



## NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing  
 Notice without a scheduled hearing  
 Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 3 and 6 - 12. If a hearing is scheduled, complete block 4.  
Previous publication of text was published in Volume:                      Issue:

1. Rule-Making Agency: North Carolina Wildlife Resources Commission

2. Proposed Action -- Mark the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION:
- AMENDMENT: 15A NCAC 10F .0313 HYDE COUNTY
- REPEAL:

3. Proposed effective date: December 1, 2011

4. Is a public hearing planned?  Yes  No

If yes: Public Hearing date: August 31, 2011  
Public Hearing time: 10:00 am  
Public Hearing Location: Wildlife Resources Commission, 1751 Varsity Drive, Raleigh NC 27606

5. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

6. Explain Reason For Proposed Action: Hyde County has applied for an amendment establishing two no wake zones –  
- a portion of Lake Landing Canal to mitigate water safety hazards caused by diminished sight lines and overwash caused by boat traffic in this narrow canal  
- portions of Central, East Main and West Main Canals on Mattamuskeet Lake to mitigate water safety hazards near the construction and activities at Mattamuskeet Lodge and to protect boaters and crabbers using the canals.

**7. The procedure by which a person can object to the agency on a proposed rule:**

Objections may be submitted in writing or via electronic mail during the comment period to C. Norman Young, Jr. (See box 9 and box 11.)

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**8. The person to whom written comments may be submitted on the proposed rule:**

**Name:** Betsy Foard  
**Address:** North Carolina Wildlife Resources Commission  
1701 Mail Service Center  
Raleigh, North Carolina 27699-1721  
**Phone (optional):** (919) 707-0013  
**Fax (optional):** 919-707-0020  
**E-Mail (optional):** betsy.foard@ncwildlife.org

**9. Comment Period Ends:** September 30, 2011

**10. Fiscal impact (mark all that apply).**

**If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.**

- Certified by OSBM – 15A NCAC 10F .0313 HYDE COUNTY**
  - State funds affected**
  - Local funds affected**
  - Substantial economic impact (≥\$3,000,000)**
  - Fiscal Note posted at [http://www.osbm.state.nc.us/files/pdf\\_files/WRC07062011.pdf](http://www.osbm.state.nc.us/files/pdf_files/WRC07062011.pdf)**
  
- No fiscal note required pursuant to G.S. 150B-21.4**

**11. Rule-making Coordinator:** C. Norman Young, Jr.

**Address:** North Carolina Department of Justice, SSA  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001

**Phone:** (919) 716-6813

**E-Mail:** nyoung@ncdoj.gov

**Agency contact, if any:** Betsy Foard

**Phone:** (919) 707-0013

**E-mail:** betsy.foard@ncwildlife.org

**12. Signature of Agency Head\* or Rule-making Coordinator:**



**\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** C. Norman Young, Jr.

**Title:** Rulemaking coordinator

1 **15A NCAC 10F .0313 HYDE COUNTY is proposed for amendment as follows:**

2  
3 **15A NCAC 10F .0313 HYDE COUNTY**

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

- 5 (1) Swan Quarter Canal near the Town of Swan Quarter beginning at its entrance at Marker #10 in  
6 Pamlico Sound and extending the entire length of the canal;
- 7 (2) Carawan Canal near the Town of Swan Quarter beginning at its entrance located 440 yards North  
8 by Northeast from Marker #7 off Long Point in Pamlico Sound and extending the entire length of  
9 the canal;
- 10 (3) The waters within 50 yards of all public boat launching areas providing access to Pamlico Sound;
- 11 (4) Far Creek near the Town of Engelhard beginning at its entrance at Marker #10 in Pamlico Sound  
12 and extending the entire length of the canal;
- 13 (5) Fodrey Canal. That portion of Fodrey Canal beginning at its entrance at the number 3 beacon and  
14 extending inland for a distance of 300 yards;
- 15 (6) Silver Lake in Ocracoke Harbor-wide; ~~and~~
- 16 (7) The entire waters of the Hydeland Canal beginning at the Hydeland Canal Access Area  
17 (35.42131N, 76.20915W) and ending at the end of SR 1122 (~~35.40873N, 76.21185W~~),  
18 (35.40873N, 76.21185W); and
- 19 (8) The waters of Lake Landing Canal beginning near the SR 1110 bridge at the intersection of Great  
20 Ditch Road and Nebraska Road, at 35.45926 N, 76.07527 W and ending at 35.45027 N, 76.06862  
21 W; and
- 22 (9) A portion of Main Canal off of Mattamuskeet Lake in the vicinity of Mattamuskeet Lodge,  
23 beginning in East Main Canal at 35.45226, -76.17359 and extending to a point in West Main  
24 Canal at 35.45174, -76.18132, and that portion of Central Canal beginning at its intersection with  
25 Main Canal and extending northward to 35.45687, -76.1751.

26 (b) Speed Limit. No person shall operate a motorboat or vessel at greater than no-wake speed on the regulated  
27 areas described in Paragraph (a) of this Rule.

