

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0308, .0317 and .0323.*

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

**Proposed Effective Date:** February 1, 2021

**Public Hearing:**

**Date:** October 8, 2020

**Time:** 10:00 a.m.

**Location:** Please use this link to join the webinar: <https://ncwildlife.zoom.us/j/99451782337> or join by telephone 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) Webinar ID: 994 5178 2337

**Reason for Proposed Action:**

**15A NCAC 10F .0308** Clay County submitted applications and Resolutions requesting rulemaking for no-wake zones in three sections of Lake Chatuge to mitigate boating safety hazards, by extending the no-wake zone in all of Gibson Cove where a boating access area and swim area are located (10F .0308(a)(3), to create a no-wake zone within 50 yards of the peninsula at Clay County Recreational Park (10F .0308(a)(8) where swimming and other recreational activities are held, and by separate application to create a no-wake zone shore to shore in Dayton Cove to mitigate hazards caused by boats and other water recreationists. A Fiscal Note was submitted to OSBM for Clay County to incur expense for no-wake markers at Gibson Cove and the peninsula at Clay County Recreational Park and was approved by the WRC on 7-23-2020. Buoys at Dayton Cove will be purchased and placed by individuals at no expense to Clay County. The Tennessee Valley Authority concurs with rulemaking for no-wake buoys in these sections of Lake Chatuge.

**15A NCAC 10F .0317** – Stanly County submitted an application and Resolution requesting rulemaking for a no-wake zone within 50 yards of the Boathouse and Marina on Lake Tillery in Norwood, to mitigate hazards caused by the fueling dock. Private individuals will purchase and place the buoys and no Fiscal Note is required. Additionally, 10F .0317 currently includes temporary amendments effective June 1, 2020. The proposed amendments included in this Notice of Text in Paragraph (a) are the same as included in the temporary amendments, but the agency desires to make them permanent. However, Paragraph (f) of this rule, italicized in this Notice of Text, is also part of the temporary amendments effective June 1, 2020, but the agency desires to keep this Paragraph as temporary, with it expiring next summer.

**15A NCAC 10F .0323** Burke County submitted an application and Resolution for rulemaking to extend and combine two no wake zones shore to shore on Lake James, beginning northeast of the NC Highway 126 bridge shore to shore to protect non-motorized vessels at the Lake James State Park, southward to protect new facilities and docks at the Lake James Marina, and ending shore to shore southwest of the Canal Bridge Boating Access Area to mitigate hazards caused by increased boat traffic at that boating access area. Markers will be purchased and placed by individuals at no expense to the County. No Fiscal Note is required.

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

**Comment period ends:** November 16, 2020

**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 ( $\geq$  \$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 .0308 CLAY COUNTY**

(a) Regulated Areas. This Rule shall apply to the following waters in Chatuge Lake:

- (1) within 50 yards of the boat ramp at Ho Hum Campground;
- (2) the waters of Shooting Creek, from a line shore to shore 50 yards west of the High Bridge on NC Highway 175, to a line at the southeast end of Shooting Creek shore to shore, from a point at 35.01960 N, 83.72752 W; to a point at 35.01979 N, 83.72638 W;
- (3) ~~within 50 yards of the waters of Gibson Cove access area; Cove,~~ west of a line at the mouth from a point on the north shore at 35.01424 N, 83.79614 W to a point on the south shore at 35.01022 N, 83.79533 W;
- (4) within 50 yards of the Chatuge Cove Marina;
- (5) the portion of the cove shore to shore, west of Cottage Court off of NC Highway 175, northeast of a line from a point on the east shore at 35.02576 N, 83.73784 W; to a point on the northwest shore at 35.02609 N, 83.73945 W;
- (6) within 50 yards of the Chatuge Dam Spillway access ~~area; and area;~~
- (7) the waters of McCracken ~~Cove; Cove;~~
- (8) within 50 yards of the peninsula at Clay County Recreational Park, from a point on the north shore at 35.00859 N, 83.79303 W, east to a point in the water at 35.00894 N, 83.79168 W, south to a point in the water at 35.00778 N, 83.79096 W, southwest to a point in the water at 35.00655 N, 83.79192 W, west to a point on the shore at 35.00678 N, 83.79261 W; and
- (9) the waters of Dayton Cove, north of a line at the mouth from a point on the west shore at 34.99033 N, 83.80840 W to a point on the east shore at 34.99072 N, 83.80555 W.

(b) Speed Limit. It shall be unlawful to operate a vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a marked public swimming area.

(d) Placement of Markers. The Board of Commissioners of Clay County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the United States Army Corps of Engineers.

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

*Eff. February 1, 1976;*

*Amended Eff. June 1, 2005; July 1, 1998; February 1, 1990; July 1, 1986; March 25, 1978;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;*

*Amended Eff. October 1, 2018; June 1, 2017.*

#### **15A NCAC 10F .0317 STANLY COUNTY**

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

- (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and Badin Lake.~~
- (2) ~~Lake Tillery; Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.~~
- (2) Lake Tillery.
  - (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.
  - (B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

*(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.*

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

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1995; March 25, 1978; November 1, 1977;*

*Temporary Amendment Eff. June 1, 1998;*

*Amended Eff. July 1, 2000; April 1, 1999; July 1, 1998;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;*

*Amended Eff. October 1, 2018;*

*Emergency Amendment Eff. July 30, 2019;*

*Temporary Amendment Eff. June 1, 2020; October 1, 2019.*

#### **15A NCAC 10F .0323 BURKE COUNTY**

(a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County:

- (1) Lake Hickory;

- (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:
- (A) Holiday Shores Subdivision;
  - (B) Lake James Campground;
  - (C) Laurel Pointe Subdivision;
  - (D) The waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
  - (E) East Shores development;
  - (F) Eastern shore of Lake James at Mallard Cove;
  - (G) That portion of Lake James shore to shore, beginning 50 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74398 N, 81.88426 W, to a point on the south shore at 35.74334 N, 81.88383 W, and ending at a line 215 yards southwest of the NC Highway 126 bridge, from a point on the northwest shore at 35.74257 N, 81.88679 W to a point on the southeast shore at 35.74160 N, 81.88516 W; 385 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of the Canal Bridge Boating Access Area dock from a point on the northwest shore at 35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;
  - ~~(H)~~ Within 50 yards of the Canal Bridge Boating Access area dock;
  - ~~(H)~~ The waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; and
  - ~~(I)~~ The waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W.

(3) Lake Rhodhiss.

- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.
- (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.
- (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.
- (e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15; 102-1.1;*  
*Eff. July 1, 1976;*  
*Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;*  
*Temporary Amendment Eff. April 1, 1999;*  
*Amended Eff. July 1, 2000;*  
*Temporary Amendment Eff. August 15, 2001;*  
*Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;*  
*Amended Eff. November 1, 2017.*