

6 NYCRR Part 576
Aquatic Invasive Species Spread Prevention

NYS DEC Responses to Comments

The Department received 22 individual public comment letters during the public comment period held December 16, 2015 through February 1, 2016. Of these, 16 commenters supported the proposed regulations while 6 commenters opposed the regulations. A total of 134 issues were raised within the 22 comment letters. Specific comments or issues received are summarized below, with agency responses following each comment.

General comments

1. C. I live in Rochester NY and have launched my outboard for over 30 years exclusively at the Genesee River. I have always removed weeds from the trailer and boat. I also remove the drain plug after every retrieval and leave it out until the next launch. R. DEC staff are pleased to hear that the Clean, Drain, Dry message has been effective.
2. C. As illustrated in your draft, it is nice to provide alternative approaches for average boaters who may have different access to boat decontamination. Sometimes high pressure/hot water can be dangerous too. Low to medium pressure can be an option for average boaters. R. DEC staff agree. The objective of the regulation is to provide “reasonable precautions” boaters may take to Clean, Drain and Treat watercraft and floating docks prior to launch.
3. C. Overall this is a big step in the right direction. R. DEC staff agree.
4. C. We support these regulatory measures. R. DEC staff acknowledge.
5. C. The intra-Park transport of watercraft and docks to unattended sites is a big threat to our lakes, as the folks arriving from out of the Adirondack Park head to our lakes. R. DEC staff recognize that invasive species can originate both from within the Park and from outside the Park.
6. C. As written, we opine that this draft proposal is unreasonable, and sabotages the intended, cooperative goal to curtail mechanical spread of AIS between water bodies. R. DEC staff disagree. Clean, Drain, Dry has been long recognized as the standard. The “reasonable precautions” were required in statute and draw from nationally recognized standard protocols including the ANS Task Force white paper “Voluntary Guidelines to Prevent Introduction and Spread of Aquatic Invasive Species: Recreational Activities”.
7. C. The reality is that ‘common’ AIS are already in the system as a result of international commerce. A better regulation would be targeting vectors and agents for new species that cross our state’s borders, by air, land or ‘sea’. Those

that are already here are better managed by an education and outreach program. R. DEC staff recognize that there are a number of waterbodies within the state that are free of invasive species. The proposed regulation would help maintain this status. Staff also recognize that invasive species can be introduced via multiple vectors. The proposed regulation focuses on watercraft and floating docks as set in statute. The agency's website contains significant E/O content on boat transport and DEC actively supports education initiatives, such as boat steward programs via the coordination of federal funding, small grants programs, direct contracting of program and intern position.

8. C. Draft Part 576's focus solely on clean boats and docks omits addressing removals and other sources of 'infection'. R. The law which authorizes the development of these proposed regulations specifically indicates that "reasonable precautions" must be taken prior to launch, hence the focus of the regulation.
9. C. It is not clear that this regulation applies equally to all forms of commercial and recreational craft. R. The definition of "watercraft" used in the proposed regulation is specified in law, ECL 9-1710.
10. C. Draft Part 576 does not address the bigger issue of invasives and boat traffic entering interconnected waters. These boats, including the State's own vessels and commercial transients, are launched elsewhere, but can pick up and move AIS after a 'clean' launch. Would Canal boaters be required to clean their boats – inside and out – as they traveled through the system? R. The focus of the proposed regulation is to define "reasonable precautions" boaters must take prior to launch. Travel through interconnected waters is beyond the scope of the regulations.
11. C. We are troubled by the State's own admission that the public/user is generally uneducated and unable to distinguish native from non-native, so "all plant and animal material" become indictments if on or in watercraft. Our earlier comments endorsed programming to constructively educate boaters to be able to understand the consequences of introductions and to be better informed to identify the AIS plants of concern. R. By removing any plant or animal, or parts thereof, visible to the human eye, distinguishing between native and nonnative species is not required. DEC staff recognize the importance of education programs and provides significant AIS spread prevention and outreach on its website.
12. C. NYS DEC's Rural Area Flexibility Analysis of 576 missed the mark. Most launches are outside metropolitan areas. Most are small; few have the room to accommodate cleaning facilities- physically or economically. R. The focus of the proposed regulations is to define "reasonable precautions" boaters must take prior to launch. Active Cleaning, Draining and Treating do not need to be

accomplished on the launch pad itself, and should be done prior to arrival at the launch site.

