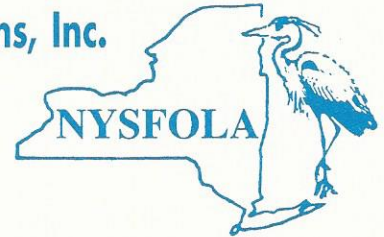


New York State Federation Of Lake Associations, Inc.

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Mr. Edward Woltmann
Bureau of Fisheries
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Re: Comments on Draft Rules Part 59, Section 59.4 and Part 190, Section 190.24

Dear Mr. Woltmann,

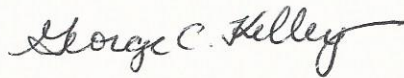
As you know, the New York State Federation of Lake Associations, Inc. (NYSFOLA) represents over 250 lake associations across the state, many of which are served by state-owned public boat launches. As such, while we commend this limited effort to control the spread of aquatic invasive species, we also have deep reservations concerning the proposed regulations. We feel strongly that the recent piecemeal regulatory attempts at invasive species control need to be replaced by a well funded, enforceable, statewide effort. Much more is needed from DEC, and other involved state agencies, to proactively address the impact of invasive species on New York waterbodies. Lake associations, PRISMs, and other not-for-profit groups are leading the way, but funding and leadership at the state level remains practically non-existent for most lakes impacted by aquatic invasive species. We feel strongly that this set of regulations will not change that situation. However, we offer the following comments:

- 1) New York State must pass legislation, similar to that passed by other states, making it illegal to transport aquatic invasive species. Previously passed legislation would have made that possible were it not for the narrow "commerce only" view taken by DEC counsel. We would very much like to see a full explanation of that interpretation sent out to interested parties. This narrow viewpoint means that organizations must "fight the fight" all over again to have "transport" legislation passed. We will certainly support any legislation that gives strong enforcement power to state and local governments and which has serious consequences for those found to be in violation.
- 2) We are concerned that enforcement will be limited given the resources available to NYS DEC to do so. We are also concerned that there are no penalties for violation. The proposed regulation provides for the NYS DEC Conservation Officer, or authorized peace officers, to issue tickets for the movement of "suspected" invasive species or biological debris. It does not require identification. This certainly makes it easier for the officers, but boaters must have a reasonable way to comply with the regulations. Funding for boat launch stewards must be found; Funding to provide for boat washing and decontamination infrastructure at launches must be found. Washing and decontaminating boats is the only way to provide the level of protection necessary to remove seeds, buds, eggs, or other biological "stages of life" not visible to the naked eye, but still capable of impacting another waterbody should they be introduced.

- 3) The fact that this rule will not apply to public boat launches under the auspices of the New York State Office of Parks, Recreation, and Historic Preservation or any under the Thruway/Canal Authority means that New York now has a complicated, and potentially interpreted as “capricious and arbitrary”, regulatory framework at public boat launches. We suggest that the State of New York put all public boat launches under the authority of the Department of Environmental Conservation to avoid this patchwork regulatory approach. In lieu of that, NYSOPRHP and the Thruway/Canal Authority must pass similar rules before the next boating season is underway.
- 4) We believe that this rule should also apply to all lakes in the NYS Forest Preserve where the lake bottom is designated as a portion of the preserve (with or without a formal boat launch) where much of the shoreline and all of the lake bottom is under the management of the NYS DEC on behalf of the people of the State of New York.
- 5) Adequate, sustained funding for invasive species control must become a fact of life in NYS. We believe that a mechanism that applies equally to both in-state and out-of-state boats launching in New York should be utilized to create a fund for aquatic invasive species control.
- 6) We also firmly believe that enforcement cannot be limited by geography or lake size. A boat launched into any lake in the state has the potential to spread aquatic invasive species if it is moved to another waterbody. Data collected by lake stewards at various boat launches across the state have proven this. Boaters travel all over the state and enjoy lakes both large and small, rivers, and the canal system. It’s time to protect the very resources they come here to enjoy.

We thank you for this opportunity to comment, and we look forward to working with Agency staff on this important issue.

Sincerely,



George C. Kelly, President

cc: NYSFOLA Board of Directors