



**AGENDA**  
**N.C. WILDLIFE RESOURCES COMMISSION**  
**July 25, 2024 9:00 a.m.**  
**1751 Varsity Drive**  
**NCWRC Conference Room, 5<sup>th</sup> Floor**  
**Raleigh, North Carolina**

**CALL TO ORDER** – *Chairman Monty Crump*

**This electronic meeting is being streamed live for the public to attend and recorded as a public record. The recording of the meeting will be available at [www.ncwildlife.org](http://www.ncwildlife.org).**

**PLEDGE OF ALLEGIANCE** – *Chairman Monty Crump*

**INVOCATION** – *Commissioner John Alexander*

**ROLL CALL OF COMMISSIONERS PRESENT** – *Margo Minkler, Commission Liaison*

**MANDATORY ETHICS INQUIRY** – North Carolina General Statute §138A-15 mandates that the Commission Chair shall remind all Commissioners of their duty to avoid conflicts of interest and appearances of conflict under this Chapter, and that the chair also inquires as to whether there is any known conflict of interest or appearance of conflict with respect to any matters coming before the Commission at this time. It is the duty of each Commissioner who is aware of such personal conflict of interest or of an appearance of a conflict to notify the Chair of the same. *Chairman Crump*

**RECEIVE STATE ETHICS COMMISSION REVIEW OF 2024 STATEMENT OF ECONOMIC INTEREST FOR COMMISSIONER HAYDEN ROGERS** - Pursuant to NCGS §138A-15(c), any actual or potential conflict of interest by a public servant sitting on a board and cited by the Ethics Commission under NCGS 138A-24(e) is required to be read into the minutes of the applicable board. Read into the Minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2024 Statement of Economic Interest for Hayden Rogers – *Margo Minkler*

**APPROVAL OF JUNE 6, 2024 MEETING MINUTES** – Take action on the June 6, 2024 Wildlife Resources Commission meeting minutes as written in the exhibit. **(EXHIBIT A)**

**FINANCIAL STATUS REPORT** – Receive Financial Status Report on the Wildlife Resources Commission General Fund, Capital Improvement Fund, and the Endowment Fund. – *Jason Cottle, Chief Financial Officer (EXHIBIT B)*

## COMMITTEE MEETING REPORTS

**Ad Hoc Agency Supplemental Funding Model Committee – July 24, 2024 – David Hoyle, Chair**

**Boating Safety Committee – July 24, 2024 – J.C. Cole, Chair**

**Land Acquisition & Property Committee – July 24, 2024 – Tom Berry, Chair**

**Small Game & Wild Turkey Committee – July 24, 2024 – Jim Ruffin, Chair**

**Fisheries Committee – July 24, 2024 – John Stone, Chair**

**Committee of the Whole – July 24, 2024 – Monty Crump, Chair**

**Executive Committee– July 24, 2024 – Monty Crump, Chair**

**AGENCY SPOTLIGHT – Billions in Benefits: Valuing Fish and Wildlife Management –  
Cristina Watkins, Lead Social Scientist**

## LAND AND WATER ACCESS DIVISION

### Land Acquisitions and Property Matters

**Phase II Land Acquisition** – Consider final approval to proceed with acquisition of the following property – *Ben Solomon, Assistant Chief and Land Acquisition Manager (EXHIBIT C)*

- Greens Thoroughfare – Craven County (C)

## WATER SAFETY RULEMAKING

**Final Adoption and Review Public Comments – 15A NCAC 10F .0321 Pender County, Town of Surf City** – Review public comments and consider final adoption of amendments to create two no-wake zones along the Surf City waterfront in parts of Topsail Sound and Topsail Creek, north and south of the Intracoastal Waterway from east of the N.C. Highway 210 Surf City Bridge, and to incorporate into the NC Administrative Code (NCAC) four boating access areas (BAA's) in Pender County – *Betsy Haywood, Water Safety Rules Coordinator (EXHIBITS D-1, D-2)*

**Permanent Rulemaking Applications – 15A NCAC 10F .0305 Brunswick County and Town of Sunset Beach; Adopt Fiscal Note for Two Locations in Town of Sunset Beach** – Consider an application from the Town of Sunset Beach to publish Notice of Text in the *NC Register* with open comment period and public hearings to create a no-wake zone in South Jinks Creek to include the navigation channel, the Feeder Channel and four canals at the end of that channel, and the Bay Area shore to shore and revise the Brunswick County Rule for technical corrections to correct coordinates for the no-wake zone at Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach BAA, and to remove from the NCAC the Dutchman Creek BAA in Southport, as it is a duplicate entry in the NCAC; and consider an application from the Town of Sunset Beach to create a no-wake zone in a portion of the navigation channel of Fox Creek along North Shore Drive between 28<sup>th</sup> and 40<sup>th</sup> Street. Consider adoption of the Fiscal Note for rulemaking for the Town of Sunset Beach at South Jinks Creek and at Fox Creek– *Betsy Haywood (EXHIBITS E-1, E-2, E-3, E-4)*

**Permanent Rulemaking Application – 15A NCAC 10F .0330 Carteret County** – Consider an application from Carteret County to publish Notice of Text in the *NC Register* with open comment period and public hearing to create a no-wake zone in Peletier at Raymond's Gut; and clarify descriptions in the Rule and incorporate into the NCAC ten boating access areas in Carteret County – *Betsy Haywood (EXHIBITS F-1, F-2)*

**Permanent Rulemaking Notice of Text – 15A NCAC 10F .0332 Alexander County** – Consider agency request to publish Notice of Text in the *NC Register* with an open comment period and public hearing for two proposed amendments on Lake Hickory, to extend the no-wake zone from the Rink Dam to a point 200 yards southeast of the Rink Dam Bridge near the Sand Bar Marina and Grill; at the request of Duke Energy, to establish a Restricted Area to exclude vessel entry in the small cove south of the Wittenburg BAA where the swim beach is located, and to add to the NCAC two boating access areas maintained by the WRC – *Betsy Haywood* (EXHIBITS G-1, G-2)