- 13.C. By their very siting and design, formal boat launches are magnets for accumulating floating vegetation. At many, even the most valiant boater will inevitably retain some fragment of vegetation. That one element of duck weed, decaying *Vallisneria*, or *Elodea* – by this text’s composition – enjoins violation. R. The proposed regulations require removal of visible plant and animal material, and other general steps. As with all law and regulations, Environmental Conservation officers who enforce these have discretionary authority.
- 14.C. There are many more launch sites than practical for the current ‘NYS DEC Grant Funding for AIS Prevention’ program will allow to support stewards and receptacles at each location. R. These issues are beyond the scope of the proposed regulations.
- 15.C. Part 576 effectively curtails December and January waterfowling. Can an exemption of some sort be scripted? R. Waterfowl hunters are expected to follow the “reasonable precautions” outlined in the proposed regulations.
- 16.C. For this regulation “launching” and “removal” should be treated equitably in the context of the goal. R. The law which authorizes the proposed regulations specifically states that “reasonable precautions” must be taken by boaters prior to launch, hence the focus of the regulation.
- 17.C. While we advocate effective and efficacious protection of the ecosystem, we first want to see a substantive State effort in educating the general public. R. DEC recognizes the importance of education programs, such as boat steward programs and has implemented E/O and boat steward programs. The proposed regulations are required under statute.
- 18.C. Assess the true need and write a revision that is fair, effective and practical. R. DEC staff believe the proposed regulations are practical and will be effective if implemented.
- 19.C. Look to the source of introductions and egregious violations, rather than fomenting aggravation for the normal boater. R. Introduction of AIS via boating is a well-recognized vector and means of introduction and spread. Statute requires “reasonable precautions” regulations. Environmental Conservation Officers, the primary enforcers of ECL and agency regulations, have discretionary authority.
- 20.C. When a boat is registered or reregistered, make the registration show the boats home water. R. This is beyond the scope of the proposed regulations.

21. C. Install at one lock on each major canal leg a lightering system to isolate boats and clean them in 'drydock'. R. This is beyond the scope of the proposed regulations.
22. C. These precautions are necessary and important in the struggle to discourage and stop the spread of AIS through boat traffic and accompanying recreational use. We support these regulations. R. DEC staff acknowledge.
23. C. I believe the initiatives that you are setting in place, such as removing all plant and animal life from any object touching the water, rinsing, draining and drying are all great steps, but they will not be enough. R. DEC staff believe the proposed regulations are reasonable and will help prevent the spread of AIS.
24. C. At all public launch sites there should be a steward responsible to inspect all water crafts. R. This is beyond the scope of the proposed regulation. DEC staff recognize the importance of outreach programs that educate boat operators on how to slow the spread of AIS through their boating activities. Operators are responsible for taking "reasonable precautions".
25. C. The state should have the recommended cleaning and dumping stations at all launch sites. R. This is beyond the scope of the proposed regulations, DEC staff recognize the utility of disposal stations at public launch sites.
26. C. The regulations in this Part are very clear and should be enforced to help prevent the spread of invasive species. R. DEC staff agree.
27. C. On all public waterways, or near them, there should be an area to do these precautions. R. The proposed regulations provide that "reasonable precautions" may be taken prior to arriving at a launch but must be taken prior to launching into a public waterbody.
28. C. I support this regulation, even though some of the precautions are annoying to do. R. DEC staff acknowledge.
29. C. I believe that the AIS Spread Prevention Regulation is a fantastic regulation to be put in place. With the help of this regulation the spread of AIS should greatly decrease, saving time and money. Part 576 is exactly what we need to try and tame this massive problem. R. DEC staff agree.
30. C. All the reasonable precautions mentioned in Part 576 are the best way to go about this without costing your team or recreational boat owner's money. R. DEC staff agree.
31. C. The spread of invasive species is a major issue in New York State that threatens our natural resources. By passing these purported laws and

regulations, the public will now have a greater obligation to practice proper cleaning of watercraft and disposal of invasive species. R. DEC staff agree.

32. C. After reviewing the Express Terms of the proposed Part 576 Aquatic Invasive Species Spread Prevention, I would like to note that I am in favor of the proposed legislation. R. DEC staff acknowledge.
33. C. This legislation provides the public with an opportunity to learn more about how and why they are required to take these precautions. There are still a great deal of people who are not aware of the extent invasive species have on the environment and how easily they can spread. R. DEC staff recognize the importance of education programs such as boat stewards.
34. C. Upon reviewing the regulations, I feel what has been stated within the regulations are an adequate way of preventing the spread of aquatic invasive species within New York. I feel that combining Part 576 with existing regulations will further insure AIS prevention. R. DEC staff agree.
35. C. Furthering public awareness may be an ideal way of being sure more residents comply with the regulations by placing signs in or near public waterways, including Part 576 in boater safety courses and informing those applying for boating licenses. R. DEC staff recognize the importance of education initiatives. Standard signage has been developed and posted on DEC's website for use at all public launches which includes the Clean, Drain, Dry message.
36. C. Upon review, I believe the new terms being presented go to great lengths to prevent the spread of aquatic invasive species. I believe that if followed by the general public the proposed terms will greatly reduce the threat of invasive species taking over new waterways. R. DEC staff agree.
37. C. I believe that educating the public should not be that hard with the addition of signs at public boat launches and possibly informational commercials that will run on TV. R. DEC staff recognize the importance of education programs. Standard signage has been developed for use at public launches which includes the Clean, Drain, Dry message and available on DEC's website.
38. C. On busy days such as holidays or during the summer the little added time it takes to do the terms provided will lead to a clogged launch site and angry boaters. R. The proposed regulations provide "reasonable precautions" that must be taken prior to launch. These activities do not all need to be accomplished on the launch itself.
39. C. It is my belief that it is our responsibility, as boatman, to take care of our waterways and preserve them for the future. With the proposed terms we should be able to accomplish this. R. DEC staff agree.

