

March 4, 2003

To: River Council Members

Due to a lack of a quorum at February's meeting, the annual Reorganization Meeting of the River Council will be held on Wednesday, March 19<sup>th</sup>.

It is **very important** that you attend. If for some reason you are unable to attend, please let Rick Coe or myself know and contact the designated alternate so that there will be someone at the meeting to represent your municipality.

The enclosures are being sent to you ahead of time so that you have ample time to read them and be prepared to discuss them at the March meeting. If you have any questions, please call me at (215) 597-9175 or e-mail me at [mary\\_vavra@nps.gov](mailto:mary_vavra@nps.gov).

Mary

Enclosures

1. Agenda for March 19<sup>th</sup> Meeting
2. Notes from February 25<sup>th</sup> River Council Meeting
3. Resolution re: Depository of Funds
4. Resolution re: Official Publications
5. Resolution re: Notice of Meetings
6. Proposed Amendment to Bylaws
7. Amendment to CAFRA rules re: Wild and Scenic Rivers
8. NJDEP ltrs. of enforcement
9. Article about river in RMS Newsletter
10. Listing of Mayors
11. Listing of RC members and alternates
12. Minutes from January 15<sup>th</sup> meeting
13. Cell Tower court case

Great Egg Harbor National Scenic and Recreation River Council  
Meeting Agenda  
March 19, 2003  
Reorganization Meeting

3/19/03

**Call To Order**

**Roll Call**

**Nomination and Election of Officers of the River Council**

- Chair
- Vice Chair
- Secretary

**Resolutions**

- Resolution R:01-2003 (Designating Depository of Funds and Authorized Signatures)
- Resolution R:02-2003 (Designating Official Publications)
- Resolution R:03-2003 (Notice of Meetings of the River Council)

**Approval of Minutes from January 15, 2003**

**Public Portion**

**Old Business**

- *Financial Management*
- *River Council Appointment Letters to Corbin City and Upper Twp.*
- *River Administrator's Report*
  - o Hamilton Township Issue
  - o Pinelands Commission
  - o WMA #15 and water quality initiatives
  - o Washington, DC Partnership River meeting on March 2-3
- *Status Report on projects/issues in river corridor*
  - o Streambank project in Egg Harbor Twp.
  - o ORV issue in Egg Harbor Twp.
- *National Park Service Report*
  - o River Council member listing update
  - o Great Egg Harbor River article in RMS newsletter
  - o Approval of amended CAFRA rules re: W&S Rivers
  - o Federal Court decision re: cell tower along the St. Croix River
  - o NJDEP enforcement letters to property owners in Folsom
  - o NPS FY-03 budget for Partnership Rivers

Bob McGarity lawyer for Horsely.

no report

AT&T Tower in E.M. (also CAFRA)

- *Signage Update*  
*recommends getting State DOT approval before buying signs (contact Adriana)*
- Proposed amendment to Bylaws

**Adjournment**

Personnel evaluation committee update

**Great Egg Harbor National Scenic and Recreational River  
Annual Reorganization Meeting Minutes  
March 20, 2003**

3/19/03

**Annual Reorganization Meeting Called to Order** at 7:15PM by Rick Coe

**Roll Call** by Belinda Irizarry

**Board Members in Attendance:** Julie Akers, Gene Betz, John Brudon, Rick Coe, Bill Christman, Bill Egan, Greg Gregory, Keith Kendrex, Andrew Mair, Creed Pogue, Joel Spiegel, Marc Thyrring

**Board Members Absent:** No member authorized from Upper Township

Quorum Present? – Yes

**Others Present:** Fred Akers (River Administrator), Dick Colby (GEHWA), Belinda Irizarry (Secretary), Mary Vavra (National Park Service), Christina Santora (Clean Ocean Action)

**Proceedings**

Rick Coe stated that the meeting was advertised pursuant to the NJ Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Notices were sent to official publications for the River Council – The Courier Post and The Press of Atlantic City. A copy of the notice was posted on the bulletin board of the Fox Nature Center and the Atlantic County Library in Mays Landing. An Affidavit of publication from the Courier Post was received.

**Nominations and Election of Officers of the River Council**

**Chairperson:** Creed Pogue nominated Rick Coe as Chairperson. Greg Gregory seconded the motion. Voice vote was unanimous.

**Vice Chair/Treasurer:** Creed Pogue nominated Dick Colby as Vice Chair/Treasurer. Julie Akers seconded the motion. Voice vote was unanimous.

**Secretary:** Creed Pogue nominated Belinda Irizarry as Secretary. Greg Gregory seconded the motion. Voice vote was unanimous.

