NYCDEP or its designee. Storage may include a boat being left in place and secured on City Property until it can be disposed of by NYCDEP or its designee.

(3) **Owner Claim of Confiscated Boats.** All boats confiscated and stored by NYCDEP or its designee will be available for claim and pick up within the 3 month storage period by the boat owner of record, by appointment with NYCDEP or its designee. NYCDEP or its designee's staff will confirm that the person claiming the boat is the boat owner of record. Any accumulated confiscation penalty and storage fees must be paid to the order of NYCDEP by certified check, bank check, or money order and must be tendered to NYCDEP or its designee in order for the boat to be released. An owner must pay any accumulated penalties and fees and remove their claimed boat at the same appointment; NYCDEP or its designees will not

hold claimed boats or allow deferred payment. NYCDEP, or its designee after consulting with NYCDEP, may in extreme circumstances (such as death or a debilitating illness of a boat owner), waive any accumulated penalties and/or fees.

(4) **Disposal of confiscated property.** When necessary, NYCDEP will dispose of boats and other property confiscated by NYCDEP through any of the following means:

- (i) Disposal or sale as refuse or scrap metal;
- (ii) Donation to a government entity through a City-approved donation process;
- (iii) Sale by the New York City Department of Citywide Administrative Services; or
- (iv) Public auction by NYCDEP or its designee.

(5) **Boat Relinquishment.** Boat owners or their representatives may relinquish ownership of their boat stored on City Property to NYCDEP directly or through NYCDEP's designee according to the following process:

- (i) The boat owner or his or her representative must write a letter stating that he or she relinquishes ownership of his or her boat to NYCDEP. The letter must contain the following information:
  - (a) boat owner name, address, telephone number, and Access Permit number;
  - (b) boat number and Boat Storage Area;
  - (c) if written by the boat owner, the signature of the boat owner; and
  - (d) date of signature.
- (ii) If the letter is written by the representative of a boat owner, the representative must affirm in writing his or her ability to act on behalf of the boat owner for the purposes of relinquishing ownership to NYCDEP.
- (iii) The relinquishment letter must be mailed to NYCDEP at 71 Smith Avenue Kingston, NY 12401 or its designee, if applicable.

(6) **Lost and Stolen Property.** Property owners must report all property believed to be lost or stolen to the appropriate NYCDEP Boat Office and the NYCDEP Police upon discovery. A boat owner whose boat has been stolen and has filed a report with NYCDEP Police may replace the boat at the same Boat Storage Area within 90 days of the Police report filing date. This will be allowed even if the Boat Storage Area is closed.

(7) **Limitations.** To limit potential adverse water quality or natural resource impacts, overcrowding, and for other such other reasons as NYCDEP may deem necessary or appropriate, NYCDEP may:

- (i) Limit the number of valid Fishing or Recreational Boat Tags any individual can hold at one time;

(ii) Limit the number of Reservoir-specific valid Fishing or Recreational Boat Tags any individual can hold at one time;

(iii) Limit the total number of Fishing or Recreational Boat Tags issued for a particular Reservoir or Controlled Lake; and/or,

(iv) Limit the number of boats stored at a particular Reservoir or Controlled Lake, Boat Storage Area or boat launch site.

(v) If and when limits are determined to be necessary by NYCDEP, they shall be posted on the NYCDEP website and be available at NYCDEP offices, and its designees' boat steam cleaning sites, if applicable.

(vi) Any limitations proposed per above shall apply to new Fishing Boat or Recreational Boat Tag holders.

#### **§ 16-11 Restricted Areas.**

(a) **General.** NYCDEP may, in its discretion, temporarily limit or forbid access to any or all City Property at any time and from time to time as may be necessary for Water Supply security, for public safety or resource protection. Such limitation on or prohibition of access will be indicated 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 as provided for in section 16-12(k) are prohibited from entering City Property that is:

- (1) On or within 500 feet of any dikes, dams, tunnel outlets, spillways, buildings and other "significant" Water Supply structures as may be designated by NYCDEP in its sole discretion. Other distances within which access is prohibited may be applied at NYCDEPs discretion. These larger Restricted Areas will be delineated by signs and on public maps on the NYCDEP website.
- (2) Any area not officially designated as a Access Permit Area, Public Access Area, Day Use Area, or an area not specifically designated for access; and
- (3) Any other area posted with signs such as "No Trespassing" or otherwise designated as a Restricted Area.

