

Boating Safety Committee

Meeting Agenda



**October 19, 2020
2:00 – 3:00 pm**

**Commission Room/ZOOM Meeting
Centennial Campus, Raleigh**

Call to Order – *Mike Johnson, Chair*

Roll Call – *Betsy Haywood, Commission Liaison*

Water Safety Rulemaking

- **Emergency Rulemaking – 15A NCAC 10F .0323 Burke County** - Review action to propose text to the Office of Administrative Hearings (OAH) for emergency rulemaking for a no-wake zone for 345 yards in the waters of Mill Creek shore to shore, on Lake James at Lake James State Park, and a safety zone in the remainder of Mill Creek north of the no-wake zone, to mitigate boater safety hazards during a pedestrian bridge construction project – *Betsy Haywood, No-Wake Zone Coordinator*
- **Temporary Rulemaking – 15A NCAC 10F .0323 Burke County** – Review action to propose text for temporary rulemaking to OAH for a no-wake zone for 345 yards in the waters of Mill Creek shore to shore, on Lake James at Lake James State Park, and a safety zone in the remainder of Mill Creek north of the no-wake zone to mitigate hazards to boater safety during a pedestrian bridge construction project. Simultaneous commencement of temporary rulemaking is required when an agency adopts an emergency rule – *Betsy Haywood*
- **Review Fiscal Note and Notice of Proposed Text 15A NCAC 10F .0305 Brunswick County** – Review Fiscal Note and request by the Town of Ocean Isle Beach to publish Notice of Text in the *NC Register* with open comment period and public hearing, for a no-wake zone in the waters of the AIWW shore to shore on both sides of the Hwy 904 Odell Williamson bridge – *Betsy Haywood*

Updates

- Receive an update of assessment criteria by the Enforcement Division for water safety rulemaking – *Major Ben Meyer, Boating Law Administrator, Enforcement Division*
- Receive a short update about abandoned and derelict vessels – *Ben Meyer*

Other Business

Adjourn – *Mike Johnson*

EXHIBIT J - 1

October 22, 2020



EMERGENCY RULEMAKING REQUEST TO PROPOSE TEXT 15A NCAC 10F .0323 – BURKE COUNTY, LAKE JAMES

Staff recommends approval to propose text to the Office of Administrative Hearings to start the emergency rulemaking process for a no-wake zone in Mill Creek on Lake James at Lake James State Park in Burke County, shore to shore for a distance of 345 yards, and a safety zone where vessel entry not authorized by the North Carolina Wildlife Resources Commission is prohibited, in the creek northeast and northwest of the no-wake zone. The no-wake zone and safety zone are necessary to mitigate water safety hazards caused by construction equipment during construction of a pedestrian bridge connected with the Lake James Visitor Center and Fonta Flora Trail.

Simultaneous commencement of temporary rulemaking is required when an agency adopts an emergency rule (*See G.S. 150B-21.1A*)

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)~~ (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

~~(H)~~ (L) 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.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters known as Mill Creek at Lake James State Park, on Lake James shore to shore, beginning 345 yards northwest of a line from a point on the southwest shore at 35.76016 N, 81.87322 W to a point on the northeast shore at 35.762040 N, 81.87150 W, and ending at a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. Vessel entry not authorized by the North Carolina Wildlife Resources Commission shall be prohibited by establishment of a safety zone in the waters of Mill Creek on Lake James, northeast and northwest of a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. 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; 102-1.1;

