

INVASIVE SPECIES CONTROL PLAN

MOHAWK SOLAR

Towns of Canajoharie and Minden, Montgomery County, New York

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1.0 Facility Information

Mohawk Solar LLC (the Applicant) is proposing to construct a photovoltaic (PV) solar energy facility (the Facility) in the Towns of Canajoharie and Minden in Montgomery County, New York (Figure 1). Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) was retained to develop an Invasive Species Control Plan (ISCP) for the proposed Facility. The Facility will consist of PV solar panels generating up to 90 megawatts (MW) of electricity. Additional Facility components will include racking/support systems, fencing and gates around each array of panels, access roads, inverters and their support platforms, buried collection lines, a collection substation, a point of interconnect (POI) substation, temporary laydown/construction support areas, and a possible operations and maintenance (O&M) building with fenced and parking/storage areas.

For the purposes of this Invasive Species Control Plan (ISCP), an “invasive species” is defined as all terrestrial and aquatic species listed on the New York State Department of Environmental Conservation (NYSDEC) list of Prohibited and Regulated Invasive Species, found at: http://www.dec.ny.gov/docs/lands_forests_pdf/islist.pdf (also provided as Appendix A to this document). Additional invasive species not included on this list (e.g. reed canary grass and wild parsnip) may also warrant specific management and control measures, depending on current populations of such species within the Facility Site. Dispersal mechanisms for invasive species include wind, water, wildlife, vegetative reproduction, and human activity. Populations of invasive species typically establish most readily in areas where the ground has been disturbed, thereby exposing the soil. The Applicant will utilize this ISCP to minimize the spread of invasive species within federal and NYSDEC regulated wetlands, streams, and other areas affected by Facility development activities on-site.

2.0 Purpose and Goal

The purpose of this ISCP is to facilitate the identification, control, and monitoring of invasive vegetation within areas disturbed during construction of the Facility. The goal of the ISCP is to prevent expansion of invasive species, and this plan will be considered successful when no new invasive species in the Facility Site and no new locations of existing invasive species in the Facility Site compared to a baseline survey of the target area is realized. For the purposes of the ISCP, the study area shall consist of the projected limits of disturbance during Facility construction.

This ISCP describes specific measures that will be implemented to minimize the chance that movement of topsoil, fill, and construction equipment will inadvertently introduce or increase the presence of invasive species within the Facility Site. In addition, this ISCP describes a post construction monitoring plan to evaluate the success of these measures and implement corrective action if needed.

3.0 Laws and Regulations

The Environmental Conservation Law and the Agriculture & Markets Law both authorize the NYSDEC and the NYS Department of Agriculture and Markets (NYSDAM) to regulate invasive species. Under the Agriculture & Markets Law, NYSDAM has the regulatory authority regarding the Inspection and Sale of Seeds (Article 9); Integrated Pest Management Program (Article 11); and Prevention and Control of disease in Trees and Plants (Article 14). Under the Environmental Conservation Law, the NYSDEC has regulatory authority regarding Lands and Forests (Article 9) and Fish and Wildlife (Article 11).

4.0 Existing Conditions

Observations of invasive species have been made during portions of the growing seasons of 2016, 2017, and 2018 by experienced field ecologists. These observations were made concurrently with field efforts associated with wetland delineations, avian surveys, threatened and endangered habitat assessments, and field reconnaissance.

The Facility Site is characterized as predominately agricultural, with few rural residences and small amounts of deciduous forest. Invasive species identified within the Facility Site were primarily associated with previously disturbed areas, including roadsides, agricultural fields, rural residences, and hedgerows. Invasive species were also encountered on the edges of forests and streams. Invasive species identified within the Facility Site were typically observed growing in low densities; dense infestations of invasive species were not observed. The existing populations of invasive species identified within the Facility Site provide the opportunity for the further spread and/or transport of invasive plant species during the construction and operation of the Facility, or as a result of other processes that will occur irrespective of the development of the proposed Facility (e.g., the natural spread of multiflora rose by avian species).

As summarized in Table 1, a total of 11 different invasive plant species have been observed within the Facility Site.

Table 1: Invasive Species Identified Within Facility Site

Common Name	Scientific Name
Garlic mustard	<i>Alliaria petiolate</i>
Spotted knapweed	<i>Centaurea stoebe</i>
Canada thistle	<i>Cirsium arvense</i>
Smooth buckthorn	<i>Frangula alnus</i>
Amur honeysuckle	<i>Lonicera maackii</i>
Morrow's honeysuckle	<i>Lonicera morrowii</i>
Tartarian honeysuckle	<i>Lonicera tatarica</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Common reed grass	<i>Phragmites australis</i>
Common buckthorn	<i>Rhamnus cathartica</i>
Multiflora rose	<i>Rosa multiflora</i>

5.0 Pre-Construction Surveys

Within six months of commencing construction-related earthmoving activities, qualified ecologists will survey the limits of disturbance (the Study Area; Figure 2) to document the presence and area coverage of invasive species. This Pre-Construction Invasive Species Survey will document the pre-construction percentage of areal coverage of invasive species.

