



## **AGENDA**

**N.C. WILDLIFE RESOURCES COMMISSION  
SPECIAL ELECTRONIC MEETING  
Tuesday, October 18, 2016 9:00 AM  
1751 Varsity Drive  
NCWRC Conference Room, 5<sup>th</sup> Floor  
Raleigh, North Carolina**

**CALL TO ORDER** - *Chairman John Litton Clark*

**ROLL CALL OF COMMISSIONERS PRESENT** – *Betsy Haywood, Commission Liaison*

**ANNOUNCEMENT OF VISITORS AND STAFF PRESENT** – *Betsy Haywood*

**ELECTRONIC MEETINGS** – North Carolina General Statute 143-318.13 mandates that if a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A public body may not vote by secret or written ballot. The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon.  
*Chairman Clark*

**MANDATORY ETHICS INQUIRY** – North Carolina General Statute 138A-15(e) mandates that the Commission Chair shall remind all Commissioners of their duty to avoid conflicts of interest and appearances of conflict under this Chapter, and that the chair also inquire as to whether there is any known conflict of interest or appearance of conflict with respect to any matters coming before the Commission at this time. It is the duty of each Commissioner who is aware of such personal conflict of interest or of an appearance of a conflict, to notify the Chair of the same. *Chairman Clark*

## **RULEMAKING**

**Review of Public Comments and Adoption of Amendment - 15A NCAC 10B .0106** – review public comments and consider recommendation to adopt an amendment to 15A NCAC 10B .0106, to require reporting of elk taken without a permit while in the act of depredation – *Brad Howard, Private Lands Program Coordinator (EXHIBITS A-1, A-2)*

## **FISCAL NOTE**

**Adoption of Fiscal Note for 15A NCAC 10F .0330 – Carteret County** – adopt the fiscal note for 15A NCAC 10F .0330, proposed rulemaking for a no-wake zone in part of the canal at Dolphin Bay Estates in the Town of Cedar Point – Carteret County –*Betsy Haywood, No Wake Zone Coordinator (EXHIBIT B)*

## **OTHER BUSINESS**

**COMMENTS BY THE CHAIRMAN** – *Chairman Clark*

**COMMENTS BY THE EXECUTIVE DIRECTOR** – *Executive Director Gordon Myers*

## **ADJOURN**

# EXHIBIT C-1



**October 18, 2016**

Permanent rule-making for 15A NCAC 10B .0106  
Wildlife Management Division  
Summary of Public Comments

Proposed Amendment	Position Count	Comment Types
<ul style="list-style-type: none"><li>Require reporting within 24 hours of depredating elk taken without a permit</li></ul>	4; support	44 = Comment card 9 = Letter/e-mail
	24 oppose	16 = Comment card 8 = Letter/e-mail
<ul style="list-style-type: none"><li>Require reporting of elk taken under a depredation permit following guidelines on the permit</li></ul>	62 support	48 = Comment card 14 = Letter/e-mail
	7 oppose	5 = Comment card 2 = Letter/e-mail

One public hearing was held on September 8, 2016 in Clyde, N.C. Fifty-nine people completed comment cards.

In addition to the individual comments tallied, the Commission received two letters representing organizations. These letters are on the following pages.

# EXHIBIT C-4



**October 18, 2016**

**Permanent rule-making for 15A NCAC 10B .0106  
Wildlife Management Division**

The proposed amendment to 15A NCAC 10B .0106 Wildlife Taken for Depredations will require anyone who takes a depredating elk without a permit to report that take to the Commission within 24 hours and anyone who takes an elk with a permit to report it on a form provided with the permit.

Reports of elk taken in depredation situations will aid staff in monitoring the size and composition of North Carolina's elk herd. The elk population in North Carolina is small, consequently it is important for the Commission to document each depredation-related mortality to ensure the Commission has the most complete data possible to use when making management decisions.

**Statement of action:** Staff recommends the Commission adopt the following permanent amendment to 15A NCAC 10B .0106:

**15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS**

(a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs (1) and (2) of this Paragraph. Only employees of the Wildlife Resources Commission and Wildlife Damage Control Agents may issue depredation permits. Each permit shall be written on a form supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on the property; however the manner of taking, disposition of dead wildlife, and reporting requirements as described in this Rule still apply. No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following conditions:

- (1) for taking wildlife that is or has been damaging or destroying property provided there is evidence of property damage. No permit may be issued for the taking of any migratory birds and other federally-protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued. The permit shall name the species allowed to be taken and may contain limitations as to age, sex, or any other condition within the species so named. The permit shall be issued to a landholder or an authorized representative of a unit of local government for depredations on public property; and the permit shall be used only by individuals named on the permit.