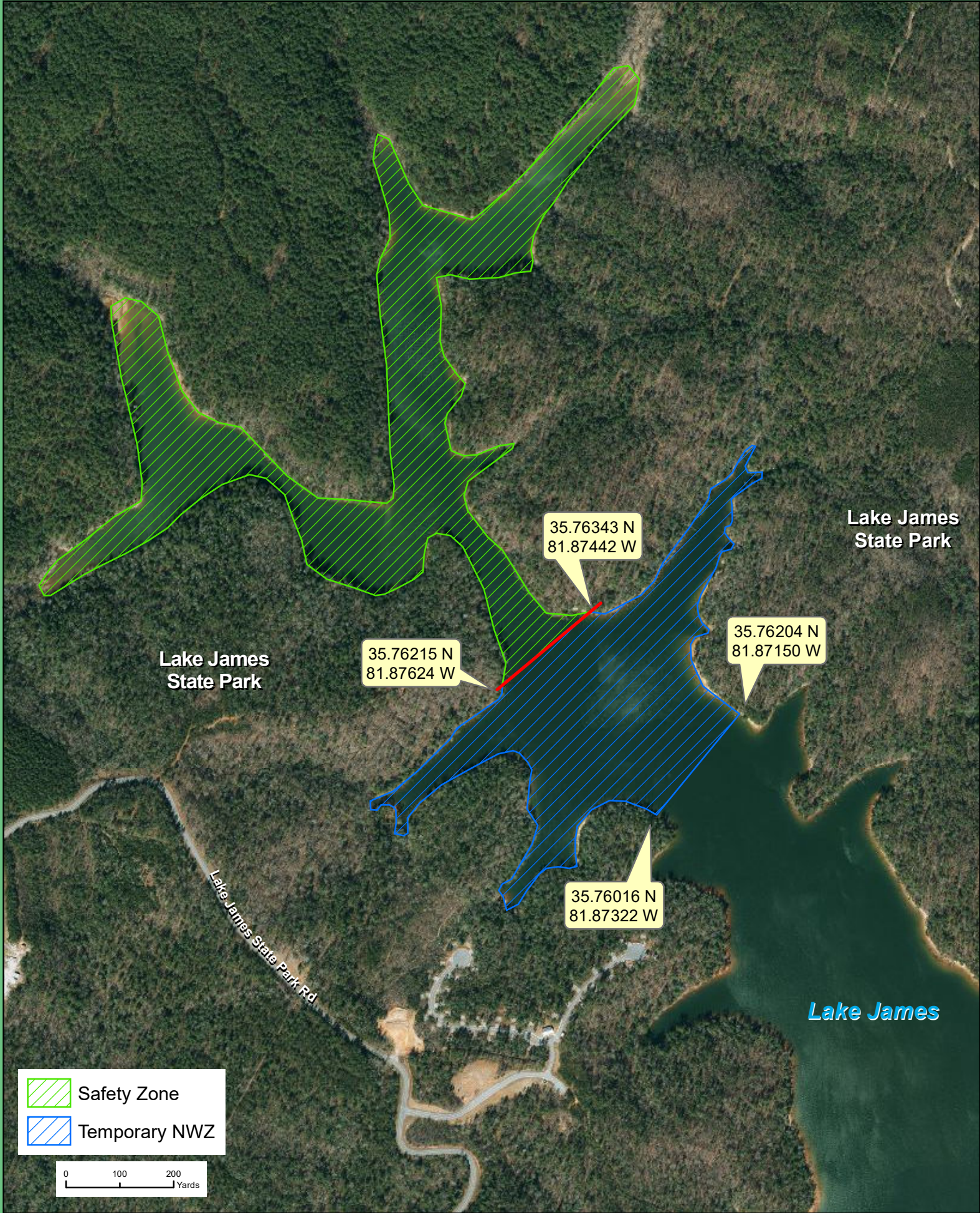


EXHIBIT J - 2

October 22, 2020



TEMPORARY RULEMAKING REQUEST TO PROPOSE TEXT 15A NCAC 10F .0323 – BURKE COUNTY, LAKE JAMES

Staff recommends approval to propose text to the Office of Administrative Hearings for temporary rulemaking for a no-wake zone in Mill Creek on Lake James at Lake James State Park in Burke County, shore to shore for a distance of 345 yards, and a safety zone where vessel entry not authorized by the North Carolina Wildlife Resources Commission is prohibited, in the creek northeast and northwest of the no-wake zone. The no-wake zone and safety zone are necessary to mitigate water safety hazards caused by construction equipment during construction of a pedestrian bridge connected with the Lake James Visitor Center and Fonta Flora Trail.

Simultaneous commencement of temporary rulemaking is required when an agency adopts an emergency rule (*See G.S. 150B-21.1A*).

One virtual public hearing will be held (due to Covid-19 closures) along with a comment period of at least 15 days. The temporary rule may be adopted at the December Commission meeting.

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)~~ (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)~~ (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.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters known as Mill Creek at Lake James State Park, on Lake James shore to shore, beginning 345 yards northwest of a line from a point on the southwest shore at 35.76016 N, 81.87322 W to a point on the northeast shore at 35.762040 N, 81.87150 W, and ending at a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. Vessel entry not authorized by the North Carolina Wildlife Resources Commission shall be prohibited by establishment of a safety zone in the waters of Mill Creek on Lake James, northeast and northwest of a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. 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; 102-1.1;

EXHIBIT K-1

OCTOBER 22, 2020



Fiscal Note Review of Proposed Wildlife Resources Commission No-Wake Zone Rule 15A NCAC 10F .0305 – Brunswick County, Town of Ocean Isle Beach

Contact: Betsy Haywood, No Wake Zone Coordinator
1701 Mail Service Center
Raleigh, N.C 27699-1701
(919) 707-0013
betsy.haywood@ncwildlife.org

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

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

The proposed permanent amendment to 15A NCAC 10F .0305 - Brunswick County (APPENDIX 1) will add a no-wake zone in the waters of the Intracoastal Waterway (ICW), shore to shore from a point 100 yards east of the Odell Williamson bridge, otherwise known as the N.C. Hwy 904 Causeway bridge to a point 100 yards west of the bridge in the Town of Ocean Isle Beach.

The Town of Ocean Isle Beach applied for rulemaking to mitigate hazards to boater safety. This area of the ICW is narrow and shallow. The WRC Boating Access Area (BAA) just east of the bridge is busy, with diminished sight lines coming east under the bridge and caused by bridge pilings and the fender system. The fender system creates a very narrow channel passage. It is located near a canal that is utilized for vessel fueling, restaurant usage, vessel rentals and numerous commercial purposes. Concurrence has been received from the US Army Corps of Engineers Wilmington District to allow placing a no-wake zone within that part of the ICW.

The Town of Ocean Isle Beach will mark the no-wake zone at an estimated cost of \$1,560.00. Of that cost, the Town will spend \$400.00 for the Coastal Area Management Act (CAMA) permit required under § 113A-118 before placing structures in waters in coastal counties. Two pilings will be placed by a contractor at a cost of \$500.00 for each piling. The \$1000.00 cost includes pilings and contractor labor to install the pilings. The Town of Ocean Isle Beach will purchase four no-wake signs, two signs on each piling, at a cost of \$40.00 each (\$40.00 x 4=\$160.00.) No additional cost for installation hours will be incurred, as placement of markers is the responsibility of the contractor.

State Impact Analysis: None.

Local Impact Analysis: The Town of Ocean Isle Beach will incur a cost of no more than \$1560.00 for the CAMA permit and purchase and placement of pilings and signage.

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 of the ICW in the vicinity of the bridge and the BAA. However, the benefit of that restriction is increased boater safety.

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

APPENDIX 1

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;
- (6) 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 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, 78.51194 W; and~~
- (10) 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.

