1. Regulatory Impact Statement

a. Statutory Authority. Section 43-0125 of the Environmental Conservation Law (ECL)(McKinney's) as amended by Chapter 272 of the Laws of 2016.

Chapter 272 increases regulatory user fees for boats, wharfs, docks and moorings on Lake George. Subdivision 2 of ECL Section 43-0125 contains the following fee increases. The annual fee for non-commercial residential docks and moorings increases from thirty seven dollars and fifty cents ($37.50) to fifty dollars ($50.00). Annual commercial dock fees increase from three dollars and seventy-five cents ($3.75) per linear foot to five dollars ($5.00) per linear foot. The annual fees for moorings used for commercial purposes increases from seventy five dollars ($75.00) to one hundred dollars ($100.00). The one-time fee for commercial docks increases from seven dollars and fifty cents ($7.50) per linear foot to ten dollars ($10.00) per linear foot, plus five dollars ($5.00) from three dollars and seventy-five cents ($3.75) per linear foot annually thereafter.

The boat fees continue to apply to any mechanically propelled boat or vessel with ten horsepower or more. Chapter 272, however, eliminates the fee for any non-mechanically propelled boat or vessel. With this legislation, only mechanically propelled vessels with ten horsepower or more are subject to boat fees. The annual registration fee for boats 20' or less in length overall increases from thirty dollars ($30.00) to forty dollars ($40.00); for boats 21' to 25' in length overall, the fee increases from thirty seven dollars and fifty cents ($37.50) plus seven dollars and fifty cents ($7.50) for each foot by which the length overall exceeds 25' to fifty dollars ($50.00) plus seven dollars and fifty cents ($7.50) for each foot by which the length exceeds 25'. For boats over 25' in length and equipped for overnight use, the fee increases from thirty seven dollars and fifty cents ($37.50) and thirty dollars ($30.00) for each foot that exceeds 25' to fifty dollars ($50.00) plus thirty dollars ($30.00) for each foot that exceeds 25'. A fee for a one week permit is increased from eleven dollars and twenty five cents ($11.25) to twenty dollars ($20.00). The fee for a one day use permit increases from seven dollars and fifty cents ($7.50) to twelve dollars ($12.00).

b. Legislative Objectives. The Legislative objective or purpose of the amendments to ECL Section 43-0125 is to increase the annual fees for docks, wharfs, moorings and boats paid to the Lake George Park Commission. The user fees support the regulatory programs of the Lake George Park Commission which are needed to preserve and protect the natural resources of the Lake George Park. The regulations implementing the statutory authority of ECL Section 43-0125 are contained in part, in 6 NYCRR 645-7. The amendments to 6 NYCRR 645-7 implement the changes authorized by Chapter 272 of the Laws of 2016.

c. Needs and Benefits. The registration fees established by the Legislature pursuant to Article 43-0125 are for the annual registration of wharfs, docks and moorings and for the annual or short-term registration of mechanically propelled boats greater than ten (10) horsepower on Lake George. The regulations implementing these fees (6 NYCRR 645-

7) incorporate the fee amounts, set dates due for payments of annual fees, and establish simple procedures for registration. In order to reflect the increase in fees enacted by the Legislature in 2016 and to provide an accurate and complete reference for the public, regulations are being revised.

Pursuant to Article 43-0125 and 97-h of the State Finance Law, user fees are deposited in the Lake George Park Trust Fund and support the regular programs of the Lake George Park Commission. These programs are generally to preserve and protect the natural resources of Lake George and the surrounding countryside including the lake's superior water quality and to promote the safe and enjoyable recreational use of the lake by reducing congestion, overcrowding and safety hazards.

d. Costs.

I. Regulated parties include people and businesses who operate a boat on Lake George and who maintain a wharf, dock or mooring. The small increase in fees being implemented is appropriate. The owner of a boat mechanically propelled by greater than ten (10) horsepower would pay an annual fee of forty dollars ($40.00), an increase of ten dollars ($10.00) from the previous amount. The owner of a boat greater than 21' in length overall and less than 25' would pay an annual registration fee of fifty dollars, an increase of twelve dollars and fifty cents ($12.50). Boats greater than 25' in length which are not equipped for overnight use would be subject to an annual registration of fifty dollars ($50.00) plus seven dollars and fifty cents ($7.50) for each foot the boat exceeds 25' in length overall. This is an increase of twelve dollars and fifty cents for the annual fee, but does not increase the fee amount for each foot the boat exceeds 25' in length overall. Boats equipped for overnight accommodations would be subject to a fee of fifty dollars ($50.00) plus thirty dollars ($30.00) per foot for each foot the length overall exceeds 25'. This is an increase of twelve dollars and fifty cents for the annual fee, but the additional cost per foot for each foot the length exceeds 25' remains at thirty dollars ($30.00).

Short-term registrations would increase from seven dollars and fifty cents ($7.50) per day to twelve dollars ($12.00) per day and from eleven dollars and twenty-five cents ($11.25) to twenty dollars ($20.00) for a seven (7) day registration.

Registration fees for residential wharfs, docks and moorings will increase from thirty-seven dollars and fifty cents ($37.50) to fifty dollars ($50.00), an increase of twelve dollars and fifty cents ($12.50). Association dock fees will increase from thirty-seven dollars and fifty cents ($37.50) per dock to fifty dollars ($50.00) per dock slip. Commercial dock fees will increase from three dollars and seventy-five cents ($3.75) per foot of usable dock or wharf to five dollars ($5.00) per foot of usable dock or wharf, an increase of one dollar and twenty-five cents ($1.25). Quick launch facility fees will increase from three dollars and seventy-five cents ($3.75) per usable linear foot to five dollars ($5.00) for the total useable linear footage of dry storage capacity at the quick launch. As an example, the

owner of a residence with a single dock and one boat that is 21' to 25' in length overall will see a total annual increase in fees from $75.00 to $100.00 or a $25.00 total increase.