**Resolutions**

**Resolution R:01-2003** (Designating Depository of Funds and Authorized Signatures on River Council Account) - The Resolution redesignated Fleet Bank or successor as depository. A motion was made by Greg Gregory to approve the Resolution. Creed Pogue seconded the motion. No questions were raised. **Roll Call Vote:** Julie Akers - yes; Gene Betz - yes; John Brudon - yes; Rick Coe - yes; Bill Christman - yes; Bill Egan - yes; Greg Gregory - yes; Keith Kendrix - yes; Andrew Mair - yes; Creed Pogue - yes; Joel Spiegel - yes; Marc Thyrring - yes. Vote was unanimous.

**Resolution R:02-2003** (Designating Official Publications for River Council) - The Resolution designated the Press of Atlantic City and the Courier Post as the official publications for River Council business. Creed Pogue made a motion to approve the Resolution. Greg Gregory seconded the motion. Motion carried.

**Resolution R03-2003** (Notice of Meetings of the River Council) This Resolution indicated that River Council meetings are held on the third Wednesday of each month at the Fox Nature Center in Estell Manor Park from 7-9PM and this information is published in official publications. Creed Pogue made a motion to approve the Resolution. Greg Gregory seconded the motion. Motion carried.

### **Approval of Minutes from the January 15, 2003 meeting**

Creed Pogue made a motion to approve the January 15, 2003 meeting minutes and to correct the November 20, 2002 meeting minutes which indicated that River Council funds for plantings in Weymouth Twp. and Estell Manor were deleted. This statement was in error and funds continue to be available for this project. Greg Gregory seconded the motion to approve the January minutes and change the wording in the November minutes. Motion carried.

### **Public Portion**

The meeting was opened to the public at 7:25. Christine Santora made a presentation about the activities of Clean Ocean Action. She is organizing stream cleanups and stated that her organization has insurance to cover volunteer cleanup campaigns. The River Council will look for opportunities to partner with Clean Ocean Action. Public portion closed at 7:35PM

### **Old Business**

#### ***Financial Management***

Mary Vavra provided a status report on the Cooperative Agreement with GEHWA and funds available for the River Council. Since there is an unobligated balance of \$36,288 available to the River Council Mary suggested that the FY-03 appropriation of \$50,000 from the National Park Service be targeted to support GEHWA activities. These funds will be used to support the River Administrator and Education Coordinator positions. The balance of remaining funds is available to support activities in the river corridor. A discussion of financial issues will be put on the River Council's April agenda. Members should be prepared to discuss potential projects at the next meeting.

#### ***River Council Appointment Letters***

River Council nominations were received from Corbin City and Hamilton Township. Upper Township has not yet responded with a nomination to the River Council.

#### ***River Administrator's Report***

##### ***- Washington, DC Partnership River Meeting***

Fred Akers reported on activities among seven Partnership rivers in the Northeast Region to secure additional funding. A meeting was sponsored by American Rivers in Washington, DC on March 2-3 to enable people working on partnership rivers to discuss issues being experienced in designated river corridors. The second day of the meeting was devoted to visiting congressional delegations to educate them on partnership rivers and gain their support for additional funding outlined in each river's management plan. Fred mentioned that there are three rivers in NJ already included in the National Wild and Scenic Rivers System and a fourth river is under study for designation. There will be a follow-up meeting of Partnership river people in Philadelphia in June. More information on this meeting will be forthcoming.

##### ***- Hamilton Township Issues***

Fred reported on the issues affecting the river in Hamilton Township and the efforts of the Township to address them. Fred mentioned that he and Mary Vavra made a presentation to the Pinelands Commission concerning the need to uphold zoning ordinances in the river corridor. Bill Christman provided a status report on the recommendations of the subcommittee of the Planning Board regarding long-term protection of the river. A copy of the recommended Ordinance and changes to the Local River Management Plan were provided to members. Bill stated that despite the fact the proposed Ordinance was unanimously approved by the Planning Board and the Environmental Commission, the Town Committee remained unconvinced of the need to be concerned over water quality. A discussion of the issues ensued.

Creed Pogue made a motion that a letter be sent to Hamilton Township reflecting the following points: 1) that the River Council has worked with the Township over the past few years funding police activities to help keep the river safe for all users, 2) that NJDEP studies indicate that the fecal coliform level is dangerous to people who have direct contact with the river, and 3) that if adoption of an ordinance to regulate those activities to protect people is not endorsed, then the River Council would have to strongly consider withdrawing its partnership to fund the river patrol. Greg Gregory seconded the motion. Keith Kendrex suggested making the liveries pay for fecal coliform testing and that commercial livery activities be guided by the results of that testing. Bill Christman stated that this suggestion was made to the Planning Board and was rejected due to the need for enforcement. Dick Colby suggested that the Atlantic County Health Department be requested to conduct water testing. Julie Akers suggested an amendment to the motion that the burden of funding should be on the local liveries and acknowledge that Hamilton Township is not acting as a responsible partner. The friendly amendment was accepted by Creed Pogue and seconded by Greg Gregory. Andy Mair suggested working through County health officials and suggested that sending a letter would have no practical effect on Hamilton Township. Bill Christman agreed that another letter may not be effective given the Township's lack of response to previous correspondence and research information provided. Based on Bill's statement, Creed Pogue withdrew the motion and Keith Kendrex seconded that withdrawal.