(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~~ 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;
Amended Eff. July 1, 2018.*

EXHIBIT K-2

October 22, 2020



APPLICATION FOR RULEMAKING FROM TOWN OF OCEAN ISLE BEACH AMENDMENT TO 15A NCAC 10F .0305 – BRUNSWICK COUNTY

The Wildlife Resources Commission received a formal application and Resolution from the Town of Ocean Isle Beach on August 21, 2020, requesting consideration of rulemaking for a no-wake zone in a portion of the Intracoastal Waterway (ICW), shore to shore from a point 100 yards west of the N.C. Highway 904 Causeway Bridge to a point 100 yards east of the bridge.

The Town of Ocean Isle Beach agreed to purchase and place pilings and no-wake signage necessary to mark the no-wake zone, and to purchase a CAMA permit required in coastal counties. A Fiscal Note (**Exhibit I-1**) detailing the expected expense incurred by a subdivision of the State (Town of Ocean Isle Beach) as the result of rulemaking was submitted to the Office of State Budget and Management.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A**). Hazards to boater safety were found including the bridge structure over a narrow portion of the ICW and a boating access area immediately adjacent to the bridge. There is heavy vessel traffic on both sides of the bridge as vessels try to pass through the narrow channel that is surrounded by a fender system under the bridge.

The U.S. Army Corps of Engineers Wilmington District was consulted and concurs with placement of markers and pilings in this portion of the ICW for mitigation of boater safety. (concurrence email from USACE-Wilmington District is in Attachment A.)

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of an amendment to 15A NCAC 10F .0305, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the no wake zone.



NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

SECTION 1:

Name of organization/entity: Town of Ocean Isle Beach

Primary contact information: *Justin Whiteside, Asst. Town Administrator 910-579-3469*
justin@oibgov.com

Exact location of requested no-wake zone:

Body of water and County: AIWW at Ocean Isle Beach, Brunswick County

Location: waters of the AIWW shore to shore on both sides of the Hwy 904 Odell Williamson bridge, Causeway Drive

Popular name of area, if any: Ocean Isle Beach Bridge

Width of No-Wake Zone: Narrowest Point: 400 feet Widest Point: 515 feet

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc) The Hwy 904 bridge passes over a narrow portion of the AIWW and a boating access area is immediately adjacent to the bridge. There is heavy vessel traffic on both sides of the bridge as vessels try to pass through the narrow channel surrounded by a fender system under the bridge. WRC has obtained concurrence from the Wilmington District of USACE to place a no-wake zone in the vicinity of the bridge.

7/2/2020

From HORTON, J TODD CIV USARMY CESAW (US) James.T.Horton@usace.army.mil

Hello Betsy,

Yes, we would concur with a no wake zone in the vicinity of the Ocean Isle Beach Bridge, especially since there is a boat ramp directly behind the fender system. What distance were you considering?

Todd Horton

Navigation Branch Deputy

Chief, Waterways Management Section

USACE Wilmington District. Office: (910) 251-4067; Cell: (910) 685-32

Attach map of designated no-wake zone * distance on both sides is suggested at 100 yards – please advise

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

Attach detailed reason given from point of contact for the request

Mr. Whiteside reports that at the boat ramp boats go under the bridge at speeds above idle, creating waves coming through the timbers of the fender system, creating rough water and hazards for boats as they load or unload. Boats exiting the ramp have blind spots at the timbers as they enter the ICW. The blind spots from the timbers create dangerous conditions as boats enter the canal for fueling or supplies. Traffic is very heavy in the confined area on both sides of the bridge as boats try to maneuver under the bridge.

Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e.; Intracoastal Waterway?

YES ICW – concurrence received 7-2-2020; CAMA permit required by Town

NO

(When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.)

SECTION 2:

PUBLIC SAFETY HAZARD

What public safety hazard exists? High Traffic area, access area close by, blind spot created by bridge pilings, commercial area with canal leading out into waterway at bridge.

Is this a public swimming or recreational area?

NO

YES would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate? ROPED SWIM AREA

NO-WAKE BUOYS

SECTION 3:

NAVIGATIONAL HAZARDS

Identify any and all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS (Identify) Bridge piling/fender system is visual obstruction to vessels entering and exiting.

NARROW CHANNEL (give approximate width) 80 feet between bridge fender system
where vessels normally pass through.

SHALLOW WATER (give average depth) _____

OBSTRUCTED VISION (for approximately how great a distance) 250 feet

STRUCTURES (Check all applicable)

- | | |
|---|--|
| <input type="checkbox"/> DAM | <input type="checkbox"/> LOCK |
| <input type="checkbox"/> SPILLWAY | <input type="checkbox"/> JETTY |
| <input type="checkbox"/> FLOOD CONTROL STRUCTURE | <input type="checkbox"/> SUBMERGED STRUCTURE |
| <input type="checkbox"/> TRESTLE | <input type="checkbox"/> SANDBAR |
| <input type="checkbox"/> POWER LINE | <input type="checkbox"/> SHOAL |
| <input checked="" type="checkbox"/> FUELING DOCK | <input type="checkbox"/> PRIVATE DOCKS |
| <input checked="" type="checkbox"/> RESTAURANT DOCKS | <input checked="" type="checkbox"/> BRIDGE |
| <input checked="" type="checkbox"/> ACCESS AREA/BOAT LAUNCH | <input type="checkbox"/> PIER |

OTHER (list and describe) _____

SECTION 4:

If approved, will the no-wake zone extend into a designated channel?

NO

YES (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed 600 feet

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed 3 to 4
minutes

SECTION 5: List any other known incidents, safety concerns or problems that have occurred?
No boat incidents have occurred at this location up to this point. There have been numerous
requests from boat operators and access area users for a no wake zone in this area.

Rate traffic density in this area from light to heavy

LIGHT 1 2 3 4 5 6 7 8 9 10 HEAVY

Is traffic density specific to weekend/and or holidays? Consistent on a daily basis during spring and summer months.