**Permanent Rulemaking Applications – 15A NCAC 10F .0333 Lake Wylie Marine Commission** – Consider three applications from the Lake Wylie Marine Commission to publish Notice of Text in the *NC Register* with an open comment period and public hearing, to create a no-wake zone in Mecklenburg County in a cove on the northeast side of the Buster Boyd Bridge, at Joyner’s Marina; to extend the no-wake zone around Sadler’s Island in Mecklenburg and Gaston counties; and to create a no-wake zone in the waters north and east of Sunset Island in Mecklenburg County; to revise the coordinates that define the no-wake zone around Buster Boyd Bridge on the North Carolina side of the lake; and to remove from the N.C. Administrative Code ambiguous text that is not the responsibility of the Lake Wylie Marine Commission for public facilities, marked swim areas, and mooring areas on Lake Wylie, unless clearly stated in Rule – *Betsy Haywood* (EXHIBITS H-1, H-2, H-3, H-4)

## **RULEMAKING**

**Permanent Rulemaking Notice of Text – Periodic Review Rules** – Consider request to notice proposed rule text with an open comment period and public hearing for 10G .0501, and 10J .0103 and .0104 – *Melva Bonner, Regulatory Analyst* (EXHIBIT I)

**Permanent Rulemaking Adoption – 10I Endangered, Threatened, and Special Concern Species Rules** – Review public comments and consider request to amend 10I .0102 through .0105 – *Melva Bonner* (EXHIBITS J-1, J-2)

**Permanent Rulemaking Adoption – Land and Water Access Rules** – Review public comments and consider request to amend the 2024-2025 deer season companion rules – *Melva Bonner* (EXHIBITS K-1, K-2)

**Permanent Rulemaking Adoption – 10H .1800 Commercial Use Permitting Rules** – Review public comments and consider request to adopt 10H .1801 through .1803 – *Melva Bonner* (EXHIBITS L-1, L-2)

**Temporary Rulemaking Adoption – 10D .0252 Needmore Game Land** – Review public comments and consider request to amend the Needmore Game Land rule to match the 2024-2025 western deer season framework – *Melva Bonner* (EXHIBITS M-1, M-2)

**Temporary Rulemaking Adoption – 10C .0307 Flounder** – Review public comments and consider request to amend the flounder rule – *Christian Waters, Inland Fisheries Division Chief* (EXHIBITS N-1, N-2)

**WATER SAFETY RULEMAKING**

**Emergency Adoption and Temporary/Permanent Rulemaking Notice of Text – 10F .0304 Bladen County** – Consider request to adopt an emergency amendment and notice proposed rule text with an open comment period and public hearing for changes to the White Lake restricted area. – *Betsy Haywood (EXHIBIT O)*

**COMMENTS BY THE CHAIRMAN** – *Chairman Crump*

**ADJOURN**



## EXHIBIT A



### MINUTES

June 6, 2024

### N.C. Wildlife Resources Commission Meeting Raleigh, North Carolina

Chairman Monty Crump called the June 6, 2024 N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Room at the agency's headquarters in Raleigh. Crump reminded everyone that the meeting is being audio streamed live and will be available at [www.ncwildlife.org](http://www.ncwildlife.org).

Commissioner Joe Budd led the Pledge of Allegiance.

Commissioner Tommy Fonville gave the invocation.

### ROLL CALL

Margo Minkler, *Commission Liaison*, called the roll. John Coley, Steve Windham, Landon Zimmer, Hayden Rogers, and John Alexander were absent.

### COMMISSIONER ATTENDANCE

Monty Crump	Jim Ruffin	Wes Seegars	Ray Clifton
Thomas Fonville	Mark Craig	Kelly Davis	John Stone
David Hoyle	Tom Berry	Tom Haislip	Joe Budd
Brad Stanback	JC Cole	Mike Alford	Reid Smith

### VISITORS

Representative John R. Bell, IV, North Carolina General Assembly  
Family of Commissioner Reid Smith

## **MANDATORY ETHICS INQUIRY**

Chairman Crump advised the Commission of the mandatory ethics inquiry as mandated in NCGS §138A-15.

**RECEIVE STATE ETHICS COMMISSION REVIEW OF 2024 STATEMENT OF ECONOMIC INTEREST FOR PROSPECTIVE COMMISSIONER REID M. SMITH** – Pursuant to NCGS §138A-15(c), *Margo Minkler, Ethics Liaison*, read into the Minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2024 Statement of Economic Interest for *Reid M. Smith, House Speaker Tim Moore Appointee*

**ADMINISTER OATH OF OFFICE TO NEW COMMISSIONER** – Representative John R. Bell, IV, North Carolina General Assembly administered the Oath of Office to House Speaker Appointee Reid M. Smith

## **MINUTES OF APRIL 18, 2024 MEETING**

On a motion by David Hoyle and second by Wes Seegars, the Minutes of the April 18, 2024 meeting was approved as presented in **EXHIBIT A**.

**Exhibit A** is incorporated into the official record of this meeting.

## **ADMINISTRATION**

Jason Cottle, *Chief Financial Officer*, presented a status report in **EXHIBIT B** on the Wildlife Resources Commission General Fund, Capital Improvement Fund, and the Endowment Fund.

**EXHIBIT B** is incorporated into the official record of this meeting.

## **COMMITTEE MEETING REPORTS**

**Rules Committee Report – May 14, 2024** – *Wes Seegars, Chair*, reported the Rules Committee met for an out-of-cycle meeting on May 14, 2024 to review the 2025-2026 annual cycle rule proposals and the plan for readoption of several periodic review rules. First, Chiefs presented inland fish, land and water access, and wildlife management proposals for the 2025-2026 seasons. A new proposal, based on discussions from the April Commission meeting, to shift the turkey season one week later than the current season framework was presented and discussed. All proposals were approved to move forward for rulemaking in June. Next, the readoption plan for four 10G and 10J rules was presented. These rules will be presented for notice in July so they can be readopted by the December 2024 deadline. Finally, the definition of youth was discussed, as was the merit of variations or continuity between the age of youth for hunting different species. This affects the deer, turkey, migratory birds, game lands, and trout rules.