The Pre-Construction Invasive Species Survey methodology will consist of qualified ecologists walking the Study Area and visually estimating cover of NYSDEC-listed Prohibited Invasive Plant Species (NYSDEC 2014). Invasive plant occurrences will be documented using the Collector application for ArcGIS on a GPS-enabled device (smartphone or tablet) and assigned a density code for absolute cover (Table 2). Density codes were created based on established

invasive plant survey protocols (e.g., Higman et al. 2012, Montana State University Extension 2006). Species data will be recorded using a four-letter code corresponding to the first two letters of the scientific name of the genus and the first two letters of the scientific name of the species (e.g., since the scientific name of multiflora rose is *Rosa multiflora*, multiflora rose populations will be labeled "ROMU").

Table 2: Density Codes and Descriptions

Density Code	Density Description/Absolute Cover
1	Sparse: 5% or less absolute cover
2	Patchy: 6-25% absolute cover
3	Dense: 26-55% absolute cover
4	Monoculture: 56-100% absolute cover

Collected data will be used to produce a map series (at a scale of 1:2000) of invasive plant coverage throughout the Study Area. Photos will be taken to document pre-construction conditions throughout the Study Area, and example photos will be taken of each species detected. Polygon data to document the extent of species occurrence will be recorded where species occur in high densities (26-55% absolute cover) or as monocultures (>55% absolute cover). Point locations will be recorded for invasive species that are observed as individual plants or in small patches within the Study Area.

The survey methods employed in this baseline survey will allow for a post-construction evaluation of the goals established in this ISCP. During post-construction surveys, an appropriately qualified biologist can return to the Study Area and employ the same methodology used for this baseline survey to generate results that will allow for a comparison between pre- and post-construction conditions.

6.0 Training

During Facility construction, workers will be educated on the measures for controlling the spread of invasive species described below, and an environmental monitor will confirm and maintain records that all required practices are being implemented during construction activities.

7.0 Construction Practices

7.1 Inspection of Fill Sources

The NYSDEC has indicated that invasive species have infested many sources of fill across the state. To minimize the risk of fill imports introducing invasive species, the Applicant will not install imported topsoil or sand if its source has not been previously inspected and found to be free from invasive species. An environmental monitor will visually inspect sources for such species prior to installation of material, and will periodically inspect sources to verify they remain free from invasive species. In the event that invasive species are identified, the sourcing of material from the affected area will not be permitted for use on the Facility. Appropriate sediment and erosion control measures will be implemented, which will also limit the spread of invasive species from one area to another.

7.2 Equipment Cleaning Procedure

If the Applicant uses earth moving and excavation equipment in an area containing documented invasive species, then prior to removal of the equipment from the area, the equipment will be inspected and cleaned of debris and soil by mechanical means, if needed. If a piece of earth moving or excavation equipment is used in an area that does not contain documented invasive species, inspection and cleaning of the equipment prior to leaving the area will not be required. Inspection and cleaning of equipment will be documented by the environmental monitor. This protocol will help prevent the transport of invasive species seeds or propagules (roots, tubers, etc.) to unaffected areas.

7.3 Target Species Treatment and Removal

The results of the Pre-Construction Invasive Species Survey will be used to identify specific populations of invasive species that may require treatment and removal. The results of the pre-construction invasive species survey will be documented in a baseline report, and the report will identify those species targeted for treatment and/or removal. The identified target species will be based on the type of species, population density relative to nearby and site-wide populations of the same species, and whether the population occurs within the limits of disturbance. For any invasive species populations that require treatment and/or removal, species-specific control recommendations provided by the NYSDEC will be utilized where applicable. In addition, specific treatment and disposal methods will be determined through consultation with the on-site Environmental Monitor and may include herbicide treatment, placement in an interim designated secure container, transport in a sealed contained and proper offsite disposal in a designated secure container, or leaving infested vegetative materials in the area that is already infested, provided that no filing of wetlands or adjacent areas will occur as a result. Any herbicide spot treatments would be applied by a Certified Commercial Pesticide Application, Commercial Pesticide Technicians, or a Private Pesticide Applicator (i.e., individuals that meet the requirements set forth in 6 NYCRR Part 325, Application of Pesticides), in accordance with NYSDEC approved herbicide and treatment measures.

The hemlock woolly adelgid (*Adelges tsugae*), an invasive insect, has not yet been identified in Montgomery County (NYSDEC 2017a), but in the case of a positive identification the above treatment and removal methods should also be implemented where clearing of eastern hemlock (*Tsuga canadensis*) trees occurs. In addition, incidences of infected trees should be reported to the NYSDEC to aid in documenting the spread of this species in New York State.