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES
NO

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water

VERY UNLIKELY 1 2 3 4 5 6 7 8 9 10 MORE LIKELY

SECTION 6:

OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

YES:

NO:

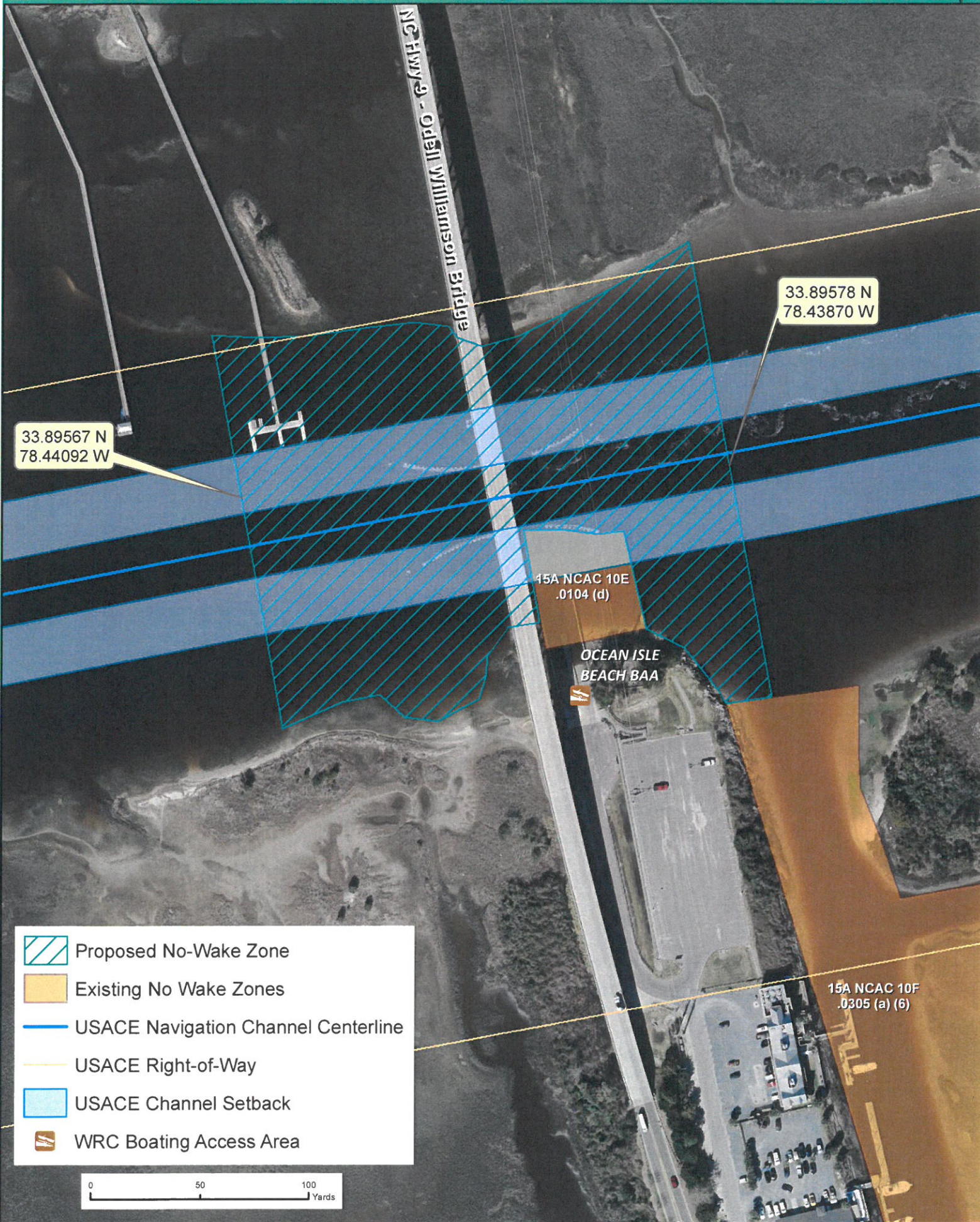
Reasons: This area is located close to an access area where numerous vessels are launched and recovered. It is also located near a canal that is utilized for fueling of vessels, restaurant usage, vessel rentals and numerous commercial purposes. Vessels are continuously entering and exiting this area near the bridge and access area. The bridge pilings and fender system create a visual obstruction for oncoming vessels. The number of vessels coming through this area create wakes that are detrimental to those trying to launch and recover vessels at the access area. The narrow channel created by the fender system of the bridge causes vessels to have to operate in very close proximity to one another when passing under the bridge, which could lead to potential incidents.

Officer: Sgt. Scott Pritchard

Date: 07/14/2020

Sgt. Scott Pritchard #909

15A NCAC 10F .0305 (a) (10) - Proposed No Wake Zone
Intracoastal Waterway, Ocean Isle Beach, Brunswick County





Town of Ocean Isle Beach

Resolution No. 2020 - 7
Date Adopted: August 11th, 2020

**RESOLUTION IN SUPPORT OF ESTABLISHMENT OF
"NO WAKE" ZONE IN AIWW AT ODELL WILLIAMSON BRIDGE**

Whereas, under authority of Section 15A NCAC 10-F.0340 of the North Carolina Administrative Code, a municipality may, after public notice, make formal application to the NC Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels of any water within its territorial limits; and

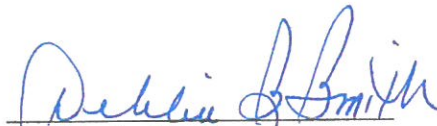
Whereas, The Town of Ocean Isle Beach has given public notice of its intention to make a formal application to the Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels within the Atlantic Intracoastal Waterway at the Odell Williamson Bridge (HWY 904/Causeway Drive) located in Ocean Isle Beach, North Carolina, the pertinent substance of which proposed regulations is as follows:

To designate a "No Wake" Zone for the following:

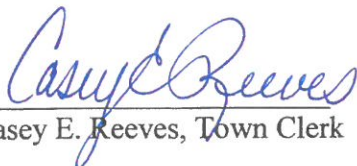
The area shore to shore 100 yards east and 100 yards west of the Odell Williamson Bridge within the AIWW. The entire area will be designated "No Wake" as shown in Exhibit A, attached to this resolution and incorporated by reference.

