



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0350 – Durham and Wake Counties**

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

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

The proposed permanent amendment to 15A NCAC 10F .0350 – Durham and Wake Counties (APPENDIX 1) will extend an existing no-wake zone in the waters of Falls Lake at the Holly Point Boating Access Area (BAA), shore to shore, from its current location within 50 yards of the BAA.

North Carolina State Parks initiated the request for rulemaking to mitigate hazards to boater safety. This area of the lake is narrow and shallow. The BAA has an adjacent swimming area. The current no-wake zone that is 50 yards wide allows boats to pass the BAA and swim area on plane, creating public safety hazards to swimmers and to people on the docks who are launching and retrieving their boats.

NC State Parks will mark the no-wake zone at an estimated cost of \$1,650.00. State Parks will purchase five no-wake buoys and anchors at a cost of \$1500 (\$300.00 per buoy). Two technicians will spend three hours each (6 hours x \$25.00/hr * = \$150.00).

State Impact Analysis: NC State Parks is responsible for the purchase and placement of the markers for the Holly Point BAA no-wake zone.

Local Impact Analysis: None.

Private Impact: The 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 the waters at the BAA and swim area. However, the benefit of that restriction is increased boater safety.

Substantial Economic Impact: There will be no substantial economic impact to the public.

*total compensation

APPENDIX 1

15A NCAC 10F .0350 DURHAM AND WAKE COUNTIES

~~(a) Definitions. In addition to the definitions set forth in Paragraph (b) of Rule .0301 of this Section, the following definitions apply for the purposes of this Rule:~~

- ~~(1) Corps—Corps of Engineers, United States Army;~~
- ~~(2) State Parks—Division of Parks and Recreation, N. C. Department of Environment, Health, and Natural Resources;~~
- ~~(3) Regulated Area—Those portions of Falls Lake located within the boundaries of Durham and Wake Counties.~~

(a) Regulated Areas. This Rule applies to the waters of Falls Lake in Durham and Wake counties.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed:

- (1) while within a designated mooring area established on the regulated area by or with the approval of the Corps and State Parks;
- (2) within 50 yards of any public boat launching ramp or boat service facility, including docks used for fueling or boat repair, located on the regulated area;
- (3) within 50 yards of any state road bridge crossing over ~~that~~ the portion of Falls Lake located within ~~the boundaries of~~ Wake County;
- (4) within 50 yards of the area marked as the waters of the Holly Point Recreation Swim and boat launch area shore to shore, from a line at a point on the southwest shore at 35.99751 N, 78.66075 W to a point on the north shore at 36.00030 N, 78.65963 W, east to a line from a point on the southeast shore at 35.99941 N, 78.65520 W to a point on the northwest shore at 36.00087 N, 78.65731 W; and the New Light Road Bridge.
- (5) within 50 yards east and 50 yards west of the New Light Road bridge.

(c) Restricted Zones. No person operating or responsible for the operation of any vessel, surfboard or water skis ~~shall permit the same~~ shall be permitted to enter:

- (1) any marked swimming area located on the regulated ~~area; area; or~~
- (2) any areas near the dam structures located on the regulated area that ~~shall be~~ are marked against entry by vessels by or with the approval of the ~~Corps—United States Army Corps of Engineers. against entry by vessels.~~

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Durham County and the Board of Commissioners of Wake County are the designated ~~suitable~~ agencies for placement ~~and maintenance~~ of markers implementing this Rule ~~within in~~ their respective counties, subject to the approval of the ~~Corps— United States Army Corps of Engineers. If these boards exercise their supervisory responsibilities, they may delegate the actual placement and maintenance of markers to some other responsible agency. With regard to marking of the regulated area described in Paragraph (a) of this Rule, all of the Supplementary standards listed in Paragraph (g) of Rule .0301 of this Section shall apply.~~

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. December 1, 1984;
Amended Eff. May 1, 2007; August 1, 1990; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.*