The emerald ash borer (*Agrilus planipennis*) is an invasive insect that has caused widespread die-offs of ash (*Fraxinus* sp.) trees throughout much of New York State. While the emerald ash borer has not yet been identified in Montgomery County, it is present in four of the six adjacent counties (NYSDEC 2017b). Please note that the Facility is not located in an emerald ash borer Restricted Zone (Appendix B).

7.4 Restoration

Following completion of construction activities and temporary impacts to an area with invasive species, the Applicant will generally restore the area to pre-construction conditions and re-vegetate the area using a native seed mix. For restoration of areas in agricultural use, the Applicant will select the seed mix in consultation with the landowner. For restoration of wetland areas and riparian zones, the Applicant will use a native wet meadow seed mixture, or an equivalent seed mix appropriate in such settings. To the extent practicable, the Applicant will obtain seed from local sources.

8.0 Post-Construction Monitoring for Invasive Species

8.1 Term

The post-construction monitoring period shall be the five years following completion of construction (the PCM Term).

8.2 Monitoring

During the PCM Term, the Applicant will monitor the Study Area to identify increases in known invasive species. This monitoring will be conducted during years one, three, and five of the post-construction monitoring period, and will occur during the growing season. Treatment of any increases in invasive species will generally adhere to Integrated Pest Management (IPM) principles and the methods described in Section 7.3 above to ensure efficient control of known invasive species identified during the construction phase.

8.3 Reports

On or before December 31 of the respective monitoring year during the PCM Term, the Applicant will submit to the NYSDEC a post-construction monitoring report detailing the monitoring and the status of known invasive species in the Study Area.

8.4 Invasive Species Remedial Plan

If consecutive monitoring reports demonstrate no new invasive species in the Facility Area and no new locations of existing invasive species in the Facility Area, then the goals of this plan will have been deemed to have been met and the PCM Term shall end.

If, after the five-year term, the Applicant identifies new invasive species and/or increases in the invasive species cover above what was documented in the pre-construction surveys, an Invasive Species Remedial Plan will be prepared. The Invasive Species Remedial Plan will describe the likely reasons for not achieving the goals of this ISCP, describe the actions necessary to correct the situation, and the schedule for conducting the remedial work. Once approved, the Invasive Species Remedial Plan will be implemented according to an approved schedule.

9.0 LITERATURE CITED

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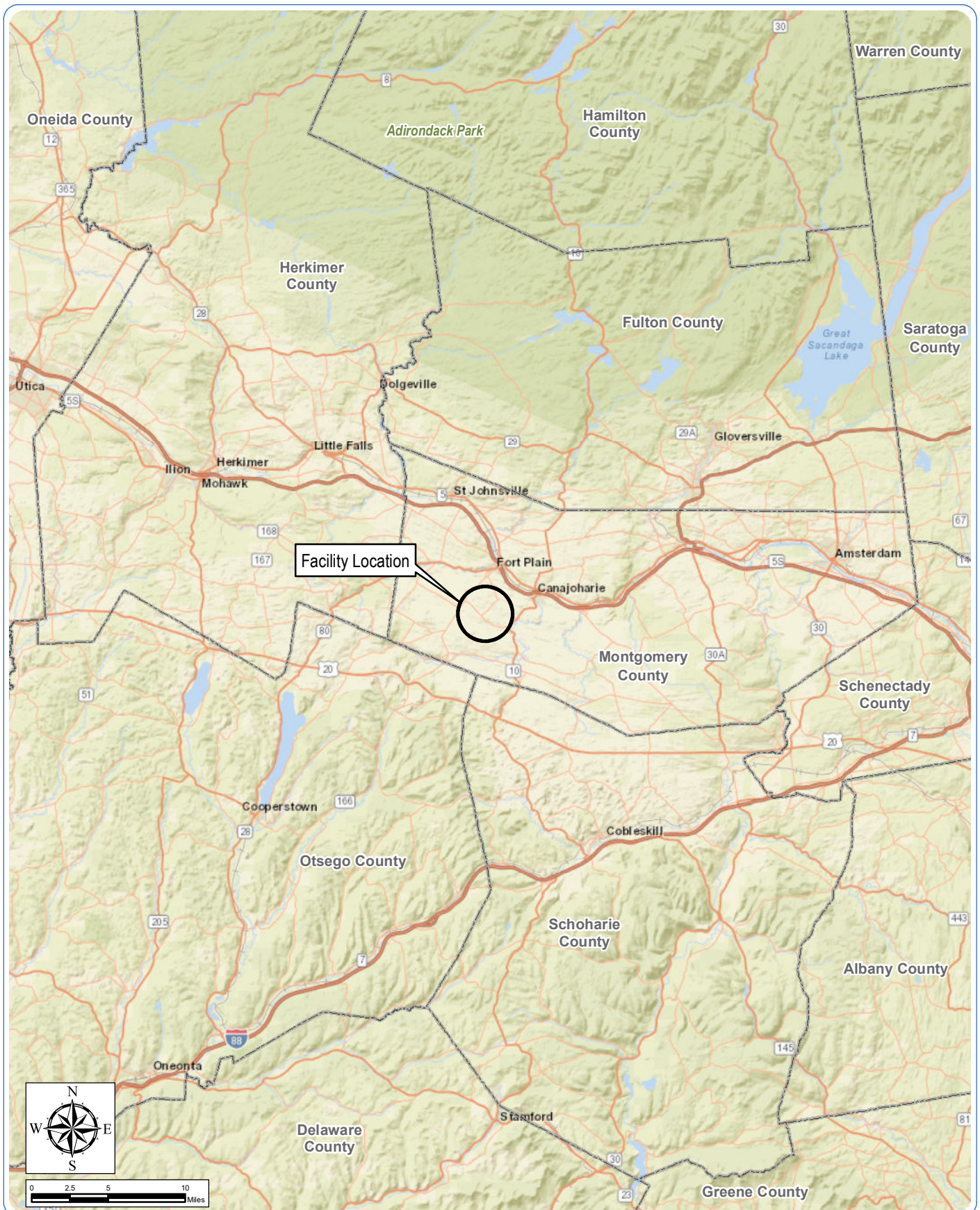
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Figures