### *National Park Service Report*

Mary Vavra provided an overview on issues/opportunities affecting the river corridor.

- Copies of the new CAFRA rules relating to Wild and Scenic Rivers were distributed to members with a discussion about how those changes affect construction projects in the river corridor.
- Of particular interest is the fact that the new rules prohibit the construction of cell towers within the 1/4-mile federal boundary of any designated river in the CAFRA zone. AT&T's interest in constructing a cell tower within the 1/4 mile of Gibson Creek, a designated tributary of the Great Egg Harbor River was discussed. The National Park Service sent a letter to the City expressing opposition to the tower due to its adverse visual effects. In addition, the new CAFRA rule regarding the prohibition of cell towers in the river corridor provided additional strength in arguing against the tower. A copy of a federal court decision upholding a county's decision along the St. Croix River to deny the construction of a cell tower outside of the 1/4-mile federal management boundary because of its adverse visual effects was distributed. This decision is important in making the argument that cell towers adversely affect the scenic viewshed in a designated river corridor.
- A copy of an article on the Great Egg Harbor River written by Mary Vavra was published in the River Management Society's national newsletter and distributed among members. This article is being distributed throughout the National Park Service to further educate managers about the river's importance.
- Copies of two NJDEP enforcement letters addressing the significant violations on waterfront properties in the Borough of Folsom were distributed. NPS, GEHWA and the River Council will be tracking the enforcement actions and resolution of the violations on both properties.

### **Signage Update**

Greg Gregory stated that the River Council should receive NJDOT approval before purchasing signs and asked how the group wanted to proceed. Fred Akers was authorized to contact Adriana Calle (NJDEP) to find out how to get approval to put the signs up.

### **New Business**

#### *Proposed Amendment to Bylaws*

The original Bylaws of the River Council set up the terms of office. An amendment was proposed to change the language under Section IIIA of the Bylaws as follows:

“Upon expiration of a term of appointment, an appointee shall continue to serve as a holdover until his or her successor is approved. This provision shall not apply to an appointee who has been removed as a member for cause in accordance with the proceeding paragraph.” Greg Gregory made a motion to approve the Bylaw amendment. Julie Akers seconded the motion. Roll Call Vote: Julie Akers - yes; Gene Betz - yes; John Brudon - yes; Rick Coe - yes; Bill Christman - yes; Bill Egan - yes; Greg Gregory - yes; Keith Kendrix - yes; Andrew Mair - yes; Creed Pogue - yes; Joel Spiegel -yes; Marc Thyrring - yes. Motion carried unanimously. Rick Coe noted for the record that the proposed Bylaw amendment was mailed out to all members at least ten days prior to the meeting.

*Personnel Evaluation Committee*

Creed Pogue stated that the committee to conduct the annual performance appraisal of Fred Akers as the River Administrator will be meeting shortly and information regarding the committee's findings will be ready for the following meeting.

The meeting was adjourned at 9:20PM.

**GREAT EGG HARBOR NATIONAL SCENIC  
AND RECREATIONAL RIVER COUNCIL**

**PROPOSED AMENDMENT TO BYLAWS (IIIA)**

Section IIIA of the Bylaws is hereby amended to add the following paragraph:

Upon expiration of a term of appointment, an appointee shall continue to serve as a holdover until his or her successor is appointed. This provision shall not apply to an appointee who has been removed as a member for cause in accordance with the preceding paragraph.

## V. IMPLEMENTATION OF MANAGEMENT STRATEGIES

### A. Considerations for Establishing Permitted Uses of the Great Egg Harbor River (GEHR) In the Township Of Hamilton

Permitted uses are determined by numerous considerations including but not limited to, public safety, environmental impact and conditions, utilization of the resource for recreational activities, protection of the rights of private property owners and accommodation and control of private enterprise.

Worthy of special and specific note is the issues of public safety environmental impact. In the report "Development of a Water Quality/Aquatic Biota Study of Selected Subwatersheds in the Great Egg Harbor Watershed", submitted to the Atlantic County Office of Regional Planning and Economic Development in July 2002 by the Richard Stockton College of New Jersey, division of Natural Sciences and Mathematics, important determinations were published. The report explains, "The primary focus of this study was the Ambient Biomonitoring Network (AMNET) used by NJ DEP to classify freshwater streams. This sampling and data analysis protocol was used in 2000-01 to classify thirty-five sites in WMA#15 (Great Egg Harbor River) as moderately or severely impaired". "Recreational (canoeing, tubing, etc.) impacts...may be very significant in some sections of the GEHR. Physical impacts on the riverbed and vegetation as well as deliberate clearing of channel debris can all affect wildlife and possibly water quality. Some aspects of this issue are the responsibility of municipal governments participating in the National Wild and Scenic Rivers program".

