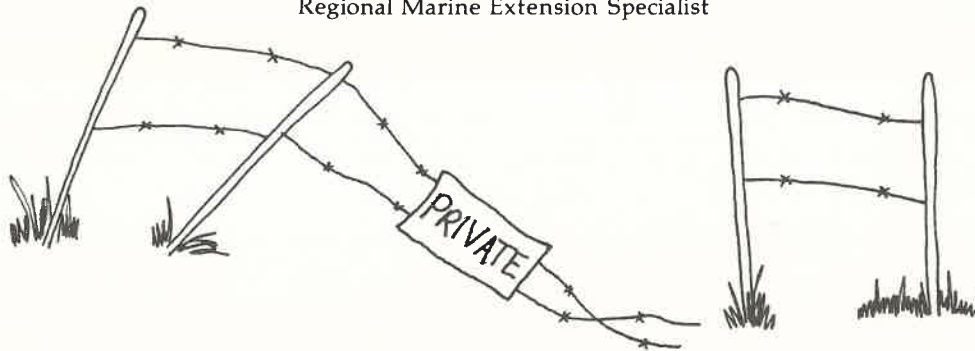


Landowners and Recreationists

By Michael W. Duttweiler
Regional Marine Extension Specialist



Noise, privacy, broken fences, a freshly mown alfalfa field, beer cans, and lead-weighted fish hooks might seem about as unrelated as things could be. But these are all elements that are often found in stressful situations between rural landowners, sportsmen and other recreationists.

Recent growth of sportfishing and other forms of outdoor recreation has often been accompanied by conflicts between landowners and recreationists. While generally involving only a small percentage of all recreationists, the problems of excessive noise, invasion of privacy, damage to private property and field crops, littering and personal injury are all very real crises to the landowners involved.

Misunderstanding of the rights and obligations of landowners often contributes to problem situations. The story below illustrates some of the common myths about the landowner-recreationist relationship. How many of Joe's questions can you answer correctly?

Joe, an avid sportsfisherman, is sitting at a coffee shop talking with officer, Ralph. Joe is very concerned because he was just asked to leave one of his favorite fishing holes.

Joe: "It seems that every place I try to fish is posted. And then this morning I was fishing on unposted land and old Mrs. Myland called me a trespasser. She even threatened to have me arrested if I didn't leave. She couldn't do that, could she?"

Ralph: "Yes Joe, she could. If you were on her land without permission, you were trespassing, whether or not the land was posted. Further, if you refused to leave, she could have had you apprehended. Ask permission next time."

Joe: "But I had entered the stream on public fishing rights. When I came to the end of the public area, I stayed in the middle of the stream and never set foot on her land. I wasn't trespassing, was I?"

Ralph: "Yes you were, Joe. Ownership of stream beds depends on individual property deeds. Mrs. Myland may own to the middle of the stream or to either bank, depending on how her property lines run. Unless the stream bed

is State owned, a private individual owns it, and you were there without permission."

Later in the morning Ralph was on patrol and he met up with Mrs. Myland. They had a short talk about sportsmen.

Mrs. Myland: "All I need is for some fisherman to slip and break his leg while fishing in my stream. Then I'd be in some fix, wouldn't I?"

Ralph: "Not really, Mrs. Myland. New York laws don't hold a landowner liable for the safety of trespassers. In general, you'd only be liable if you did something intentionally to harm a trespasser."

Mrs. Myland: "The other day someone asked to fish at Stumpful Hole on my land. I was afraid that I would be liable if they hurt themselves. Is this true?"

Ralph: "No. New York law now reads that landowners are not liable for persons who have been granted permission to recreate

(continued on next page)

Fishermen Catch Up on PCBs

Information supplied by Sue Barra
Monroe County Cooperative Extension

Salmon weren't the only things fishermen caught at Monroe County's First Annual Salmon Derby, held May 1-2 at Ontario Beach County Park. A lot of people also pulled in some good tips on what to do with PCB-contaminated fish.

