



NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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**NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**INTERIM PERMIT CONDITIONS GOVERNING FISHING AND FISHING BY BOAT  
ON NEW YORK CITY WATER SUPPLY LANDS**

***Effective Date: April 1, 2003***

The New York City Department of Environmental Protection (DEP) operates and manages the City of New York (City) water supply system and the City-owned water supply lands and reservoirs in the watershed with the primary goal of ensuring the efficient supply of high quality drinking water to consumers.

DEP allows public access to certain City-owned water supply lands, lakes, and reservoirs for recreational uses, including hiking, fishing, fishing by boat, and seasonal hunting where such uses are determined by DEP to be appropriate within the context of its overriding purpose and mission to supply safe, high-quality, drinking water.

Fishing and fishing by boat are permitted only at areas specifically designated by DEP, in writing and on posted signs, as open for fishing under permit.

Certain lands, known as Fishing Properties, are open for fishing and fishing by boat under a written DEP Access Permit from DEP issued to individual anglers. An angler must apply for and receive the DEP Access Permit in order to fish on such properties and in order to register a boat and obtain a DEP Boat Tag. The provisions of these Interim Permit Conditions identify Fishing Properties and describe the procedures to be used in applying for, and the terms and conditions of, such individual written permits. Anglers should know that these properties may also be open for seasonal hunting to individuals under separate permit.

The holder of a DEP Access Permit agrees to strictly observe and abide by all of the terms and provisions of these Interim Permit Conditions, and further agrees that any violation of such terms or provisions may result in the suspension or revocation of his/her permit.

It is requested that anglers report any non-permitted or improper activities or situations they may observe while on Fishing Properties. Anglers should report such activities or conditions of concern to DEP Land Management staff by leaving a message at (800) 575-LAND. Suspicious or dangerous activities observed on City-owned watershed lands or waters should be called in to 1-888-H2O-SHED.

**Part 1.01**

**Property Use and Designation**

DEP has determined to allow fishing, under written DEP Access Permit, on certain City property designated as "Fishing Properties." An angler must apply for a written DEP Access Permit to be issued to him/her individually to fish on Fishing Properties.

As of the effective date of these Interim Permit Conditions, the following properties are designated as Fishing Properties: the lakes and reservoirs used or built by the City for water supply purposes located in the counties of Delaware, Sullivan, Greene, Putnam, Schoharie, Ulster, and Westchester, and certain lands, as posted, owned by the City immediately adjacent to such lakes and reservoirs.

Fishing Properties are not open for any uses other than fishing unless specifically indicated in DEP's Interim Hiking or Hunting conditions.

**Part 1.02**

**Prohibited Areas**

Entrance upon City property for any purpose is prohibited where indicated, including but not limited to:

(a) Within five hundred (500) feet of all dikes, dams, tunnel outlets, spillways, bridges, buildings, and other structures on City property unless otherwise posted, except as provided in subdivision (c) of this section.

(b) All City property downstream of spillways and dams of the Cannonsville, Neversink, Pepacton, Rondout, Ashokan, and Schoharie Reservoirs, unless otherwise posted.

(c) Within two hundred (200) feet downstream of the dam and spillway at the Amawalk, Cross River, Titicus, Croton Falls, Diverting, Middle Branch, Sodom, Boyds Corner, West Branch, and Croton dams.

**Part 1.03**

**Fishing Activities**

Access on Fishing Properties is for fishing only.

Angling is the only permissible means of fishing on Fishing Properties. Angling is as defined in New York State Environmental Conservation Law Section 11-0103 and shall include the use of tip-ups for ice fishing in accordance with New York State Environmental Conservation Law and the taking for carp by bow and arrow in accordance with New York State Environmental Conservation Law.

The Angler must be in immediate attendance of the angler's lines that are in the water.

Fishing from bridges on City property is prohibited.

Fishing with waterproof waders is allowed on Fishing Properties.

Ice fishing is only permitted on the Amawalk, Bog Brook, Boyds Corner, Cross River, Diverting, East Branch, Middle Branch, Muscoot, Titicus, West Branch, and Croton Falls Reservoirs and

on Lake Gilead and Lake Gleneida.

No one may use live aquatic bait on City property taken from zebra-mussel infested waters, including but not limited to, Lake Erie, Lake Ontario, the Finger Lakes, the Erie Canal, Niagara River, Mohawk River, St. Lawrence River, Susquehanna River, and Hudson River.