**Land Acquisition & Property Committee Report – June 5, 2024** – *Tom Berry, Chair*, reported The Land Acquisition and Property Committee met on Wednesday, June 5, 2024. The meeting

began with a review of a newly formatted Phase I Land Investigation Form. The Committee provided feedback on the new form, requesting that staff add property tax value and asking price. The Committee also recommended that staff continue using the existing overview and detailed maps and suggested providing parcel data on the detailed map to show the parcel size of surrounding properties. A motion was made to approve the newly formatted Phase I form, contingent upon incorporating the recommended changes from the Committee. The Committee then reviewed and approved three Phase I land acquisition proposals and one Phase II land acquisition proposal. Two other property matters were presented: the Committee approved the Dominion Easement Request in Caswell County and voted to deny the TED Renewables Easement Request in Bertie County.

**Habitat, Nongame, & Endangered Species Committee Report – June 5, 2024** – *Kelly Davis, Chair*, reported that the Habitat Nongame Endangered Species Committee met on Wednesday, June 5, 2024. *Dr. Sara Schweitzer, Wildlife Management Division Assistant Chief*, provided presentations on the Sea Turtles Conservation Plan and the nomination packet for the expiring terms of Nongame Wildlife Advisory Committee membership. The Committee endorsed both. The Committee then received a presentation by *Rachael Hoch, Aquatic Wildlife Diversity Assistant Chief*, on a reintroduction proposal for Carolina Heelsplitter in Stevens Creek. The reintroduction would be done under the NC Programmatic Safe Harbor Agreement, and the proposal was unanimously approved. Next, *Cindy Simpson, Wildlife Action Plan Coordinator*, provided updates on the major revision of the Wildlife Action Plan, including the projected timeline, a new tool to identify opportunity areas, opportunities for participation, and where to find more information. The final revision is due to the USFWS no later than September 30, 2025. *Shannon Deaton, Habitat Conservation Program Manager*, then provided information on the 2024 Thomas L. Quay Wildlife Diversity Award, explaining the criteria and procedure used to select a recipient. Shannon also provided information on an America the Beautiful Challenge grant the agency was recently awarded to benefit Southeast Species of Greatest Conservation Need in NC, SC, FL, and GA. Two guests, *Dr. Greg Cope, a distinguished professor at NC State University*, and *Chris Eads, faculty at NC State University*, joined the Committee Meeting to provide information on the newly constructed Yates Mill Aquatic Conservation Center located in Wake County. *Chris Eads, Assistant Director of the Center*, presented information on the mission of the new Center, which uses cutting-edge techniques to rear imperiled aquatic species, supports staff and student research, and provides public outreach and education opportunities. A future field trip for Commissioners will be planned.

**Motion from the Habitat, Nongame & Endangered Species Committee** – On a motion by Kelly Davis, and a second by Jim Ruffin, the Commission approved a motion to recognize Dr. Wilson Laney as the 2024 Thomas L. Quay Wildlife Diversity Award recipient.

**Big Game Committee Report – June 5, 2024** – *David Hoyle, Chair*, reported that the Big Game Committee met on Wednesday, June 5, 2024. The meeting began with a presentation by *Kathryn Jewell, Social Scientist*, who shared interesting findings and information from the Wildlife Feeding and Baiting in NC survey. The survey explored the percentage of deer and bear hunters who are baiting or feeding, the quantities they are putting out, and other interesting facts about baiting and feeding by deer and bear hunters. The committee looks forward to seeing the full summary of the survey in the near future. Next, *Colleen Olfenbuttel, Game and Furbearer Program Supervisor*, gave a brief update on the Coastal Bear Population research project, which is in its final field season. She also discussed the different data that will be used to inform the new bear plan and the

general timeline for its completion, with a target date of December 2026. Having no further business, the meeting was adjourned.

**Finance, Audit & Compliance Committee Report – June 5, 2024** – *Brad Stanback, Vice Chair*, reported that the Finance, Audit & Compliance Committee met on Wednesday, June 5, 2024. *Jason Cottle, Chief Financial Officer*, presented a comparison of current and prior fiscal year-to-date expenditures and revenues in both the general fund and capital improvement fund categories, offering comments for any categories either increasing or decreasing in excess of one million dollars. An update was also provided on the current value and asset allocation of the agency’s Endowment fund, including the amount of expendable income currently available for use, as well as the amount of expendable income presently obligated for agency priorities. *Kyle Briggs, Chief Deputy Director*, introduced WRC’s new Internal Auditor, *Elizabeth Davis*. Elizabeth Davis provided an overview of internal audit and compliance requirements for the internal audit function. The 2024 updated WRC Internal Audit Charter was presented to the committee. Key updates to the new charter were discussed, and the Committee voted to approve the charter. Davis also presented the Self-Assessment Maturity Model and discussed where the audit function was assessed within the model, based on work completed in fiscal year 2024. She detailed that there were two engagements in process, which included the Enhancing Accountability in Government through Leadership and Education project and the annual internal audit risk assessment.