The derby, sponsored jointly by the City of Rochester's Department of Parks and Recreation and the Cortland Line Company (a tackle company based in Cortland, New York), was initiated to help create greater public awareness of the State's salmonid stocking program and generate new local revenues. But both Monroe County Cooperative Extension staff and Sea Grant Advisory Service staff saw the derby as an excellent opportunity to provide fishermen and their families with information on a current environmental concern—PCB contamination of salmonids.

Armed with publications on fish and a special handout entitled "What Are PCBs?" Extension agents Nancy Boswell, Sue Barra and Rick Sojda from the Brockport Sea Grant office set up "headquarters" near the official salmon weighing station and display box (where the largest fish caught in the derby were kept on ice). Large posters illustrating how PCBs get into fish, and ways to trim and cook fish to reduce amounts of PCBs helped to capture the attention of many passers by.



Cooperative Extension agents Nancy Boswell (on center stage at left) and Sue Barra (right) demonstrate how to handle fish that may be contaminated with PCBs during the Monroe County First Annual Salmon Derby.

Throughout both Saturday and Sunday, the three gave five minute lecture-demonstrations to groups of about twenty people, showing how to trim off fatty areas of the fish, particularly the belly region, where PCBs are most likely to collect. They also pointed out good cooking methods, such as baking and broiling, that also help reduce PCB levels. By the end of the weekend, some five hundred persons had seen the demonstrations.

All three staff were pleased with the demonstrations because it enabled them to reach large numbers of people at a time when they were most "vulnerable" to PCB education—as they were in the process of cleaning, and soon after, preparing freshly-caught salmon and trout. Over 2800 people entered the derby this year, and many of them walked away with new ideas about PCBs as well as fish.

The derby is destined to become an annual event, and if succeeding years

are like this one, the event will do much to help bring various groups together and also raise public awareness on issues relating to Lake Ontario. In addition to the joint efforts of Sea Grant and Extension, the New York Department of Environmental Conservation helped with the official weighing of the fish. The derby also provided an opportunity for the City of Rochester to sponsor a tour of the Monroe County shoreline for a group of 30 local legislators and concerned citizens. City Commissioner Jeff Swain guided the group to such places as Braddock Bay to see the state marina and Irondequoit Bay—areas that are being impacted by the salmonid fishery.

* * *
If you're interested in learning more about PCBs, write to the Monroe County Cooperative Extension Office for a copy of "What Are PCBs?" or write for the Sea Grant flyer entitled "PCBs in Fish" listed this month in "I Want More."

The New York Sea Grant Institute's Annual Report has taken on a new look this year. The report will be published as a series of small flyers on specific components of the New York program for easy reading and reference rather than as a single comprehensive volume. Sections are: 1. Focus, 2. Marine Food and Technology, 3. Focus on Coastal Planning, 4. Coastal Resources: Using Them and Managing Them, and 5. The Recreation Business. The first two sections are currently listed in "I Want More."

(Landowners... continued from front page)

on their lands. Again, you would generally be liable only if you intentionally harmed someone."

Mrs. Myland: "Well, if that's so, I might as well let people use my lands and charge them admission, to boot."

Ralph: "You could do that, but as soon

as you start charging a fee for the use of your lands, you automatically accept liability for your patrons."

Did you know all of Ralph's answers? If you'd like to know more about landowner liability write for "Insight #5: Landowner Liability, Posting and Recreational Access" listed this time in "I Want More."

Regional Council Will Manage New York Fisheries

Control of fishing in most waters within 200 miles of our coast comes under United States control March 1, 1977 according to the Fishery Conservation and Management Act of 1976. Signed by President Ford on April 13, this law will restrict foreign fishing to those vessels having appropriate permits.

After March 1977, the responsibility for issuing permits and management of most fisheries outside of state waters will rest largely with Regional Management Councils set up by the Act. New York will be the northern edge of a six-state region that stretches down to Virginia, and will be a part of the Mid-Atlantic Regional Management Council. There will be 19 voting members of this Council including the principal state official with marine fishery management responsibilities from each state in the region; the Regional Director of the National Marine Fisheries Service; and twelve members appointed by the U.S. Secretary of Commerce from lists of at least three qualified individuals submitted by the Governors of each state.

The Councils are to be named by the Secretary of Commerce by August 11, and as "Coastlines" went to press, Governor Carey had forwarded his recommendations to the Secretary.