ADOPTED, this the 11th day of August, 2020.




Debbie Smith, Mayor

8/11/2020
Date


Casey E. Reeves, Town Clerk



August 21, 2020

Ms. Betsy Haywood
No Wake Zone Coordinator
NC Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

RE: Ocean Isle Beach No Wake Zone Application

Ms. Haywood,

Please find the attached No Wake Zone Application as well as a resolution from our Board of Commissioners requesting rule making. The Town agrees to purchase the required markers and work with NC Wildlife staff on the installation.

Thank you for your assistance with this application. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin W. Whiteside".

Justin W. Whiteside
Asst. Town Administrator
Town of Ocean Isle Beach

Enc.

NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX



SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: _____
- Primary contact information: _____
- Location of requested no-wake zone:
 - Body of water and County: _____
 - Location: _____
 - Popular name of area, if any: _____
 - Width of No-Wake Zone: Narrowest Point: _____ Widest Point: _____
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX



Provide detailed reason given from point of contact for the request

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES

NO

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.

NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX



SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

FUELING DOCK OR FACILITY

Name of Facility: _____

PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA

NO-WAKE BUOYS

PUBLIC BOAT ACCESS

Name of Access Area: _____

PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS (Identify) _____

Can obstructions be removed? YES NO

NARROW CHANNEL (give approximate width) _____

NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX



SHALLOW WATER (give average depth) _____

OBSTRUCTED VISION (for approximately how great a distance) _____

STRUCTURES: (Check all applicable)

DAM Name: _____

SPILLWAY Location: _____

FLOOD CONTROL STRUCTURE Location: _____

BRIDGE Roadway: _____

Height above water: _____

Width between piers: _____

TRESTLE Height above water: _____

Width between piers: _____

POWER LINE _____

LOCK Lock Number: _____

JETTY _____

SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? YES NO

SANDBAR _____

SHOAL _____

OTHER (list and describe)

NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX



SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns

- BOAT INCIDENTS Date(s): _____
- CITATIONS ISSUED Violations: _____
- VERIFIED COMPLAINTS List: _____

=====

- Rate traffic density in this area **LIGHT MEDIUM HEAVY**
- Is traffic density specific to weekend/and or holidays? YES NO
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES NO

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:

- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?
 YES Identify Violations: _____
 NO



NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant’s proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?
 YES Distance extended into channel: _____
 NO
- Total distance travelled at no-wake speed (in feet): _____
- Estimated travel time through propose area at no-wake speed: _____
- Width of proposed no-wake zone (in feet): Narrowest: _____ Widest: _____
- Does proposed no-wake zone meet criteria for consideration?
 YES: Appropriately sized
 YES: Adjusted size recommended
 NO
- Description/Explanation of adjusted size

- Adjusted map attached

NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX



SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES:

NO:

- Justification:

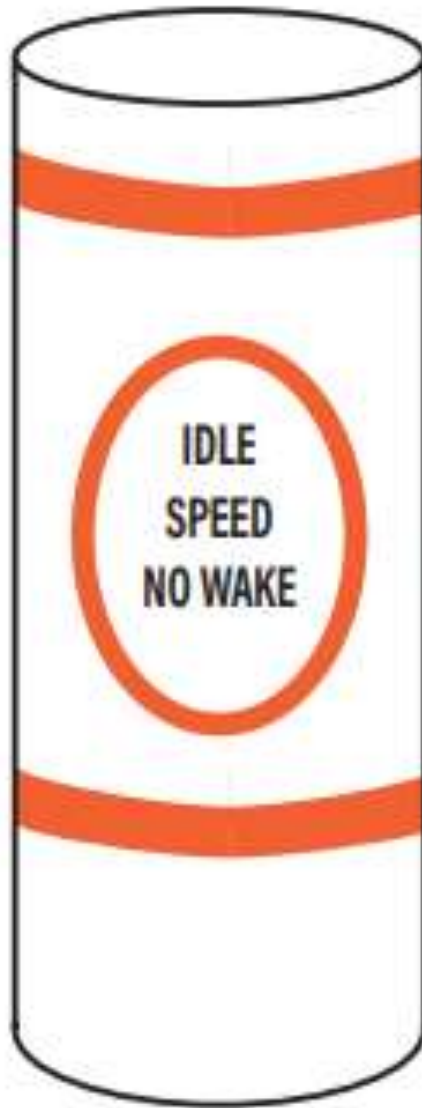
Officer: _____

Date: _____

Sergeant: _____

Date: _____

NCWRC Law Enforcement Division No- Wake Zone Investigation Guide



Overview of NCWRC in No-Wake Zone Process

The NC Wildlife Resources Commission is charged with promulgating water safety rules. By statute, No- Wake Zones may be established in public trust waters only to mitigate hazards to boating safety. Hazards to boating safety may include:

- Known navigational hazards
- Structures in the area such as dams, spillways, flood control structures, trestles, power lines, and fueling docks
- Narrow and shallow waters
- Areas of obstructed vision
- Designated recreational or swimming areas
- Congested areas with high traffic
- History of accidents
- Public boat access areas
- Areas due to other circumstances present a critical risk to public safety

The statutory authority of the WRC does not allow creation of a no wake zone in some instances. No-Wake Zones by statute may not be considered for issues outside of the scope of the statute. Some of these concerns may be:

- Erosion
- Noise Abatement
- Property Damage
- Protection of Docks or Piers
- Future Development
- Wildlife Area Protection
- PWC wake issues
- Wake issues for a particular type of vessel
- Perceived but not demonstrated water safety hazards

Responsibility

It is the role and duty of the NCWRC Law Enforcement Division is to conduct a thorough investigation of the area accounting for all relevant criteria for a preliminary determination where statutory authority and sufficient safety hazards exist to warrant proceeding with rulemaking.