**Committee of the Whole Report – June 5, 2024** – *Monty Crump, Chair*, reported that the Committee of the Whole met on Wednesday, June 5, 2024. The meeting began with *Brian Daniels, Customer Service Manager, Customer Support Services*, presenting Reciprocal License Fees. Next, *Melva Bonner, Regulatory Analyst*, presented temporary and permanent rulemaking for Needmore Game Lands and temporary rulemaking for Buffalo Cove, South Mountains, and Kings Creek Game Lands. *Daron Barnes, Land and Water Access Division Chief, Brad Howard, Wildlife Management Division Chief, and Christian Waters, Inland Fisheries Division Chief*, presented the annual cycle rule proposals for 2025-2026. The Committee endorsed modifying the turkey season as proposed by staff and changing the definition of youth back to under 16. Finally, *Christian Waters* presented temporary rulemaking for Striped Mullet and White Mullet, Harvest Reporting Requirements, and Flounder. After a very lively discussion about these rules, the Committee adjourned.

### **AGENCY SPOTLIGHT**

**AGENCY SPOTLIGHT – Searching for Sound** – *Aubrey Greene, Wildlife Diversity Biologist*, gave a presentation titled “Searching for Sound”. The presentation highlighted how the division uses Autonomous Recording Units (ARUs) that acoustically monitor threatened and endangered species, species of greatest conservation need, and game species to inform conservation, management, and regulation efforts.

**RECIPROCAL HUNTING LICENSE FEES FOR NON-RESIDENTS** – On a motion by Joe Budd and a second by Jim Ruffin, the Commission approved the resolution to allow changes in nonresident hunting license fees for neighboring states to establish parity, under the authority of NCGS 113-275(a1) presented in **(EXHIBIT C)** by *Brian Daniels, Customer Service Manager, Customer Support Services*

**EXHIBIT C** is incorporated into the official record of this meeting.

**CONSIDERATION OF NONGAME WILDLIFE ADVISORY COMMITTEE APPOINTMENTS** – On a motion by David Hoyle and a second by Kelly Davis, the Commission reappointed J. Edward Corey III, North Carolina Division of Parks and Recreation; Jared Gray, North Carolina Department of Transportation; G. Lane Sauls, VHB, Inc.; Dustin Smith, North Carolina Zoo; and Bruce White, GFR Forestry Consultants, PLLC, to the Nongame Wildlife Advisory Committee presented in **(EXHIBIT D)** by *Kyle Briggs, Chief Deputy Director*

**EXHIBIT D** is incorporated into the official record of this meeting.

### **LAND ACQUISITION AND PROPERTY MATTERS**

**Phase II Land Acquisition** – On a motion by Brad Stanback and second by Tom Berry, the Commission approved to proceed with acquisition of Rash Heir– Ashe County presented in **(EXHIBIT E)** by *Ben Solomon, Assistant Chief and Land Acquisition Manager*

- **Rash Heirs – Ashe County (E)**

#### **Other Property Matters**

On a motion by Ray Clifton and a second by Tom Berry, the Commission approved the Easement Request from Dominion Energy to purchase an easement through a portion of R. Wayne Bailey-Caswell Game Land in Caswell County presented in **(EXHIBIT F-1)** by *Ben Solomon*

- **R. Wayne Bailey-Caswell Game Land in Caswell County (F-1)**

On a motion by Tom Berry and second by Jim Ruffin, the Commission denied the Easement Request from Tyr Energy Development Renewables to purchase an easement through a portion of Bertie County Game Land in Bertie County presented in **(EXHIBIT F-2)** by *Ben Solomon*

- **Bertie County Game Land in Bertie County (F-2)**

**EXHIBITS E, F-1, F-2** are incorporated into the official record of this meeting.

### **WILDLIFE MANAGEMENT DIVISION**

**Species Conservation Plan** – On a motion by Wes Seegars and second by Joe Budd, the Commission approved the final adoption of the Sea Turtles Conservation Plan presented in **(EXHIBIT G)** by *Dr. Sara Schweitzer, Wildlife Management Division Assistant Chief*

**EXHIBITS G** is incorporated into the official record of this meeting.

### **RULEMAKING**

**Temporary/Permanent Rulemaking Notice of Text – 2024-2025 Land and Water Access - 10D .0252 Needmore Game Land Rule** – On a motion by Kelly Davis and a second by Tom

Berry the Commission publishing Notice of Text in the *NC Register* with an open comment period and a public hearing for the 2024-2025 Annual Cycle deer season companion rule presented in **(EXHIBIT H-1)** and approved fiscal notes for proposed rules presented in **(EXHIBIT H-2)** by *Melva Bonner, Regulatory Analyst*

**EXHIBITS H-1, H-2** are incorporated into the official record of this meeting.

**Temporary Rulemaking Adoption – 2024-2025 Land and Water Access Rules** – On a motion by David Hoyle and second by Mike Alford the Commission reviewed public comments presented in **(EXHIBIT I-1)** and adopted proposed amendments to the 2024-2025 Annual Cycle deer season companion rules presented in **(EXHIBIT I-2)** by *Melva Bonner*

**EXHIBITS I-1, I-2** are incorporated into the official record of this meeting.

**Permanent Rulemaking Notice of Text – 2025-2026 Annual Cycle Land and Water Access Rules** – On a motion by Brad Stanback and second by Ray Clifton the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and a public hearing for amendments to Land and Water Access rules presented in **(EXHIBIT J-1)** and approved fiscal notes for proposed rules presented in **(EXHIBIT J-2)** by *Daron Barnes, Land and Water Access Division Chief*

**EXHIBITS J-1, J-2** are incorporated into the official record of this meeting.

**Permanent Rulemaking Notice of Text – 2025-2026 Annual Cycle Wildlife Management Rules** – On a motion by Ray Clifton and second by David Hoyle the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and a public hearing for amendments to Wildlife Management rules presented in **(EXHIBIT K-1)** and approved fiscal notes for proposed rules presented in **(EXHIBIT K-2)** by *Brad Howard, Wildlife Management Division Chief*