## Subchapter D: General Provisions and Prohibitions

### §16-12 General Rules.

The following general requirements apply to all Recreational Use on City Property:

- (a) **Personal Identification.** All visitors to City Property 16 years and older must carry government (or school-issued, for individuals 18 and younger) 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 must observe all instructions and warnings on posted signs and notices and from NYCDEP representatives.
- (c) **Trespass.** All persons entering City Property should respect the rights of owners of adjacent property and must not trespass onto private lands.
- (d) **Property Use and Designation.** NYCDEP will designate and list Recreational Areas by posting signs and, when applicable, by publishing announcements on the NYCDEP website, on NYCDEP maps, and/or in other publications and notices.
- (e) **Abandoned and Confiscated Property Other than Boats.** Abandoned or prohibited equipment found on City Property will be confiscated by NYCDEP. The property will be stored by NYCDEP for 3 months; if the abandoned property remains unclaimed after 3 months, it becomes the property of NYCDEP and may be disposed of through the New York City Department of Citywide Administrative Services.
- (f) **Other licenses.** While on City Recreational Areas, individuals must possess all applicable NYSDEC Hunting, Fishing and Trapping licenses as required by the NYSDEC Environmental Conservation Law.
- (g) **Recreational Area Closures.** NYCDEP may close Recreational Areas or any parts thereof, to public access and may limit the number of recreation users permitted in a Recreation Area as it deems necessary. Possible considerations for Recreational Area closure include but are not limited to Water Supply protection, management and security concerns and user conflicts. Closures will be indicated on the NYCDEP website and/or sign postings.
- (h) **Season.** Recreational Area seasons are year-round except as otherwise restricted by these Rules and/or NYCDEP sign postings, on the NYCDEP website, on NYCDEP maps, and/or in other publications or notices.

(i) **Hours.** NYCDEP may limit or restrict the hours for any Recreational Area or any parts thereof that may be accessed and used by the public. Hour restrictions will be indicated on the NYCDEP website and/or sign postings.

(j) **Express Written Permission.** Where provided for by these Rules, NYCDEP may grant permission on a case-by-case basis for certain activities on City Property, when considering, among other factors, compatibility with water quality protection, site constraints, administrative burdens, public safety and security, site management considerations such as universal access and whether the use or possession will serve a significant public purpose.

### **§16-13 Regulated Activities.**

The provisions of this section apply to the specified activities and uses 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 as provided for in section 16-12(k) or as otherwise allowed by these Rules.

(b) **Firearms, Weapons, Explosives.** Rifles, shotguns, handguns/pistols, air rifles, crossbows, bows and arrows and muzzleloaders may only be carried while actively Hunting as allowed by these Rules and in accordance with NYSDEC regulations. As provided above, handguns/pistols may only be carried by those who hold a valid handgun license or pistol permit. Hunting or pocket knives may be carried and used by those engaged in Hiking, Fishing, Hunting or Trapping. All other weapons, fireworks, and explosives are prohibited.

(c) **Animals.** Animals are prohibited from City Property except for:

- (1) Dogs under the control of the owner on PAAs.
- (2) Dogs actively used for Hunting on APAs.
- (3) Leashed dogs on designated trails and DUAs as posted on signs.
- (4) Service dogs may be used in all PAAs, APAs and DUAs.

Dog owners must remove their dog's feces from City Property. Dogs are not permitted to enter any water body except in Public Access Areas.

(d) **Posting of Notices or Signs.** The posting of signs or notices is prohibited except for:

(1) **Flagging Tape.** Temporary marking with flagging tape is allowed for Hiking, bushwhacking, game tracking or to mark a Hunting location. Flagging must be removed by the end of the activity or the end of Big Game season, as applicable.

