

Moorings on Pleasant Lake

As a resident of Pleasant Lake and/or the Town of New London, the Pleasant Lake Protective Association encourages you to become better informed about lake moorings. A home owner on Pleasant Lake is circulating a petition to enroll Pleasant Lake in the State of NH Moorings Program. The home owner is operating independently of PLPA. PLPA has taken **no position** regarding this issue. PLPA's purpose is simply to provide clarity to the issue and establish the facts. PLPA encourages every home owner to make their own informed decision.

What prompted the home owner's action?

A number of people have become more and more concerned about the growing number of unregulated moorings on Pleasant Lake. Many of these moorings are off the Town Beach in Elkins. This concern turned to action this past summer when a boater who does not live on Pleasant Lake placed a mooring and subsequently his boat, directly in front of the home of a lake resident. The boater had access to this mooring through a grandfathered right of way on nearby land. After doing some research, the home owner discovered that at the present time moorings are totally unregulated on Pleasant Lake and that this action by the boater, however unpleasant, was legal. However, there is a provision in the current NH Moorings Law for a lake to petition for a hearing to be considered becoming a Designated Mooring Lake, where moorings are regulated by the State. The home owner was already concerned about the growing number of unregulated moorings appearing on the lake and decided to take action. The first step in the process is to collect signatures on a petition, requesting that Pleasant Lake enroll in the State of NH Moorings Program. The home owner has been collecting the required signatures and plans to file in March.

What is the NH Moorings Law?

In 1987 the 6 largest lakes (including Lake Sunapee) in the state were having significant problems with unregulated moorings and unregulated mooring fields. A law was passed that put boat moorings and mooring fields on these lakes under the control of Marine Patrol, which is part of the Department of Safety.

Under the Mooring Law all moorings would become regulated moorings and subject to The Mooring Law. Individual moorings would be registered with the State and an initial fee of \$125 would be paid. There would be an annual \$25 registration fee each subsequent year. A mooring could only be placed directly in front of the property of the person who owned the mooring. The mooring would have to be contained within the imaginary extended boundaries of the property. The law would only affect boat moorings and not docks and swim raft anchors, nor boats secured to a dock. Mooring fields would have to adhere to regulations that controlled where they were placed, the

land that accessed them and the design of the mooring field. Much more information on the Mooring Law can be found at the following sites:

The Mooring Law can be found at

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXII-270.htm>

specifically in Chapter 270, Section RSA 270:59 through Section RSA 270:72-a

The Rules pertaining to The Mooring Law can be found at

http://www.gencourt.state.nh.us/rules/state_agencies/saf-c400.html

Saf-C 408 MOORINGS begins the section on the Rules relating to The Mooring Law.

Frequently asked questions about The Mooring Law are answered at

<https://www.nh.gov/safety/divisions/nhsp/fob/marine-patrol/moorings/faq.html>

Originally, these regulations only applied to New Hampshire's six largest lakes. However, there is a provision in the law for additional lakes to petition for a hearing to also be considered under this law. Bow Lake in Northwood and Strafford (1000 acres) and Pleasant Lake in Deerfield (450 acres) both petitioned and are now also designated mooring lakes. Pleasant Lake, New London, is 606 acres.

How are moorings currently regulated on Pleasant Lake?

Lakes that are not under the Moorings Law, including Pleasant Lake in New London, can have unregulated moorings placed anywhere they can be legally accessed and not be a navigational hazard. That is also the case for unregulated mooring fields. For example, at the present time any boat owner could be given legal access to the lake by a lake property owner over the property owner's land. The boat owner could then legally place a mooring for their boat in front of any property on the lake. A mooring could also be legally accessed from the public boat launch or across public property. A number of boaters could do this so that an unregulated mooring field could form. Unregulated moorings and unregulated mooring fields could occur anywhere on the lake.

Pleasant Lake currently has two mooring fields. One is privately managed at Slope 'N Shore and the other, next to the Town Beach in Elkins, is not managed at all. The Slope 'N Shore site has been in existence for many years. It is well managed, with secure moorings. Usage is controlled by Slope 'N Shore. Access is gained over Slope 'N Shore property. Parking and restrooms are provided. The boaters at the site off the Town Beach gain access to their boats over Town property but the site is **not** a Town Mooring Field. The Town of New London has no legal control over this unregulated mooring field beside their Town Beach or the access to it. The Town has no legal control over any of the lakes contained within the Town. The State has sole control over the lakes in the State of New Hampshire. The unregulated mooring field site off the Town Beach has problems with moorings breaking, boats dragging their moorings, lack of owner identification, swimmers at risk in the water and safe boating violations. This

unregulated mooring field is contiguous to the Town Beach and subsequently presents potential safety problems to the Town beach swimmers as well as problems with parking and use of toilet facilities. The number of unregulated moorings in this area continues to grow each year and now numbers about 22.

What has PLPA done?

The Pleasant Lake Protective Association Executive Board invited Captain Tim Dunleavy of New Hampshire Marine Patrol to be present at an informational meeting. The President of Slope 'n Shore was also invited and attended the meeting. After making observations of both mooring fields on the lake, Captain Dunleavy informed us that the unregulated mooring field next to the Town Beach would not be permissible under the Moorings Law. The Slope 'N Shore privately managed mooring field could become a Congregate Mooring Field under the Moorings Law. Congregate Mooring Fields require an initial fee of \$125 for each mooring and a \$50 annual fee. The Captain assured the Slope 'N Shore president that Marine Patrol would help work out details so that Slope 'N Shore could maintain their mooring field.

What happens next?

When the petitioner files a properly signed petition, which must include at least 25 accompanying signatures of residents of the lake or of the Town, it leads to a Hearing by the Department of Safety that would be held here in New London. During this Hearing all interested residents of the Town and/or the lake would be able to express their opinions either verbally or in writing regarding adopting the Moorings Law; it is not a question and answer period. Based on the testimonies and other presented evidence, the Department of Safety would make a decision whether to designate Pleasant Lake as a Mooring Lake and adopt rules pursuant to the authority granted by RSA 270:61-a.

What is the PLPA's position on becoming a designated Mooring Lake?

The Pleasant Lake Protective Association has taken **no position** regarding the moorings issue. The PLPA Board will continue to collect information pertaining to this issue and share that information with the membership.

PLPA does want its membership thoroughly informed with the facts regarding moorings and will continue to diligently work to that end. PLPA encourages every home owner to conduct research by visiting the State on-line sites and to make their own informed decision based on the facts. PLPA also encourages every home owner to attend the Hearing at such time one is scheduled.

Sincerely, The Pleasant Lake Protective Association Board