**EXHIBITS K-1, K-2** are incorporated into the official record of this meeting.

**Permanent Rulemaking Notice of Text – 2025-2026 Annual Cycle Inland Fisheries Rules** – On a motion by Tom Berry and second by Mike Alford the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and a public hearing for amendments to Inland Fisheries rules presented in **(EXHIBIT L-1)** and approved fiscal notes for proposed rules presented in **(EXHIBIT L-2)** by *Christian Waters, Inland Fisheries Division Chief*

**EXHIBITS L-1, L-2** are incorporated into the official record of this meeting.

**Temporary Rulemaking Adoption – 10C .0422 Striped Mullet and White Mullet Rule** – On a motion by David Hoyle and a second by Wes Seegars the Commission reviewed public comments presented in **(EXHIBIT M-1)** and adopted proposed amendment to 10C .0422 Striped Mullet and White Mullet rule presented in **(EXHIBIT M-2)** by *Christian Waters*

**EXHIBITS M-1, M-2** are incorporated into the official record of this meeting.

**Temporary Rulemaking Adoption – 10C .0218 Harvest Reporting Requirements Rule** – On a motion by Mark Craig and second by John Stone the Commission reviewed public comments presented in **(EXHIBIT N-1)** and adopted 10C .0218 Harvest Reporting Requirements rule presented in **(EXHIBIT N-2)** by *Christian Waters*

**EXHIBITS N-1, N-2** are incorporated into the official record of this meeting.

**Temporary Rulemaking Notice of Text – 10C .0307 Flounder Rule** – On a motion by David Hoyle and a second by Brad Stanback the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and a public hearing for temporary amendments to the flounder rule presented in **(EXHIBIT O)** by *Christian Waters*

**EXHIBIT O** is incorporated into the official record of this meeting.

**COMMENTS FROM THE CHAIRMAN** – *Chairman Crump* began his comments by expressing his gratitude to the board for their active participation and valuable contributions. He also recognized the efforts of Chief Deputy Director Kyle Briggs and the entire staff. In the absence of Director Ingram, they have admirably stepped up to ensure that operations run smoothly, and objectives are met.

**ADJOURNMENT**

There being no further business, the WRC webinar meeting was adjourned at 10:10 a.m. All exhibits are incorporated into the official record of this meeting by reference and are filed with the minutes.

---

Monty Crump, Chairman Date

---

Cameron Ingram, Executive Director Date

## NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

**CAFR 52G - STATEMENT OF REVENUES, EXPENDITURES and CHANGES  
in FUND BALANCES  
GOVERNMENTAL FUNDS AS OF JUNE 30, 2024**

	FY 2024 General Fund	FY 2024 Capital Improvement Fund
<b>REVENUES</b>		
Federal funds	\$35,497,806.66	\$3,143,471.88
Local funds	\$3,579.76	\$0.00
Investment earnings	\$580,715.02	\$0.00
Sales and services	\$12,258,678.36	\$0.00
Rental and lease of property	\$48,971.80	\$0.00
Fees, licenses and fines	\$36,053,008.40	\$0.00
Contributions, gifts and grants	\$663,679.83	\$210,500.00
Miscellaneous	\$255,765.86	\$274.00
Unclassified/invalid accounts	\$0.00	\$0.00
Other Financing Sources - Sale of capital assets	\$587,441.02	\$0.00
Other Financing Sources - Insurance recoveries	\$2,668.95	\$108,551.38
Other Financing Sources - Transfers in	\$78,432,329.45	\$7,609,017.94
Other Financing Sources - Appropriations	\$18,207,629.00	\$0.00
<b>TOTAL REVENUES</b>	<b>\$182,592,274.11</b>	<b>\$11,071,815.20</b>
<b>EXPENDITURES</b>		
Personal services	\$40,821,621.48	\$0.00
Employee benefits	\$19,809,455.53	\$0.00
Contracted personal services	\$12,736,204.81	\$234,230.13
Supplies and materials	\$9,644,290.26	\$21,766.55
Purchases for Resale	\$430,097.02	\$0.00
Travel	\$629,987.74	\$0.00
Communication	\$1,178,803.51	\$0.00
Utilities	\$745,152.81	\$0.00
Data processing services	\$596,215.68	\$0.00
Other services	\$4,590,670.59	\$76,096.83
Claims and benefits	\$1,527,751.03	\$0.00
Principal Retirement	\$12,714.00	\$0.00
Interest and Fees	\$486.00	\$0.00
Other fixed charges	\$309,821.43	\$7,879.48
Capital outlay	\$8,413,885.80	\$9,690,221.04
Grants, state aid and subsidies	\$6,421,112.75	\$0.00



Insurance and bonding	\$161,386.19	\$0.00
Other expenditures	\$3,644,643.59	\$0.00
Reimbursements	(\$1,019,426.43)	\$0.00
Unclassified/invalid accounts	(\$3,934.68)	\$0.00
Other Financing (Uses) - Transfers out	58,010,138.89	0.00
<b>TOTAL EXPENDITURES</b>	<b>\$168,661,078.00</b>	<b>\$10,030,194.03</b>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$13,931,196.11	\$1,041,621.17
FUND BALANCE - JULY 1, 2023	\$21,214,381.32	\$3,362,551.08
<b>FUND BALANCE - JUN 30, 2024</b>	<b>\$35,145,577.43</b>	<b>\$4,404,172.25</b>

# NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ENDOWMENT PORTFOLIO

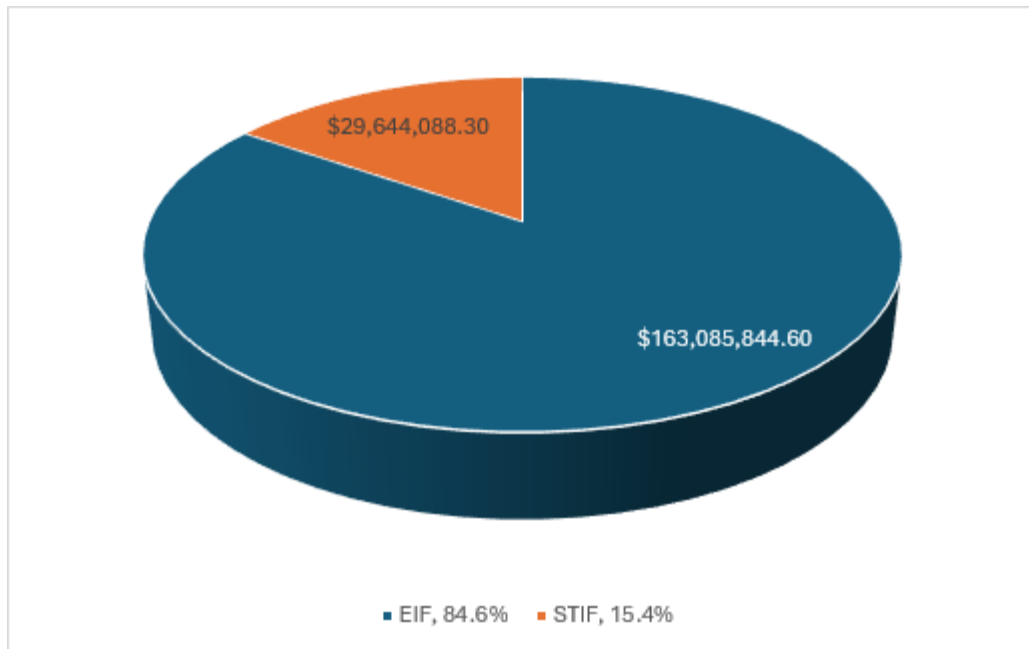
**Fund Balance\*: June 2024 \$192,729,932.90**

\* Based On Financial Institutions' Data And Does Not Include Time-Lag Entries.

§ 143-250.1. Wildlife Endowment Fund

- (d) (3). No expenditure or disbursement shall be made from the principal of the Wildlife Endowment Fund except as otherwise provided by law.
- (d) (4). The income received and accruing from the investments of the Wildlife Endowment Fund must be spent only in furthering the conservation of wildlife resources and the efficient operation of the North Carolina Wildlife Resources Commission in accomplishing the purposes of the agency as set forth in G.S. 143-239.
- (g) The Wildlife Endowment Fund and the investment income therefrom shall not take the place of State appropriations or Agency receipts placed in the Wildlife Resources Fund, or any part thereof, but any portion of the income of the Wildlife Endowment Fund available for the purpose set out in subdivision (4) of subsection (d) shall be used to supplement other income of and appropriations to the Wildlife Resources Commission to the end that the Commission may improve and increase its services and become more useful to a greater number of people.

## ASSET ALLOCATION



2024 June					
Status:		Principal	ANI Nonexpendable	ANI Expendable	Total
Adult	\$	86,434,458.70		\$ 63,186,557.69	\$ 149,621,016.39
Magazine	\$	1,573,477.50		\$ 1,242,130.03	\$ 2,815,607.53
Contributions	\$	859,509.30		\$ 2,962,237.32	\$ 3,821,746.62
Diversity	\$	265,874.09		\$ 50,232.36	\$ 316,106.45
Infant	\$	21,704,695.50	\$ 10,737,955.53		\$ 32,442,651.03
Youth	\$	3,063,669.00	\$ 930,354.03		\$ 3,994,023.03
					\$ 193,011,151.05
<b>Total</b>	<b>\$</b>	<b>113,901,684.09</b>	<b>\$ 11,668,309.56</b>	<b>\$ 67,441,157.40</b>	<b>\$ 193,011,151.05</b>
					\$ -
				Total from detail area >>	\$ 193,011,151.05
					\$ -

Of the amount noted above as expendable income, the figures below represent WRC's known obligations for Endowment income over the next three years:

Setzer Hatchery Renovation	\$17,000,000.00
<u>Samarcand Training Facility</u>	\$10,380,000.00
Other Capital Projects	<u>\$ 3,870,000.00</u>
<u>Debt Service</u>	<u>\$ 5,615,219.00</u>

Remaining Available Expendable Income \$30,575,938.40

# Exhibit C

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### Phase II: FINAL ACQUISITION DETAILS

---

**Tract Name:** Greens Thoroughfare-Creech Tract

**WRC Action/Approval to Pursue (Date):** 07/24/24

**Acquisition Plan (specify total project costs AND sources of funding):**

Donation from Restoration Systems

**Acquisition Plan Includes Bargain Sale?**  Yes  No  N/A

If Yes, Explain Details

**Total Cost Based on Appraisal?**  Yes  No  N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

**Appraisal Handled by State Property Office?**  Yes  No  N/A

**Source(s) of Stewardship Funds (indicate federal:state match rates):**

75% Pittman Robertson / 25% State Funds

**Five-Year Stewardship Costs & Revenue Projections (worksheet attached):**

Total Stewardship Expenditures	\$9,705.00
Total Projected Revenue	\$0.00

# Exhibit C

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### Phase II: COSTS AND REVENUE WORKSHEET Estimated

#### Five Year Stewardship Costs and Revenue Projections:

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Boundary Establishment - yr 1	6.1	Mile		\$1,056.00	\$6,470.00
Boundary Maintenance - yr 4	3.00	Mile		\$1,056.00	\$3,235.00
<b>TOTAL</b>					\$9,705.00

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>TOTAL</b>				\$0.00

July 25, 2024

North Carolina Wildlife Resources Commission  
Land Acquisition Investigation Form  
– PHASE I: INITIAL INVESTIGATION –

<b>WRC Staff Contact:</b>	Richard Clark/Ben Solomon
<b>Date First Presented to Commission:</b>	July, 24,2024
<b>Tract Name:</b>	Greens Thoroughfare/Creech Tract-Turkey Quarter Creek
<b>County:</b>	Craven
<b>Acreage:</b>	346
<b>Tax Value:</b>	Donation
<b>Property Owner/Representative:</b>	Matthew Harrell
<b>Phone:</b>	
<b>Email Address:</b>	
<b>Address:</b>	