The role of the Regional Councils is a key one and they will be aided by a staff, a "scientific and statistical," and other advisory panels as necessary. Each Council will prepare a plan for each of the different fisheries within its geographical area for submission to the Secretary; comment on any application for foreign fishing within its area, and hear comments from persons interested in the development of those fishery management plans. The plans will contain conservation and management measures applicable to foreign fishing vessels and vessels of the United States.

According to the Act, plans need to describe:

- the number of vessels involved in the fishery;
- the type and quantity of gear used;
- species of fish involved;
- the costs likely to be incurred in management;

- actual and potential revenues;
- any recreational interest in the fishery;
- and, the nature and extent of foreign fishing.

These plans must also specify the maximum and optimal sustainable yield from the fishery and indicate the extent to which U.S. vessels will harvest the optimum yield. That not harvested by U.S. vessels could be made available to foreign fleets.

In addition, Councils may include in their plans requirements for permits and fees to be paid to the Secretary, for United States vessels fishing within the 200-mile zone. Councils may also

- designate zones and periods when fishing is limited by type of vessel or gear;
- limit catch of fish by number, weight, etc.;
- require certain equipment, including any that might facilitate enforcement of the act;
- and incorporate relevant fishery conservation measures of the coastal state nearest to the fishery.

Councils may establish a system for limited access to the fishery to achieve optimum yield if the following are taken into account:

- present participation in the fishery;

(continued on back page)

I WANT MORE

Further details to help solve several coastal problems are available. Each month we try to list several publications of possible interest to you; please check off those you would like and return to the Sea Grant Advisory Office nearest you. Addresses are listed on the back page. All are recent publications of of the New York Sea Grant Institute.

Single copies of the following publications are free.

- ____J23 Insight #5: Landowner Liability, Posting and, Recreational Access. By Michael Duttweiler. May 1976. 16 pp.
- ____J24 Marine Trades Flyer #7: Controlling Aquatic Weeds. By Michael Duttweiler. May 1976. 1 pp.
- ____J25 PCBs in Fish. (Flyer) May 1976.
- ____J26 New York Sea Grant Institute Annual Report, November 1974-October 1975, Part 1: Focus. April 1976. 4 pp.
- ____J27 New York Sea Grant Institute Annual Report, November 1974-October 1975, Part 2: Marine Foods and Technology. May 1976. 4 pp.

There is a charge for the following publications. Make checks payable to Cornell University.

- ____A13 Alternative Energy Leasing Strategies & Schedules for the Outer Continental Shelf. By Robert J. Kalter, Wallace E. Tyner and Daniel W. Hughes. December 1975. 179 pp. \$1.00.
- ____A14 New York Bight Atlas Monograph #9: Gravity, Magnetism, and Seismicity. By James R. Cochran and Manik Talwani. June 1976. 24 pp. \$4.00.
- ____A15 New York Bight Atlas Monograph #20: Port Facilities and Commerce. By Alfred Hammon & L. M. Krieger. June 1976. 44 pp. \$4.00.
- ____A16 Does Fishing Have a Future? By J. L. McHugh. Reprinted from SEARCH magazine, Winter 1975-1976. 8 pp. \$.75.

Not Just Another Oil Depot . . .