40. C. I do not see a lot about educating the public in Chapter V subchapter C Part 576. I think a small education program at parks could make a huge difference in how the public feels about this act. This could help the next generation in combating invasive species. R. DEC staff recognize the importance of education programs, such as boat stewards. DEC's web site contains significant E/O information on AIS.
41. C. I think the idea is good and it could help the waterways, but I think there is work to do on it. R. DEC staff believe the proposed regulations are reasonable and if implemented will be effective in preventing or reducing the spread of AIS.
42. C. Spread prevention for AIS is desired and hopefully this potential legislation brings New York State closer to spread prevention. R. DEC staff acknowledge.
43. C. There must be boat launch monitoring and education programs that will begin the conversation of AIS spread prevention with boat owners. Trained staff or volunteers should be at public launch sites that require public participation in this legislation to intensely monitor public participation. People need a chance to become educated on the spread prevention of AIS as well as gain the chance to participate in spread prevention procedures. R. DEC staff recognize the importance of education programs, such as boat stewards.
44. C. There would be an increased cost associated with this legislation. The costs associated with the legislation as it stands now is minimal for local governments, but could be viewed as a potential burden to the public. R. DEC staff believe the proposed regulations are reasonable and, if implemented, will be effective with minimal cost to individual boaters.
45. C. To ensure that invasive species do not spread from one body of water to the next should be everyone's top priority after using any water device that's placed in the water. If people don't do their part in preventing these organisms from spreading then we will face further damage to our natural habitats that exist in New York. R. DEC staff believe these concepts go beyond the scope of the authorizing legislation.
46. C. The members and club delegates urge the DEC to accept the referenced proposed regulations to control the spread of aquatic invasive species statewide. These simple precautions need to be done for all bodies of water to protect and preserve the natural resources and native species. R. DEC staff acknowledge.
47. C. The Part 576 Aquatic Invasive Species Spread Prevention Express Terms is a necessary set of rules and regulations that I do not believe in any way are "too much" for any water craft owner to abide by. R. DEC staff agree.
48. C. Taking precautions to clean, drain and treat ones watercraft/ floating dock immediately after each use is necessary to ensure that "aquatic hitch hikers" are

not getting a free ride from one waterbody to the next. Owning your own watercraft comes with a responsibility to keep it clean and protect our water bodies from the introduction of invasives. R. DEC staff agree.

49. C. The draft regulation designed to prevent the spread of AIS through the use of reasonable Clean, Drain and Treat precautions prior to launching provides a thoughtful and cohesive approach to dealing with the aquatic invasive species threat in New York State. The proposed regulations impose reasonable expectations on the majority of concerned boaters and reasonable penalties for the few who would ignore these well-established best practices. R. DEC staff agree.

50. C. We look forward to adoption of the regulations and are prepared to do our part to assist with the implementation process through diligent education, inspection and decontamination with our Watercraft Steward Program. R. DEC staff acknowledge.

51. C. The DEC proposal is placing a huge potential burden of liability on recreational boaters and dock owners. It appears the DEC and New York State are using recreational boaters and dock owners to make up for its failure to protect our waterways from the damage done by international shipping companies. I encourage all boaters to take reasonable precautions but I cannot support Part 576 Invasive Species Regulation for recreational boater and floating dock owners and the punitive measures for a problem they did not create. R. DEC staff recognize that invasive species can be introduced via multiple vectors. The proposed regulations only address one pathway, recreational boating, which is a long recognized means by which AIS are introduced and spread. Other pathways, such as ballast water management, are beyond the scope of the proposed regulations.

52. C. We believe that the regulations, as proposed, do not fully comport with various observations made in the Regulatory Impact Statement, which we agree with, which states that the intent is to limit the requirements of the regulations to instances when watercraft, floating docks, trailers and equipment are transported from one waterbody to another. R. While transport between waterbodies is indeed a high risk, transport within a waterbody is also a risk with potential to spread aquatic invasive species. Hence, the treatment exemption stated in 576.4(b) is specific to subdivision (c) of section 576.3 of this Part and applies only to watercraft and floating docks that are re-launched from the same launch site previously removed from without having launched to any other waterbody.

53. C. We share DEC's stated objective to balance "the risk to the environment with burdens required by the regulation on the boating community". R. DEC staff acknowledge.