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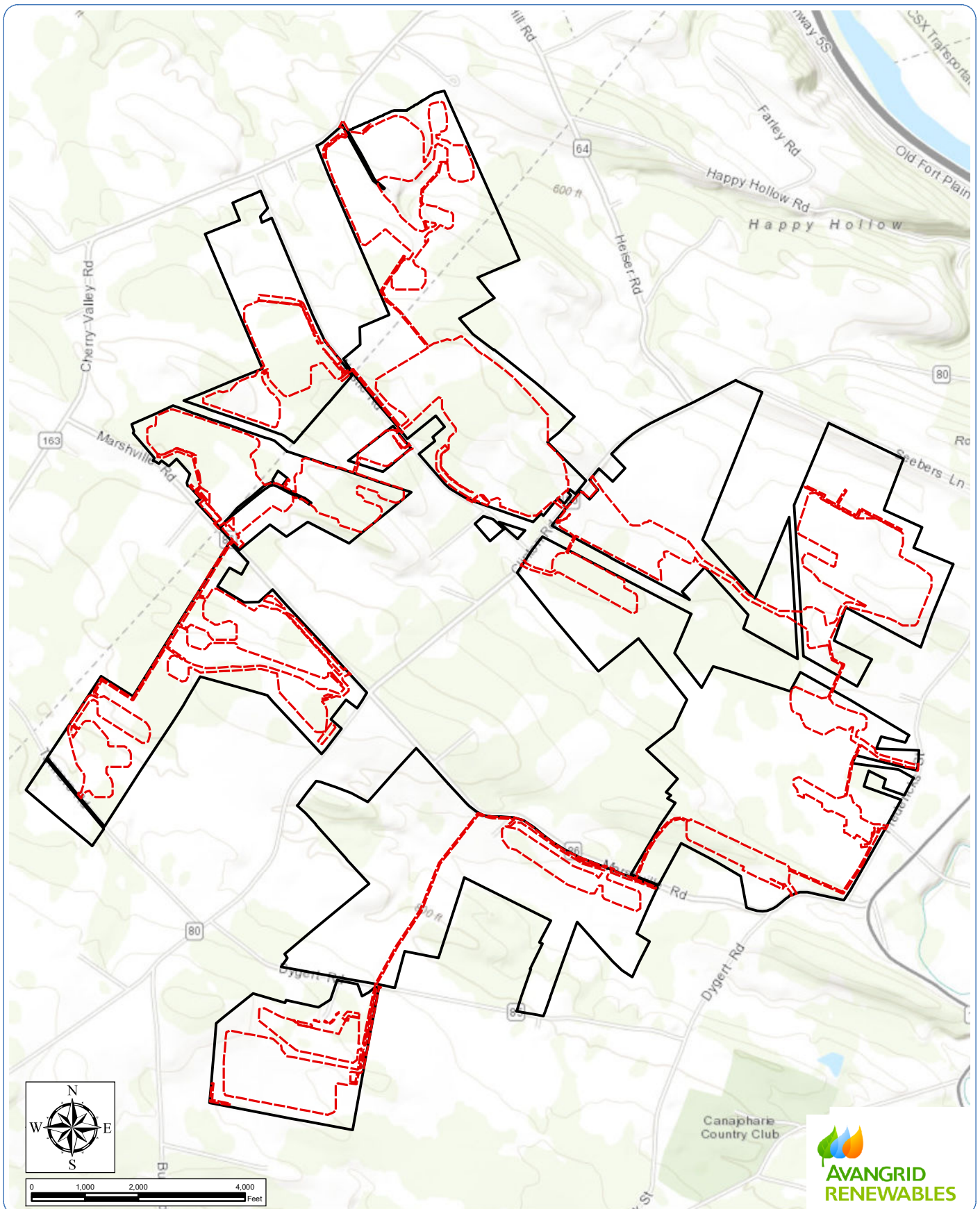
Towns of Canajoharie and Minden, Montgomery County, New York