**Primary Purpose:**

<input checked="" type="checkbox"/>	Resource Protection
<input type="checkbox"/>	Resource Management
<input type="checkbox"/>	User Access
<input type="checkbox"/>	WRC Facility

**Program Potential:**

<input checked="" type="checkbox"/>	Game Land
<input type="checkbox"/>	Wildlife Conservation Area
<input type="checkbox"/>	Access Area
<input type="checkbox"/>	None

**Type of Acquisition:**

<input type="checkbox"/>	Purchase
<input type="checkbox"/>	Lease
<input type="checkbox"/>	Easement

**Type of Parcel:**

<input checked="" type="checkbox"/>	Tract
<input type="checkbox"/>	Riparian Corridor

**Grant Potential:**

<input type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input type="checkbox"/>	Other (overwrite this cell)
<input type="checkbox"/>	Other (overwrite this cell)

**Owner Interest:**

<input checked="" type="checkbox"/>	High
<input type="checkbox"/>	Moderate
<input type="checkbox"/>	Low
<input type="checkbox"/>	No

**Tax Value:**

<input type="checkbox"/>	Year Assessed
<input type="checkbox"/>	PUV?

**Stewardship Considerations:**

<input type="checkbox"/>	75%	Source: PR
<input type="checkbox"/>	25%	Match: State

**Funding Considerations:**

<input checked="" type="checkbox"/>	Donation
<input type="checkbox"/>	Bargain Sale
<input type="checkbox"/>	Partner Contribution

**Recommendation:**

<input checked="" type="checkbox"/>	Pursue
<input type="checkbox"/>	Do Not Pursue
<input type="checkbox"/>	Defer

**Additional Comments:**

These parcels will be added to Neuse River GL.

July 25, 2024

North Carolina Wildlife Resources Commission  
Land Acquisition Investigation Form  
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	Greens Thoroughfare/Creech Tract-Turkey Quarter Creek
County:	Craven

**Resources Assessment and Biological Benefits (brief):**

The Greens Thoroughfare/Creech Tracts are two parcels equaling ~346 acres located in Craven Co., adjacent to existing Neuse River GL's Turkey Quarter Tracts. One parcel is an island and the other parcel is on the northern shore of the river. Both parcels consist of floodplain forest as dominant habitat community. This acquisition would provide excellent hunting opportunity for waterfowl, turkey, white-tailed deer and some small game. Additional opportunities would be trapping would be available. This area is important for many reptiles and amphibians, as well as many neo-tropical migrants. A list of SGCN species most likely to occur on or near these tracts is attached. Biodiversity/Habitat Index evaluation of this tract, provided a score of 10 out of 10 (1 -low and 10-high value) on approximately 85% of parcels. Remaining 15% scored 7 of 10. This index prioritizes aquatic and terrestrial habitat, landscape function, and connectivity. Access is by water only, with a NC Wildlife BAA within eyesight.

Tract Name	Greens Thoroughfare/Creech Tract
Date	March 12, 2024
Staff Completing Form	Richard Clark

<b>Species</b>	<b>0.556</b>
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	3
	Wetland
Overall Biodiversity	3
SGCN Species	2
Game Species	3
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

<b>Comments</b>
Will provide hunting opportunities for deer, waterfowl, turkey small game. Acquisition would provide excellent trapping opportunities. Acquisition would also provide SGCN preservation.

<b>Habitat</b>	<b>0.833</b>
Size	2
Quality	3
Diversity	2
Rare/Important	3
Connectivity	3
Buffer	2

<b>Comments</b>
Habitat community present is principally floodplain forest; a NCWAP priority community type.

<b>Public Access</b>	<b>0.556</b>
Hunting/Viewing	2
Fishing	2
Boating	1

<b>Comments</b>
Acquisition would have no major change to public access. Tracts are boat access only.

<b>Wildlife Uses</b>	<b>0.800</b>
Hunting	3
Viewing	2
Fishing	2
Boating	2
Education	3

<b>Comments</b>
Acquisition would expand outdoor related recreational opportunities on NRGL.

<b>Other Values</b>	<b>0.667</b>
Timber Harvest	0
Local Economy	3
Quality of Life	3

<b>Comments</b>
Timber would not be harvested due to habitat community type and existing easements. This would be expected to have negligible economic impacts and improve local quality of life providing increased outdoor recreational opportunities.

<b>Feasibility &amp; Logistics</b>	<b>0.733</b>
Existing Infrastructure	0
Compatibility of Multiple Uses on Tract	3
Compatibility with Adjoining Land	3
Inholding/Corridor	3
Proximity to Users	2

<b>Comments</b>
Parcels of interest occur on Neuse River adjacent existing NRGL's Turkey Quarter Island tracts approximately 10 miles NW of New Bern, NC. No existing infrastructure are known. Adjacent land uses are either forestry, agricultural or conservation.

<b>Restoration/Mitigation Potential</b>	<b>0.000</b>
Species Restoration	
Habitat Restoration	
Access Improvement	
Threat Mitigation	