#### **Part 1.04**      **Boating Activities**

Boating on Fishing Properties is for fishing purposes only.

The only types of boats that are allowed on Fishing Properties are rowboats that are a minimum of 11'6" in length and 42" in width and are a maximum of 16' in length and have a valid DEP Boat Tag affixed to them. Sail boats, motorized boats, canoes, kayaks, sculls, inflatable boats, and collapsible boats are not permitted.

Boats may carry no more than three (3) occupants, unless the boat has affixed to it a U.S. Coast Guard "Maximum Capacities" label that identifies a greater occupancy capacity.

Boats must contain a Coast Guard-approved personal flotation device for each person aboard.

The use of a permitted boat is restricted to the lake or reservoir designated on the DEP Boat Tag. Boat owners must locate their boats at the area designated to them by DEP for storing a boat on City land while not on the water.

Boats may not be placed on the water until April 1<sup>st</sup> of each year or until ice leaves the lakes and reservoirs, whichever is later.

Boats may not be moored to bridges.

Boats shall at all times be kept in a sanitary and seaworthy condition.

Boats must be removed to a point above the high water mark and within the designated boat area not later than December 1<sup>st</sup> of each year. Boats may remain at the Fishing Property each year from December 1<sup>st</sup> to April 1<sup>st</sup> or when the ice melts, whichever is later, in designated boat areas that are approved for winter storage and are above the high water mark. After December 1<sup>st</sup>, DEP may remove from City property any boat that remains below the high water mark or that is located either outside a designated boat area or on any emergency access road. DEP may store such boat removed from City property at a location deemed appropriate by DEP. A boat owner may not hold the City liable for any boat or other personal property damaged, lost, or stolen during the boat's storage. If the owner does not claim the boat and pay the expenses associated with the removal and storage of the boat within thirty days following removal of the boat by DEP (during which period DEP will make such attempts as it deems reasonable to locate the owner), DEP may dispose of the boat in accordance with applicable provisions of law.

#### **Part 1.05**

#### **Conformance with New York State and Municipal Laws**

All applicable regulations and laws of the State of New York and of its respective counties, towns, and villages shall be observed at all times by anglers using Fishing Properties. Additional restrictions specified in these Interim Permit Conditions must also be observed.

Anglers must hold a valid New York State fishing license in order to fish on Fishing Properties. This license must be carried at all times and, upon request, shall be shown to a DEP representative.

#### **Part 1.06**

#### **Signage**

DEP may post and maintain signs at regular intervals around the boundaries of Fishing Properties reading "No Admittance Except for Fishing Under Permit." Additional signs may be posted and maintained, as needed, to indicate that entering certain areas is prohibited. Anglers shall observe and abide by all instructions or warnings displayed on such signs.

Anglers shall not post any signs or mark any trails on Fishing Properties, without prior written approval from DEP.

#### **Part 1.07**

#### **Valid DEP Access Permits**

No one shall enter upon or fish on Fishing Properties without a valid DEP Access Permit issued to them by DEP. Fishing on City property while not carrying a valid DEP Access Permit constitutes a trespass on City property.

Any legally competent person is entitled to apply for a DEP Access Permit. A completed DEP Access Permit application shall specify the applicant's name, address, telephone number, personal description, driver's license number, date of birth, and signature. This information shall be maintained by DEP for agency purposes only, provided, however, that DEP may disclose any and all information contained in an application if (i) required to do so by law or pursuant to valid subpoena or court order; or (ii) in connection with any administrative or legal proceeding pertaining to a violation of these Interim Permit Conditions.

As a condition of permit validity, an angler must acknowledge that he/she agrees to and will abide by these Interim Permit Conditions. Anglers are also required to sign a release and assumption of risk as a condition of permit issuance.

Persons who have been charged with a violation of New York State law while on any DEP lands and persons who have had a DEP recreational permit revoked may not be issued a DEP Access Permit.

Anglers shall apply for permits at no cost at this time, but nominal application fees may be charged in the future to cover the cost of processing applications and printing materials.

DEP Access Permits shall be valid for up to five years and are not transferable. The expiration date is printed on the face of the permit.

Anglers may apply for a DEP Access Permit at any time during the year by submitting a fully completed application, by mail, to DEP Permits Office at 71 Smith Ave., Kingston, NY 12401. A permit holder may renew a DEP Access Permit by completing the appropriate renewal form and submitting it to the same address.