- (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities as defined in G.S. 160A-1(2) seeking such a depredation permit shall apply to the Executive Director using a form supplied by the Commission requesting the following information:
- (A) the name and location of the city;
  - (B) the acreage of the affected property;
  - (C) a map of the affected property;
  - (D) the signature of an authorized city representative;
  - (E) the nature of the overabundance or the threat to public safety; and
  - (F) a description of previous actions taken by the city to ameliorate the problem.

(b) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques, and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of 85 percent or better on a written examination provided by a representative of the Wildlife Resources Commission, in cooperation with the training course provider, shall be approved. Those persons failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game animals; bats; or species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this Chapter. WDCAs shall report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records shall be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. WDCA status shall be revoked at any time by the Executive Director when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws, and safe, humane wildlife handling techniques within the previous 12 months or agency approved continuing education credits.

(c) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements specified in this Rule.

(d) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season, such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps shall be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit, the method of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(e) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by Subparagraphs (e)(2) through (5) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs of (e)(2) through (5) of this Rule, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license; provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner. When the relocation site is public property, written permission shall be obtained from an appropriate local, state, or federal official before any animal may be released. Animals transported or held for euthanasia shall be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.

(f) Reporting Requirements. Any landholder who kills an alligator; a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report such kill as directed on the form provided with the depredation permit. The killing and method of disposition of every alligator; ~~alligator and bear~~; or coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or ~~Washington~~ Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

*History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990.  
Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at [www.ncwildlife.org](http://www.ncwildlife.org);  
Temporary Amendment Eff. February 27, 2015;  
Amended Eff. December 1, 2016; May 1, 2016.*



# ROCKY MOUNTAIN ELK FOUNDATION

September 19, 2016

Kate Pipkin  
NC Wildlife Resource Commission  
1701 Mail Service Center  
Raleigh, NC 27699-1701  
Email: [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org)

Dear Ms. Pipkin,

The Rocky Mountain Elk Foundation (RMEF) would like to take the opportunity to comment on the proposed regulation change for *15A NCAC 10B .0106 – Wildlife Taken for Depredations*.

The RMEF is very supportive of this proposed regulation change to add elk to the list of species which may be taken under a valid depredation permit, and requires that such kill be reported on the form provided with the permit and mailed to the Wildlife Resources Commission by the expiration date of the permit. The proposal also adds elk to the list of species that may be taken by a landowner without a permit, and requires the landowner to report the kill and method of disposition to the Wildlife Resources Commission within 24 hours following the time of such killing.

RMEF believes that elk should be added to both lists so that their taking under depredation situations can be recorded by the Wildlife Resources Commission in order to improve the collection of all data affecting management of this newly established game animal. The Commission is in the process of collecting important information regarding the use of habitat, migration patterns, and composition surveys to better manage the elk herds in the future. The addition of depredation related removals is very important to better manage the elk using science based decisions.

Thank you for the opportunity to review the proposed changes and make comments.

Sincerely,

Blake L. Henning  
Chief Conservation Officer



## North Carolina Wildlife Federation

*Affiliated with the National Wildlife Federation*

1346 St. Julien Street  
Charlotte, NC 28205  
(704) 332-5696

1024 Washington St.  
Raleigh, NC 27605  
(919) 833-1923

September 30, 2016

Kate Pipkin  
1701 Mail Service Center  
Raleigh, NC 27699-1701

Dear Ms. Pipkin:

The North Carolina Wildlife Federation is concerned about the proposed Rule to require anyone killing an elk without a permit while in the act of committing depredation on private property to simply report the kill to the Wildlife Resources Commission (WRC) within 24 hours. While it is better than current process, we do not believe this minimum requirement will prove to be sufficient in deterring the cavalier killing of elk under the pretense of protecting property. Recent experiences in the Jonathan Creek area of Haywood County, where local farmers have killed a number of elk without clear justification that the animals were committing significant property damage, highlight the problem. There is a need for the strongest possible measures to protect the newly restored elk herds in western North Carolina from killing by individuals under current depredation law.

Current law **[G.S. 113-274(c)(1a)]** allows individuals to kill wildlife without a depredation permit when the animal is in the act of destroying personal property. The WRC may issue a depredation permit to kill injurious wildlife at times other than when the animal is in the act of destroying property. WRC has authority by Rule to impose various necessary conditions on the issuance of a depredation permit such as manner of taking and disposition of the destroyed animal. Also, the WRC may enact rules to govern the manner of taking and disposition of animals killed accidentally and without a permit while in the act of destroying private property. While reporting these kills is not specifically listed under this authority, we assume that WRC has inferred that it does exist.

