



SECTION #3

What Do I Need to Know About AIS?





With more than 180 nonnative and invasive aquatic species with self-sustaining populations in the Great Lakes Basin alone, watercraft inspection program stewards cannot be expected to know all the aquatic invasive species (AIS) that exist or are at high risk to enter in New York State.

Listed below are 13 AIS known to exist in New York State, but not necessarily in all waters, and Asian carp, a Watch List* fish as of May 2014, i.e., Asian carp. AIS on the Watch List are species identified as being a significant threat to NY’s natural resources; these species may not yet have been identified in New York State, or have a very limited range. Stewards should report observations of any invasive species not previously identified in their area (Section 6:14).

AQUATIC INVASIVE PLANTS

Common Name	Scientific Name
Curly-leaf pondweed	<i>Potamogeton crispus</i>
Eurasian water-milfoil	<i>Myriophyllum spicatum</i>
European frogbit	<i>Hydrocharis morsus-ranae</i>
European water chestnut	<i>Trapa natans</i>
Fanwort	<i>Cabomba caroliniana</i>
Hydrilla/Water thyme	<i>Hydrilla verticillata</i>

AQUATIC INVASIVE ANIMALS

*Asian carp	<i>Hypophthalmichthys spp.</i>
Asian clam	<i>Corbicula fluminea</i>
Northern snakehead	<i>Channa argus</i>
Quagga mussel	<i>Dreissena rostriformis bugensis</i>
Round goby	<i>Neogobius melanostomus</i>
Rusty crayfish	<i>Orconectes rusticus</i>
Spiny waterflea	<i>Bythotrephes longimanus</i>
Zebra mussel	<i>Dreissena polymorpha</i>

Appendix A. has links to AIS fact sheets and a sample AIS Fact Sheet; Appendix B. has info on the iMapInvasives maps resource, sample maps for the species listed above, and a link for requesting an iMap account for viewing up-to-date and more detailed AIS-in-NYS maps. AIS information is also found on the following websites:

- New York Invasive Species Clearinghouse: <http://nyis.info>
- US Geological Survey Non-Indigenous Aquatic Species website: <http://nas.er.usgs.gov>.



AIS Regulations

It is the boater's responsibility before boating in any body of water to check and understand federal, state, and local AIS regulations. Federal regulations are overarching for all states. States may adopt additional laws. Mandates become increasingly specific through the state, county, municipal, and local levels. Examples follow.

Key Points

- AIS regulations exist at the federal, state, regional, and local levels.
- Urge boaters to know the regulations for the waters in which they are boating.
- Practicing CLEAN~DRAIN~DRY benefits all waters.

Federal Invasive Species Regulations

The policies within the [National Invasive Species Act of 1996](#) increased national and international focus on ballast water as a vector for AIS introduction. The US Environmental Protection Agency and the U.S. Coast Guard are responsible for regulating the concentration of living organisms in ballast water. Click here for more details on [U.S. Coast Guard Ballast Water Management](#) or visit the [U.S. Department of Homeland Security Homeport website](#) at <https://homeport.uscg.mil/>.

The Lacey Act, dating back to 1900, is one of the oldest wildlife-related laws in the U.S. It requires a permit for the import and transportation of live specimens of *“injurious species, their offspring or eggs for bona fide scientific, medical, educational, or zoological purposes.”* Find more information on the U.S. Fish and Wildlife service website and online at:

Current List of Injurious Wildlife: <http://www.fws.gov/injuriouswildlife/>
Injurious Wildlife Fact Sheet:
www.fws.gov/fisheries/ans/pdf_files/InjuriousWildlifeFactSheet2010.pdf.

USDA Noxious Weed Program

The U.S. Department of Agriculture (USDA) Animal and Plant Inspection Service (APHIS) Federal Noxious Weed Program *“is designed to prevent the introduction into the United States of nonindigenous invasive plants and to prevent the spread of newly introduced invasive plants within the United States. APHIS noxious weed activities include exclusion, permitting, eradication of incipient infestations, survey, data management, public education, and (in cooperation with other agencies and state agencies) integrated management of introduced weeds, including biological control.”* Find the Federal Noxious Weed List at:

www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf.



State-Level Invasive Species Regulations

In 2012, Environmental Conservation Law was amended to require the New York State Department of Environmental Conservation and the NYS Department of Agriculture and Markets to “*restrict the sale, purchase, possession, propagation, introduction, importation, transport and disposal of invasive species.*” The legislation requires the Departments to promulgate regulations. NYCRR Part 575 provides a listing of prohibited and regulated invasive species, and specifies the criteria used in making such a classification. The regulations prohibit the possession with the intent to sell, import, purchase, transport, or introduce as well as the importation, sale, purchase, propagation, transportation, or introduction of invasive species classified as prohibited. Regulated species may be sold, purchased, propagated, and transported, but not knowingly introduced into a “*free-living state.*” Permits can be issued for research, education or other approved activities.

New York’s Environmental Conservation regulations (Chapter 1, Part 180.9 b) address the buying, selling, offering for sale, possessing, transporting, importing, exporting, and causing to be transported, imported or exported live individuals or viable eggs of designated species of fish, which are determined present a danger to indigenous fish populations. Release into the wild or allowing said species to exist with a likelihood of escape into the wild is prohibited.