54. C. New York has been a leader nationally in preventing the spread of invasive species and this new regulation gives additional tools to DEC to take further action to prevent the spread of AIS. As noted in the regulatory impact statement, studies clearly demonstrate that recreational boating is one of the primary ways in which invasive species are inadvertently transported overland to new waterways. The draft regulations complement other ongoing efforts and will provide the necessary foundation and consistency in approach for additional prevention programs across New York that are necessary to prevent the spread of AIS. R. DEC staff agree.
55. C. Taking the necessary steps to clean, drain and treat before launching a watercraft is practical and implementable for DEC, and we support including these actions. These same approaches, however, when exiting a launch site are often more effective and should be included in the final regulations. The regulations provide DEC with an opportunity to follow its own recommendations and that of partner organizations by including clean and drain upon exit provisions in the final regulations. R. DEC staff acknowledge. The law which authorizes the proposed regulations states that “reasonable precautions” must be taken prior to launch, hence the focus of the regulations. Exiting launch is beyond the scope of the authorizing statute and proposed regulations.
56. C. We acknowledge that Chapter 330 of the laws of 2014, which establishes these regulations, specifically states that DEC should develop regulations defining “reasonable precautions” that should be taken upon launch. That should not inhibit DEC from encouraging that these same steps be taken upon egress at the launch. R. The law which authorizes the proposed regulations states that “reasonable precautions” must be taken prior to launch, hence the focus of the proposed regulations. DEC posts signs and recommends AIS prevention precautions be taken on exit as well and requires such at DEC launches.
57. C. This law has failed to provide proof of economic damage, and has failed to cite human health risks. R. DEC staff disagree. Beyond scope of statute. Statute requires “reasonable precautions”.

Purpose, scope and applicability

58. C. Clarify the statement which states, “the regulations in this Part apply to all sites from which a watercraft or floating dock can be launched into public waterbodies”. It would be much clearer if this statement eliminated the word “public”. R. The law which authorizes the proposed regulations specifies “public waterbody”, hence the focus of the regulations.
59. C. The use of the term “public waterbodies” makes the application of these regulations unclear. We would like to see the word “public” eliminated from the regulations entirely. R. The law which authorizes the proposed regulations specifies “public waterbody”, hence the focus of the regulations.

60. C. It is recommended that reference to a “responsible party” be used in 576.1(a). R. DEC staff disagree. The proposed regulations state in 576.3 that “No person shall launch, or attempt to launch, a watercraft or floating dock into a public waterbody unless the following reasonable precautions of (a) cleaning, (b) draining, and (c) treating have been taken”, consistent with the statutory language ECL-9-1710(2). “Person” is defined in 576.2(j).
61. C. “Reasonable Precautions” to remove plant and animal matter should also articulate accepted disposal of such matter. R. The proposed regulations state in 576.3 (a) (2) “any plants, animals, and parts thereof, including bait or other fish parts, visible to the human eye, shall be disposed by depositing these materials in a refuse receptacle where available or other receptacle designated for invasive species disposal, or if no receptacle is available, disposing the materials upland from the mean high water mark of the waterbody and in a manner to avoid contact by the material with the waterbody”.
62. C. The term “Invasive Species” fails to articulate what exact species are being referred to. This law needs to clarify what invasive species are, and what bodies of water they do not yet occupy. R. The definition of invasive species is defined in law ECL 9-1703(10) as “a species that is nonnative to the ecosystem under consideration, and whose introduction causes or is likely to cause economic or environmental harm or harm to human health”.
63. C. Clarify the responsible party. By saying that the regulations apply to all sites, this implies that the site is responsible for taking reasonable precautions. It would be much clearer if the sentence read “The regulations in this Part apply to users of all sites from which a watercraft or floating dock can be launched into public waterbodies...” R. DEC staff agree, change will be made. In addition, 576.1 (a) states “The purpose of this Part is to establish reasonable precautions such as removing visible plant or animal matter, washing, draining or drying that must be taken by persons launching watercraft or floating docks into public waterbodies to prevent the spread of aquatic invasive species”.

Definitions

64. C. Definition of “public waterbodies” expands the applicability to all state waterbodies “public or private (except those private waters which do not combine or effect a junction with natural surface waters)...” Our experience with most users is that public waterbodies are considered to be those with public launches and all others are considered private. Those readers would assume that these regulations do not apply to any private locations. Clarify the exception for waters that are not considered navigable waters. R. The definition of “public waterbody or waterbody” as used in the proposed regulation, is identical to the definition of “waters” or “waters of the state” in ECL 17-0105(2).
65. C. We would ask for clarification of the term “public waterbodies” to include all navigable waters. R. The definition of “public waterbody or waterbody” as used in

the proposed regulation, is identical to the definition of “waters” or “waters of the state” in ECL 17-0105(2).