Invasive Species Control Plan

Figure 1: Regional Facility Location

Notes: 1. Basemap: ESRI ArcGIS Online "World Street Map" map service. 2. This map was generated in ArcMap by Environmental Design and Research on May 7, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.





Mohawk Solar

Towns of Canajoharie and Minden, Montgomery County, New York

Invasive Species Control Plan

Figure 2: Invasive Species Study Area

Notes: 1. Basemap: ESRI ArcGIS Online "World Topographic Map" map service. 2. This map was generated in ArcMap by Environmental Design and Research on May 7, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

- Invasive Species Study Area
- Facility Site



Appendix A

NYSDEC Prohibited and Regulated Invasive Species

6 NYCRR Part 575
Prohibited and Regulated Invasive Species
September 10, 2014

ALGAE AND CYANOBACTERIA

Prohibited:

Caulerpa taxifolia, Killer Green Algae
Didymosphenia geminata, Didymo
Prymnesium parvum, Golden Algae

Regulated:

Cylindrospermopsis raciborskii, Cylindro
Grateloupia turuturu, Red Algae

PLANTS

Prohibited:

Acer pseudoplatanus, Sycamore Maple
Achyranthes japonica, Japanese Chaff Flower
Alliaria petiolata, Garlic Mustard
Ampelopsis brevipedunculata, Porcelain Berry
Anthriscus sylvestris, Wild Chervil
Aralia elata, Japanese Angelica Tree
Artemisia vulgaris, Mugwort
Arthraxon hispidus, Small Carpet Grass
Berberis thunbergii, Japanese Barberry
Brachypodium sylvaticum, Slender False Brome
Cabomba caroliniana, Fanwort
Cardamine impatiens, Narrowleaf Bittercress
Celastrus orbiculatus, Oriental Bittersweet
Centaurea stoebe (*C. biebersteinii*, *C. diffusa*, *C. maculosa* misapplied, *C. xpsammogena*), Spotted Knapweed
Cirsium arvense (*C. setosum*, *C. incanum*, *Serratula arvensis*), Canada Thistle
Cynanchum louiseae (*C. nigrum*, *Vincetoxicum nigrum*), Black Swallow-wort
Cynanchum rossicum (*C. medium*, *Vincetoxicum medium*, *V. rossicum*), Pale Swallow-wort
Dioscorea polystachya (*D. batatas*), Chinese Yam
Dipsacus laciniatus, Cut-leaf Teasel
Egeria densa, Brazilian Waterweed
Elaeagnus umbellata, Autumn Olive
Euphorbia cyparissias, Cypress Spurge
Euphorbia esula, Leafy Spurge
Ficaria verna (*Ranunculus ficaria*), Lesser Celandine
Frangula alnus (*Rhamnus frangula*), Smooth Buckthorn
Glyceria maxima, Reed Manna Grass
Heracleum mantegazzianum, Giant Hogweed
Humulus japonicus, Japanese Hops
Hydrilla verticillata, Hydrilla/ Water Thyme
Hydrocharis morsus-ranae, European Frogbit
Imperata cylindrica (*I. arundinacea*, *Lagurus cylindricus*), Cogon Grass
Iris pseudacorus, Yellow Iris

