

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**       Part 1                       Part 2                       Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Rules for the Issuance of Revocable Land Use Permits for the Occupation/Use of City Property

\_\_\_\_\_

Name of Action

\_\_\_\_\_

Name of Lead Agency

Angela Licata  
\_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency

Deputy Commissioner  
\_\_\_\_\_

Title of Responsible Officer

  
\_\_\_\_\_

Signature of Responsible Officer in Lead Agency

  
\_\_\_\_\_

Signature of Preparer (If different from responsible officer)

11/7/11

\_\_\_\_\_

Date

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Rules for the Issuance of Revocable Land Use Permits for the Occupation/Use of City Property

Location of Action (include Street Address, Municipality and County)

New York City Watershed Lands in the Counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Dutchess, Putnam, and Westchester.

Name of Applicant/Sponsor New York City Department of Environmental Protection

Address 465 Columbus Ave

City / PO Valhalla State NY Zip Code 10595

Business Telephone \_\_\_\_\_

Name of Owner (if different) \_\_\_\_\_

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

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

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban     Industrial     Commercial     Residential (suburban)     Rural (non-farm)  
 Forest     Agriculture     Other Watershed Lands

2. Total acreage of project area: 147,774 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>4,642</u> acres	<u>4,642</u> acres
Forested	<u>94,859</u> acres	<u>94,859</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>2,096</u> acres	<u>2,096</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>4,786</u> acres	<u>4,786</u> acres
Water Surface Area	<u>32,867</u> acres	<u>32,867</u> acres
Unvegetated (Rock, earth or fill)	<u>12</u> acres	<u>12</u> acres
Roads, buildings and other paved surfaces	<u>2,265</u> acres	<u>2,265</u> acres
Other (Indicate type) <u>(land over aqueducts, below dams)</u>	<u>6,247</u> acres	<u>6,247</u> acres

3. What is predominant soil type(s) on project site? Varies

- a. Soil drainage:     Well drained \_\_\_\_% of site     Moderately well drained \_\_\_\_% of site.  
 Poorly drained \_\_\_\_% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes     No

a. What is depth to bedrock Varies (in feet)

5. Approximate percentage of proposed project site with slopes: N/A  
 0-10% \_\_\_\_%     10- 15% \_\_\_\_%     15% or greater \_\_\_\_%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes     No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes     No

8. What is the depth of the water table? varies (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes     No    n/a

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes     No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

New York State Natural Heritage Program

Identify each species:

Bald eagle (*Haliaeetus leucocephalus*), Long-beaked bald-rush (*Rhynchospora scirpoides*), Timber rattlesnake (*Crotalus horridus*), Indiana Bat (*Myotis sodalis*), Climbing fern (*Lygodium palmatum*), Small whorled pogonia (*Sotria medioloides*), Bog turtle (*Glyptemys muhlenbergii*), Blunt-

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

Many of New York City's watershed lands contain unique or unusual land forms.

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

Parts of NYC Watershed Lands are used for recreation

14. Does the present site include scenic views known to be important to the community?  Yes  No

Multiple throughout subject watershed counties.

15. Streams within or contiguous to project area:

Multiple throughout subject watershed counties.

a. Name of Stream and name of River to which it is tributary

Multiple throughout subject watershed counties.

16. Lakes, ponds, wetland areas within or contiguous to project area:

Multiple throughout subject watershed counties.

b. Size (in acres):

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 147,774 acres.
- b. Project acreage to be developed: N/A acres initially; \_\_\_\_\_ acres ultimately.
- c. Project acreage to remain undeveloped: \_\_\_\_\_ acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing N/A; proposed N/A
- g. Maximum vehicular trips generated per hour: N/A (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure: N/A height; \_\_\_\_\_ width; \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A tons/cubic yards.
3. Will disturbed areas be reclaimed  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- 
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction N/A ; after project is complete N/A

10. Number of jobs eliminated by this project N/A .

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? \_\_\_\_\_ tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name \_\_\_\_\_ ; location \_\_\_\_\_

