



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0308 – Clay County**

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

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

The proposed permanent amendments to 15A NCAC 10F .0308 – Clay County (APPENDIX 1) will expand or create no-wake zones (NWZs) on Chatuge Lake as specified below:

1. Gibson Cove, the established NWZ in Gibson Cove will be expanded from the area around the boating access area to the entire cove beginning at its mouth (15A NCAC 10F .0308(a)(3)) (See Appendix 2 for map of area);
2. Clay County Recreational Park, a new NWZ will be created within 50 yards of the peninsula shoreline at Clay County Recreational Park (15A NCAC 10F .0308(a)(8) (See Appendix 3 for map of area); and
3. Dayton Cove, a new NWZ will be created in Dayton Cove (15A NCAC 10F .0308(a)(9) (See Appendix 4 for map of area).

The Tennessee Valley Authority concurs with the placement of markers in these portions of Chatuge Lake.

Clay County applied for rulemaking to mitigate hazards to boater safety. An existing NWZ in Gibson Cove is located within 50 yards of the boating access area. The extended NWZ will encompass the entire cove to mitigate hazards to boater and water recreation safety. The NWZ within 50 yards of the shoreline of the peninsula where Clay County Recreational Park is located will protect non-motorized vessels and swimmers from wakes caused by heavy boat traffic at the Park. The NWZ at Dayton Cove will protect swimmers and sunbathers from heavy boat wakes in the narrow cove with diminished sight lines. Clay County is responsible for marking the NWZ in

Gibson Cove and around the peninsula at Clay County Recreational Park. Private citizens are responsible for purchase and placement of markers in Dayton Cove.

Clay County will mark the NWZs at Gibson Cove and the Clay County Recreational Park at an estimated cost of \$5900.00. Ten 19-inch no-wake buoys and anchors and blocks will be purchased at a cost of \$550.00 each, for a total cost of \$5500.00. Two technicians will spend eight hours each installing the buoys (16 hours x \$25.00/hr * = \$400.00. Total: \$5900.00).

State Impact Analysis: The WRC is responsible for maintenance of the buoys for the NWZs on Chatuge Lake at Gibson Cove, Clay County Recreational Park, and Dayton Cove. It is anticipated that the total annual cost to maintain the buoys will be no more than \$550.00. These costs will only be realized if a marker is destroyed and must be replaced.

Local Impact Analysis: Clay County will incur the expense of no more than \$5900.00 for purchase and placement of the markers for the NWZs at Gibson Cove and Clay County Recreational Park.

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 at the recreational park, Gibson Cove where the boating access area is located, and Dayton Cove. The restricted behavior is offset by the mitigation of hazards to boater and water recreation safety.

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

APPENDIX 1

15A NCAC 10F .0308 is proposed for amendment as follows:

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.

APPENDIX 2



APPENDIX 3



APPENDIX 4