(e) **Tents and Other Structures.** Tents and other temporary or permanent structures, except for temporary tree stands, temporary Hunting blinds, temporary trail cameras for Hunting and temporary ice fishing windbreaks, are not allowed on City Property and are subject to confiscation by NYCDEP at the owner's expense and risk.

(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, NYCDEP maps and/or notices or by express written permission from NYCDEP as provided for by section 16-12(k). 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 Day Use Area, may be subject to confiscation and storage by NYCDEP at the owner's expense and risk.

#### § 16-14 Prohibitions.

The activities and uses listed in this section are prohibited on all City Property in the Watershed.

(a) **Littering, Polluting, Dumping.** No person shall in any manner cause any rubbish, garbage, solid waste, hazardous waste, 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. Upon leaving City Property, recreation users must remove any and all equipment, supplies, or other items brought onto the City Property. This includes but is not limited to: equipment packaging, fishing line, bait, bait containers, lures, hooks, sinkers, bobbers, shell casings, scent bottles, food and drink containers, bags, chairs, and clothing. Recreation users 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 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 unless participating in a Recreational Use activity as allowed by these Rules.

(d) **Target Shooting.** Target or clay bird shooting is not permitted on City Property.

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

(f) **Fires.** The causing, building or maintaining of fires on City Property is prohibited except as otherwise allowed per NYCDEP or NYSDEC signage.

(g) **Smoking.** Smoking, including electronic cigarettes (e-cigarettes), is prohibited on all City Property at all times.

(h) **Motorized Equipment.** The use or possession of motorized equipment on City Property is prohibited except as allowed in section 16-07(g)(6) and unless specifically designated by NYCDEP on sign postings, NYCDEP maps, or on notices, or unless NYCDEP grants express written permission for such use or possession as provided for by section 16-12(k).

(i) **Commercial Activities.** The use of City Property for any commercial activity or as part of any commercial enterprise is prohibited unless NYCDEP or its designee grants express written permission for such use as provided for by section 16-12(k).

(j) **Other Activities.** Any recreational or other activity not expressly allowed by these Rules, including but not limited to bicycle riding, horseback riding, ice-skating, 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 use as provided for by section 16-12(k).

(k) **Manned and Unmanned aircraft.** No person shall Voluntarily take off or land any contrivance now or hereafter invented for flight in the air, including drones, aircraft and model aircraft, within any lands or waters administered by NYCDEP except with prior written permission from NYCDEP as provided for by section 16-12(k).

(l) **Horses.** Horses are not permitted on City Property.

(m) **Biking.** Biking on City Property is prohibited except in DUAs as posted by NYCDEP.

#### **§16-15 Rule Infractions.**

Any violation of these Rules by an Access Permit holder or by any person accompanying an Access Permit holder is cause for confiscation, 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.

(a) **Confiscation.** Upon request of a NYCDEP representative or law enforcement officer, an Access Permit holder or Guest Pass holder must 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.

(b) **Notification Procedure.** Upon examination of the circumstances, NYCDEP will make a determination to suspend, revoke or return the Access Permit, Guest Pass, and/or Tag. DEP will send its written determination within 45 days of the alleged violation. NYCDEP will send a letter of suspension, revocation, or reinstatement via USPS or electronic mail to the individual's address on file. This letter will specify:

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

(c) **Suspension.** If NYCDEP determines that the Access Permit and Tag should be suspended, a letter including the basis for the suspension, the period of suspension and the expiration date of the suspension period will be sent to the Access Permit holder at the address on file.

(1) Access Permits and Tags may be renewed while suspended; however, the suspended Access Permit holder will not receive a new Access Permit or Tag(s) during the suspension period. Suspended Access Permits may only be renewed by using the NYCDEP Access Permit Update Form. The Access Permit Update Form will be available for download on the NYCDEP website. NYCDEP online renewals will not be allowed for suspended Access Permits. The completed NYCDEP Access Permit Update Form must be mailed to the address on the NYCDEP website. The renewed Access Permit will remain in NYCDEP custody during the suspension period.

(2) The suspended Access Permit holder may not enter upon City Property for Recreational Uses until the period of suspension has ended and NYCDEP returns the Access Permit and related Tags, as applicable.