Goal

The desired goal in the investigation of no-wake zone applications is to adequately address the safety interests and needs of the boating public while limiting the restrictions and effects to free movement and transportation upon waters of this state.

If recommended, we would support a measured and defined area of restrictive travel that adequately and effectively addresses the safety concerns and issues brought forth.

This guide should create consistency across the state throughout investigations by clarifying expectations and defining priorities in assisting officers to make recommendations based on factual criteria and documented water safety hazards.

Authority

§ 75A-15. Rules on water safety; adoption of the United States Aids to Navigation System.

(a) In accordance with subsection (b) of this section, the Commission is empowered to adopt rules, for the local water in question, as to:

- (1) Operation of vessels, including restrictions concerning speed zones, and type of activity conducted.
- (2) Promotion of boating and water safety generally by occupants of vessels, swimmers, fishermen, and others using the water.
- (3) Placement and maintenance of navigation aids and markers, in conformity with governing provisions of law.

Prior to the adoption of any rules, the Commission shall investigate the water recreation and safety needs of the local water in question. In conducting the investigation, the Commission in its discretion may hold public hearings on the rules proposed and the general needs of the local water in question. After completion of the investigation and application of standards, the Commission may in its discretion adopt the rules requested, adopt them in an amended form, or refuse to adopt them. After adoption, the Commission may amend or repeal the rules after first holding a public hearing.

(b) Any subdivision of this State may, but only after public notice, make formal application to the Commission for rules on waters within the subdivision's territorial limits as to the matters listed in subsection (a) of this section. The Commission may adopt rules applicable to local areas of water defined by the Commission that are found to be heavily used for water recreation purposes by persons from other areas of the State and as to which there is not coordinated local interest in regulation.

(b1) The Commission may adopt rules to prohibit entry of vessels into public swimming areas and to establish speed zones at public vessel launching ramps, marinas, or vessel service areas and on other congested water areas where there are demonstrated water safety hazards. Enforcement of rules adopted pursuant to this subsection shall be dependent upon placement and maintenance of regulatory markers in accordance with the United States Aids to Navigation System by the Commission or an agency designated by the Commission.

*There is no North Carolina statute that establishes no wake zones around docks and piers other than NCWRC Boat Access Areas.

Investigation Guide

- The No-Wake Zone investigation should be led and completed by the area Sergeant in coordination with the area officers
- Upon submission to the Major of Support Services, the investigation will be reviewed by the No-Wake Zone review board
- The Major of Support Services will submit the matrix to the No-Wake Zone Coordinator

SECTION 1: APPLICANT REQUEST AND INFORMATION

SECTION 1 will be completed by the applicant requesting the no-wake zone.

Name of Organization/ Entity	<ul style="list-style-type: none">• The organization applying should be a subdivision of the state. This is typically a County or Township.
Primary contact information	<ul style="list-style-type: none">• This should be the point of contact for the request. In speaking with them make sure you understand the reasons for making the request.• Do not make statements to applicants regarding the outcome of the investigation. Explain recommendation will be made based on documented findings based on statutorily required criteria.
Location of requested no-wake zone	<ul style="list-style-type: none">• Review the description of the proposed area and ensure it aligns with the map submitted.
Map	<ul style="list-style-type: none">• Review the map provided to fully understand the scope of the No-Wake zone requested.
Detailed reason for request	<ul style="list-style-type: none">• Review the reasons stated by the applicant as to the request of a no-wake zone to be clear of concerns and issues.• Simply because there are perceived concerns or issues does not indicate the investigation will result in documented and demonstrated water safety hazards.• Our responsibility is to determine if the reasons meet the required criteria to move forward with the application process
Area regulated by US Army Corps of Engineers - CAMA	<ul style="list-style-type: none">• Any requests or permissions required to proceed with no-wake zone investigations will be handled by the No-Wake Zone Coordinator• When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. (NCWRC has no authority to supersede these rules.)
Questions or Concerns	<ul style="list-style-type: none">• If you have any questions or concerns regarding the application, contact: No-Wake Zone Coordinator Betsy Haywood (919) 707-0013 nowakezonecoordinator@ncwildlife.org

SECTION 2: PUBLIC SAFETY HAZARDS CRITERIA

While there are many public safety concerns relating to recreational boating, the following criteria have been identified to have the greatest potential impact. To meet no-wake zone criteria, the area should contain one or more of the below and present a significant risk to public safety

Fueling Dock or Facility	<ul style="list-style-type: none">• Name the facility• Due to the constant traffic and high risk of fire/explosion around fueling docks, this is a primary safety hazard• Precedent no-wake zones have established 50 yards areas around the fueling facility
Public Swimming or Recreational Area	<ul style="list-style-type: none">• Identify whether a better solution for this concern and to protect the public would be creating a roped swim area.• Simply because individuals swim in an area does not constitute a swimming area• This should be a location that is used exclusively for swimming or recreation
Public Boat Ramp or Access Area	<ul style="list-style-type: none">• Identify the name or location of the boat ramp or access area• This should only be a public area where ANY member of the public can launch and retrieve a boat
Public Fishing Pier or Fishing Access Area	<ul style="list-style-type: none">• Identify the name or location of the pier or access area• These areas should only be considered if there is a risk to public safety, not simply to keep boaters away from the dock or pier
Restaurant Docks	<ul style="list-style-type: none">• Identify the name of the restaurant• Consider the traffic at the boat docks as well as the location• Consider the number of docks or slips and how wake affects public safety in this area
Other Public Safety Hazards	<ul style="list-style-type: none">• Identify and describe all other public safety hazards not listed.