AIS Prevention Regulations Related to New York State Boat Launches

Effective June 4, 2014, the New York State Department of Environmental Conservation adopted aquatic invasive species spread prevention regulations requiring boats be clean and drained at State Boat Launch and Fishing Access Sites. These regulations are posted online at <http://www.dec.ny.gov/regulations/95111.html>.

As of 2014, the NYS Department of Environmental Conservation revised its regulations pertaining to State Boat Launching facilities as follows:

- “A. *No person shall launch, or attempt to launch a watercraft from a state boat launching site, a fishing access site, or any other site from which a watercraft may be launched, or leave from these sites with any plant or animal, or parts thereof, visible to the human eye, in, on, or attached to any part of the watercraft, including livewells and bilges, the motor, rudder, anchor or other appurtenants; any equipment or gear; or the trailer or any other device used to transport or launch a watercraft that may come into contact with the water, unless a written permit is obtained from the department.*
- “B. *No person shall launch, or attempt to launch a watercraft from a state boat launching site, a fishing access site, or any other site from which a watercraft may be launched, or leave from these sites without draining the watercraft, including bilge areas, live-wells, bait wells and ballast tanks, unless a written permit is obtained from the department.*”



New State Legislation Enacted Relating to AIS

In June 2014, the New York State Legislature passed legislation to amend the State's Environmental Conservation Law as it relates to aquatic invasive species, spread prevention and penalties. The legislation adds new sections to ensure that reasonable precautions - including removal of any visible plant or animal matter, washing, draining or drying as defined by the NYS Department of Environmental Conservation - are taken with watercraft - defined as both motorized and non-motorized - and floating docks at launch to spread the spread of AIS and cites recreational boating as one of the primary ways in which invasive species are inadvertently transported overland to new waterways.

An additional purpose of the new law is cited as a means to protect both New York's waterways as well as the industries that depend on them.

The [online summary of the legislation's specific provisions](#) is as follows:

"This legislation adds new sections to require, upon launch of a watercraft or floating dock into a public waterbody or any inlet or outlet to such waterbody, the demonstration of reasonable precautions such as removal of any visible plant or animal matter, washing, draining or drying as defined by the department pursuant to rules and regulations.

Additionally, the legislation would impose a civil penalty on individuals found guilty of violating the provisions set forth in this legislation, provided, however, that for any first violation in lieu of a penalty there shall be issued a written warning by the Department, and there shall also be issued educational materials at the discretion of the Department.

Lastly, the legislation shall take effect one year after it shall have become law, and shall expire and be deemed repealed on June 1, 2019."

The new legislation defines civil penalties that include a written warning as stated above, issuance of educational materials, and fines.



New York State Baitfish Regulations

The NYSDEC has enacted baitfish regulations to prevent the transfer and potential establishment of AIS and pathogens. Fish commonly purchased and used as baitfish across NYS that are not considered a threat are labeled as Green List Baitfish. All baitfish on the green list must be purchased from a certified bait dealer. The buyer must retain the receipt and procure it upon request of enforcement officials. Bait must be used within 10 days of purchase or disposed of properly in the trash. These fish can be purchased and used in any NYS water body where it is legal to use baitfish. For the complete list of Green List Baitfish, information on certified/uncertified baitfish, and other baitfish-related regulations visit www.dec.ny.gov/outdoor/47282.html.

Regional and Local Invasive Species and Watercraft Inspection Regulations

Regulations addressing AIS on a regional basis may coalesce or differ depending upon the region, group of states, or individual state, county, township, locality, or body of water.

The [Great Lakes Panel on Aquatic Nuisance Species](#) — Prohibited Species in the Great Lakes Region notes: *“Under this assessment, 54 aquatic animal and 46 aquatic plant and algae species are regulated within the Great Lakes states and provinces. The list demonstrates a lack of overlap or consistency between states and provinces, as only a few species (other than those that are federally listed) are prohibited or restricted across all jurisdictions. This observation is most pronounced for aquatic plants, reflecting the apparent absence or near absence of any regulations for aquatic plants in the states of New York, Ohio, Pennsylvania, and the provinces of Ontario and Quebec.*

“The lists of prohibited or restricted animals are only slightly more consistent with only a handful of species listed in more than half the state/provincial jurisdictions. No non-federally listed species is listed across all state/provincial jurisdictions. In addition, many of the species more widely listed are already widespread and well established within the basin. Most non-federally listed species are regulated in fewer than three state or provinces. Many of the U.S. federally listed species are not regulated in neighboring Canadian provinces.”

The [Northeast Aquatic Nuisance Species \(NEANS\) Panel](#) notes that confusion may arise due to the use of different categorizations (invasive, potentially invasive, etc.) and naming conventions (invasive, banned, noxious) used in various regional lists compiled by various government and non-governmental organizations at the local, state, and national levels.

Links to lists of aquatic and wetland nuisance species for the NEANS region: New England and New York in the U.S., and New Brunswick, Nova Scotia, Prince Edward Island and Quebec in Canada are found at www.northeastans.org/specieslists.htm#key.



Local Invasive Species and Watercraft Inspection Regulations

Some localities have regulations specific to their locale, e.g., the Lake George Park Commission Lake George Mandatory Boat Inspection and Decontamination Regulations.

Pictured here is one of eight high pressure-hot water decontamination units owned and operated by the Lake George Park Commission. The units are used to clean the exterior of boats and trailers and to flush interior compartments, including the engine, bilge, ballast tanks, and livewells.

Lake George is the first lake in New York State to try a unit (in 2012) while working on the development of a mandatory inspection and decontamination program which began in 2014.