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

**25. Approvals Required:**

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	NYC CAPA Process	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |   |   |  |                                      |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan        | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other       |

2. What is the zoning classification(s) of the site?

Varies

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

N/A

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

N/A

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? n/a  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? \_\_\_\_\_

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

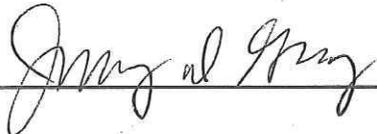
**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Jeffrey Graf Date 6-23-11

Signature 

Title Chief, Water Supply Lands and Community Planning

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information** (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions** (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

#### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

**Examples** that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

**Examples** that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO  YES

**Examples** that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO  YES

**Examples** that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

- NO  YES

**Examples** that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

- NO  YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

• Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

- NO     YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



## **Action Description**

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The New York City Department of Environmental Protection (DEP) is proposing to repeal and reenact Title 15 Chapter 17 of the Rules of the City of New York (RCNY), the existing rules governing the Issuance of Revocable Land Use Permits for the Occupation or Use of City Property (Existing Rules).

The Proposed Rules would apply to any permitted occupation or use of New York City property (lands, water bodies, reservoirs and infrastructure) in the counties of Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, and Westchester. These rules are for the benefit of municipalities, utilities, government agencies, organizations exempt from Federal taxation pursuant to IRC (“Internal Revenue Code”) §501(c)(3), individuals and commercial enterprises who may wish access over or to occupy City owned property. DEP would be the City agency designated as the issuing authority for Revocable Land Use Permits (“Permits”)

Based on the information provided, the Bureau of Environmental Planning and Analysis (BEPA) has concluded that, as defined in the New York State Environmental Quality Review Act (SEQRA) and the New York City Environmental Quality Review (CEQR) procedures, the proposed action is classified as a Type I Action.

## **Basis and Purpose**

New York City owns land in New York State’s Delaware, Dutchess, Greene, Orange, Putnam, Schoharie, Sullivan, Ulster, Westchester and Orange Counties. The City’s reservoirs, which supply water for its residents and businesses, are located on these lands. It is the duty of the Commissioner of the Department of Environmental Protection (“DEP”) to preserve the purity of all waters from which any part of the city water supply is drawn, and to protect such supply and the lands adjacent thereto from injury or nuisance. Where consistent with watershed protection needs, the DEP may allow local businesses, not-for-profit organizations and government agencies to use these lands for a variety of purposes including the siting of utilities and water quality improvement projects, ingress and egress, road repairs and fund-raising events. DEP issues revocable permits for these activities.

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

- to provide a more user-friendly format;
- to clarify the application process;
- to establish a new section that covers the term and renewal of the Land Use Permit;
- to establish a category of applicants for which the application and permit fees will be waived, and remove the Commissioner’s discretion to waive fees only for entities that provide services to NYC-owned facilities;

- to require that permittees supply a surety bond when siting major infrastructure improvements on City property. The surety bond will cover the cost of any repairs or remediation made necessary by:
  - a permittee's use of City property; and
  - the removal of such improvements and restoration of the property in case the permittee abandons those improvements after DEP revokes or terminates the permit.

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

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

### **Environmental Assessment**

This environmental review of the Proposed Rules evaluates the potential for significant adverse impacts that could occur as a result of the modifications to the Existing Rules. This assessment would use the Existing Rules, which came into effect on September 2, 2001 to establish the baseline condition relative to the Proposed Rules in order to evaluate the environmental effects of the changes in the Proposed Rules. The changes as described above include:

1. The Proposed Rules have been reorganized into a more user-friendly format and have been clarified.
2. The Proposed Rules establish a section concerning the term and renewal of the Land Use Permit, which the current rule does not contain.
3. The Proposed Rules provide for 30 days' notice prior to revocation, providing a permittee the opportunity to cure the reason for a proposed revocation.