66. C. It is recommended that “responsible party” be defined in 576.2. R. 576.1 (a) states “The purpose of this Part is to establish reasonable precautions such as removing visible plant or animal matter, washing, draining or drying that must be taken by persons launching watercraft or floating docks into public waterbodies to prevent the spread of aquatic invasive species”. R. The authorizing statute is aimed at “operators” of watercraft, not “responsible parties”, the proposed regulations appropriately address issue.
67. C. The expansion of the definition of “Launch” and “Launch Site” is very beneficial. R. DEC staff agree.
68. C. For 576.2(d), definition of a floating dock, we suggest that the definition be expanded to include any floating booms or containment curtains deployed at a waterbody. R. The law (ECL 9-1710(2)) which authorizes the proposed regulations specifies “watercraft or floating dock” hence the focus of the regulations.
69. C. In 576.2(e), the definition of invasive species, we suggest referencing the species prohibited and regulated under the recent Invasive Species Regulation, and directing readers to the current species list. R. The definition of “invasive species” is defined in ECL 9-1703(10). In addition to the list of prohibited and regulated invasive species identified in 6 NYCRR Part 575, other aquatic invasive species exist.
70. C. The defining of “Invasive Species” as a species that is nonnative and causes or could cause economic or environmental harm, is another step forward. R. DEC staff agree, the definition of invasive species, as defined in ECL 9-1703(10) is based on the federal definition.
71. C. Many boaters and lake users may not be aware of current AIS, therefore it would be helpful to reference the Part 575 regulations lists. R. In addition to the list of prohibited and regulated invasive species identified in 6 NYCRR Part 575, other aquatic invasive species exist.
72. C. 576.2 (e) The trouble with this description is that it fails to address the three types of water that connect through New York State. Salt water, brackish water and fresh water have completely different ecosystems, and foster growth of specific species indigenous to those waters. R. DEC staff agree that salt, brackish and fresh water support different ecosystems and therefore largely different invasive species pose a threat to the three systems. However, the basic principles of Clean, Drain and Treat identified in the proposed regulations will

greatly reduce potential introduction and spread of aquatic invasive species in all three systems.

- 73.C. 576.2 (i) This description is too vague. R. DEC staff disagree, the definition of “nonnative species” is simply meant to compliment the definition of “invasive species”.
- 74.C. 576.2 (j) The State of New York and any contractor of the state is excluded from this law. Why should the State be excluded from being obligated to follow this law? R. The definition of “person” as utilized in the proposed regulation was derived from related definitions in the ECL and in the General Construction Law. The definition does not exempt any individual launching a watercraft or floating dock from having to take “reasonable precautions”.
- 75.C. In 576.2(l), the plant definition should also list algae. R. DEC staff believe the definition of “plant” to be adequate as written. The generally accepted definition of “algae” is any of a group of chiefly aquatic nonvascular plants with chlorophyll often masked by a brown or red pigment, hence they are included already by definition.
- 76.C. Either include algae in this list or create a separate definition and in the remaining document cite “plants and algae”. R. DEC staff believe the definition of “plant” to be adequate as written. The generally accepted definition of “algae” is any of a group of chiefly aquatic nonvascular plants with chlorophyll often masked by a brown or red pigment, hence they are included already by definition.
- 77.C. 576.2 (l) This should exclude construction materials, and landscaping materials which are being transported. R. DEC staff feel that the language in 576.4(a)(4) is sufficient.
- 78.C. In 576.2(m), we ask that this definition be changed from “public waterbody or waterbody” to “waterbody”. R. The law which authorizes the proposed regulation specifies “public waterbody” hence the focus of the regulation.
- 79.C. 576.2(n) “Reasonable” is a subjective term opened to interpretation. Reasonable effort, is different with everyone, and enforcement will also vary in terms of “reasonable effort”. R. DEC staff disagree. The definition of “reasonable precautions” used in the proposed regulations adequately references the various Clean, Drain and Treat methodologies as specified in section 576.3.
- 80.C. In 576.2(o), we suggest that the definition of watercraft be expanded to explicitly include watercraft such as kayaks, sailboards, paddleboards, and similar craft to avoid any lack of clarity about whether these type of craft are “vehicles”. R. The definition of “watercraft” is defined in the law which authorized the proposed regulation, hence the language used.

81. C. The definition of 'watercraft' to include "paddlecraft" (canoes and kayaks and similar, is an excellent step forward. R. DEC staff agree.
82. C. Gear typically used with watercraft, including lines, sails, pfd's, coolers, gloves, wetsuits, fishing gear, waders, and similar accessories that could come into contact with the waterbody should be included in the list of items subject to reasonable precautions. R. While DEC staff agree that accessories and gear may transmit invasive species, the law which authorizes the proposed regulations specifies "watercraft" and "floating docks", hence the focus.
83. C. All accessories and gear used by those fishing, paddling, sailing, etc. that also come into contact with the water should be included. Create a separate definition and refer to "watercraft and all accessories". R. While DEC staff agree that accessories and gear may transmit invasive species, the law which authorizes the proposed regulations specifies "watercraft" and "floating docks", hence the focus.