Lepidium latifolium, Broad-leaved Pepper-grass
Lespedeza cuneata, Chinese Lespedeza
Ligustrum obtusifolium, Border Privet
Lonicera japonica, Japanese Honeysuckle
Lonicera maackii, Amur Honeysuckle
Lonicera morrowii, Morrow's Honeysuckle
Lonicera tatarica, Tartarian Honeysuckle
Lonicera x bella, Fly Honeysuckle
Ludwigia hexapetala (*L. grandiflora*), Uruguayan Primrose Willow
Ludwigia peploides, Floating Primrose Willow
Lysimachia vulgaris, Garden Loosestrife
Lythrum salicaria, Purple Loosestrife
Microstegium vimineum, Japanese Stilt Grass
Murdannia keisak, Marsh Dewflower
Myriophyllum aquaticum, Parrot-feather
Myriophyllum heterophyllum, Broadleaf Water-milfoil
Myriophyllum heterophyllum x M. laxum, Broadleaf Water-milfoil Hybrid
Myriophyllum spicatum, Eurasian Water-milfoil
Nymphoides peltata, Yellow Floating Heart
Oplismenus hirtellus, Wavyleaf Basketgrass
Persicaria perfoliata (*Polygonum perfoliatum*), Mile-a-minute Weed
Phellodendron amurense, Amur Cork Tree
Phragmites australis, Common Reed Grass
Phyllostachys aurea, Golden Bamboo
Phyllostachys aureosulcata, Yellow Groove Bamboo
Potamogeton crispus, Curly Pondweed
Pueraria montana, Kudzu
Reynoutria japonica (*Fallopia japonica*, *Polygonum cuspidatum*), Japanese Knotweed
Reynoutria sachalinensis (*Fallopia sachalinensis*, *Polygonum sachalinensis*), Giant Knotweed
Reynoutria x bohemica (*Fallopia x bohemica*, *Polygonum x bohemica*), Bohemian Knotweed
Rhamnus cathartica, Common Buckthorn
Rosa multiflora, Multiflora Rose
Rubus phoenicolasius, Wineberry
Salix atrocinerea, Gray Florist's Willow
Silphium perfoliatum, Cup-plant
Trapa natans, Water Chestnut
Vitex rotundifolia, Beach Vitex

Regulated:

Acer platanoides, Norway Maple
Clematis terniflora, Japanese Virgin's Bower
Euonymus alatus, Burning Bush
Euonymus fortunei, Winter Creeper
Miscanthus sinensis, Chinese Silver Grass
Robinia pseudoacacia, Black Locust

FISH

Prohibited:

Channa argus, Northern Snakehead

Channa marulius, Bullseye Snakehead
Channa micropeltes, Giant Snakehead
Clarias batrachus, Walking Catfish
Gambusia affinis, Western Mosquitofish
Gambusia holbrooki, Eastern Mosquitofish
Hypophthalmichthys harmandi, Largescale Silver Carp
Hypophthalmichthys molitrix, Silver Carp
Hypophthalmichthys nobilis, Bighead Carp
Misgurnus anguillicaudatus, Oriental Weatherfish
Mylopharyngodon piceus, Black Carp
Neogobius melanostomus, Round Goby
Petromyzon marinus, Sea Lamprey
Proterorhinus semilunaris (*P. marmoratus*), Tubenose Goby
Tinca tinca, Tench

Regulated:

Carassius auratus, Goldfish
Cyprinella lutrensis, Red Shiner
Cyprinus carpio, Common Carp/ Koi
Gymnocephalus cernuus, Ruffe
Monopterus albus, Asian Swamp Eel
Oreochromis aureus, Blue Tilapia
Oreochromis niloticus, Nile Tilapia
Pterois miles, Common Lionfish
Pterois volitans, Red Lionfish
Sander lucioperca (*Stizostedion lucioperca*), Zander
Scardinius erythrophthalmus, Rudd

AQUATIC INVERTEBRATES

Prohibited:

Bellamyia chinensis (*Cipangopaludina chinensis*), Chinese Mystery Snail
Bellamyia japonica, Japanese Mystery Snail
Bithynia tentaculata, Faucet Snail
Bythotrephes longimanus (*B. cederstroemi*), Spiny Water Flea
Cercopagis pengoi, Fishhook Water Flea
Corbicula fluminea, Asian Clam
Crassostrea ariakensis, Suminoe Oyster
Didemnum spp., Carpet Tunicate
Dreissena polymorpha, Zebra Mussel
Dreissena rostriformis bugensis, Quagga Mussel
Eriocheir sinensis, Chinese Mitten Crab
Hemigrapsus sanguineus, Asian Shore Crab
Hemimysis anomala, Bloody Red Shrimp
Orconectes rusticus, Rusty Crayfish
Potamopyrgus antipodarum, New Zealand Mud Snail
Rapana venosa, Veined Rapa Whelk
Styela plicata, Asian Sea Squirt

Regulated:

Carcinus maenas, European Green Crab
Daphnia lumholtzi, Water Flea
Hemigrapsus takanoi (*H. penicillatus*), Brush-clawed Shore Crab/ Grapsid Crab

TERRESTRIAL INVERTEBRATES

Prohibited:

Achatina achatina, Giant Ghana Snail
Achatina fulica (*Lissachatina fulica*), Giant African Land Snail
Adelges tsugae, Hemlock Woolly Adelgid
Agrilus planipennis, Emerald Ash Borer
Amyntas spp., Asian Earthworms
Anoplophora glabripennis, Asian Longhorn Beetle
Apis mellifera scutellata x *A. mellifera ligustica*/ *A. mellifera iberiensis*, Africanized Honey Bee
Archachatina marginata, Giant West African Snail
Cryptococcus fagisuga, Beech Scale
Lymantria dispar, Asian and European Gypsy Moth
Monochamus alternatus, Japanese Pine Sawyer
Pityophthorus juglandis, Walnut Twig Beetle
Sirex noctilio, Sirex Woodwasp

