

## REVISED EXPRESS TERMS

A new Subpart, 6 NYCRR Subpart 646-9: Prohibition of Aquatic Invasive Species Introduction Into Lake George, is added to read as follows:

### Section 646-9.1 Purpose, Scope and Applicability.

Aquatic invasive species (AIS) pose a serious threat to the waters of Lake George and can cause significant detrimental impacts to the ecology and economy of the Lake George Park. This rule is intended to prohibit introduction of aquatic invasive species to Lake George, and to minimize spread of AIS from Lake George to other waterbodies. This Subpart creates a program whereby trailered vessels are inspected prior to launch into Lake George and upon retrieval from Lake George, to help ensure vessels are free from AIS.

This Subpart will expire as of December 31, 2015. The Commission will reevaluate the effectiveness, cost and regulatory impact of the mandatory trailered boat inspection program during the second year after the adoption of this Subpart to determine whether to continue the program, with or without modifications.

### Section 646-9.2 Definitions

The following terms shall have the stated meanings whenever used in this Subpart or in documents referenced or prepared by the Commission. Other terms defined in section 645-2.1 of this Title shall have the meanings set forth in that section.

(a) “Aquatic invasive species (AIS)” means an aquatic animal or plant species that is:

(i) nonnative to the waters of Lake George; and

(ii) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(b) “Boating season” shall mean April 15 to December 1 of each calendar year.

(c) “Cleaned, Drained and Dry” means that a trailered vessel is cleaned of all visible plant and animal growth, has had all bilges and other areas capable of storing water drained and is fully dried.

(d) “Cleaned and drained” means that a trailered vessel is cleaned of all visible plant and animal growth and has had all bilges and other areas capable of storing water drained

(e) “Decontamination” means High Pressure Hot Water (HPHW) wash of a vessel and/or trailer, or other method determined to be as effective by the Commission, to eliminate any threat of introduction of AIS to Lake George.

(f) “Introduce” means the intentional or unintentional escape, release, dissemination or placement of a species into an ecosystem as the result of human activity.

(g) “Launch site” means any boat launch, ramp, hoist or other area on a lakefront lot that is or may be used to allow a trailered vessel to enter or launch into Lake George.

(h) “Launch operator” means the owner of the private lakefront lot upon which a launch site is located, or the operator of such launch site.

(i) ”Reasonable precautions” means intentional actions that prevent or minimize the transport or introduction of invasive species.

(j) “Trailered vessel” means any vessel as defined in section 645-2.1(ca) of this Title which is towed by another vehicle. The term includes a vessel’s motor, trailer, compartments, and any other associated equipment or containers that routinely or

reasonably could be expected to contain, or come into contact with, water. Trailered vessel does not include seaplanes, hand-launched rafts, kayaks, belly boards, float tubes, canoes, row boats, windsurfer boards, sail boards, inner tubes, standup paddleboards or similar devices.

(k) “Vehicle inspection station” means a location designated by the Commission where inspection and, if necessary, decontamination services will take place.

(l) “Vessel inspection control seal (VICS)” means a plunger seal which is certified by the Commission and applied by a VIT or authorized launch operator and which connects a vessel to its trailer, or other device determined by the Commission to be equally as effective, to verify that vessels have met the requirements of this Subpart.

(m) “Vessel inspection technician (VIT)” means a person who is certified by the Commission to provide services in the form of inspections only, or both inspection and decontamination.

### Section 646-9.3 Prohibitions

(a) It shall be unlawful for any person to launch or attempt to launch a trailered vessel into the waters of Lake George during the boating season without an intact VICS.

(b) It shall be unlawful for any person to leave a launch site during the boating season with a trailered vessel retrieved from the waters of Lake George that has not been cleaned and drained in accordance with Section 646-9.4 of this Subpart.

