

1 of 55 DOCUMENTS

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RULE PROPOSALS

**LAW AND PUBLIC SAFETY
BOAT REGULATION COMMISSION**

39 N.J.R. 4077(a)

Proposed New Rule: N.J.A.C. 13:82-3.21

[Click here to view Interested Persons Statement](#)

Boating Regulations

Point Pleasant Canal, Ocean County

Authorized By: New Jersey Boat Regulation Commission, Roger K. Brown, Chair.

Authority: N.J.S.A. 12:7-34.49.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2007-299.

Submit comments by November 30, 2007 to:

Roger K. Brown, Chair, Boat Regulation Commission
c/o Marine Services Unit
Division of State Police
PO Box 6078
West Trenton, NJ 08628-0068

The agency proposal follows:

Summary

The Boat Regulation Commission proposes a new rule to prohibit canoes, kayaks and other non-motorized vessels from operating within the confines of the Point Pleasant Canal in Ocean County except in the case of an emergency. The narrow width of the canal (approximately 200 feet) makes the entire canal the navigable channel. It is very congested with vessel traffic most of the time, peaking during daylight hours on the weekends in the summer. Many vessels are large commercial and recreational vessels of approximately 100 feet that have very little room to maneuver

in the canal. These large vessels usually create a wake when maintaining a speed that is fast enough to maintain steering due to the strong currents. Small non-motorized crafts are much slower than the motorized vessels that use the canal. They are also at the mercy of tide, as well as current and can easily be tipped over by wash and wake. If a person ended up in the water from a canoe, kayak, rowboat or other non-motorized vessel, he or she would require immediate assistance from a good Samaritan or first responders, including, but not limited to, the New Jersey State Police Marine Police. Other vessels in the canal would also be put at risk of accident in trying to avoid non-motorized vessels.

The Commission has provided a 60-day comment period. Therefore the proposal is exempt from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rule is intended to ensure the safety of boaters utilizing the Point Pleasant Canal by prohibiting small non-motorized vessels that are susceptible to overturning or swamping in the narrow confines and severe tidal currents of the canal.

Economic Impact

The proposed new rule will have no direct economic impact on the public. There may be an indirect economic impact as a violation of Boat Commission rules subjects the violator to the fines prescribed in N.J.S.A. 12:7-51.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rule is not subject to any Federal standards.

Jobs Impact

The proposed new rule will not result in the creation or loss of any jobs in New Jersey.

Agriculture Industry Impact

The proposed new rule will not have any impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed new rule does not impose any reporting, recordkeeping or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule applies to individual recreational boaters.

Smart Growth Impact

The proposed new rule will not have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

Full text of the proposed new rule follows:

13:82-3.21 Point Pleasant Canal, Ocean County

No person shall operate a canoe, kayak, rowboat or other non-motorized vessel in the confines of the Point Pleasant Canal, except in an emergency.