

*(The following is from the Adirondack Park ANS Management Plan)*

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## **Objective B. Enforcement and Legislation**

Although these Objectives are not listed in order of priority, it is generally accepted that the first line of defense for minimizing impacts of ANS is to prevent future introductions and further spread of ANS. Encouraging both regulatory and non-regulatory actions can help bolster this first line of defense. A need exists for a hard look at policies that would support prevention, early detection, rapid response, management, restoration, and education. In addition, enforcement is an important part of any formalized program or new legislative package that includes new laws on issues.

Analysis of state regulations by the Environmental Law Institute shows that compliance with invasive species regulations is greater when adjacent geographic locations share the same regulations. Currently, numerous and varied laws and regulations in Vermont, New York, and Quebec pertain to the propagation, importation, sale, possession, and release of ANS (see Appendix J). There is a lack of resources to adequately implement many of these authorities.

There are also significant gaps in the laws and regulations which could allow the introduction or spread of ANS within the Adirondack Park. Within the Lake George Basin, the Lake George Park Commission mandates that no person shall launch a vessel into or remove a vessel from the waters without inspecting the vessel and its trailer, if any, to ensure the detection of growth, including macrophytes (weeds), or any other hull contamination, and removing and disposing of it so as to ensure that it is not discharged into the waters.

Local government can play an important role in ANS prevention and management by integrating relevant language in local zoning, site plan laws, and town and county laws.

Consistency in the laws is important to present a clear message to the public about the importance of ANS spread prevention. For ANS laws to be effective, greater efforts need to be taken throughout the Park to inform both the public and law enforcement officials of them.

Attention should be given to encouraging compliance not punishment. Law enforcement officials must be encouraged to enforce the laws, and the public needs to be encouraged to voluntarily comply with the laws to protect the Park's water resources. By evaluating existing and potential regulations, and educating appropriate audiences, state and local government can be encouraged to craft better and more effective laws.

## **Strategy B1. Enforce Existing Laws Controlling the Transport of ANS and Consider New Legislation and/or Regulations Controlling the Propagation, Sale, Collection, Possession, Importation, Purchase, Cultivation, Distribution, and Introduction of ANS**

Issue Statement: A number of NYSDEC's existing Environmental Conservation Laws may support invasive species prevention and mitigation. These laws must be compiled and made aware to the public.

### **Actions**

#### **B1a. Maintain a Current and Comprehensive List of NYS and Local Statutes and Rules/Regulations Pertaining to ANS**

Compile, centralize, and maintain existing NYS statutes and rules and regulations.

Lead: NYSDEC

Potential key players: NYSAPA, LGPC, LG, NYSDOT, APIPP

**B1b. Inform Public about ANS Regulations**

Educate the public about laws pertaining to the propagation, sale, collection, possession, importation, purchase, cultivation, transport, distribution, and introduction of ANS, the reasoning behind the laws and regulations, and the environmental consequences of not complying with them.

Lead: NYSDEC

Potential key players: DECEOs, APIPP, LG, NYSDOT, NYSDOS, AATV, ARTC, APIPP, SUNY-LCSG, LCBP, LGPC, USFWS, CWICNY, SWCD, lake groups, watershed associations

**B1c. Provide Training to Officials about ANS Regulations**

Provide training to state and local officials, fish and wildlife conservation officers, and other appropriate law enforcement officials about ANS and laws and regulations pertaining to the propagation, sale, collection, possession, importation, purchase, cultivation, distribution, and introduction of ANS.

Lead: NYSDEC

Potential key players: SUNY-LCSG, USFWS, APIPP, LCBP, LG, NY State Police

**B1d. Improve Enforcement of ANS Laws and Regulations**

Increase enforcement of laws and regulations controlling the propagation, sale, collection, possession, importation, purchase, cultivation, transport, distribution, and introduction of ANS.

Lead: NYSDEC

Potential key players: NYSDOT, USFWS, LGPC, LG enforcement officials, NY State Police

**B1e. Examine Effectiveness of Existing Enforcement Procedures and Policies, eg. Limiting Boat Access; ANS Spread via Sale, Purchase, and Transport**

Develop evaluation protocols to determine efficacy of existing procedures and policies.

Lead: NYSDEC

Potential key players: SUNY-LCSG

**Strategy B2. Draft New Legislation**

Issue Statement:

Legislation is an important component of an effective invasive species program and must reflect current and potential invasive species issues. Reviewing and evaluating current laws, statutes, rules and regulations to determine efficacy, and refining them accordingly, is essential to fulfill the 3 plan goals.

**Actions**

**B2a. Review, Evaluate, and Pursue Changes to ANS Regulations**

Review and evaluate existing ANS laws, regulations, and permit review processes throughout the Adirondack Park and other states. Evaluate effectiveness of existing policies and regulatory inhibitors. Pursue changes and coordinate new legislation as appropriate.

Lead: NYSDEC