(c) It shall be unlawful for any person to introduce an aquatic invasive species into the waters of Lake George by any means including but not limited to aquaculture, aquarium dump,

animal release, non-motorized vessels, docks, construction equipment, fishing equipment, and bait, unless such person has taken reasonable precautions as defined in this Subpart.

(d) It shall be unlawful for any person to knowingly provide inaccurate or false information to Commission personnel or a VIT concerning prior launches, launch registration, or any other information required to be provided pursuant to this Subpart.

(e) It shall be unlawful for a launch operator to allow the launch of a trailered vessel into the waters of Lake George during the boating season that is not equipped with an intact VICS applied by a VIT or authorized launch operator in accordance with this Subpart.

(f) It shall be unlawful for any person to alter or modify any VICS. This prohibition shall not apply to the removal of a VICS that has been properly installed pursuant to this Subpart prior to the vessel being launched into Lake George.

(g) It shall be unlawful for any person to use, or attempt to secure a vessel to a its trailer, with an unauthorized VICS so as to avoid the requirements of this Subpart.

(h) Unless otherwise exempted by this Subpart, it shall be unlawful for any launch operator to operate a launch site without registering such launch site with the Commission and maintaining launch records as required by this Subpart.

#### Section 646-9.4 Vessel Inspections, Decontamination and Administration

(a) Except for activities exempted by this Subpart, all trailered vessels shall be inspected by a VIT prior to launch into Lake George during the boating season to determine that the vessel has met the clean, drained and dry standard. Trailered vessels identified by a VIT as meeting this standard shall receive a VICS.

(b) All vessels inspected pursuant to subdivision (a) of this section shall be subject to decontamination if determined not to meet the cleaned, drained and dry standard by any VIT prior to launching into Lake George during the boating season. Trailered vessels decontaminated by a VIT shall receive a VICS.

(c) Upon retrieval from the waters of Lake George during boating season, all trailered vessels must meet the cleaned and drained standard prior to leaving a launch site. Such vessels may receive a VICS by an authorized launch operator to demonstrate compliance with this Subpart. If intact, a VICS received from an authorized launch operator shall preclude the need for a trailered vessel to receive inspection by a VIT as described in subdivision (a) of this section.

(d) Within 60 days of the effective date of these regulations, a launch operator must register the launch site with the Commission on such form as the Commission may prescribe. Following the initial registration, launch sites must be registered annually by the launch operator by May 15 of each year. A launch site created after the enactment of these regulations must be registered with the Commission prior to any trailered vessels being launched or retrieved from that launch site. This requirement shall not apply to any launch sites which are owned by a State or local government or which are staffed by Commission personnel.

(e) The Commission may enter into written agreements with public launch owners and operators to implement the trailered vessel inspection program on public launch sites.

(f) All launch operators required to register pursuant to this section shall keep true and accurate records during the boating season in a manner specified by the Commission showing the following: the boat registration number of each trailered vessel launched into or retrieved from

the waters of Lake George at its launch site; the VICS inventory maintained by the launch operator; the VICS removed by the launch operator prior to a trailered vessel being launched into the waters of Lake George; the VICS applied to a trailered vessel by a launch operator upon retrieval at its launch site of a trailered vessel from the waters of Lake George. These records shall be maintained on a daily basis and retained for a minimum of three years and shall be available for inspection upon request by the Commission.

(g) Launch operators shall maintain their launch sites in a manner authorized by the Commission so as to prevent trailered vessels not equipped with an intact VICS from launching into the waters of Lake George.

(h) All VITs will be trained and certified annually by the Commission. A reasonable training fee may be charged to individuals taking the course. The Commission will identify the type and hours of training to be completed by VITs on an annual basis.

#### Section 646-9.5 Exemptions

Compliance with this Subpart shall not apply to:

(a) Any person who has entered into or is subject to a written agreement with the Commission which provides for the substantial equivalent of the protections described in this Subpart.

#### Section 646-9.6 Severability

If any provision of this Subpart or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect

or impair the validity of the other provisions of this Subpart or the application to other persons and circumstances.

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