SECTION 3: NAVIGATIONAL HAZARDS CRITERIA

There are numerous navigational hazards on waterways. Consider these hazards in the entirety of the request to determine if their presence in the area constitutes a need for a no-wake zone.

Obstructions	<ul style="list-style-type: none">• Obstructions are any impediments to waterways which were not intentionally placed or have not been removed.• Some examples might be an abandoned vessel, downed trees, storm debris, etc.• Determine if removal is possible when considering obstructions in the recommendation.
Narrow Channel	<ul style="list-style-type: none">• Narrow channels are relative to the body of water and the location on the body of water• Typically for consideration of a no-wake zone, the creek, stream, canal or portion of the waterway should be 100' or less from shore to shore.• This will however depend on the total circumstances in the assessed area.• Provide the approximate width of the narrow channel.
Shallow Water	<ul style="list-style-type: none">• Shallow water should be a factor in determining the size of a no-wake zone and should be evaluated considering how it causes danger to boaters in that particular area• Obviously, there are shallow waters in all waterways that are not no-wake zones.• Provide the average depth of the shallow waters.• Consider if informational markers could be utilized to remedy the hazard in the area.
Obstructed Vision	<ul style="list-style-type: none">• Consider how obstructed vision would create a navigational hazard in the area and the time and space boaters must react• Every cove or turn has some obstructed vision but does not need restricted speed to navigate safely• Establish if this hazard creates significant risk to safe navigation.• Identify the distance vision is obstructed

Structures

While there are many structures affecting navigation on the water, the following pose a significant risk to that navigation and should be prioritized as criteria in your recommendation for a no-wake zone

Dam	<ul style="list-style-type: none">• Identify name or location• Consider water levels and boat traffic around dam• Due to safety aspects of navigation and to the public, dams are a high priority criterion
Spillway	<ul style="list-style-type: none">• Identify name or location – similar priority as a dam
Flood Control Structure	<ul style="list-style-type: none">• Identify name or location – similar priority as a dam
Bridge/Trestles	<ul style="list-style-type: none">• Identify roadway/trestle name or location• Consider the height to the bridge/trestle above the water as well as the distance between the support structures• Boat traffic density should be considered in the assessment

	<ul style="list-style-type: none"> • Consider how water level fluctuations affect safe passage under bridge/trestle • Bridges/trestles are a high priority criterion
Power Line	<ul style="list-style-type: none"> • Consider the location of the powerline and its proximity to other structures or shoreline which could affect safe navigation
Lock	<ul style="list-style-type: none"> • Identify lock number or location • Many locks will have restricted zones around them already
Jetty	<ul style="list-style-type: none"> • Identify unusual shape or structure of jetty affecting navigation
Submerged Structure	<ul style="list-style-type: none"> • Identify all submerged structure in the assessed area • Consider if placing informational buoys such as Danger buoys could remedy the issue instead of creating a no-wake zone
Sandbar/Shoal	<ul style="list-style-type: none"> • Consider the length and location of these structures and how it affects navigation. • Consider how tides and current affect how permanent their location is • Consider if Danger buoys or other informational marker could remedy the issue.
Other	<ul style="list-style-type: none"> • Identify and describe any other structure presenting a navigational hazard in the assessed area

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Establish the history of documented and observed activity in the assessed area. This should not be based on perception of the applicant but rather substantiated occurrences and activity.

Boat Incidents	<ul style="list-style-type: none"> • Identify investigated or reported boat incidents relating to public safety or boating safety hazards that have occurred in the assessed area. • Incidents not related to boating safety do not need to be included.
Citations Issued	<ul style="list-style-type: none"> • List citations or warnings issued for violations relating to boating and public safety in the assessed area. • This should be a cumulative list from officers patrolling the area • Keep those numbers to a relevant time period such as the last 3 years.
Complaints	<ul style="list-style-type: none"> • List number of substantiated complaints relating to boat and public safety aspects in the assessed area. • These should be credible complaints and with officer's direct knowledge of the origins.
Traffic Density	<ul style="list-style-type: none"> • Evaluate and record traffic density and congestion in the assessed area • Determine if the traffic is correlated to high activity periods such as weekends/holidays. • Identify if the amount of traffic in the assessed area affects vessel movement to the level of creating safety issues. • Simply because an area has a high traffic volume does not inherently require the need of an established no-wake zone • Consider all factors in determining how boat traffic affects this need.

SECTION 5: CURRENT REGULATIONS

Often requests come in for a no-wake zone due to issues and concerns that can be remedied by proactively enforcing existing laws. There may also be existing local laws in place for a no-wake zone that is unenforceable.

Existing local laws

- Determine if there are existing local laws that restrict boat speed or have established no-wake zones in the area.
- Our legal team had advised against moving ahead with rulemaking in areas where no-wake zones have already been established in rule.
- Complete a thorough search of the NCAC or local laws to determine if this is the case
- An example of this would be the Lake Norman Marine Commission laws establishing no-wake zones in specific Counties on Lake Norman that we do not recognize.
- If you have any questions regarding this, contact

No-Wake Zone Coordinator
Betsy Haywood
(919) 707-0013

nowakezonecoordinator@ncwildlife.org

Enforcement of existing boat safety laws

- Upon reviewing the application and justification, determine if enforcement of existing boating safety laws in GS75A and the NCAC is more appropriate than the establishment of a no-wake zone
- Examples of this would be complaints of PWCs coming too close to docks or swimmers or vessels operating in a careless or negligent manner causing boat safety issues in the area.
- Our goal is not to create new rules when enforcement of existing laws dealing with boater operation and behavior is applicable.