Fishing on a Fishing Property while not carrying a valid DEP Access Permit, or fishing with a DEP Access Permit issued to another person, constitutes a trespass on DEP property and a violation of these Interim Permit Conditions. Such trespass may subject the trespasser to prosecution to the fullest extent allowed by law.

If a DEP Access Permit or vehicle mirror hanger is lost, the permit holder should send a letter to the DEP Permits Office stating that they lost their permit or hanger and include their name, address, phone number, and permit number.

#### **Part 1.08**      **Carrying of Permit while Fishing**

DEP Access Permits shall be carried at all times by anglers on Fishing Properties. A DEP Access Permit shall specify an angler's name, permit number, expiration date, and signature.

In addition to the DEP Access Permit, anglers (unless Minors) shall carry one piece of current, government-issued, photo identification, such as a motor vehicle license, with them at all times while on Fishing Properties. Anglers shall produce and show their DEP Access Permit and identification to any DEP representative, upon request. Failure to produce identification and appropriate documentation upon request may result in revocation of the DEP Access Permit.

A DEP vehicle mirror tag will be issued with each DEP Access Permit. Anglers must hang a DEP vehicle mirror tag from the rear-view mirror of any vehicle used for access to a Fishing Property.

#### **Part 1.09**      **Minors**

Persons under 16 years of age do not need a DEP Access Permit but must be accompanied by a person over 18 years of age who has a valid DEP Access Permit, in order to enter and fish on Fishing Properties.

#### **Part 1.10**      **Valid DEP Boat Tags**

A boat owner must hold both a valid DEP Access Permit and a valid DEP Boat Tag in order to place a boat on a Fishing Property.

Any legally competent person holding a valid DEP Access Permit is entitled to apply for a DEP Boat Tag. A completed DEP Boat Tag application shall specify the applicant's name, DEP Access Permit number, boat description, reservoir and boat mooring location requested, and shall be signed. Boat owners may apply for a DEP Boat Tag at any time during the year by submitting a fully completed application by mail to DEP Permits Office at 71 Smith Ave., Kingston, NY 12401.

As a condition of their DEP Boat Tag, a boat owner must acknowledge that he/she agrees to and will abide by these Interim Permit Conditions.

Boat owners shall apply for DEP Boat Tags at no cost at this time, but nominal application fees may be charged in the future to cover the cost of processing applications and printing materials.

Prior to issuance of a DEP Boat Tag number, all boats must be inspected and cleaned by DEP to assure the prevention of contaminants, pollutants, and organisms entering into the waters. The DEP Boat Tag applicant must personally appear with the boat for inspection, cleaning, and assignment of a boat number. Inspection and cleaning shall be by appointment only. DEP will not approve the DEP Boat Tag application unless it approves the boat for launching following the inspection.

DEP Boat Tags shall be valid for two years. The expiration date shall be printed on the face of the tag.

DEP Boat Tags are issued only for the boat and the reservoir or lake as identified on the DEP Boat Tag application. Boats may not be moved from reservoir to reservoir without obtaining a new DEP Boat Tag. DEP may, at its discretion, assign boats to a specific designated boat area for storing while not on the water for the life of the DEP Boat Tag. Failure to store the boat in this area may result in revocation of the DEP Boat Tag.

Boats on Fishing Properties must display or otherwise have affixed the DEP Boat Tag on the port exterior hull at the bow, near the DEP boat number. The boat owner must assure that the DEP Boat Tag remains clearly displayed on the boat at all times.

DEP Boat Tags are not transferable to either another person or to another boat. A transfer of boat ownership where the original owner had a DEP Boat Tag and the new owner wants to keep the boat on the Fishing Property is accomplished by having the original owner complete a DEP Access Permit Update Form as indicated on the form (the bottom deals with transfer of boat ownership). This information includes the boat number, mooring location, new owner's DEP Access Permit number and name, as well as the former owner's signature. The new owner then completes a DEP Boat Tag application. These are mailed **together** to the DEP Permits Office by either party. The DEP Permits Office will mail the fulfillment packet to the new owner.

If a DEP Boat Tag is lost, the tag holder should mail a legible photocopy of their DEP Access Permit, a self-addressed stamped

envelope, and a note explaining that they lost their DEP Boat Tag and if possible their DEP Boat number to the DEP Permits Office.

In order to remove a boat from a Fishing Property, the DEP Boat Tag holder shall notify the appropriate DEP Land Management Office and provide the DEP Boat Tag number, DEP Access Permit number, intended date of removal, and the location of the boat. Once a boat is removed from a Fishing Property, it may only be returned to a Fishing Property once during the current year and only after the boat has been inspected and cleaned by DEP.