Elk have recently been reintroduced into western North Carolina with great effort and expense to the state and federal governments, partially offset and supported by individual citizens and conservation groups. The reintroduction has been moderately successful and the elk are spreading in range and growing in number. This success and the subsequent activity of elk have led to some conflict on private property and some landowners have resorted to killing the elk under the exception in current law that allows such action. This practice jeopardizes the continued success of the reintroduction effort.



Tens of thousands of residents and tourists travel each year to the newly stocked areas to view the elk. The unnatural mortality associated with killing elk for property depredation is threatening the sustainability and expansion of the elk herd. Due to the value of the elk to western North Carolina and to the ancestral ecosystem and faunal community in which they have become established, it is clearly in the public interest to protect these animals to the fullest extent.

Many alternatives to killing depredating elk exist to provide relief for the very few offended landowners. The WRC can provide assistance to these landowners in ways to reduce or eliminate the damage. Among the non-lethal methods that could be employed to prevent, stop, or diminish damage to private property caused by wild elk is the capture and relocation of troublesome elk. While trapping and relocation is not often used by wildlife agencies due to its costs in terms of manpower and money and the difficulty of finding suitable release areas, it is a useful tool in the case of valuable and charismatic animals such as black bear and elk. In cases where elk are found to cause extensive damage to private property, a relocation effort could serve to reduce the damage while providing new stock to populate suitable places such as elk restoration areas on public lands or even on private lands where favorable conditions exist and terms can be reached with the landowner. Stocking live-captured wild turkeys on private lands, where protection and management enhanced survival and success, proved to be the major management decision leading to statewide restoration of the species. It can work equally well for elk and could lead to special, quota elk hunts allowing landowners to recoup some of their losses from elk activity through elk hunting on their property.

Another effective and simple solution to the problem of elk being killed by people without depredation permits from WRC claiming damage from elk activity would be amendment of the current depredation statute to exclude elk from the statutory provision allowing depredation killing without a permit from WRC. Such a change would be strongly supported by conservation and hunting groups and individuals concerned and active in the elk restoration program. Here is the text of the current law with the proposed amendment given in red:

**“Depredation Permit. - Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Livestock or poultry owners shall be issued a depredation permit for coyotes upon request. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the permit is valid, plus other restrictions that may be administratively imposed in accordance with rules of the Wildlife Resources Commission. No depredation permit or any license is needed for the owner or lessee of property to take wildlife, except elk (*Cervus canadensis*), while committing depredations upon the property. The Wildlife Resources Commission may regulate the manner of taking and the disposition of wildlife taken without permit or license, including wildlife killed accidentally by motor vehicle or in any other manner.”**

Such a legislative change would distinguish elk from other wildlife as related to depredation killing by requiring a depredation permit from the Commission before the elk could be killed. The reporting requirement and any other restriction on killing the depredating elk imposed by the Commission would still be included in the depredation permit. We believe that a great amount of statewide public support would be generated by a wildlife conservation effort to protect the elk from depredation killing.

We encourage the Commission to give exhaustive consideration to non-lethal alternatives to address elk depredation to ensure that this majestic symbol of wildlife can achieve restoration to the faunal community of North Carolina. The result in terms of wildlife conservation and public support will be worth the effort.

Sincerely,

A handwritten signature in cursive script, reading "Tim Gestwicki".

Tim Gestwicki, CEO  
North Carolina Wildlife Federation

# EXHIBIT B

October 18, 2016



## Fiscal Note Review of Proposed Wildlife Resources Commission No-Wake Zone Rule 15A NCAC 10F .0330 – Town of Cedar Point, Carteret County

Contact: Betsy Haywood, No Wake Zone Coordinator  
1701 Mail Service Center  
Raleigh, N.C 27699-1701  
(919) 707-0013  
betsy.haywood@ncwildlife.org

Impact: State Government: No  
Local Government: Yes  
Private: Yes  
Substantial Impact: No

Authority: G.S. 75A-3: 75A-15

The proposed amendment to 15A NCAC 10F .0330 (APPENDIX 1) will establish a no-wake zone in a portion of the canal at Dolphin Bay Estates in Cedar Point, Carteret County.

The Town of Cedar Point submitted a formal application to establish a no-wake zone in a portion of the waters of the canal at Dolphin Bay Estates. The canal is narrow and makes a right angle turn, providing limited sight lines for vessels entering and exiting. Wildlife Enforcement has concurred that placement of one buoy inside the canal will mitigate hazards to boater safety.