Of even greater significance, is a letter from the NJ DEP, dated January 27,2003. The DEP states, "The Great Egg Harbor River at Weymouth has been identified as a fecal impaired segment, being impaired for fecal affects the designated use for primary contact activities. Primary contact activity is any activity in which a person has direct contact with impaired water."

The reports referenced above provide valuable information for the Township of Hamilton to consider in establishing river uses which protect public safety and environmental issues of the river.

### B. Recreational Uses of the GEHR

**Management Areas** The portion of the Great Egg Harbor River (hereinafter referred to as "the River") located within the confines of the Township of Hamilton is divided into four management areas. Each management area will have a specific set of permitted recreational uses as follows:



**Section 1** is defined as beginning at the Township's border with the Borough of Folsom to the intersection with County Rte. 559 just west of Weymouth Furnace County Park. Permitted river channel uses on this section shall include only canoeing & kayaking. Due to evidence that tubing/rafting activities during periods of low water flow can have a damaging effect on riverbed vegetation and water tests indicating high fecal coliform levels in this section, tubing activities are restricted from Section 1 entirely.

**Section 2** is defined as beginning at Weymouth Furnace County Park, east of the 559 bridge to the western point of Lake Lenape. Permitted river channel uses in this section shall include only canoeing, kayaking & tubing/rafting.

**Section 3** is defined as Lake Lenape (from the western tip to the Lake Lenape Dam). Permitted uses in this section shall include only those recreational uses allowed by the County jurisdiction overseeing Lake Lenape.

**Section 4** is defined as the tidal portion of the River beginning at the Lake Lenape Dam to the border with Egg Harbor Township. Permitted uses in this section shall include but not be limited to canoeing, kayaking, motorized vessels & personal watercraft. Certain areas of section 4 shall be designated as "off limits" for motorized vessels. "No Wake" zones shall be clearly designated and strictly enforced.

## C. Access Points

### **1. Existing Public Access**

Public use is defined as permitted recreational activities conducted by individuals. It excludes commercial liveries. Public access points to the portions of the Great Egg Harbor River for public use within the confines of the Township of Hamilton are located at several sites along the river. These access points are located on designated public lands adjacent to the river and are regularly policed by either County Park Rangers or Township of Hamilton police. They are primarily County-owned and designated as park areas to be used according to County guidelines. The public access points are as follows:

**Pennypot Park County Park, Folsom Boro** – This access is just west of the Township of Hamilton border but provides access to canoes and kayaks utilizing Section 1 of the Great Egg Harbor River in the Township of Hamilton.

**Weymouth Furnace County Park, Township of Hamilton** – This access is at the ruins of the Weymouth iron forge and provides picnic facilities and

portable toilets as well as river access to Section 2 of the river for canoes and kayaks.

**Atlantic County Park at Lake Lenape** – This access is on Lake Lenape and provides access to Section 3 of the river. There is a boat ramp for larger boats here to allow for motorized recreation on the lake. There are also a boathouse, modern rest rooms and camping facilities.

**Gaskill County Park** – In the town of Mays Landing, this park is below the dam at Lake Lenape and is the only public access to tidal waters Section 4 of the river in the Township. There is no boat ramp but there are a limited number of docking areas along the bulkhead. Across River Rd. from the bulkhead is a park area with seasonal rest room facilities, a gazebo and a playground area.

## **2. Existing Private Access**

There are many private residences with river access along the GEHR in the Township of Hamilton. These accesses are for private use only. Public and commercial trespassing is prohibited.

## **3. Existing Commercial Access**

**Palace Outfitters** – A privately owned commercial livery and restaurant has an access just south of Rt. 322 in Section 2. The use is primarily for commercial livery operations.

**Winding River Campground** – A privately owned campground offers livery services with an end point at their campground. The use is primarily for commercial livery operations.

**Indian Branch Park** – A privately operated campground offers livery services, which start at their facility with an end point at one of the County Parks. This use is commercial but very minimal.

**Lake Lenape Park** – A privately owned amusement park, picnic and catering facility. Several types of boats, including but not limited to canoes, kayaks, motorized tour boats and power boats for water skiing, are launched from shore onto Lake Lenape.

**Mays Landing Marina** – A privately owned marina featuring docking facilities and a ramp.

**River Beach Camp II** – A privately owned campground featuring waterskiing, boating and camping facilities with RV hookups.

**Pennypot Park County Park, Folsom Boro** – The County currently grants commercial liveries unofficial permission to use this site. The permission is predicated on current volume and the condition that that volume does not interfere with public use.

**Weymouth Furnace County Park, Township of Hamilton** – Like Pennypot, the County currently grants commercial liveries unofficial permission to use this site. The permission is predicated on current volume and the condition that that volume does not interfere with public use.