#### **Part 1.11**      **Protection of Water Quality**

Because all Fishing Properties are water supply protection areas, strict precautions shall be taken by all anglers in order to protect water quality.

Dogs that are securely leashed and under the control of their owners are permitted on Fishing Properties except in areas where posted signs indicate that dogs are prohibited. If DEP staff observe regular disregard of the leashing requirement, then dogs may be further prohibited from certain Fishing Properties. Anglers must remove all feces deposited on a Fishing Property by any dog under the angler's ownership or control. Notwithstanding any such prohibition, guide dogs, hearing dogs, and service dogs, when assisting disabled anglers or disabled minors accompanying an angler, are permitted on Fishing Properties.

Anglers shall not bring any other pets or livestock animals onto any Fishing Property.

Anglers shall not bathe or swim in any reservoir or watercourse on a Fishing Property and no objects shall be washed.

Anglers are encouraged to report any animal carcasses observed in a reservoir or watercourse or within 100 feet of a reservoir or watercourse to DEP at (800) 575-LAND.

Because of the importance of protecting water quality, anglers should avoid depositing human excreta on watershed lands by planning accordingly. In the case of dire need when on Fishing Property, anglers shall move away from water bodies, dig a slit trench of at least six inches in depth, deposit excreta therein, and cover the trench. In no cases shall anglers deposit excreta within 100 feet of a watercourse or within 300 feet of a reservoir.

#### **Part 1.12**      **Property Cleanliness**

Anglers shall collect all of their litter prior to leaving Fishing Properties, carry it away, and dispose of it properly. Anglers are encouraged to collect other litter found on the property or report its presence to DEP at (800) 575-LAND.

#### **Part 1.13**      **Wildfire Control**

Anglers shall not build or maintain any fires while on Fishing Properties.

Anglers shall help prevent wildfires by limiting smoking activities and properly extinguishing all embers. Smoking is prohibited during serious fire hazard periods classified as 3, 4, or 5 on New York State's fire danger index. Smoking is also prohibited during any period in which New York State or a local municipality has suspended the issuance of burning permits due to drought or high fire danger. Anglers shall thoroughly extinguish all embers resulting from smoking.

DEP may temporarily close Fishing Properties to public access during serious fire hazard periods by posting signs, mailing an advisory to users, and/or placing a notice in local media and on the DEP website ([www.nyc.gov/watershedrecreation](http://www.nyc.gov/watershedrecreation)). It shall be the responsibility of users to determine from DEP whether Fishing Properties continue to be open during serious fire hazard periods.

#### **Part 1.14**      **Activities Other than Fishing**

Anglers shall limit themselves to the activities of fishing as described by these Interim Permit Conditions on Fishing Properties. No other activities are allowed under the DEP Access Permit on Fishing Properties. Prohibited activities include, but are not limited to: hiking, camping, building and maintaining fires, trapping, horseback riding, bicycling, snowmobiling, riding motorized vehicles, hunting, ice skating, sledding, swimming, and boating for purposes other than fishing.

The placement of temporary structures is not permitted on Fishing Properties.

Motorized vehicles and equipment are not permitted on Fishing Properties.

Fishing Properties are only open to DEP Access Permit holders for fishing and for hiking in those areas indicated in the DEP Interim Hiking Conditions and hunting in those areas indicated in the DEP Interim Hunting Conditions. Persons without DEP Access Permits are not allowed to accompany anglers (except minors as addressed above).

Commercial activities, including fishing derbies, and use of DEP Fishing Properties as part of a commercial enterprise, are prohibited without specific written permission from DEP.

Boats on Fishing Properties may not be rented for use by others.

#### **Part 1.15**      **Protection of Natural Resources and Infrastructure**

To protect water resources, DEP protects other natural resources on its lands, including plants, animals, soils, stone, and also cultural resources (e.g., stone walls, foundations). Anglers shall not disturb, remove, or injure any vegetation, trees, wildlife other

than fish, soil, stone, or other natural or cultural resources. DEP may move, close, or limit numbers of boats allowed at designated boat areas to protect resources.

Cutting and marking of trails is expressly prohibited without specific written permission from DEP.

Disposal of aquatic bait or deposit water from aquatic bait containers into any streams, ponds, lakes, reservoirs, or water bodies is prohibited.