(3) Depending on the severity of the violation and record of previous violations, Access Permit/Tag suspension may be from 2 months to 5 years from the date of the violation.

(4) Persons with a suspended Access Permit may be permitted, at NYCDEP's discretion, to leave valid Fishing Boats on a Reservoir; however, they may not access or use the Fishing Boat without a Valid Access Permit.

(5) When Access Permits expire under suspension and are not renewed, all Tags automatically expire and all boats operated under these Tags must be removed from City Property.

**(d) Penalty Schedule.** First offenses of the Rules will result in suspension that is one-third the maximum suspension term as specified in the penalty table for the specific violation. Second offenses will result in a suspension that is one-half the maximum suspension period for the specific violation, and third offenses will result in the maximum suspension period for the specific violation. Two or more violations in one incident shall result in the minimum penalty for the most egregious violation. Violations of 3 or more sections of the Rules during a single incident or individual offenses which have seriously threatened public safety, Water Supply safety or security, or the personal safety of individuals will result in the maximum penalty for the single most egregious violation. In addition, certain violations of the Rules may result in the issuance of a summons for trespass and/or other applicable violations of law and/or arrest.

- (1) Fishing and Recreational Boat Tag holders who repeatedly have their boat confiscated 3 times within a 5 year period by NYCDEP may be subject to Access Permit suspension and loss of future Tag privileges.
- (2) The maximum penalty for violation of the Rules is a 3 year suspension for holders of Access Permits or a 3 year suspension from applying for an Access Permit, except for those infractions listed in the table below.

Individuals who have committed 4 or more offenses within a 5 year period, or who have seriously threatened public safety, Water Supply safety or security, or the personal safety of individuals through means not specifically enumerated in this penalty schedule may be subject to the revocation of all public access privileges as recommended by the Chief of the NYCDEP Natural Resource Division.

**(e) Revocation.** If NYCDEP determines that the Access Permit and/or Tag should be revoked due to significant or repeated violations, a letter including the basis for revocation will be sent to the former Access Permit holder. Upon such determination, all Tags held by the former Access Permit holder will also be revoked. All boats must be removed by the owner promptly, and in any event, within the time limits specified in the NYCDEP revocation letter. The length of time allowed for boat removal in such revocation letter will be based on (i) weather and (ii) administrative considerations. The boats under the name of the former Access Permit holder must be removed from City Property in the presence of a NYCDEP representative. If the boats are not removed by the owner, NYCDEP may remove the boats per section 16-10.3 of these Rules. 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.

<u>Applicable Rules Section</u>	<u>Violation Description</u>	<u>Access Permit Suspension Term</u>
<u>16-04.2, 16-08, 16-14</u>	<u>Tree stands, Hunting Blinds and Trail Cameras (§16-08(h)); Shooting lanes (§16-08(i)); Vehicle Tags (§16-04.2); Smoking (§16-14(g))</u>	<u>2-6 months</u>

<p><u>16-07, 16-08, 16-10.1, 16-10.2, 16-12</u></p>	<p><u>Season (§16-07(c)), (§16-08(c)), (§16-10.1(d)), (§16-10.2(a)); (§16-12(h)); Means (§16-07(e)); Equipment (§16-07(g), §16-14(h)); Entrails (§16-07(h)); Game Cleaning Practices (§16-08(g)); Boat Safety/Capacity (§16-10.1(f),(g); §16-10.2(f),(g)); Ice Fishing (§16-07(k)); Hunter Behavior/Safety (§16-08(f)); Blaze Orange (§16-08(k)); Fishing Boat Tag (§16-10.1(a),(b),(i),(p),(q),(t),(u)); Fishing Boat Storage, Placement, and Securing (§16-10.1 (v),(w)(x)); Recreational Boat Tag 16-10.2 (b)); Recreational Boat Launch Sites, Storage Areas, and Storage (§16-10.2(c),(d)); General Rules (§16-12)</u></p>	<p><u>4 Months-1 year</u></p>
<p><u>16-03.1, 16-03.2, 16-03.3, 16-04</u></p>	<p><u>Public Access Areas (§16-03.1); Day Use Areas (§16-03.2, Special Event Areas (§16-03.3); Access Permit Areas (§16-04)</u></p>	<p><u>1-3 years or Revocation</u></p>
<p><u>16-11, 16-13, 16-14, 16-16</u></p>	<p><u>Restricted Areas (§16-11); Injury, Destruction or Abuse of Natural Resources or Property (§16-13(a)); Firearms, Weapons, Explosives (§16-13(b)); Animals (§16-13(c)), Tents and Other Structures (§16-13(e)); Motor Vehicle Access (§16-13(f)); Littering, Polluting, Dumping (§16-14(a)); Bathing, Swimming, Washing of Objects (§16-14(b)); Target Shooting (§16-14(d)); Camping (§16-14(e)); Fires (§16-14(f)); Motorized Equipment (§16-14(h)); Commercial Activities (§16-14(i)); Manned and Unmanned aircraft (§16-14(k); Horses (§16-14(l)), Biking (§16-14(m)); Conformance with State and Local Laws (§16-16).</u></p>	<p><u>18 months-5 years or revocation</u></p>