#### **D. Commercial Liveries**

**1. Licenses** - Commercial liveries renting water vessels for profit are required to obtain a Livery License from the Township of Hamilton. The number of licenses is limited to the number of existing liveries at the time of adoption of this plan, six (6).

**2. Access** – Commercial liveries launch patrons in the river at one point and retrieve said patrons at another location down stream, and therefore require a minimum of two Township approved sites from which to conduct business. Commercial liveries are not permitted to use Township property or any other property unless such use is in compliance with all local, state and federal regulations.

No dock, pier, bulkhead, harbor structure or other shipping or docking facility may be constructed unless it complies with applicable Township standards and standards imposed by the New Jersey Department of Environmental Protection.

**3. Responsibilities** – Livery responsibilities include but are not limited to, instruction of patrons in rules pertaining to the river and behavior, safety precautions, location of comfort facilities, protection of the environment, etc.

**4. Prohibited Materials** – Alcoholic beverages, cans and bottles are not permitted on the river.

## E. Visitor Services

**1. Education** – Interpretive signage shall be placed at all public access points. This signage shall identify the portion of the river being traveled and outline rules that shall be observed while recreating on the river. Signage shall also include any pertinent historical or environmental points of interest and otherwise reflect all educational requirements outlined in this plan.

**2. Comfort Stations** – Most County Parks have restroom facilities, either portable or permanent for recreational users. Any public river access points shall have restroom facilities.

**3. Litter Bags** – Carry-in/Carry-out bags will be made available at all river access points. Receptacles for trash and recycling shall be maintained on a constant basis at any public access locations.

**Ordinance xxxxx:**  
**Governing the Operation and Establishment of Livery  
Businesses Within the Township of Hamilton, Atlantic  
County, NJ**

Livery Businesses in the Township of Hamilton

Livery Business – An establishment engaging in the rental of watercraft including but not limited to canoes, kayaks, rowboats, motorized boats, inflatables, tubes, rafts or personal watercraft, for the purpose of recreational activities on the Great Egg Harbor River.

**I. Requirement**

Any person, partnership, corporation, business or firm that operates, uses or maintains a livery business on the Great Egg Harbor River in the Township of Hamilton must obtain a license for said business from the Governing Body of the Township of Hamilton.

**II. Procedure**

Any person, partnership, corporation, business or firm that operates, uses or maintains a livery business on the Great Egg Harbor River in the Township of Hamilton desiring a livery license shall first file with the Township Clerk a written application signed by the applicant(s), which includes the following information:

- A. The name and address of the applicants and if a firm or corporation, the name and address of the officers and the registered agent or partners.
- B. The length of time that the applicant or applicants, or if the applicant is a firm or corporation, the length of time that the manager or person in charge has been in business; their previous place of employment; and if the applicant or applicants have been convicted of a crime, and if so, when, what offense and in what court.
- C. The detailed nature of the business to be conducted including the approximate number of rentals anticipated for each month of the calendar year, launch and retrieval sites for watercraft, types and number of rental watercraft, hours of operation and any other pertinent information.
- D. Proof of ownership of site properly zoned and approved for commercial livery activities where the business is to be located and carried on, by metes and bounds. A lease of site for the entire duration of the license can be used.

- E. A plan or survey showing the existing or proposed entrance or entrances to the premises where said business is to be conducted.
- F. Applicant is required to show proof of liability insurance xxxxxxxxxxxxxxxxxxxxxxx
- G. Applicants requesting renewal of previously issued license are required to submit an application noting any changes from the previous year's application.

**III. Classes**

Licenses for livery operations shall be categorized according to the intensity of the business as follows:

**Class A License** – Any livery business operating with 30 or more watercraft available for rental shall apply for a Class A License.

**Class B License** – Any livery business operating with less than 30 watercraft available for rental shall apply for a Class B license.

**Special Events Permit** – A one-time permit for events held before or after regular operating hours or utilizing more watercraft than allowed by existing license.

**IV. Number of Licenses**

There shall be a total of six (6) livery licenses (Class A & B combined) available for qualified approved business.

**V. Fees; Display; Compliance**

A. The license fee for livery operations shall be as follows:

- Class A - \$xxx.00 annually
- Class B - \$xxx.00 annually
- Special Events Permit - \$xxx.00 per

B. Each holder of a license herein authorized shall at all times keep the license posted, while in force, in a conspicuous place on the premises described in the application for said license.

C. The licensee, by accepting a license hereunder, agrees to comply with all the terms and conditions set forth in the ordinance, and all rules and regulations promulgated by the Township Committee

## **VI. Transferability**

No license issued under this chapter shall be assigned or transferred without the approval of the Township Committee of the Township of Hamilton.

## **VII. Location Specification**

No license issued hereunder shall entitle licensee to operate at, in or on any other site, lot, building or location than that which is specified in said license.

