

6 NYCRR Section 190.41

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (“ECL”) section 1-0101(3) (b) directs the Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.” ECL section 3-0301(1)(b) gives the Department the responsibility to “promote and coordinate management of...land resources to assure their protection, enhancement, provision, allocation, and balanced utilization...and take into account the cumulative impact upon all such resources in promulgating any rule or regulation.” ECL section 3-0301(2) (m) authorizes the Department to adopt rules and regulations “as may be necessary, convenient or desirable to effectuate the purposes of [the ECL],” section 9-0105(1) authorizes the Department to exercise care, custody and control of state lands and ECL section 9-0105(3) authorizes the Department to “[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9].”

2. Legislative objectives:

Paragraph 1 of section 3 of Article XIV of the New York State Constitution provides that “forest and wildlife conservation are . . . policies of the State.” ECL section 3-0301(2)(v) gives the Department jurisdiction to “...administer and manage the real property under the jurisdiction of the department for the purpose of preserving, protecting and enhancing the natural resource value for which the property was

acquired or to which it is dedicated, employing all appropriate management activities.”

The Department is also authorized to promulgate rules and regulations for the use of such lands (see ECL sections 3-0301(2) (m) and 9-0105(3)). Consistent with this authority, the proposed regulations are crafted to protect natural resources and public safety of those who engage in recreational activities within the Salt Hill State Forest in Westchester County.

3. Needs and benefits:

The Salt Hill State Forest includes one parcel totaling 269.7 acres, approximately 32 miles north of New York City’s Central Park, in the New York City Croton Watershed, in the Town of Cortlandt, in Westchester County. The parcel is located along Yorktown Road, State Route 129 across from the Croton Reservoir.

The parcel was acquired in 2002 as part of the Watershed Memorandum of Understanding with the intention of transferring title to the New York City Department of Environmental Protection (NYCDEP) once the Department had been able to remove dilapidated infrastructure and debris. For the last 21 years, the property was never formally advertised as public Department owned land, therefore, public use of the property has been minimal. In 2021, the NYCDEP and the Department reached an agreement that the Department would retain ownership of the parcel and therefore, the management objectives for the parcel were included in the Draft East of Hudson Unit Management Plan. The public is now aware that this substantial property in Westchester County is publicly owned land.

One of the greatest threats to natural resources on Salt Hill State Forest is from recreational overuse. The property is located 2.1 miles from the Croton Gorge Unique Area and has several features which make it an attractive recreational resource. The Croton Gorge Unique Area has had decades of high use issues and has been a persistent drain on Department time and resources. Given the complex and persistent high use challenges associated with the recreational use of Croton Gorge; and Salt Hill State Forest's proximity to Croton Gorge, Department staff has proposed regulations to mitigate the potential for adverse impacts on natural resources from occurring on Salt Hill State Forest.

Department staff anticipate that pressure from no fee access for picnicking, camping, and swimming will be substantial and potentially unmanageable without regulations for Salt Hill State Forest. The Use of State Lands, 6 NYCRR Part 190 regulations are not sufficient to control public use to the extent necessary to maintain and protect public safety and the natural resources on the property.

The proposed regulatory restrictions will apply specifically to the 269.7 acre Salt Hill State Forest and will include any lands subsequently made part of the property (such as the 1.99 acre inholding known as the Woodhouse Parcel.) The intent of the regulation is to control use, protect the resource, and provide an enjoyable user experience. This will be achieved through the proposed rulemaking, which proposes:

- (a) All camping shall be prohibited within the Salt Hill State Forest;
- (b) No person shall enter the Salt Hill State Forest between one-half hour after sunset and one-half hour before sunrise except for: (1) licensed anglers for the

purpose of fishing; (2) licensed hunters and trappers for the purpose of hunting or trapping; (3) persons otherwise authorized by permit issued by the Department;

(c) No person shall kindle, build, maintain, or use a fire within the Salt Hill State Forest, including, but not limited to, charcoal fires, wood fires, gas grills, propane stoves or other portable stoves;

(d) No person shall possess alcoholic beverages within the Salt Hill State Forest;

(e) No person shall possess glass containers within the Salt Hill State Forest except, when necessary for the storage of prescribed medications;

(f) No person shall play a musical instrument or audio device, including, but not limited to radios, tape players, compact disc or digital players, unless the noise is rendered inaudible to the public by personal noise-damping devices such as headphones or earbuds within the Salt Hill State Forest;

(g) Bathing and swimming shall be prohibited within the Salt Hill State Forest;

(h) No person shall park any motor vehicle within the Salt Hill State Forest, except at areas designated and marked by the Department as parking areas.

The prohibition on fires, camping and bathing and swimming is meant to protect water quality and deter overuse, but still allow for day use.

Public safety will be improved by prohibiting the consumption of alcohol and prohibiting fire and glass containers on this property. The regulations will also ensure quiet and solitude for the public. Prohibiting camping and restricting hours of use is necessary due to anticipated high levels of recreational pressure on this property given the property's proximity to Croton Gorge. The restrictions on the use of fire are to

prevent chronic problems with warm season fire activities. The bathing and swimming prohibition is proposed for the eight acre “Blue Lake” to protect water quality in the Croton Reservoir from human waste since it serves as a drinking water source for New York City residents. Requiring parking of motor vehicles within the Salt Hill State Forest only in areas designated and marked by the Department as parking areas will also ensure public safety as well as eliminate illegal parking.

The Department has presented the proposed regulations at two public meetings as part of the Unit Management planning process. There was no public comment in opposition to the proposed regulations. The Town of Cortlandt provided public comment that was in support of the proposed regulations. In attendance at these meetings were local stakeholders, local government, along with local user groups, sports people, and the hiking community. Additional outreach will take place through e-mail lists, Department social media and the Environmental Notice Bulletin. The proposed regulations will appear in the State Register for a 60-day public comment period. The regulations will also appear on the Department’s website.

4. Costs:

No costs to the regulated community are anticipated to result from the adoption of the proposed regulations. Costs to the State for additional management actions are minimal. The only cost to the Department would be for the placement of additional signage costing less than \$500 and maintenance costs for facilities.

5. Local government mandates:

This proposal will not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

6. Paperwork:

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

7. Duplication:

There is no duplication, conflict, or overlap with State or federal regulations.

8. Alternatives:

The no-action alternative is not feasible because it does not adequately protect the natural resources found on the Salt Hill State Forest nor would it adequately address existing public safety issues. The existing Part 190 State land regulations are not adequate to protect this State forest because of its potential popularity for recreational use and its close proximity to the Croton Gorge.

Closing these areas to public use is also not an acceptable alternative. State forests are acquired for the use of and enjoyment by the public. The closure of Department administered land to public use should not occur except when absolutely necessary to protect public safety or the resource.

9. Federal standards:

There is no relevant federal standard governing the use of State lands.

10. Compliance schedule:

Once the regulations are adopted, they are effective immediately and all persons will be required to comply with them upon their effective date. The Department will educate the public about the regulations through information posted on the Department's website, signage posted on the property, and by working with user groups and other stakeholders to help disseminate information about the regulations.