

**Cuba Lake – Public Access – DEC Project # 94-2769**  
**“Cooperative Agreement – Cuba Lake Fishing Access Site” – DEC Cooperative Agreement # CA00301**  
**Synopsis of Responsibilities**

By a September 8, 2011 resolution of the Cuba Lake District Commissioners (CLD), the subject Cooperative Agreement was signed by Chairperson, Jay Morris. The copy of the agreement reviewed herein is a copy signed by Jay but not yet signed or dated by the other parties which include the New York State Commissioner of Environmental Conservation (DEC) and the New York State Commissioner of General Services (OGS). The OGS, who also is a party to the “Management Agreement” (up for renewal November 5, 2011 but not yet renewed) with the CLD, joins this agreement to consent to terms and conditions of this agreement that may affect the State lands under its supervision and control.

The first draft of the agreement delivered to the CLD for review was dated October 30, 2008. On May 12, 2011, the CLD voted to accept the “current” draft of the agreement. On September 8, 2011 the CLD formally accepted the agreement by resolution. By October 13, 2011 the site had been “staked” signifying the start of construction.

This document will highlight the responsibilities of the DEC and of the CLD and point out some areas that were changed from the original 2008 document.

Note that the agreement term is for twenty-five years from the date of signing (start date has not yet been defined). A complete copy of the cooperative agreement is available at [www.ourcubalake.com](http://www.ourcubalake.com) under the “District Documents” tab.

**DEC Responsibilities:** Reference document, page 2, items 3) and 4) and page 3, item 7).

1. Construction of a public boating and fishing access facility (facility). *[Note that “swimming” was deleted from the original draft agreement.]*
2. Upon construction of the facility, the DEC shall thereafter maintain & repair the facility.
3. The DEC will construct and maintain the following improvements:
  - a. Boat launching and retrieval ramp
  - b. Parking area or areas
  - c. Access road or roads
  - d. Weed cutter parking area.
4. Maintain the facility in accord with the DEC standards in Schedule C. (See attached.) this includes among other things:
  - a. Mowing of grass and brush
  - b. Pick up, Collection and removal of trash.
  - c. Periodic inspection by law enforcement
  - b. & c. include winter time if the facility is open.

Purposes of the facility: Reference page 2 item 5) of the document.

1. Providing public access to Cuba Lake from the facility for launching and retrieving of boats, public boating on the lake and fishing.
2. Providing access for bank fishing along the shore between Rawson Creek Bridge and a point on the lakeshore 350 feet north of the confluence of Abbott’s Creek. *[Note this includes the marsh lands along that shoreline.]*

**CLD responsibilities:** (beginning Page 3; item 6)

1. after construction the CLD shall accept the facility in writing delivered to the DEC and,
2. Operate the facility. Operation means:
  - a. Pay utility bills in a timely manner. *[Note: not sure what these would be if any, lights are listed as “solar “. Further, the solar lights have been described as :*
    - i. *Specifications: Site Solar lighting is per specification # 02800 Div-2 pg#26.*
    - ii. *The Lamp is a 20- LED bar enclosed in a shoebox design fixture, producing light with a color temperature of 6000°K; of about 800 lumens @ efficacy of 10 lumens per watt & color rendering index greater than 80.*
    - iii. *Lamps are full cut-off, producing 0 lumens above 90 degrees and less than 10% light output between 80 and 90 degrees)*  
*[These lights should be more night-sky friendly than standard street-light fixtures.]*
  - b. Ensure that the site and facility are open and available to the general public and the District residents without charge for the purposes enumerated; and
  - c. Plow or remove snow as necessary if the parties agree that the site and facility shall be open to support ice fishing.

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- d. As a minimum keep the facility open for public use and operated beginning March 1 and ending November 30 each year. An option to be decided by the parties is whether to keep the facility open for ice fishing.
- e. Facility to be operated in accordance with Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of NY at part 59. (see attached)
- f. CLD may, at its cost and expense, after 60 day notification to the DEC and their approval, construct one or more restrooms on the site, or have restrooms placed on the site. Maintenance of the restrooms to be CLD responsibility; and, must ensure any such restrooms conform to standards of universal access as promulgated by the Americans with Disabilities Act (ADA). [Note – in the past the CLD has provided for a “port-a-john” unit at the Public Access site. Apparently it has not yet been decided whether or not to continue that practice.]

**Other notes:**

Pages 4 through 8 of the agreement cover insurance, and other legal aspects between the parties. One of interest is:

Page 7, item 20) – “The District and the Department shall be obligated under this Agreement only to the extent that monies are lawfully appropriated and available for these purposes and no liability shall be incurred by either party beyond monies lawfully appropriated and available for the purposes enumerated in this agreement.”

It is trusted that the appropriated monies will be from the returned lease fees rather than by tax by the CLD; i.e.- from monies obtained through the “Management Agreement” as opposed to the CLD tax.