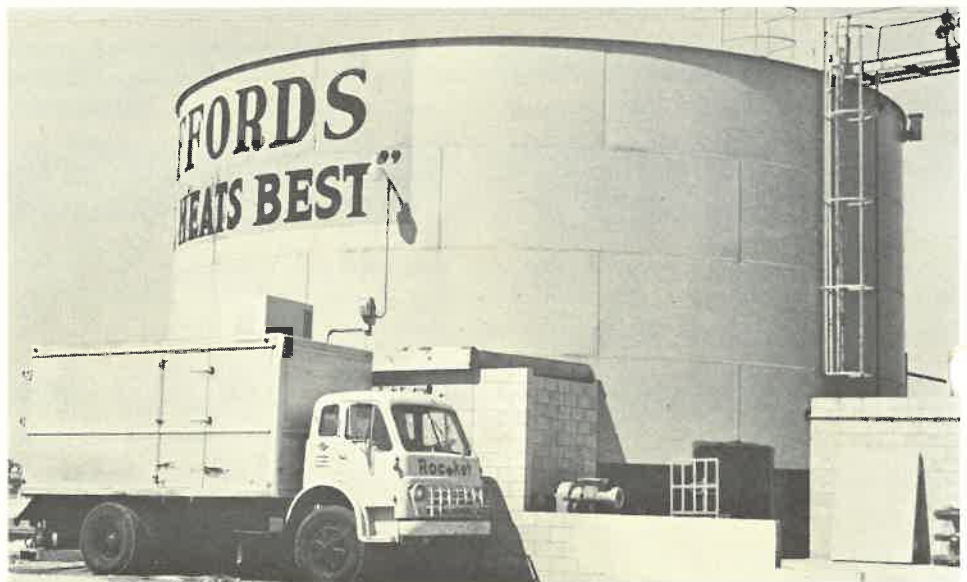
By Linda J. Camp
Media Specialist

To anyone quickly passing by, it might look like just another piece of abandoned waterfront property—an old oil depot lying fallow after time and progress have ushered its lifeblood into other parts of the city.

But, the more careful observer will find that the 2½ acres of land and four oil tanks in Island Park, New York are a lot more than they seem to be. What was once an unfortunate blotch on the shoreline, today has become one of New York's most unique marine businesses—housing on the same property, and within the old tanks themselves, a commercial fishing operation, a seafood cold storage facility, and a small boat marina with dry stack storage.

This unusual conglomeration is the brainchild of Frank Domenic, a Long Island commercial fisherman for over thirty years. Though he already owned a fishing station and a fresh fish market in Island Park, last winter Domenic was in the mood to try something new, so he and a friend in the importing business began to look for available waterfront property. Early in January 1976, they came across the oil depot and, after only about thirty minutes of looking around at the property, Domenic had devised the scheme for using the tanks to shelter a multi-dimensional waterfront business. By January 16, the two men had purchased the property and a six person crew was able to begin work.

According to Domenic, when they first started work on the depot, it was nothing but “pipes, oil, dirt and junk.” There were four empty oil tanks on the property—two large and two small—plus another building that were usable, but some other structures had to be demolished and the land cleared before any remodeling could begin. With a little



What was once just an old oil depot has become the home of a diverse waterfront business. At top is the outside dry stack storage facility adjacent to one of the larger tanks that will eventually house more boats. In the center, one of the two large oil tanks that is now a seafood storage building. At bottom, Sea Grant Specialist Peter Sanko (left) talks with Frank Domenic, creator of the waterfront business.

energy and imagination, these things were accomplished and eventually one of the large tanks was transformed into a cold storage facility, a smaller tank was turned into an ice house (for making ice as well as holding it) and the building into an office.

Perhaps the most remarkable thing about this enterprise is not how the abandoned depot has been used, but rather how quickly the new facilities have been put together. In May, just a little more than four months after the land was purchased, the cold storage facility was in full swing. Domenic is storing the fresh fish he brings in from his own commercial vessels, as well as frozen fish products from companies from as far away as Rhode Island and Florida, and he ultimately sells this fish to markets throughout New York State.

He has started to convert the other large tank into a small boat storage facility which will be capable of handling about 150 boats of 23 feet in length or smaller. But because it won't be completed for awhile, he is offering dry stack storage outside. The other small tank currently houses odds and ends of equipment, but may eventually be turned into an additional cold storage building.

Once the last two tanks have been remodeled, the work will be nearly complete. Domenic does plan to repaint the outside surfaces of the tanks, but other than that he will concentrate on running the businesses rather than expansion. He would, however, like to get one or two more commercial fishing vessels to

"pack in" at his facility to round out his activity. Domenic currently employs about nine people in the businesses and this alone gives him great joy, for one of his original purposes in establishing the new operation was to help provide new job opportunities for local people.

Out of the entire undertaking, probably the most difficult part was simply finding an appropriate piece of waterfront property. Domenic notes that he and his partner looked at a number of locations and were about ready to give up the idea when they found the oil depot. Most of the land which was available was zoned for recreational or residential uses. The depot site, however, was in a commercial area, so there were fewer restrictions on how they could develop the land.