Prohibitions

84. C. By changing the wording in 576.3 to Retrieving/Launching both situations of entry into the Park and movement within the Park would be covered. By emphasizing Retrieval actions the "dry" becomes more viable because it applies to a clean watercraft. R. The law which authorizes the proposed regulations states that "reasonable precautions" need to be taken by boaters prior to launch, hence the focus of the regulations.
85. C. 576.3(a) Cleaning. This should be done on retrieval if the boat is to be taken to another lake. R. The regulations require cleaning prior to launch, DEC staff agree that it is often practical to clean, drain and treat on, or shortly after, retrieval.
86. C. 576.3(b) Draining. Current boat launch stewards are taught to have boaters drain their live wells, bait wells and bilge on retrieval. On personal watercraft makes no sense to run the motor prior to launch, it is however, the proper technique for retrieval. R. The regulations require cleaning prior to launch, DEC staff agree that it is often practical to clean, drain and treat on, or shortly after, retrieval.
87. C 576.3(c) Treating. The treating of watercraft should be done as soon after retrieval as practical. R. The regulations require cleaning prior to launch, DEC staff agree that it is good practice to clean, drain and treat on, or shortly after, retrieval.
88. C. Hot water in a boat with wood flooring will eventually rot the floorboards and stringers, not to mention have an effect on rivets. R. DEC staff believe that the

treatment methods included in the proposed regulations are practical, provide necessary flexibility, and will be effective if implemented.

89. C. Disposal of any bilge water that has the least trace of oil or gas in it will be problematic as it will drain into ground water or the sewer which leads right back to the river. R. The proposed regulations clearly state that draining of watercraft should be done “at a distance from the waterbody and in such a manner to avoid contact of the drainage with the public waterbody”.
90. C. Leaving the boat uncovered in the direct sun is an invitation for thieves to look over the boat, not to mention invite vermin and cats to nest in it and birds crap all over it. R. DEC staff believe that the treatment methods included in the proposed regulations are practical, provide flexibility, and will be effective if implemented.
91. C. We are concerned that towel drying is not adequate treatment, especially as it might be practiced by some users. If the watercraft cannot be dried over a number of days, we suggest that rinsing treatment be required. If only warm or cold water is available for rinsing, the watercraft should be towel dried. R. DEC staff believe that the treatment methods included in the proposed regulations are practical, provide flexibility, and will be effective if implemented.
92. C. Drying methods scripted impose an unreasonable burden on anglers and boaters entering the water on a daily basis. R. DEC staff disagree. DEC staff believe that the treatment methods included in the proposed regulations are practical and reasonable, and the proposed regulations will be effective if implemented.
93. C. Most boaters may not have access to high pressure (2500 PSI) hot water (140 degrees F 30 seconds) spray decontamination stations. Some of these boaters may use commercial self-service car wash stations. In that case, the water pressure is only 1100 PSI or lower. We may want to develop and establish some simple rinsing methods. R. DEC staff agree, hence the inclusion of several treatment options in the proposed regulations.
94. C. Are floating docks that are removed seasonally really a problem after sitting on shore overwinter? R. The exemption in 576.4(b) states that “provisions of subdivision (c) of section 576.3 of this Part shall not apply to any watercraft and associated equipment or floating dock that is re-launched from a launch site into a public waterbody within the bounds of any permanent barriers impassible to watercraft which was, prior to launching, removed from the same launch site...” Also, 576.3(c)(1)(ii) lists storing in sub-freezing temperatures a minimum of three days as an acceptable “reasonable precaution”.
95. C. Rinsing treatments are impractical. R. DEC staff believe that the treatment methods included in the proposed regulations are practical, flexible, and will be effective if implemented.

96. C. If diligent people do clean up, can we then expect compost piles to accumulate in the launch site parking lots and green space? R. Unlikely, aquatic plants quickly desiccate and yield very low volume. DEC staff recognize the utility of invasive species disposal stations at public launches.
97. C. The regulation only requires one of the three treatment methods, two would be better. R. DEC staff believe that the treatment methods and options included in the proposed regulations are practical, flexible, and will be effective if implemented.
98. C. Chapter V subchapter C Part 576 is flawed. DEC staff disagree.
99. C. I have a boat I want to take out in marine waters but this means I would have to get my boat treated. This is a good idea but consider the cost of what this will cost the public. R. DEC staff acknowledge. No treatment is required, other than the maintenance of “anti-fouling paint” if such paint is selected as a spread prevention method; 576.3(c) provides additional treatment methods that may be selected, see 576(c)(1) –drying, and 576(c)(2) -rinsing.
100. C. I did not see anything about marine boats being able to just pull up to the dock, get the boat out of water, and just spray them off. How is it fair to the people that fish in marine waters that would have to pay more, whereas the public that fish in freshwater can use a carwash sprayer or free system. R. The proposed regulations do not differentiate between watercraft used in marine or fresh waters, the treatment requirements apply to both. See response to comment 99.
101. C. How will the elderly be able to get down and look under the boat? This would mean we would be constantly fining the elderly until they gave up there boat. A group of our public will be blocked out due to this. R. DEC staff disagree. The proposed regulations apply to all boat operators.
102. C. The methods that you are trying to make people do to remove invasive species from all forms of watercraft to prevent the spread was genius. R. DEC staff agree that the treatment methods included in the proposed regulations are practical, provide flexibility, and will be effective in preventing or reducing the spread of AIS, if implemented.
103. C. The listed methods defined in the draft regulations to clean, drain and treat watercraft have proven to be effective and we support their inclusion in the regulations, these are necessary and simple measures for boaters to take at launch sites. R. DEC staff agree.
104. C. In the section 576.3(c) “Treating”, boaters have the option of choosing a listed method to treat their watercraft. All of the options posed are necessary to

be effective and boaters should be required to do all of them. R. DEC staff believe that the treatment methods included in the proposed regulations are practical, but at the same time provide flexibility to the boating community, and will be effective if implemented.