The above changes would be categorized as routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. No further assessment is required.

4. The Proposed Rules establish a category of applicants for which application and permit fees would be waived, removing the discretion from the Commissioner to waive fees only for entities providing services to NYC-owned facilities.
5. The Proposed Rules establish the requirement that permittees supply a surety bond when siting improvements on City property to cover the cost of any repairs or remediation necessitated by the use of our property or for removal of such improvements and restoration of the property in case of abandonment of such improvements upon permit revocation or termination and further gives DEP the opportunity to perform such repairs, remediation or removal itself based on the nature and location of such repair, remediation or removal.
6. The Proposed Rules have reorganized the fee schedule to make it easier to understand and have adjusted the annual fees in accordance with the Cost of Living Adjustments since 2005, in accordance with the provisions of the January 21, 1997 New York City Memorandum of Agreement.

The changes numbered #4 through #6 would be evaluated in this environmental assessment to determine whether these changes would result in a potential adverse impact. However, based on an initial screening analysis, these changes would not have any potential significant adverse impacts in the following SEQRA technical areas: public policy, shadows, urban design and visual resources, solid waste and sanitation, energy, traffic and parking, transit and pedestrians, air quality and odor, noise, or neighborhood character.

The following analyses examine the potential impacts of the proposed changes on land use and zoning; natural resources, socioeconomic conditions, community facilities, open space and recreation, cultural resources, hazardous materials, infrastructure and public health.

As under the Existing Rules, each land use permit application would continue to be subject to its own independent environmental review in order to evaluate potential impacts from the specific circumstances of the application proposal. All work permitted under the Proposed Rules would also have to be undertaken in accordance with all applicable laws, rules and regulations.

Based on the analyses presented below, no potential significant adverse impacts are anticipated to result from the proposed action.

#### Land Use and Zoning:

The Proposed Rules apply to any permitted occupation or use of New York City property (lands, water bodies, reservoirs and infrastructure). While the site specific use of the NYC lands may change as a result of the approval of specific land use permit proposals the overall use of the NYC property in the watershed would remain as water supply lands. It should be noted that proposals that are approved to occur on NYC lands are generally small and result in minimal alteration of the land and do not require rezoning in order to support the proposal. Therefore, it is not anticipated that the Proposed Rules would result in a significant adverse impact on land use and zoning.

## Natural Resources:

### *Surface or Groundwater Quality*

All land use permit applications would be subject to their own independent environmental review during which any site specific water quality impacts would be evaluated. In general, to-date proposals submitted to DEP for approval have been small and have not resulted in water quality degradation. It is expected that this trend would continue since the Proposed Rules do not alter what types of uses are allowed on NYC lands.

The Proposed Rules allow for waiver of fees for a number of uses including DEP funded or supported projects or projects servicing DEP facilities; projects for highway purposes in which adjacent City land is needed for work within existing municipal rights of way/and or easements; emergency, temporary and court ordered uses of City Property; and municipal projects that involve water quality improvements or certain low-impact uses. Low impact uses are defined those uses with little or no soil, vegetation, stream, or wetland disturbances, no alterations that would increase the rate or volume of stormwater runoff, and no impervious surfaces or structures. Low-Impact Uses related to recreation include, but are not limited to: hiking, snowshoeing, cross-country skiing, bird watching, educational programs, and nature study and interpretation. It is not anticipated that these projects would have any significant or adverse impacts to water quality.

Therefore it is not anticipated that the Proposed Rules would result in a significant adverse impact on surface or groundwater quality.

### *Plant and Animals*

As stated above, all land use permit applications would be subject to their own independent environmental review, during which any potential site specific impacts to plants and animals would be evaluated. Therefore it is not anticipated that the proposed rule would result in a significant adverse impact on plants and animals.

### *Soil and Vegetation*

As stated above, all land use permit applications would be subject to their own independent environmental review, during which any site specific impacts to soil and vegetation would be evaluated. Therefore it is not anticipated that the Proposed Rules would result in a significant adverse impact on soil and vegetation.