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

No-wake zone area requests are made by members of the public with little to no insight as to the appropriate size to address the concerns. We are under no obligation to recommend the no wake-zone as submitted in the application. If your investigation finds evidence that meets the requirement of a needed no-wake zone, but the submitted area is overreaching, we have the flexibility to amend the area to the adequate size that addresses the issues. We do this to ensure unrestricted movement of the boating public is not encroached upon unnecessarily.

Proposed No-Wake Zone	This data should reflect the requested no-wake zone as submitted
Channel	<ul style="list-style-type: none"> • Record the distance, if any, the proposed wake zone extends into a designated channel
Distance travelled	<ul style="list-style-type: none"> • Record the distance travelled in feet at no-wake speed through the longest portion of the area
Time of travel	<ul style="list-style-type: none"> • Record the estimated time of travel through the proposed area at no-wake speed. • This should be a primary factor in determining if the area is adequate to address the safety needs.
Dimensions	<ul style="list-style-type: none"> • Record the width of the proposed area in feet at it narrowest and widest points
Evaluation	<ul style="list-style-type: none"> • At this point, determine if the proposed area justifies the need to be recommended for a no-wake zone. • If it does not meet criteria, move on to Section 7 and report your justification • If it does meet the criteria and is appropriately sized, move on to Section 7 and report your recommendation. • If it meets the criteria but is exceeds the size needed to address the issues, provide description and justification below
Description/Explanation	<ul style="list-style-type: none"> • Provide justification for changing the size of the proposed no-wake zone and the factors that lead to the decision.
Map	<ul style="list-style-type: none"> • Attach an updated map identifying the adjusted no-wake zone recommended

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

The recommendation should reflect that an area either meets the statutorily defined no-wake zone standards and criteria or not. The decision should be based on a complete and thorough investigation resulting in demonstrated and significant water safety hazards. It should also align with our goal to consider both the safety of the public while limiting restriction of travel on waterways.

Recommendation

- Record your decision as to the need for the area to proceed with the no-wake zone rule making process or not.
- The decision should be based on the entirety of the findings using established guidelines and precedent established no-wake zones.
- While this recommendation is not the final word on the matter, it allows our Commissioners to make the most informed decision when voting on this no-wake zone to become law.
- Any questions that arise during the process that may assist you in making the best recommendation should be directed to

No-Wake Zone Coordinator

Betsy Haywood

(919) 707-0013

nowakezonecoordinator@ncwildlife.org

Narrative

- Your narrative should be a complete and factual summary of documented criteria and demonstrated water safety hazards.
- It needs to be as detailed as possible to allow reviewers and accurate perspective of the need of the no-wake zone or not.
- Do not include insinuations, assumptions or opinions that cannot be supported through reportable data.
- The narrative should be able to clearly support the decision to deny or approve a no-wake zone.



North Carolina Wildlife Resources Commission

Application for Water Safety Rulemaking on Navigable Waters of the State of North Carolina

1. Governmental Unit: _____ Date: _____

Contact Name: _____

Mailing Address: _____ Phone # _____

2. In accordance with G.S. 75A-15, the above-named subdivision of the State applies to the North Carolina Wildlife Resources Commission for water safety rulemaking in the following waters:

Name of Body of Water, County, Location: _____

Popular Name (if any): _____

Describe Proposed Regulated Area – No-Wake Zone, Swim Area, Other:

3. Safety hazard prompting rulemaking request (No Wake Zones, marked swim areas, and mooring areas shall be approved to mitigate hazards to boater and recreational water safety):

The NC Wildlife Resources Commission is charged with promulgating water safety rules. By statute, No Wake Zones may be established in public trust waters **only** to mitigate hazards to boating safety. The statutory authority of the WRC **does not** allow creation of a no wake zone in some instances. Some of those instances include:

- Erosion
- Noise Abatement
- Property Damage
- Protection of Docks or Piers
- Future Development
- Wildlife Area Protection
- PWC wake issues
- Wake issues for a particular type of vessel

Is the purpose of the requested NO WAKE ZONE for an area that falls into one of the instances listed above?

YES NO

If YES, please know that the NCWRC by statute may not be able to approve the requested NWZ.

Does the proposed NWZ have any of the following water safety hazards?

- Known navigational hazards
- Structures in the area such as dams, spillways, flood control structures, trestles, power lines, and fueling docks

- Narrow and shallow waters
- Areas of obstructed vision
- Designated recreational or swimming areas
- Congested areas with high traffic
- History of documented accidents
- Public boat access areas
- Areas due to other circumstances present a critical risk to public safety

Does the requested NO WAKE ZONE include any of the above?

YES NO

If yes, please explain which one(s) in detail:

4. Include the following information with your application:

- Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- Affirmation that the local unit of government *or* a designee agrees to purchase and place markers that conform to U.S. Aids to Navigation (USATONS) standards to implement a Rule. The North Carolina Wildlife Resources Commission is required to submit a Fiscal Note to the Office of State Budget and Management to report the fiscal impact of a Rule on a state or local unit of government.

Regulatory markers that do not conform to USATONS standards and that are placed without authorization by the NC Wildlife Resources Commission shall be unlawful.

Mail completed application and supporting documents to:
 No Wake Zone Coordinator
 NC Wildlife Resources Commission
 1701 Mail Service Center
 Raleigh, NC 27699-1701

or email to:
nowakezonecoordinator@ncwildlife.org