## **VIII. Refunds**

There shall be no refunds to a licensee upon surrender or revocation of a license granted hereunder.

## **IX. Term**

Licenses are for one year in duration beginning January 1 and expiring December 31.

## **X. Initial Applications**

- A. Any person, corporation, business or firm keeping, maintaining or operating a livery business on the effective date of this ordinance shall be apply for a license, met all requirements and obtain a license by xxxx, 2003 in order to continue operations.
- B. Any person, corporation, business or firm wishing to begin a livery business following the adoption of this ordinance must obtain a license, prior to initiating operations. A license may only be issued if a new applicant meets all requirements, and if a license is available.

## **XI. Violations and Penalties**

- A. Any person who, by himself or his clerk, agent or employee, shall establish, operate and maintain a livery business as herein defined without a license as required by this chapter, or who shall violate any of the provisions of this chapter, or who, having had his license

revoked, shall continue to establish, operate or maintain a livery business, upon conviction thereof shall be subject to a fine not exceeding \$1,000.00 and/or imprisonment not exceeding 30 days. In addition to these penalties, the license to such person violating the same shall be subject to revocation. Provided, however, that notice of such proposed revocation shall be given to said licensee and a hearing afforded to them before the Township Administrator.

B. If the violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offense hereunder.

## XII. Rules of Operation

- A. **Hours of Operation.** All livery operations shall conform to the following hours of operation. No planned recreational activities shall commence prior to 9:00 AM during Summer (May 1 through September 30) or Winter (October 1 through April 30) operations. All livery operations shall have clients off the water by 7 PM in the Summer and 4:00 PM in the Winter.
- B. **Types of Crafts Permitted and Location.** Livery licenses will entitle a livery to rent the following types of water crafts in the following designated management areas of the river:

**Section 1** is defined as beginning at the Township's border with the Borough of Folsom to the intersection with County Rte. 559 just west of Weymouth Furnace County Park. Permitted river channel uses on this section shall include only canoeing & kayaking. Due to evidence that tubing/rafting activities during periods of low water flow can have a damaging effect on riverbed vegetation and water tests indicating high fecal coliform levels in this section, tubing, swimming and bathing activities are restricted from Section 1 entirely.

**Section 2** is defined as beginning at Weymouth Furnace County Park, east of the Rte. 559 bridge to the western point of Lake Lenape. Permitted river channel uses in this section shall include only canoeing, kayaking & tubing/rafting.

**Section 3** is defined as Lake Lenape (from the western tip to the Lake Lenape Dam). Permitted uses in this section shall include only those recreational uses allowed by the County jurisdiction overseeing Lake Lenape.

**Section 4** is defined as the tidal portion of the River beginning at the Lake Lenape Dam to the border with Egg Harbor Township. Permitted uses in this section shall include but not be limited to canoeing,



kayaking, motorized vessels & personal watercraft. Certain areas of Section 4 shall be designated as "off limits" for motorized vessels. "No Wake" zones shall be clearly designated and strictly enforced.

**C. Access** – Commercial liveries launch patrons in the river at one point and retrieve said patrons at another location down stream, and therefore require a minimum of two Township approved sites from which to conduct business. Commercial liveries are not permitted to use Township property or any other property unless such use is in compliance with all local, state and federal regulations. No dock, pier, bulkhead, harbor structure or other shipping or docking facility may be constructed unless it complies with applicable Township standards and standards imposed by the New Jersey Department of Environmental Protection.

D. All livery operations shall submit a Public Safety Plan. This plan shall be subject to the requirements of the Township of Hamilton Police Department or their designee.

E. Alcoholic beverages, bottles and cans are prohibited on the river.

F. Livery operators may host events after regular operating hours or outside their licensed capacity by applying for an "Special Event" permit issued by the Township Administrator or their designee.



## State of New Jersey

Department of Environmental Protection

James E. McGreevey  
Governor

Bradley M. Cumphe  
Commissioner

Coastal and Land Use Compliance and Enforcement  
Southern Section  
1510 Hooper Avenue  
Toms River, NJ 08753  
Telephone: (732) 255-0787 Fax: (732) 255-0877

### CERTIFIED MAIL/RRR

### NOTICE OF VIOLATION

EA ID #: PEA030001 - 0110-02-0001.1

Name of violator: THEODORE & ANN MARIE WHITMYER  
Location: 1528 MAYS LANDING ROAD  
FOLSOM BOROUGH, NEW JERSEY 08037  
Identifying #: 0110-02-0001.1  
Block and Lot: [1602, 10.01]

You are hereby NOTIFIED that during a compliance evaluation at the above location on 10/25/2002, the following violations of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and the regulations (N.J.A.C. 7:7A-1 et seq.) and the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.) and the regulations (N.J.A.C. 7:13-1.1 et seq.) was observed. These violations shall be recorded as part of the permanent enforcement history of THEODORE & ANN MARIE WHITMYER at the above location.