105. C. Impossible to comply with. R. DEC staff believe that the treatment methods included in the proposed regulations are practical, and provide flexibility, and will be effective in preventing or reducing the spread of AIS, if implemented.
106. C. Exclude live-wells. R. DEC staff disagree. All water-holding compartment have a risk of introducing or spreading AIS.
107. C. Transport of fish, bait or fish parts needs to be dropped from this rule. R. DEC staff disagree. Nonnative fish and bait have a risk introducing or spreading AIS.
108. C. Not all boats have a bilge plug. R. DEC staff acknowledge.
109. C. There is no practical mechanism to deal with weeds that are pinched between the boat and the trailer unless the boat is lifted off of the trailer. R. DEC staff acknowledge.
110. C. PWC drain water from housing when they are loaded on the trailer. The way this is written seems to make it prohibitive for the water coming out of the watercraft to re-enter the body of water it was just hauled from. Not practical. R. DEC staff believe that the draining methods included in the proposed regulations are practical, and provide flexibility, and will be effective if implemented.
111. C. Drying method is not practical if the boat is going to a different body of water. R. DEC staff disagree, the treatment methods included in the proposed regulations are practical, and provide flexibility, and will be effective if implemented.
112. C. Removed organisms need to be collected by the State. The State needs to provide a means of disposal of their property that does not incur an expense to property owners. R. DEC staff recognize the utility of invasive species disposal stations at public launch site.
113. C. "Flushing" should be clarified as to being one time between use. Flushing for 2 minutes will cause people who are inexperienced as to how it's done to damage their water pump on their motor. Most places do not use well water, so they would be loading the engine with chlorinated water which would end up in the body of water the boat transits. It is wasteful to flush boats with hot water. The use of water to flush boats to comply with this law will incur an expense on the marina owner. R. DEC staff believe that the treatment methods

included in the proposed regulations are practical, and provide flexibility, and will be effective if implemented.

114. C. The fact that antifouling paint remains classified as a pesticide in the state of New York has caused most small businesses to drop the practice of applying bottom paint. It should not be obligatory to use antifouling paint, provided that the bottom of the boat is applied with wax, or some other type of approved substance that allows hydrodynamic improvement and discourages fouling. R. DEC acknowledge. Use of antifouling paint is an option, not requirement, see “or” immediately prior. The regulations specifically only require that in treating the boat or floating dock that “at least one” of the three methods is used. See 576.3(c).

Exemptions

115. C. The exemption intended in 576.4(a)(4) needs clarification. Plants and animals should be followed by the phrase “not otherwise defined in law or regulation as invasive species”. R. The language for the limited exemptions stated in the proposed regulations are quite specific, limiting the risk of invasive species introduction or spread.
116. C. Watercraft used in moving plants or animals in any of the listed activities such as habitat restoration, gardening, or invasive species removal should not be exempt from the inspection process as they enter the waterbody. R. The language for the limited exemptions stated in the proposed regulations are quite specific, limiting the risk of invasive species introduction or spread. The exemption language does not exempt operators from taking “reasonable precautions”, just exempts the transport for stated purposes.
117. C. 576.4 (b) Exceptions. Minimum inspection should be conducted to ensure invasive species are not re-introduced into the waterbody. R. The language for the limited exemptions stated in the proposed regulations are quite specific, limiting the risk of invasive species introduction or spread.
118. C. On large lakes such as Oneida, it is not unreasonable for a boat to be launched at one or more distant sites on the same waterbody in the course the same day or week. Cannot there be a consideration for relaunches if the craft never goes to other waterbodies? What is reasonable, especially when both launch sites are choked with vegetation? R. The proposed regulations contain an exemption of section 576.3 for “any watercraft and associated equipment or floating dock that is re-launched from a launch site into a public waterbody within the bounds of any permanent barriers impassible to watercraft which was, prior to launching, removed from the same launch site without having been launched into any other waterbody from any other launch site”. DEC staff believe this exemption is sufficient.