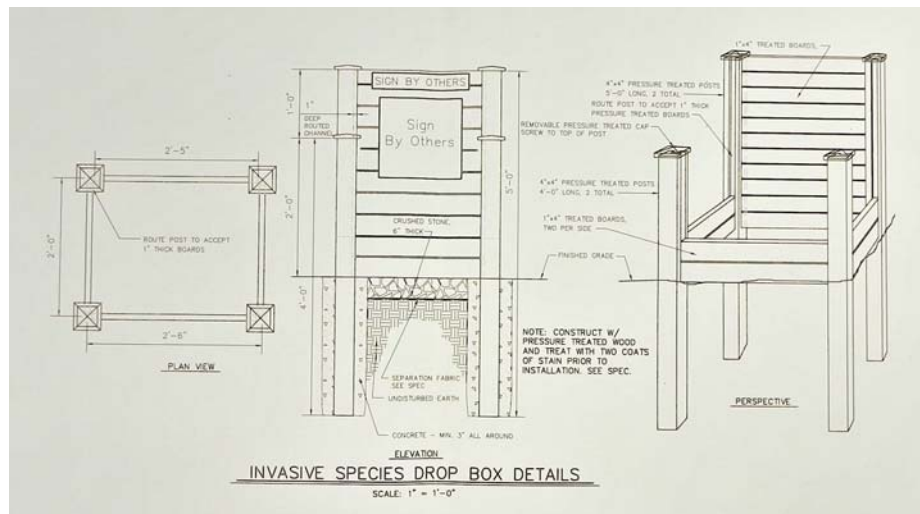
**What key or significant items have been removed or changed from the original October 30, 2008 draft?**

In the original,

- 1. the CLD was to operate the launch site on weekends and state and federal holidays between June 15 and Labor Day and employ an attendant to operate and maintain the site from 8:00 AM to 5:00 PM on weekends and holidays.
- 2. Allowed an approved fee to be charged when the attendant was on duty to offset the cost of operation of the site.

**What is not covered by the agreement?**

- 1. Any mention of the need for inspection, cleaning of boats and control of or prevention of invasive species. While this is a major concern with all state lakes, there is no mention of this aspect of lake management in the agreement nor in the Title 6 document covering operation. There is some indication of an invasive species drop-box but I haven’t yet located any intent or instructions associated with that “box”, nor is there any indication of who is responsible to handle the contents of that box. It’s interesting that the Title 6 specification says nothing about invasive species.





## Part 59: State Boat-Launching Sites, Fishing-Access Sites and Fishing Rights Areas

### Contents:

#### Sec.

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### §59.1 Regulations

The following regulations apply to all boat-launching sites, fishing-access sites, parking areas for fishermen and public fishing rights areas under the jurisdiction of the Division of Fish and Wildlife of the Department of Environmental Conservation, including all State-owned or -leased access roads and trails or paths connecting such areas or leading from them to public fishing rights areas, docks, piers or bridges.

- (a) No person shall erect or post any sign or notice, except as permitted by the department.
- (b) No person shall kindle, build, maintain or use a fire, except in an area provided for that purpose.
- (c) No person shall conduct any business, buy, sell, offer or expose for sale, hire, lease or vend any article or merchandise of any kind, unless a written permit is first obtained from the department.
- (d) No person shall use any boat-launching site, or any fishing-access site from which boats may be launched, or any adjacent waters within 100 feet from the shore of a boat-launching ramp or ramp area, including offshore and inshore approaches, for any purpose other than the launching and retrieval of boats, fishing and, where provided, ice fishing access, unless a written permit is obtained from the department.
- (e) Fishing, or other permitted non-boating use of these facilities, may in no way impair the launching or retrieval of boats, use of boarding docks by boaters, or navigation to and from the launch ramp.
- (f) No person shall operate any musical instrument, radio, television set, phonograph or tape recorder, or make any excessive or unnecessary noise in any other manner.
- (g) No person shall erect or maintain a camp or structure of any kind. For the purpose of this subdivision, a camp shall include, but not be limited to, any form of temporary shelter, such as a tent, motor home, travel trailer, mobile home or the use of any vehicle for shelter or sleeping.
- (h) No person shall moor, dock, beach, leave, abandon or park any boat, auto trailer, float, raft or vehicle of any type for more than 24 hours at any boat-launching site or fishing-access site from which boats may be launched, and no vehicle except one used in loading and unloading or launching a boat shall be left or parked within such area at any time.
- (i) No person shall injure, deface, disturb or befoul any part of an area or any building, sign, equipment or other property found thereon, nor remove, injure or destroy any tree, flower, fern, shrub, rock, or other plant or mineral.

(j) No person shall dispose of any garbage, sewage, metal or glass containers, refuse, waste, fruit, vegetables, foodstuffs, paper, or other litter or obnoxious material, except in receptacles provided for such purpose.

(k) No person shall: use threatening, abusive or insulting language; do any obscene or indecent act; throw stones or other missiles; interfere with, incumber, obstruct or render dangerous any drive, path, dock, beach or public place; do any act tending to or amounting to a breach of the peace; enter or leave except at established entrances or exits; engage in, instigate, aid or encourage a contention or fight, or assault any person.

(l) No person shall at any time fail to comply with the reasonable demand or direction of any authorized person, indicated by gesture or otherwise, in using access roads, parking areas or launching sites, or fail to comply with directions or signs.

(m) Unless accompanied by a parent or guardian, no person under 21 years of age shall possess alcoholic beverages. Persons age 21 or over who possess alcoholic beverages must produce adequate identification and proof of age upon demand of any peace or police officer.

## **§59.2 Boat motors at fishing-access sites**

No person shall launch and/or retrieve a boat, canoe or other water craft equipped with a boat motor of more than:

(a) seven and one-half horsepower from the department fishing-access site on Tully Lake in the town of Preble in Cortland County; or

(b) ten horsepower from the department fishing-access site on:

(1) Lake Colby in the Town of Harrietstown in Franklin County;

(2) Payne Lake in the Town of Antwerp in Jefferson County;

(3) Hyde Lake, Moon Lake, Grass Lake, Lake of the Woods and Millsite Lake in the Town of Theresa in Jefferson County;

(4) Lake Ozonia in the town of Hopkinton in St. Lawrence County.

## **§59.3 Prohibition on use of water craft propelled by gasoline powered motors at fishing access sites**

No person may launch or use a boat, canoe or other water craft equipped with a gasoline powered motor at the Laurel Lake fishing access site, Town of Southold, Suffolk County.