#### Subject:

Requirement: Pursuant to, N.J.A.C. 7:7A- 2 .6(a) the removal, excavation or disturbance of the soil; dumping or filling with any material; erection of structures; placement of pavements; destruction of plant life which would alter the existing pattern of vegetation; and placement of any portion of a residential development project as defined at N.J.A.C. 7:7A-1.4 within a freshwater wetland transition area are regulated activities which require prior permit approval from the Department. [N.J.A.C. 7:7A-2 .6(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland transition area. More specifically, the regulated activities involve the removal of vegetation and filling.

#### Subject:

Requirement: Pursuant to, N.J.A.C. 7:7A- 2 .2(a) the following activities are regulated when performed in a freshwater wetland and State

WHITMYER THEODOR  
PEA030001 - 0110-02-0001.1  
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open waters and require prior permit approval from the Department: the removal, excavation, disturbance or dredging of soil, sand, gravel, or aggregate material of any kind; the drainage or disturbance of the water level or water table so as to alter the existing elevation of groundwater or surface water, regardless of the duration of such alteration; the dumping, discharging, or filling with any material; the driving of pilings; the placing of obstructions, including depositing, constructing, installing or otherwise situating any obstacle which will affect the values or functions of a freshwater wetland; or the destruction of plant life which would alter the character of a freshwater wetlands, including killing vegetation by applying herbicides or by other means, the physical removal of wetland vegetation, and/or the cutting of trees; and the placement of any portion of a residential development project as defined at N.J.A.C. 7:7A-1.4 .  
[N.J.A.C. 7:7A-2.2(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland. More specifically, the regulated activities involve removal of vegetation and the placement of fill and the construction of a bulkhead.

Subject:

Requirement: Pursuant to, N.J.A.C. 7:13-2.2(a) any activity conducted within a floodway which meets the definition under N.J.A.C. 7:13-2.2(a) is a prohibited use [N.J.A.C. 7:13-2.2(a)]

Description of Noncompliance: the performance of unauthorized prohibited activities within the floodway. More specifically, the prohibited activities involve damming of the river for the creation of a pond including fill and the construction of a downstream weir.

Subject:

Requirement: Pursuant to, N.J.A.C. 7:13-1.3(e) any activity performed within a floodway which does not meet the definition of non-regulated uses as described under N.J.A.C. 7:13-1.3(e) shall require prior permit approval from the Department. [N.J.A.C. 7:13-1.3(e)]

Description of Noncompliance: the performance of unauthorized regulated activities within the floodway. More specifically, the regulated activities involve the construction of bulkheads, fill, two footbridges and cantilevered decks.

You must take the following corrective actions:

1. Comply with requirement: Within 30 days of receipt of this document submit any one or number of the following appropriate documents: submit for and obtain a freshwater wetlands permit and/or submit and implement a restoration plan to restore the site to its predisturbance condition.

2. Comply with requirement: Within 30 days of receipt of this document submit any one or number of the following appropriate documents: submit for and obtain a freshwater wetlands permit and/or submit and implement a restoration plan to restore the site to its predisturbance condition.
3. Comply with requirement: Within 30 days of receipt of this document submit and implement a restoration plan to remove the fill, dam and weir and restore the site to its predisturbance condition.
4. Comply with requirement: Within 30 days of receipt of this document submit for and obtain a stream encroachment permit and/or submit and implement a restoration plan to restore the site to its predisturbance condition.

Within 10 calendar days of receipt of this Notice of Violation, you shall submit in writing to the case manager, **William Albertson**, an explanation of the corrective measures you have taken or will take to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violations has occurred and does not preclude the State of New Jersey or any of its agencies from initiating administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Violations of the above regulations are subject to penalties of up to \$10,000 per day for each violation.

Issued by:

Michael Brisani

Date:

1/23/2003

cc: Municipal Construction Official  
Chuck Horner, Pinelands Commission  
Mary Vavra, USDO, National park Service

**State of New Jersey**

Department of Environmental Protection

James E. McGreevey  
GovernorBradley M. Campbell  
CommissionerCoastal and Land Use Compliance and Enforcement  
Southern Section  
1510 Hooper Avenue  
Toms River, NJ 08753  
Telephone: (732) 255-0787 Fax: (732) 255-0877**CERTIFIED MAIL/RRR****NOTICE OF VIOLATION**

EA ID #: PEA030001 - 0110-02-0002.1

Name of violator: JANET LOUISE TALLMAN  
Location: 1526 MAYS LANDING ROAD  
FOLSOM BOROUGH, NEW JERSEY 08037Identifying #: 0110-02-0002.1  
Block and Lot: [1602, 10.02]

- You are hereby NOTIFIED that during a compliance evaluation at the above location on 10/25/2002, the following violations of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and the regulations (N.J.A.C. 7:7A-1 et seq.) and the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.) and the regulations (N.J.A.C. 7:13-1.1 et seq.) was observed. These violations shall be recorded as part of the permanent enforcement history of JANET LOUISE TALLMAN at the above location.