119. C. Consider if Oneida Lake can be exempted, temporarily, from this regulation. R. DEC staff disagree, Oneida Lake is known to have aquatic invasive species, which pose a threat to other waterbodies.
120. C. I feel the exemption of boats and floating docks may be an overlooked risk. R. The language for the limited exemptions stated in the proposed regulations are quite specific, limiting the risk of invasive species introduction or spread.
121. C. We recognize there will be circumstances when either Law Enforcement or EMS providers are responding to an emergency situation and taking additional time to inspect for and/or ensure compliance would be detrimental to their duties. We suggest these entities in these circumstances should be exempted from this regulation. We do not, however, believe that any other State of Government Corporation should be exempted from this regulation. Although our data set is small, we have recorded that 14.3% of government boats were contaminated with visible organisms over the 2013-14 seasons. Visible demonstration of Clean, Drain and Treat best practices by government entities is crucial in reinforcing this crucial best practice. R. The definition of “person” as utilized in the proposed regulation was derived from related definitions in General Construction Law. The definition does not exempt any individual launching a watercraft or floating dock from having to take “reasonable precautions”.
122. C. The proposed exemptions to the regulations do not provide a full exemption to the “clean, drain, dry” requirements for watercraft or floating docks that are removed from a waterbody and relaunched into the same waterbody. Instead, the proposed exemption is limited to the “treatment” or “drying” requirements only, and in limited circumstances. R. The proposed regulations contain an exemption of section 576.3 for “any watercraft and associated equipment or floating dock that is re-launched from a launch site into a public waterbody within the bounds of any permanent barriers impassible to watercraft which was, prior to launching, removed from the same launch site without having been launched into any other waterbody from any other launch site”. DEC staff believe this exemption is sufficient.
123. C. Subdivision (b) of proposed 576.4 should either be expanded to exempt all watercraft and floating docks from all the requirements of 576.3 in its entirety if they are being relaunched into the same waterbody, or a new subdivision (c) should be added to provide that full exemption. R. DEC staff disagree because there is a risk of spreading AIS to other parts of that waterbody, and believe the current language in 576.4(b) is sufficient.
124. C. This should include the transport of landscaping materials that are approved for sale in the State of New York. R. The proposed regulations contain an exemption 576.4(a)(4) for “the use of plant or animals for habitat restoration, invasive species control, scientific research, aquaculture, landscaping, gardening,

or other activity pursuant to express written approval by the department...” DEC staff believe this exemption is sufficient.

125. C. This should exclude enforcement of boats that are being transported along the same body of water, and also exclude enforcement or make allowances for business that have a boat wash/ prep facility inland that poses no threat to delivery of AIS. R. The proposed regulations contain an exemption of section 576.3 for “any watercraft and associated equipment or floating dock that is re-launched from a launch site into a public waterbody within the bounds of any permanent barriers impassible to watercraft which was, prior to launching, removed from the same launch site without having been launched into any other waterbody from any other launch site”. DEC staff believe this exemption is sufficient.
126. C. We believe that the State of New York should not be exempted from this legislation. R. The definition of “person” in the proposed regulation is constrained by Article 9 of the ECL in defining “person” in Part 576 regulations. While the State is exempted from this definition, State staff will take reasonable precautions that are consistent with these regulations to prevent the spread of AIS.

Penalties and enforcement

127. C. ECO’s should have discretionary authority. We opine that this draft regulation is punitive of tenor and framed in reactionary language, written with strict liability and no discretionary authority. Tickets should be issued only if AIS is present in significant or flagrant quantities. R. As with all laws and regulations, ECOs have discretionary authority. In addition, the penalties defined in ECL 71-0703(10) include provisions for a written warning for any first violation and issuance of educational materials
128. C. If any vegetation is indicated, will all ECO’s be so well versed to be able to distinguish natives from AIS? R. The language of the proposed regulation does not require an ECO or boat operator to distinguish between invasive and native vegetation.
129. C. The regulation needs education and engagement in the big picture, not disengagement by the process of confronting exacting penalties and court surcharges. R. DEC staff recognize the importance of education programs such as boat stewards. DEC website contains significant E/O content focused on AIS and boat transport.
130. C. The money you make off the boaters who you fine should go into a teaching program. R. This issue is beyond the scope of the proposed regulations and enabling statute. DEC staff recognize the importance of education programs

such as boat stewards. DEC website contains significant E/O content focused on AIS and boat transport.

131. C. This legislation is lacking in the enforcement of the prohibitions listed. R. DEC staff disagree, the law which authorizes the proposed regulation is quite specific in regard to enforcement as per 71-0703 subdivision 10.
132. C. Monitoring launch sites could be costly, but it would further spread prevention more than law enforcement through fines. R. DEC staff recognize the importance of education programs such as boat stewards.
133. C. A conversation with the public needs to start before the enforcement and regulation of this legislation. People need a chance to participate and understand the need for spread prevention of AIS before they are required to take immediate action. R. DEC staff recognize the importance of education programs such as boat stewards. DEC staff have conducted E/O related to AIS for several years, the agency web site contains significant E/O content focused on AIS and boat transport, existing boat steward programs utilize handouts developed by the DEC in collaboration with OPRHP.
134. C. I am opposed to the proposed regulation Part 576 due to its vague language regarding how it will be enforced. I am strongly opposed to the penalties for failing to take "reasonable precautions" which appear to be extremely harsh. I oppose the portion of the penalty regarding remediation since it is unnecessary if enforcement were to be effective. The regulation appears to have the potential for abuse as a way to generate revenue from penalties and remedies from the recreational boating community. R. DEC staff disagree, the penalties are defined in ECL 71-0703(10) and include provisions for a written warning for any first violation and issuance of educational materials.