TERRESTRIAL AND AQUATIC VERTEBRATES

Prohibited:

Cygnus olor, Mute Swan
Lepus europaeus, European Hare
Myocastor coypus, Nutria
Nyctereutes procyonoides, Asian Raccoon Dog
Sus scrofa (excluding *Sus scrofa domestica*), Eurasian Boar

Regulated:

Alopochen aegyptiacus, Egyptian Goose
Cairina moschata, Muscovy Duck
Myiopsitta monachus, Monk Parakeet
Oryctolagus cuniculus, European Rabbit
Trachemys scripta elegans, Red-eared Slider
Xenopus laevis, African Clawed Frog

FUNGI

Prohibited:

Amylostereum areolatum, Sirex Wasp Fungus
Geomyces destructans, White-nose Syndrome
Geosmithia morbida, Thousand Canker Disease
Phytophthora ramorum, Sudden Oak Death

For the official regulations and species lists please see: <http://www.dec.ny.gov/regulations/265.html>.

**New York State Department of Environmental Conservation
Part 575 Invasive Species Regulations
Questions and Answers**

What are invasive species?

Invasive species means a species that is non-native to the ecosystem under consideration; and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Why are invasive species a problem?

Invasive species have a detrimental effect upon the State's natural communities and systems by out-competing native species, diminishing biological diversity, altering community structure and, in some cases, changing ecosystem processes. They can even harm human health.

How will these regulations help?

The regulations were developed by the Department of Environmental Conservation, in cooperation with the Department of Agriculture and Markets. These regulations, once implemented, are expected to help control invasive species by reducing the introduction and spread of invasive species populations by limiting commerce in such species, thereby having a positive impact on the environment.

How were the lists of species in the regulations developed?

The lists of prohibited and regulated species were developed using the standardized species assessment and listing process outlined in the 2010 report "A Regulatory System for Non-native Species". Lists of candidate non-native invasive species were compiled by reviewing other state regulations, reports, lists and consulting with agency experts. A rapid assessment was conducted to determine if the species warranted listing and was already federally regulated. Ecological invasiveness assessments were conducted on each potential invasive species followed by a socio-economic assessment for those ranking High or Very High. The assessment team then placed the species in the appropriate regulatory classification of Prohibited or Regulated. The initial recommendations were submitted to the Invasive Species Advisory Committee (25 Non-Government Organizations) and Council (9 State Agencies) for review and comment. The lists were then incorporated into the regulations.

Why isn't a particular species included on the prohibited or regulated lists?

Due to staffing limitations and time constraints, the initial list of prohibited and regulated species is not all-encompassing. We anticipate that the regulations will be updated on a regular basis. The regulations include language for petitioning for addition or removal of species from the prohibited and regulated lists. Some species were assessed, but do not meet the criteria for prohibition or regulation.

Aren't some of the species listed as either prohibited or regulated already established?

Yes, however, there are areas of the State in which they have not yet established populations and these regulations are intended to slow the spread by reducing the number of individuals of a species released into a region, to which they are not native, associated with the sale and introduction of such species.

When did the regulation become final?

The part 575 invasive species regulations were proposed, and a 60 day to public comment held between October and December 2013. During this time, four public hearings were scheduled across the State. All comments received were reviewed and a summary of public comments and agency responses was compiled. Required changes were made to the final regulations. A summary of the final regulations was published in the State Register September 10, 2014 and the full express terms were published on the Department's website.

Once finalized, when will the regulations become implemented?

A summary of the final regulations was published in the State Register September 10, 2014. The part 575 regulations take effect 6 months later (March 10, 2015).

What is the difference between prohibited and regulated invasive species?

Prohibited invasive species cannot be knowingly possessed with the intent to sell, import, purchase, transport or introduce. In addition, no person shall sell, import, purchase, transport, introduce or propagate prohibited invasive species. Regulated invasive species, on the other hand, are species which cannot be knowingly introduced into a free-living state, or introduced by a means that one should have known would lead to such an introduction, although such species shall be legal to possess, sell, buy, propagate and transport.

What is considered a free-living state?

A species is considered in a free-living state if it is introduced to public lands or lands connected to public lands, natural areas, and public waters or waters connected to public waters.

Are there any exceptions to the definition of a free-living state?

Yes, such exceptions include artificial ponds and water gardens with no outlet to public waters, waters entirely within private land not connected to public waters, and water-use facilities with outflows not providing access to public waters.

Do the regulations require existing populations of species on the prohibited and regulated lists be managed or destroyed by the land-owner?

No, existing populations of non-native invasive species listed as prohibited or regulated and established prior to the implementation of the final part 575 regulations do not require management by the owner. However, once implemented, the final regulations do prohibit commerce involving those species listed as prohibited species and the release of regulated species into a free-living state.

What species have grace periods established in the regulations?