Chapter 272 also eliminates the fee for non-mechanically propelled boat or vessel of eighteen feet or more. These vessels will no longer be subject to an annual fee.

ii. The Lake George boat, dock and mooring registration program is an established program operated by the Lake George Park Commission. The fee increases will not result in any increase in program administrative costs.

iii. Cost analysis is based upon the administrative records of the Lake George Park Commission.

e. Paperwork. Annual registrants receive a pre-completed application form each spring by direct mail. Registrants must update the information, if required, sign and return the form with a check or money order. Short-term boat registrants complete a simple application form. Boats may be registered in advance or at any one of the 40± registration agents at launches, stores, and municipal offices around the lake. There will be no change in the paperwork required as a result of this rulemaking.

f. Local Government Mandates. This rulemaking and the regulations being amended impact no program, service requirement, duty or responsibility upon any county, city, town, village, school district, fire district or special district.

g. Duplication. The rulemaking implements fee increases established by Chapter 272 of the Laws of 2016 and will not duplicate, overlap or conflict with other State or Federal requirements.

h. Alternatives. The proposed revisions are intended to implement legislated fee increases and no significant alternatives were considered.

I. Federal Standards. The proposed revisions do not exceed any minimum standards of the Federal government.

j. Compliance Schedule. Adoption of Chapter 272 has been the subject of a number of media stories and has been discussed in various municipal and chamber of commerce meetings. Regulated parties will have direct notice a minimum of thirty (30) days in advance of registration due dates in 2017. Completion of the registration form and submission of payment will result in full compliance.

2. Regulatory Flexibility Analysis

a. There are approximately 200 or more small businesses which register wharfs, docks and moorings annually under the regulations. These include marinas,

restaurants, and resorts. In addition, there are an estimated 40 separate businesses which registered one or more vessels including fishing and sailing charters, rentals and public vessels. The number and type of businesses affected will be the same following the revisions as currently established by the regulations.

b. I. Record-keeping and compliance requirements would continue as under the current program. The submission of a simple registration form, pre-completed for annual registrants - is all that is required.

ii. No professional services are required for compliance.

c. No capital costs will result from the revisions. Annual cost of complying with the revisions is comprised entirely of the statutory increase in registration fees. For example, fees for average marina that provides annual services for 150 boats, seasonal berthing for 30 boats, and which has 300' of usable commercial dock would pay an additional three hundred seventy-five dollars ($375.00) in increased fees or a total of one thousand five hundred dollars ($1,500.00). This equates to fifty dollars ($50.00) per seasonal slip. A resort-restaurant with 120 feet of usable commercial dock (12 slips) would see a fee increase from four hundred and fifty dollars ($450.00) to six hundred dollars ($600) or one hundred fifty dollars ($150.00) per year. Total fees are approximately fifty dollars ($50.00) per slip.

A fishing charter service vessel with a 25' non-equipped boat would be subject to an increase of twelve dollars and fifty cents ($12.50) - a total annual fee of fifty dollars ($50.00).

d. Implementation of the statutory fee increases without any additional increase in fees or paperwork requirements is intended to minimize any adverse economic impact on small business.

e. The nature of the rulemaking is simply to implement statutory fee increases with no additional requirements. Several media stories have covered the fee increase and the Lake George Park Commission has held several public meetings explaining the new fees and the reasons for them.

3. Rural Area Flexibility Analysis

a. The Lake George Park, comprised of Lake George and the surrounding land drainage basin, is a rural area subject to significant changes in seasonal population. Generally, the hamlets along the lake: Lake George Village, Bolton Landing, Hague, Ticonderoga, Huletts, Gull Bay and Glenburnie are rural areas consisting of lakefront residential or mix commercial/residential uses.

b. Compliance requirements consist of completing a simplified registration form and making a payment. No professional services will be needed.

c. There are no initial capital costs which result from the rulemaking. Annual cost for the registration of a typical boat will increase from thirty dollars ($30.00) to forty dollars ($40.00) as a result of the fee increase. Annual costs of commercial docks will increase as well. As an example, a 24' length of commercial dock will be subject to a fee increase of thirty dollars ($30.00). The fee of ninety dollars ($90.00) will increase to one hundred and twenty dollars ($120.00) per year. Typically, commercial docks provide berthing for boats on two sides. Accordingly, in the above example if the owner/operator passes the fee increase through to customers, it would result in an increased expense to the customer of fifteen dollars ($15.00) per year or from the current forty-five dollars ($45.00) to sixty dollars ($60.00) for an average boat slip.

d. The rule implements a statutory fee increase with no additional costs or requirements.

e. The nature of the rulemaking is simply to implement statutory fee increases with no additional requirements. Several media stories have covered the fee increase and the Lake George Park Commission has held several public meetings explaining the new fees and the reasons for them.

4. Job Impact Statement

The regulations are not expected to have an adverse impact on jobs in the region. The increase in residential dock fees will have no adverse impact on jobs. The increase in commercial dock fees will most likely be passed on to customers of the commercial establishment and will have no adverse impact on jobs.