28 (c) Placement and Maintenance of Markers. The Board of Commissioners of Hyde County is designated a suitable  
29 agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United  
30 States Coast Guard and the United States Army Corps of Engineers.

31  
32 *Authority G.S. 75A-3; 75A-15*



ROY COOPER  
ATTORNEY GENERAL

State of North Carolina  
Department of Justice  
9001 Mail Service Center  
RALEIGH, NORTH CAROLINA  
27699-9001

REPLY TO:  
C. NORMAN YOUNG, JR.  
SERVICE TO STATE AGENCIES  
PHONE: 919-716-6800  
FAX: 919-716-6755  
E-MAIL: NYOUNG@NCDOJ.GOV

**No Wake Zone in Hyde County  
15A NCAC 10F.0313**

*Agency Contact:* C. Norman Young, Jr.  
Rule Making Coordinator  
Wildlife Resource Commission  
919-716-6800

*Summary of Impact:* State government: No  
Local government: Yes  
Substantial impact: No  
Federal government: No  
Small businesses: No

This rule establishes a "no wake zone" on the Lake Landing Canal in Hyde County as indicated by the proposed changes (see Appendices 1 & 2). This rule change is aimed at increasing boating safety in the area; therefore WRC believes that the rule amendment is necessary to serve the public interest.

**STATE IMPACT ANALYSIS:** The agency has concluded that the cost to the State will be none since this no wake zone was made at the request of Hyde County and the county has agreed to bear the cost of marking the no wake zone.

\* This rule is intended to accomplish the agency's mandate to provide for the safety of boaters and other members of the public, and is part of a regulatory program enforced by the Commission's Division of Enforcement. The proposed change will not require any additional staffing or costs to WRC.

\* The proposed rule change does not require any action by a State agency other than the Wildlife Resources Commission.

\* The proposed rule change has been reviewed and evaluated pursuant to Governor Perdue's Executive Order 70, and has been determined to be necessary and in the public interest.

**LOCAL IMPACT ANALYSIS:** WRC has concluded that the cost to local government as a result of the adoption of this proposal would be approximately \$1,000 for the following reasons:

\* The proposed no-wake zone is at the request of Hyde County to minimize the risk of boat accidents in a very narrow, although navigable, drainage canal. As the entity requesting the no wake zone, Hyde County will bear the costs.

\* The cost of placement of markers is estimated to be \$1,000 to \$1,800. This estimate is based on the costs of materials and labor for similar installations by the Wildlife Resources Commission, but will be determined by the conforming materials and the contractor selected by Hyde County.

**SIGNIFICANT ECONOMIC IMPACT ANALYSIS:** WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of this proposal for the following reasons:

\* Based on its site survey, WRC does not believe that there will be any appreciable economic impact to the public. The primary use of this particular waterway is recreational, and the imposition of a “no wake” zone at this location will not result in any measurable economic loss or gain to the public.

\* However, boating safety will be enhanced by the implementation of this rule, resulting in less likelihood of personal injury or property damage which is a potential positive economic benefit to the public, although one which is impossible to quantify or even reasonably estimate.

Accordingly WRC has determined that the economic impact to the public is minimal to none, and does not meet the threshold impact requirement of \$500,000 dollars annually.

## Appendix 1

15A NCAC 10F .0313 is proposed for amendment as follows:

### 15A NCAC 10F .0313 HYDE COUNTY

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

- (1) Swan Quarter Canal near the Town of Swan Quarter beginning at its entrance at Marker #10 in Pamlico Sound and extending the entire length of the canal;
- (2) Carawan Canal near the Town of Swan Quarter beginning at its entrance located 440 yards North by Northeast from Marker #7 off Long Point in Pamlico Sound and extending the entire length of the canal;
- (3) The waters within 50 yards of all public boat launching areas providing access to Pamlico Sound;
- (4) Far Creek near the Town of Engelhard beginning at its entrance at Marker #10 in Pamlico Sound and extending the entire length of the canal;
- (5) Fodrey Canal. That portion of Fodrey Canal beginning at its entrance at the number 3 beacon and extending inland for a distance of 300 yards;
- (6) Silver Lake in Ocracoke. Harbor-wide; ~~and~~
- (7) The entire waters of the Hydeland Canal beginning at the Hydeland Canal Access Area (35.42131N, 76.20915W) and ending at the end of SR 1122 (~~35.40873N, 76.21185W~~), (35.40873N, 76.21185W); and
- (8) The waters of Lake Landing Canal beginning near the SR 1110 bridge at the intersection of Great Ditch Road and Nebraska Road, at a point at 35.45879 N, 76.07517 W and ending at a point at 35.45027 N, 76.06862 W.

(b) Speed Limit. No person shall operate a motorboat or vessel at greater than no-wake speed on the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Hyde County is designated a suitable agency 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.

*Authority G.S. 75A-3; 75A-15*

## Appendix 2

### Aerial View of Proposed No Wake Zone