A one year grace period is included in the regulations for Japanese Barberry (*Berberis thunbergii*), during which existing stock of this species may be sold. In addition, a person may possess, sell, offer for sale, distribute, transport, or otherwise market or trade live Eurasian boars (*Sus scrofa*) until September 1, 2015. No person shall knowingly import, propagate or introduce Eurasian boars into a free-living state.

Will there be a fee for permits? No fee is anticipated for permits issued for research, education or other approved activity.

Who will enforce the final regulations?

The regulations will be enforced by the Department of Environmental Conservation, with assistance from the Department of Agriculture and Markets.

Appendix B

NYSDEC Emerald Ash Borer Restricted Zone Map




Appendix B

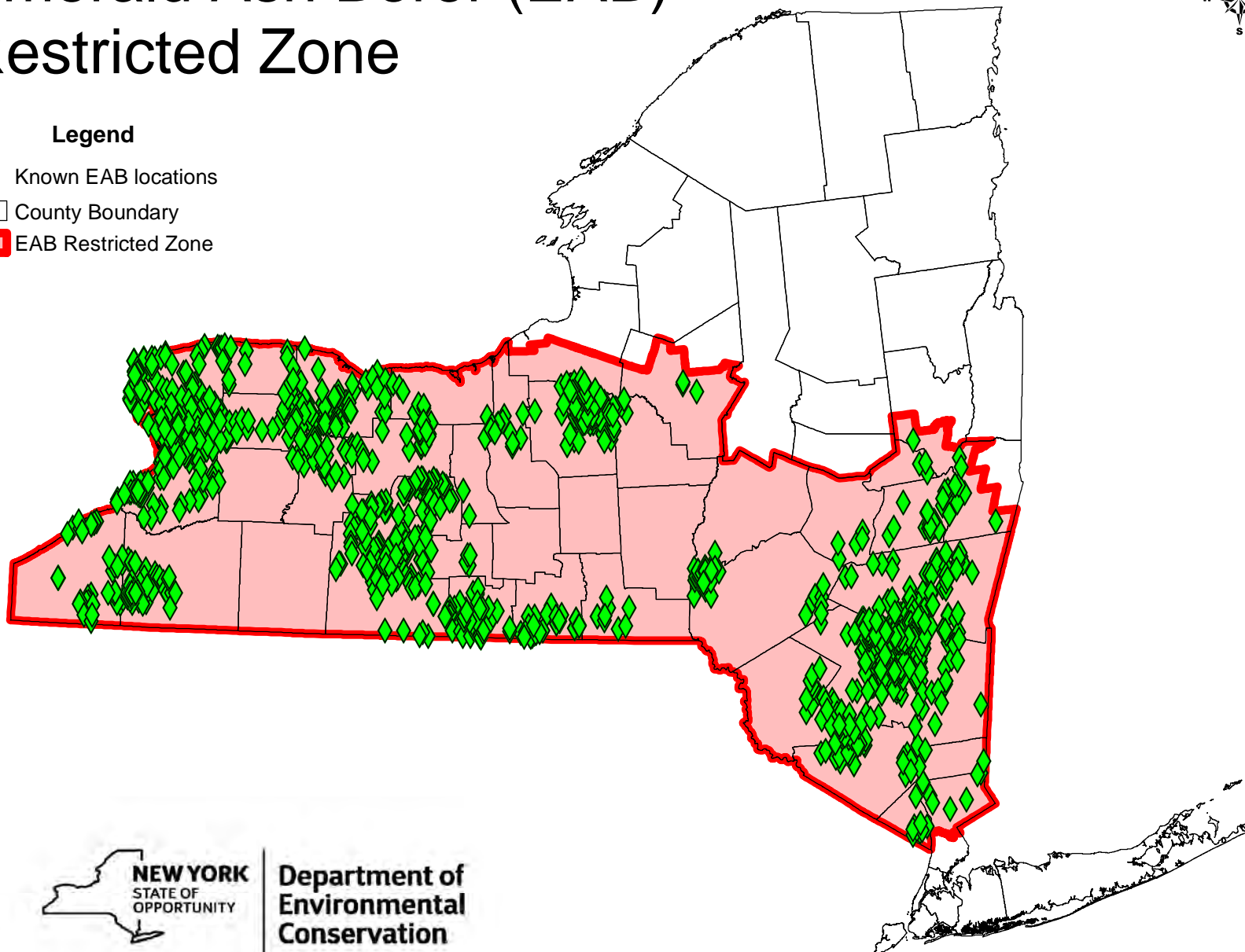
NYSDEC Emerald Ash Restricted Zone Map

Emerald Ash Borer (EAB) Restricted Zone



Legend

-  Known EAB locations
-  County Boundary
-  EAB Restricted Zone



Department of
Environmental
Conservation

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Bureau of Invasive Species & Ecosystem Health