Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0305.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncwildlife.org/Proposed-Regulations

Proposed Effective Date: April 1, 2021

Public Hearing:
Date: December 17, 2020
Time: 3:00 p.m.
Location: Join online using this link: https://ncwildlife.zoom.us/j/91896263266?pwd=SEd5NkZkEyFbRk8QVw1R4bTIDZz09 or join by phone toll free (888-788-0099 or 877-853-5247) using Webinar ID: 918 9626 3266

Reason for Proposed Action: The Town of Ocean Isle Beach submitted an application and resolution requesting rulemaking for a no-wake zone in the waters of the Intracoastal Waterway (ICW) shore to shore from a point 100 yards east of the NC Hwy 904 Odell Williamson Bridge to a point 100 yards west of the bridge. The no-wake zone is necessary to mitigate boater safety hazards in the narrow channel with heavy vessel traffic on both sides of the bridge and obstructions caused by the bridge fender system, as well as a boating access area that is adjacent to the bridge. The WRC obtained concurrence from the US Army Corps of Engineers Wilmington District on July 2, 2020 to place a no-wake zone within the waters of the ICW.

Comments may be submitted to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: February 1, 2021

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☒ State funds affected  ☒ Local funds affected  ☐ Substantial economic impact (>= $1,000,000)  ☒ Approved by OSBM  ☐ No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0305  BRUNSWICK COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

(1) Lockwoods Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W 500 yards northwest of the boat ramp located at the end of SR 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;

(2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;

(3) the Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;

(4) Shallotte River east of SR 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;

(5) Montgomery Slough otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;
the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;

(7) Town Creek east of SR 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;

(8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island; and

(9) Intracoastal Waterway in the Town of Ocean Isle Beach, shore to shore from a point 100 yards east of the NC Hwy 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the bridge at 33.89567 N, 78.44092 W.

(10) Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of the Sunset Boulevard South bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W; and

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

(c) Placement of Markers. The following agencies shall be the designated agencies for the placement of 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 Aldermen of Varnamtown for areas indicated in Subparagraph (a)(1) of this Rule;
(2) the Board of Commissioners of Brunswick County for areas indicated in Subparagraphs (a)(2) through (8) of this Rule; and
(3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this Rule; and
(4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

History Note:  Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. April 1, 2009; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;