A shoal at the entrance to the canal makes it necessary to place one no-wake buoy 30 yards inside the canal where there is deep water. Vessels cannot travel at no-wake speed while going over the shoal since at low tide the entrance of the canal is less than one foot deep.

The Town of Cedar Point will mark the no-wake zone at a cost of no more than \$1,400. Of that cost, the Town may spend \$400.00 for the Coastal Area Management Act (CAMA) permit required under § 113A-118 before placing structures in waters in coastal counties. One buoy, anchor chain and anchor will cost no more than \$600.00. Estimated cost for two staff members to place the buoy is four hours, for a total of \$400.00.

**State Impact Analysis:** None.

**Local Impact Analysis:** The Town of Cedar Point will incur an expense of no more than \$1,400.00 to purchase and place one buoy to mark the no-wake zone.

**Private Impact:** This rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost as a result of this rule change, but their behavior will be restricted in a portion of the canal. However, the benefit of that restriction is increased boater safety.

### **Substantial Economic Impact**

None. There will be no substantial economic impact to the public.



## APPENDIX 1

### 15A NCAC 10F .0330 CARTERET COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Carteret County:

- (1) the waters of Money Island Slough, beginning at the east end of Money Island near the Anchorage Marina Basin and ending at the west end of Money Island where Brooks Avenue dead ends at the slough;
- (2) the waters of Taylor's Creek in Beaufort, shore to shore from where Taylor's Creek meets the Newport River at the western end to a line at the eastern end between a point on the north shore at 34.70762 N, 76.61784 W, south-southwest to the eastern tip of Carrot Island;
- (3) the waters of Pelletier Creek, beginning at the entrance to Pelletier Creek at the Intracoastal Waterway and ending at U.S. Highway 70;
- (4) the waters of Bogue Sound Harbor Channel in Morehead City, between Sugar Loaf Island and the seawall on the south side of Evans, Shepard, and Shackelford Streets, and bounded on the east by the State Ports Authority and on the west by the eastern right-of-way margin of South 13th Street extended;
- (5) the waters of Gallant's Channel, from the US 70 crossing over the Grayden Paul bridge to Taylor's Creek;
- (6) the waters of Cedar Island Bay and Harbor, from N.C. Highway 12 to Cedar Island Bay Channel Light 8;
- (7) the waters of the small cove on the west side of Radio Island south of Old Causeway Road;
- (8) the waters of the Newport River, beginning at the north side of the Beaufort Drawbridge and ending at marker #6;
- (9) the waters of Spooners Creek within the territorial limits of the Town of Morehead City as delineated by appropriate markers;
- (10) the waters of the Newport River at Bogue Sound, including all waters surrounding the Port of Morehead City to Brandt Island as delineated by appropriate markers;
- (11) the waters of Morgans Creek as delineated by appropriate markers;
- (12) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel, beginning at its intersection with Bogue Sound at 34.70163 N, 76.98157 W as delineated by appropriate markers;
- (13) the waters of the Newport River within 200 yards of the Newport River Beach Access Boat Ramp, beginning at the shore north of the U.S. 70 bridge at a point at 34.72141 N, 76.68707 W, west to a point at 34.72128 N, 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore at 34.72371 N, 76.68631 W; and
- (14) the waters of Palmetto Drive canal, a tributary to the White Oak River, beginning at a point on the western shore at 34.67903N, 77.10142W to a point on the eastern shore at 34.67899 N, 77.10098 W and extending the entire length of the canal.
- (15) a portion of the waters of the canal at Dolphin Bay Estates in the Town of Cedar Point, shore to shore, beginning at a point thirty yards inside the canal entrance.

(b) Speed Limit. It is unlawful to operate a motorboat or vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The following agencies shall be designated as suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Carteret County, with respect to the regulated areas designated in Subparagraphs (1), (3), (5), (6), (7), (8), (11) and (12) of Paragraph (a) of this Rule;
- (2) the Board of Commissioners of the Town of Beaufort, with respect to the regulated area designated in Subparagraph (2) of Paragraph (a) of this Rule;
- (3) the Board of Commissioners of Morehead City, with respect to Subparagraph (4), (9), and (13) of Paragraph (a) of this Rule;
- (4) the North Carolina State Ports Authority, with respect to the regulated area designated in Subparagraph (10) of Paragraph (a) of this Rule; and
- (5) the Board of Commissioners of the Town of Cedar Point with respect to the regulated ~~area-areas~~ designated in ~~Subparagraph~~ Subparagraphs (14) and (15) of Paragraph (a) of this Rule.

*History Note:* Authority G.S. 75A-3; 75A-15