**Subject:**

**Requirement:** Pursuant to, N.J.A.C. 7:7A- 2 .1(a) a person proposing to discharge dredged or fill material into State open waters shall apply to the Department for a Statewide general permit authorization or an Individual open water fill permit. [N.J.A.C. 7:7A- 2 .1(a)]

**Description of Noncompliance:** the unauthorized placement of material within State open waters. More specifically, the activity involves the construction of an artificial stone waterfall within the Great Egg Harbor River.

**Subject:**

**Requirement:** Pursuant to, N.J.A.C. 7:7A- 2 .6(a) the removal, excavation or disturbance of the soil; dumping or filling with any material; erection of structures; placement of pavements; destruction of plant life which would alter the existing pattern of vegetation; and placement of any

TALLMAN JANET LOUISE

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portion of a residential development project as defined at N.J.A.C. 7:7A-1.4 within a freshwater wetland transition area are regulated activities which require prior permit approval from the Department. [N.J.A.C. 7:7A-2.6(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland transition area. More specifically, the regulated activities involve removal of vegetation and filling.

Subject:

Requirement: Pursuant to, N.J.A.C. 7:7A- 2.2(a) the following activities are regulated when performed in a freshwater wetland and State open waters and require prior permit approval from the Department: the removal, excavation, disturbance or dredging of soil, sand, gravel, or aggregate material of any kind; the drainage or disturbance of the water level or water table so as to alter the existing elevation of groundwater or surface water, regardless of the duration of such alteration; the dumping, discharging, or filling with any material; the driving of pilings; the placing of obstructions, including depositing, constructing, installing or otherwise situating any obstacle which will affect the values or functions of a freshwater wetland; or the destruction of plant life which would alter the character of a freshwater wetlands, including killing vegetation by applying herbicides or by other means, the physical removal of wetland vegetation, and/or the cutting of trees; and the placement of any portion of a residential development project as defined at N.J.A.C. 7:7A-1.4 . [N.J.A.C. 7:7A- 2.2(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland. More specifically, the regulated activities involve the removal of vegetation, filling and the construction of a bulkhead within the Great Egg Harbor River.

Subject

Requirement: Pursuant to, N.J.A.C. 7:13-2.2(a) any activity conducted within a floodway which meets the definition under N.J.A.C. 7:13-2.2(a) is a prohibited use [N.J.A.C. 7:13-2.2(a)]

Description of Noncompliance: the performance of unauthorized prohibited activities within the floodway. More specifically, the prohibited activities involve the construction of an artificial stone waterfall within the Great Egg Harbor River.

Subject:

Requirement: Pursuant to, N.J.A.C. 7:13-1.3(e) any activity performed within a floodway which does not meet the definition of non-regulated uses as described under N.J.A.C. 7:13-1.3(e) shall require prior permit approval from the Department. [N.J.A.C. 7:13-1.3(e)]

TALLMAN JANET LOUIS  
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Description of Noncompliance: the performance of unauthorized regulated activities within the floodway. More specifically, the regulated activities involve the placement of fill, the construction of a bulkhead and footbridge within the Great Egg Harbor River.

You must take the following corrective actions:

1. Comply with requirement: Within 30 days of receipt of this document: submit and implement a restoration plan to restore the site to its predisturbance condition by the removal of the artificial stone waterfall from within the Great Egg Harbor River.
2. Comply with requirement: Within 30 days of receipt of this document submit any one or number of the following appropriate documents: submit for and obtain a freshwater wetlands permit and/or submit and implement a restoration plan to restore the site to its predisturbance condition.
3. Comply with requirement: Within 30 days of receipt of this document submit any one or number of the following appropriate documents: submit for and obtain a freshwater wetlands permit and/or submit and implement a restoration plan to restore the site to its predisturbance condition.
4. Comply with requirement: Within 30 days of receipt of this document submit and implement a restoration plan to restore the site to its predisturbance condition by the removal of the artificial stone waterfall from within the Great Egg Harbor River.
5. Comply with requirement: Within 30 days of receipt of this document submit for and obtain a stream encroachment permit and/or submit and implement a restoration plan to restore the site to its predisturbance condition.

Within 10 calendar days of receipt of this Notice of Violation, you shall submit in writing to the case manager, **William Albertson**, an explanation of the corrective measures you have taken or will take to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violations has occurred and does not preclude the State of New Jersey or any of its agencies from initiating administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Violations of the above regulations are subject to penalties of up to \$10,000 per day for each violation.

Issued by:

Michael Brisani

Date:

1/23/2003

cc: Municipal Construction Official  
Chuck Horner, Pinelands Commission  
Mary Vavra, USDOJ, National Park Service