**(f) Appeals.** Individuals may appeal the suspension or revocation of their Access Permit privileges and/or ability to apply for public access privileges by submitting to the Deputy Chief of City Land Stewardship, within 30 days of the date of the NYCDEP letter of suspension or revocation, a written request explaining why the penalty should be changed. In support of an appeal, an individual must submit:

- (1) an explanation as to why the penalty imposed is not justified by the circumstances presented;
- (2) a statement indicating his or her commitment to abide by all Rules, policies, and conditions in the future.

The Deputy Chief of City Land Stewardship will respond to all appeals in writing within 45 days of receipt. In response to a written appeal, NYCDEP may reduce the duration of suspension or revocation period. Factors NYCDEP will consider in determining whether to grant or deny an appeal request include whether the individual has committed any other Rule infractions within the previous 5 years and whether the infraction at issue threatened or compromised Water Supply quality or security, public safety or led to property damage or injury to any individual. Court dispositions of any summons issued or arrests made do not negate any violations of these Rules, but may be considered during an appeal review by NYCDEP. Individuals dissatisfied with the first appeal response may elect to submit a final written appeal to the NYCDEP Chief of Natural Resources Division for a final determination.

(g) **Reinstatement.** Upon conclusion of the suspension period for a suspended Access Permit and/or Tags, NYCDEP will send notification of reinstatement via USPS or electronic mail to the Access Permit holder at the address on file. This notification will 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) Expulsion of the Group and/or Group Member from the property;
- (2) Revocation of the Group Access Permit;
- (3) Loss of general privileges to access City Property including loss of eligibility to apply for an Access Permit, suspension or revocation of Access Permits; and
- (4) Arrest and prosecution of the Group Members, Group Leader, and/or organization sponsoring the Group and/or which the Group represents.

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

- (1) Expulsion from City Property;
- (2) Suspension or revocation of Access Permit and/or Tag privileges, if applicable
- (3) Prohibition from obtaining an Access Permit or Tag;
- (4) Suspension from access to some, any or all City Property;
- (5) Arrest and prosecution.

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

All persons using City Property for Recreational Uses are subject to the New York State Environmental Conservation Law and all other statutes, ordinances and rules applicable and the Rules set forth herein. Access Permits are not substitutes for any NYSDEC Fishing, Hunting or Trapping Licenses required by law.

**§16-17 Enforceability.**

If any clause, sentence, paragraph, subdivision, section, rule or other 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 other part thereof directly involved in the controversy in which such judgment shall have been rendered.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Rules for Recreational Use of Water Supply Lands and Waters

**REFERENCE NUMBER:** 2016 RG 065

**RULEMAKING AGENCY:** Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: May 30, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules for Recreational Use of Water Supply Lands and Waters**

**REFERENCE NUMBER: DEP-25**

**RULEMAKING AGENCY: Department of Environmental Protection**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide cure periods because the violations pose risks to public health and safety, or to the environment, and/or arise from consequences of immediate events, which make a cure period impracticable under the circumstances.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

May 30, 2018  
Date