

Answers to Common New 'Clean & Drain' Law Questions

Prepared by NH LAKES, May 3, 2017

NH LAKES has fielded a number of inquiries about the logistics of the new 'Clean & Drain' law that went into effect on January 1, 2017. If, you too, have questions about how this new law will be implemented and communicated, please take a few minutes to read on and your questions will likely be answered.

New Requirements:

Below, you will find the statutory language for the new 'Clean and Drain' statute which describes that all recreational boaters (effective January 1, 2017) are essentially required to:

1. Clean off all hitchhiking fragments of plants, animals, and debris on the outside of vessels before leaving a launch (*this applies to invasive and native species*).
2. Drain their boats and equipment before leaving the ramp (*including paddle craft and non-motorized boats, too*).
3. Open/remove drain plugs and keep them open while trailering (*if the vessel is equipped with drain plugs*).

Draining Location Logistics:

- Some ramp areas will have ample space for boaters to drain their vessels near the ramp (but not on the ramp incline) in a relatively flat location where the drain water will eventually infiltrate into the ground and will not flow directly back into the lake.
- At some ramps, vessel draining may need to occur in a safe location along the access road to the ramp or other nearby location where the water won't flow directly into the lake or other nearby waterway. Local groups know their ramp areas and the roads leading up to their ramp areas best and NH LAKES is encouraging local groups to find the 'best possible' location to encourage boaters to drain their vessels.
- NH LAKES is providing a limited quantity of portable 'CLEAN & DRAIN HERE' signs to our participating Lake Host groups to recommend an appropriate area for vessel cleaning and draining in the vicinity of their ramp.

Enforcement Mechanisms:

- There is no requirement that ramp owners enforce the provisions of the new 'Clean & Drain' law.
- Lake Host Inspectors will not be requiring boaters to clean and drain their vessels (as we do not have any enforcement capability). Lake Host Inspectors are educators and they will continue to offer voluntary, complimentary inspections to help boaters remove any visible hitchhiking material on vessels. Lake Host Inspectors will explain the 'Clean, Drain & Dry' aquatic invasive species prevention approach and the new 'Clean & Drain' law to boaters, offer a new brochure that explains the law, and will suggest a location in the ramp area vicinity where the boater could drain their boat. Lake Hosts will also remind boaters arriving at the ramp to put drain plugs back in!
- Lake Host Inspectors will not prohibit boaters who do not clean and drain from launching.
- Lake Hosts Inspectors will not be 'reporting' boaters who do not clean or drain their vessels.
- Officers of the Peace (police officers, Fish and Game Wardens, Dept. of Safety Officers) have the authority to enforce the 'Clean & Drain' law and issue fines, but we understand that they will be focusing on educating boaters this year about the new law.

Outreach:

- NH LAKES will be running print and radio ads and issuing press releases about the new law. We will be providing our new brochure to lake associations and marinas throughout the state. We've already done one training with the Marine Trades Industry.
- The NH Dept. of Safety is including information about the new law with each boat registration they issue.
- If you would like copies of the new brochure to distribute in your community, they can be picked up at the Lake Host trainings and by contacting our office.
- If you would like information to post on a kiosk about aquatic invasive species prevention, send NH LAKES an email (info@nhlakes.org) with how many sets you would like and a mailing address.

‘Clean & Drain’ Law Statute

<http://www.gencourt.state.nh.us/rsa/html/l/487/487-mrg.htm>

Section 487:16-c

[RSA 487:16-c effective January 1, 2017.]

487:16-c Transport of Aquatic Plants or Exotic Aquatic Weeds On Outside of Boats, Vehicles, and Equipment. –

No person shall negligently transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in RSA 270:73, trailer, or other equipment.

Source. 2016, 227:4, eff. Jan. 1, 2017.

Section 487:16-d

[RSA 487:16-d effective January 1, 2017.]

487:16-d Draining of Water Conveyances. –

I. When leaving waters of the state, a person shall drain his or her boat and other water-related equipment that holds water, including live wells and bilges.

II. Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting boats and other water-related equipment, if the vessel is so equipped.

III. Commercial enterprises transporting boats for off-site storage, maintenance, or repairs, and emergency response vehicles and their related equipment are exempted from paragraphs I and II, however all such exempt commercial enterprises shall drain all water-related equipment holding water and live wells and bilges prior to transporting the equipment to another water body.

Source. 2016, 227:4, eff. Jan. 1, 2017.

Section 487:16-e

[RSA 487:16-e effective January 1, 2017.]

487:16-e Penalties. –

Notwithstanding RSA 487:7, any person who violates RSA 487:16-c through 487:16-d shall be guilty of a violation punishable by a fine of \$50 for a first offense, \$100 for a second offense, and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire.

Source. 2016, 227:4, eff. Jan. 1, 2017.