No species which appears on any endangered, threatened, or special concern list of the Federal or New York State government or are otherwise protected by the Federal or New York State government shall be possessed, harassed, taken, or otherwise disturbed on Fishing Properties.

Anglers shall not disturb, deface, remove, or injure any property infrastructure on Fishing Properties including, but not limited to, fences, gates, signs, stone walls, boundary markers or monuments, blaze marks, roads, trails, or other improvements of any type.

#### **Part 1.16**

##### **Enforcement of Interim Permit Conditions**

No DEP Access Permit shall be issued without the recipient first having signed the release which appears on the DEP Access Permit application, with the exception of minors. This release certifies that the permit-holder will abide by these Interim Permit Conditions and, further, that the permit-holder will hold DEP and the City of New York harmless from any liability in the event of injury. Minors over the age of 16 shall not be issued a DEP Access Permit without a parent or guardian of such minor first having signed the DEP Access Permit application.

The DEP Police and other DEP personnel and authorized assignees will be provided with a regularly updated list of all anglers who have been issued DEP Access Permits. These officers and personnel are authorized to suspend or revoke, or recommend the suspension or revocation of any permit, if it is determined that a permit holder has violated any of these Interim Permit Conditions or any law or regulation of New York State or its respective counties, or local municipalities.

Upon request of DEP personnel or an authorized assignee, the permit-holder shall surrender their DEP Access Permit and immediately leave the City property. Failure by a permit holder to comply with any order of DEP personnel or an authorized assignee may be considered a violation of these Interim Permit Conditions and grounds for revocation of the DEP Access Permit and prosecution under applicable laws.

DEP may remove from the Fishing Property and store at a location deemed appropriate by DEP any boat left in the water, any boat placed within an emergency access road, and any boat left on City property after the DEP Boat Tag or DEP Access Permit has

expired, been suspended, or revoked. The boat owner assumes all risk of loss of damage to boats or personal property left on City property or theft of such boats or property. The boat owner also assumes all risk of loss or damage to, or theft of, any boat or personal property during the boat's storage by DEP. The boat owner must reimburse the City for all expenses that DEP incurs in such removal and storage prior to DEP releasing the boat to the boat owner. If the owner does not claim the boat and pay the expenses associated with the removal and storage of the boat within thirty days following removal of the boat by DEP (during which period DEP will make such attempts as it deems reasonable to locate the owner), DEP may dispose of the boat in accordance with applicable provisions of law.

#### **Part 1.17**

##### **Penalty for Violation of the Interim Permit Conditions**

Any angler who violates these Interim Permit Conditions may, at the sole and absolute discretion of DEP,

- (i) have his/her DEP Access Permit and/or DEP Boat Tag suspended or revoked; and/or
- (ii) permanently lose the privilege of fishing, hiking and/or hunting on City properties; and/or
- (iii) be refused the issuance of a permit for recreational use of City property; and/or
- (iv) be issued a citation for trespassing; and/or
- (v) be arrested and prosecuted to the fullest extent allowed by law.

Upon loss of DEP Access Permit and/or DEP Boat Tag, or refusal to be granted such, a person may appeal the decision by providing DEP with a written explanation for the alleged violation. After further examination of the circumstances, DEP's First Deputy Commissioner will either suspend, revoke, return, issue, or re-issue the permit to the person and will notify them by letter of the determination.

A letter of suspension shall include an explanation of the reason for suspension, the period of suspension, and the expiration date of the suspension period. The suspended individual may not enter upon City property until the permit suspension period has expired and a new permit has been issued or the former permit reinstated in writing.

A letter of revocation will revoke the permit as of the date of the letter and will include the basis for revocation. The holder of a permit that has been revoked may not enter upon City property and may not apply for a new DEP Access Permit until the date specified in the letter. Revocation may be permanent, at the discretion of DEP. An updated list of revoked and suspended permits will be kept on file at all local DEP offices and with DEP field personnel.

In addition to any other penalties imposed for a violation of these Interim Permit Conditions, DEP may remove and store any boat not in compliance with these Interim Permit Conditions. Prior to

DEP releasing the boat, the boat owner must reimburse the City for all expenses that DEP incurs as a result of such removal and storage, which include, at a minimum, ninety dollars (\$90.00) to remove a boat and one dollar (\$1.00) per day to store the boat.

While individuals may have their DEP Access Permits and/or DEP Boat Tags revoked for specific violations, a demonstrated pattern of abuse or disregard for these Interim Permit Conditions in a particular area may lead to permanent closure of that area.