## Community Resources

Each land use permit is subject to its own independent environmental review, during which any potential impacts to community resources would be evaluated. In general, to-date proposals submitted to DEP for approval have been small and have not resulted in increased demand on community resources. It is expected that this trend would continue since the Proposed Rules do not alter what types of uses are allowed on NYC lands. Therefore, it is not anticipated that the Proposed Rules would result in a significant adverse impact on community resources.

## Hazardous Materials

As under the Existing Rules, each land use permit is subject to its own independent environmental review, during which any hazardous material impacts would be evaluated. As stated above, all work permitted under the Proposed Rules would also have to be undertaken in accordance with all applicable laws, rules and regulations. Therefore, it is not anticipated that the Proposed Rules would have any significant adverse hazardous material impacts.

#### Cultural Resources

The implementation of the proposed rule should not impact cultural resources. Each land use permit application would be subject to its own independent environmental review, during which any impact to cultural resource would be evaluated. It should also be noted that all work permitted under these Proposed Rules would also have to be undertaken in accordance with all applicable laws, rules and regulations. Consequently, no significant adverse cultural resource impacts are anticipated to occur as a result of the proposed rule.

#### Open Space and Recreation

Land use permits for recreational uses on City Property may be given under the Existing and Proposed Rules. Under the Proposed Rules, fee waivers may be given to projects or uses by a Public Corporation, Federal or State Agency that involve certain Low-Impact Uses related to recreation such as, but not limited to: hiking, snowshoeing, cross-country skiing, bird watching, educational programs, and nature study and interpretation. This proposed change should have a beneficial impact on open space in the watershed.

Each recreational land use permit would be subject to its own independent environmental review, and uses would be in accordance with all applicable laws, rules and regulations. Consequently, no significant adverse open space or recreational impacts are anticipated to occur as a result of the Proposed Rule. The Proposed Rules allow for open space and recreation benefits.

#### Infrastructure

Under the Proposed Rules, permittees must supply a surety bond when siting improvements on DEP property to cover the cost of any repairs or remediation necessitated by the use of DEP property or for removal of such improvements and restoration of the property in case of abandonment of such improvements upon permit revocation or termination and further gives DEP the opportunity to perform such repairs, remediation or removal itself based on the nature and location of such repair, remediation or removal. This helps ensure protection of DEP infrastructure. Furthermore, each land use permit application would be subject to its own independent environmental review, and DEP would review and condition the permit to avoid or minimize any potential impacts to DEP infrastructure. All work permitted under the Proposed Rules would also have to be undertaken in accordance with all applicable laws, rules and regulations.

Therefore the Proposed Rules are not anticipated to have any significant or adverse impacts on DEP infrastructure.

#### Socioeconomic Conditions

As described above, the Proposed Rules establish a fee schedule in a more user friendly format and costs have been adjusted per the Cost of Living Adjustment. These amendments should have no adverse or significant impacts on socioeconomic conditions given that in general the adjustments in permit fees have been minimal and are not anticipated to place a substantial burden on applicants. The requirement of a surety bond, for siting improvements on DEP property would be required for improvements including, but not limited to, water connections, pump stations, filtration plants and other improvements of similar nature. These would likely be undertaken by municipalities and it is not likely that this would not pose a significant economic burden on the permittee. The Proposed Rules also allow a fee waiver for certain uses, which would have no adverse socioeconomic impacts to the permittee.

Each individual land use permit would be subject to its own independent environmental review, during which any site specific socioeconomic impacts would be evaluated. Therefore the Proposed Rules are not anticipated to have any significant or adverse impacts on socioeconomic conditions.

#### Public Health

As stated above, each Land Use Permit would be subject to its own independent environmental review and DEP staff would review each application and conditions each permit to minimize or avoid environmental impacts. This helps ensure a safe and clean drinking water supply. Therefore the Proposed Rules are not anticipated to have any significant or adverse impacts on public health.