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Vacant – Gubernatorial  
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January 10, 2017

Edward Harrison Jr., Acting Chair  
Boat Regulation Commission  
c/o Marine Services Bureau  
Division of State Police  
P.O. Box 7068  
West Trenton, NJ 08628-0068

Re: Re-adoption of N.J.A.C. 13:82

Dear Chairman Harrison:

I write to you in my capacity as Acting Director of the Lake Hopatcong Commission (LHC). The LHC is a State entity created pursuant to the "Lake Hopatcong Protection Act", N.J.S.A. 58:4B-1, et seq. Among our duties, under N.J.S.A. 58:4B-6 is the following:

6. The duties and responsibilities of the Lake Hopatcong Commission shall be to: ...

e. recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed ...

In that regard it was just brought to our attention that N.J.A.C. 13:82 is being proposed for re-adoption with amendments by the Boat Regulation Commission (BRC). Amongst the amendments are various new proposed regulations specific to Lake Hopatcong which limit anchoring within two hundred (200') of the shoreline, limit the number of boats tied together, etc.

Edward Harrison Jr., Acting Chair, January 10, 2017, page 2.

I have corresponded with Sgt. Christopher Jones of the New Jersey State Police whom I understand is the liaison to the BRC after reading about the issue in the local papers. I advised Trooper Jones that the LHC would be discussing this at our January 9, 2016 meeting. He agreed to attend our meeting and brief us on the new regulations. Last night we had a standing room only crowd at the Lake Hopatcong State Park. Trooper Jones patiently spent the time necessary to bring the LHC and the public up to speed on the proposals.

We heard multiple comments from residents of Byram Cove, fishermen, and various boaters who anchor in the area. I can advise you that the multiple concerns under discussion came up at one of our meetings two summers ago. At that time we had a standing room only crowd at the Hopatcong Senior Center and heard comments from all sides. That meeting was attended by representatives of the State Police who agreed to step up patrols in the area. From the perspective of the LHC, the issue seemed to be one for law enforcement to address utilizing existing statutes and regulations. Over the past two summers the State Police frequented the area regularly and we have not been advised of any glaring concerns in the interim. I say that since if there is an issue affecting a segment of the community utilizing Lake Hopatcong, they appear at our meetings and we hear about it.

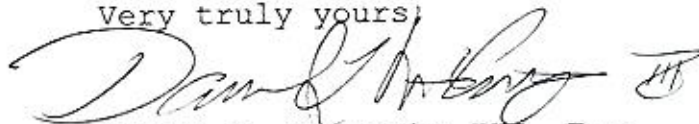
Trooper Jones alluded to something of a "whip-saw" effect concerning the proposed regulations in issue. Apparently, they had their genesis two years ago and have been quietly percolating along in the administrative system only to recently make their debut. It may be that the stepped up law enforcement has tamped down the issues somewhat in the meantime. Many members of the public speaking last evening made the request for greater law enforcement presence. We wonder whether that might obviate the need for the new regulations.

Edward Harrison Jr., Acting Chair, January 10, 2017, page 3.

What is clear to us at this preliminary stage of review is that the Lake Hopatcong specific regulations under consideration may have some unintended consequences and prohibit lawful conduct which is not otherwise objectionable (i.e. anchored fishermen). We asked Trooper Jones to see if the BRC would consider holding off on enacting these regulations until the issues raised can be studied further. Additionally, Trooper Jones assured us that he would ask the BRC to consider holding a public hearing in the Lake Hopatcong region to take further testimony on the issue. In that regard, if you would like to come up for a hearing I would gladly assist you in finding a suitable location. I also remember, many years ago, that the BRC would hold at least one of its meetings annually in our area. I am hoping that can be discussed and considered by the BRC going forward.

As the legislatively designated governmental steward of Lake Hopatcong, the LHC always looks to partner with other governmental agencies to address concerns which affect the Lake and its watershed. In that regard, we look forward to working with you going forward. Please feel free to reach out to me via telephone at (973) 398-6789 if you have any questions.

Very truly yours;



Daniel L. McCarthy III, Esq.  
Acting Chairman

DLM/s