This kind of roadblock is not an uncommon one. In the past several decades, more and more shorefront has been allocated for recreation and private residences, and other competing uses, such as commercial fishing, have been given lower priority. But under the new 200-mile extended jurisdiction the situation may change. With more attention being given to commercial fisheries, new opportunities may open up, and so it may be possible to develop new waterfront businesses, such as Domenic's.

Whatever the future brings, Frank Domenic's oil depot has certainly opened many eyes, and has proven without a doubt that even the most unlikely bit of shoreline has the potential to be something new and exciting.

DeYoung and Voiland Join AS Staff

Two new Sea Grant faces have appeared on New York's Great Lakes coastline recently. Early in May, Bruce DeYoung joined the New York Advisory Service staff to work with people along Lake Erie. DeYoung has an undergraduate degree in geology from Augustana College and a graduate degree in Marine Resource Management from Oregon State University. He will be concentrating some of his Sea Grant efforts on coastal zone management.

Mike Voiland, the other new Advisory Service staff member, commenced work during the first part of June. He will be working out of the Brockport Advisory Service office, taking over Rick Sojda's responsibilities after Sojda leaves to begin graduate work in Iowa at the end of July.

Voiland has a graduate degree in geography from SUNY/Albany and has completed the course work for a Ph.D from the New York State College of Environmental Science and Forestry in Syracuse, New York. While at Syracuse, Voiland served as a research assistant for a New York Sea Grant research project on charter boat fishing. He will be using his experience with the charter industry to aid individuals who live along Lake Ontario in planning for new recreational businesses.



(left to right)

Sea Grant Specialist Steve Brown hands diplomas to Brenda and Patric Patch for completion of an eight-week course on managing water-oriented businesses. Dean Rene Valentine of Jefferson Community College and Ken Jackson Regional Director of the Small Business Administration assisted with the course which was attended by over twenty marina operators from the St. Lawrence Region. The course was co-sponsored by the New York Sea Grant Advisory Service, the Small Business Administration and Jefferson Community College. It ran from March 25 through May 20. Photo by William E. Bender

UPDATE

The New York State Department of Environmental Conservation (DEC) has issued a draft statement of land use regulations for tidal wetlands. The action comes two years after a moratorium was first placed on development of the wetlands. During this time, DEC has conducted intensive surveys of tidal wetlands in an attempt to come up with an appropriate classification scheme.

The regulations, which spell out permissible uses for various types of wetlands, are in draft form, and as "Coastlines" went to press, DEC was holding public hearings on them to gather public input. Readers who are concerned with tidal wetlands are urged to contact the Department of Environmental Conservation for copies of the proposed regulations. "Coastlines" will carry additional information as it becomes available.

The problems and potentials of the St. Lawrence River Valley was the focus of a one-day conference in Ogdensburg, New York on May 22. Sponsored by the St. Lawrence Valley Conference Council, the meeting attracted over fifty representatives of public and private agencies, local planning groups and representatives of environmental groups.

Speakers included Ernest Hardy of Cornell University, David Witherspoon of Environment Canada, C. F. McInnis from the South Dundas Area Planning Board and Clinton Marsh of the Thousand Island Bridge Authority. Each discussed a different component of land and water management in the St. Lawrence Valley. Most of the conference participants were interested in finding ways for citizens to have a greater voice in making decisions about water and land uses in the Valley. This and other related issues will be explored further by future conferences sponsored by the Conference Council.

(Regional Councils...cont.)

- historical fishing practices in and dependence on the fishery;
- economics of the fishery;
- capabilities of the fishing vessel used in the fishery to engage in other fisheries;
- cultural and social framework relevant to the fishery;
- and, any other relevant considerations.

This is an important bill for persons concerned about the fishery beyond the historical 12-mile limit. If you have specific questions about aspects of the Act, please send them to the Ithaca Advisory Service office. We'll try to provide answers to subsequent "Coastlines" articles on the potential effect and implementation of this law.

You may obtain copies of the Act from your Congressmen. A synopsis of this Act, prepared by the National Sea Grant Office in cooperation with the National Marine Fisheries Service is available from either the Ithaca or Stony Brook Advisory Service office.

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