<b>Comments</b>

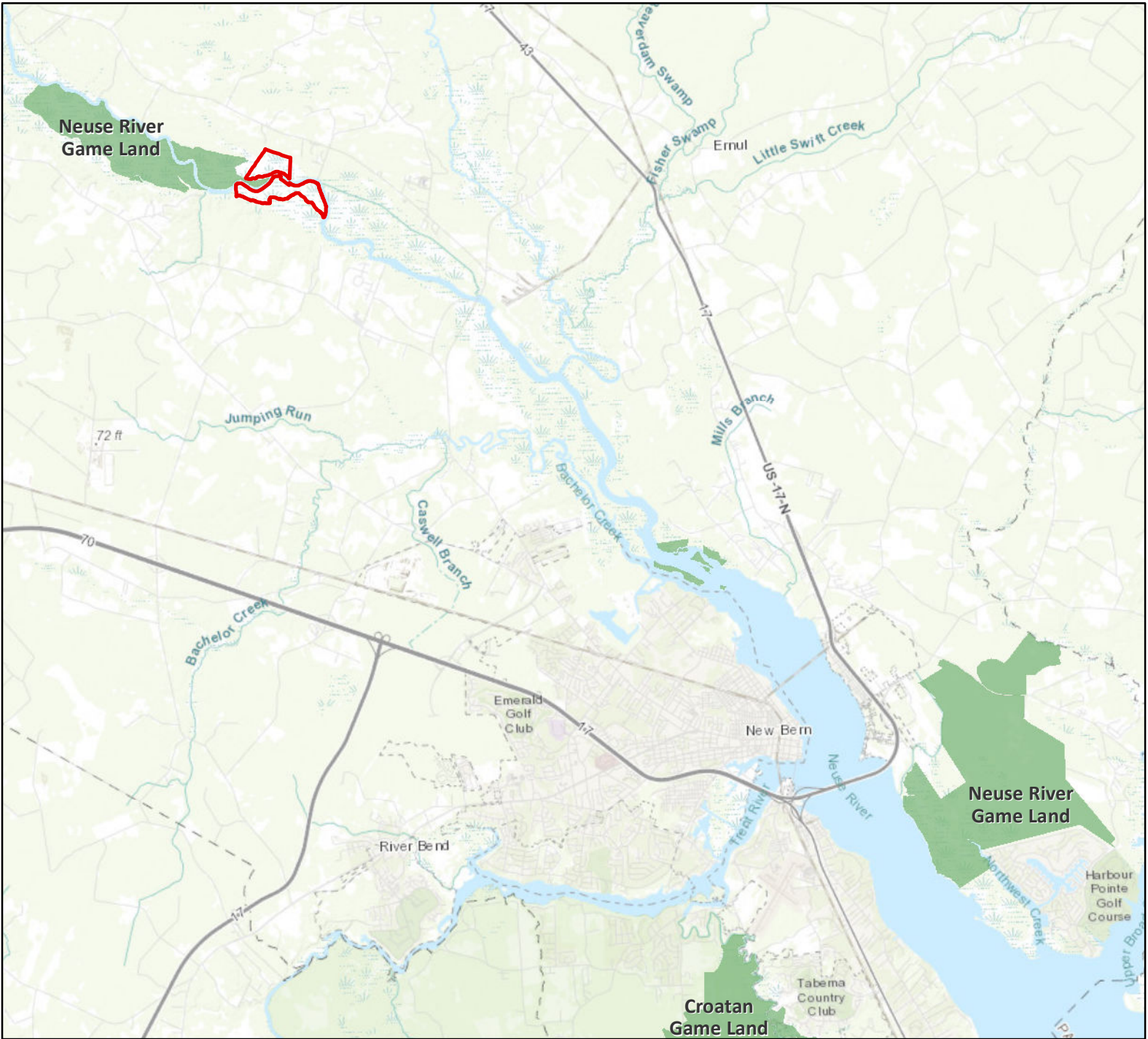
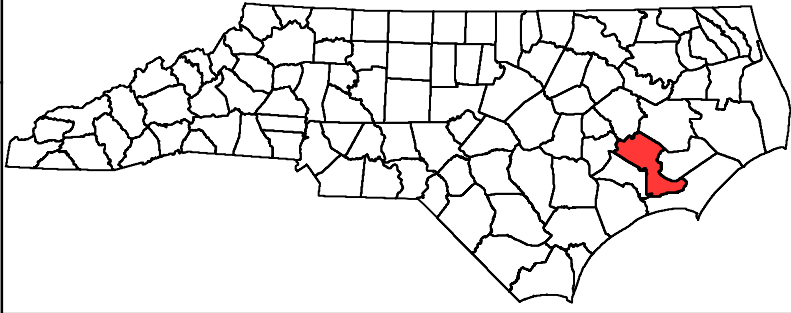
<b>Threats</b>	<b>0.400</b>
Number	2
Severity	1
Imminence	1
Manageability	1
Management Cost	1

<b>Comments</b>
Largest threats include loss to development, sea level rise, or wildfire. Reintroduction of regular prescribed burning operations will reduce losses from wildfire, while acquisition will eliminate loss to residential development.

<b>Overall Score</b>	<b>3.744</b>
----------------------	--------------



**Greens Thoroughfare/Creech Tract  
~346 acres  
Craven County**

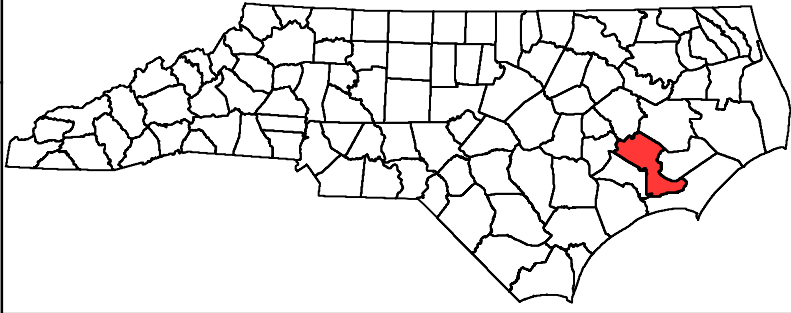




Greens Thoroughfare/Creech Tract  
 NCWRC Game Land  
 Parcel Boundaries

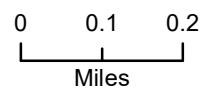
0 1 2 Miles



**Greens Thoroughfare/Creech Tract**  
**~346 acres**  
**Craven County**



 Greens Thoroughfare/Creech Tract  
 NCWRC Game Land  
Parcel Boundaries

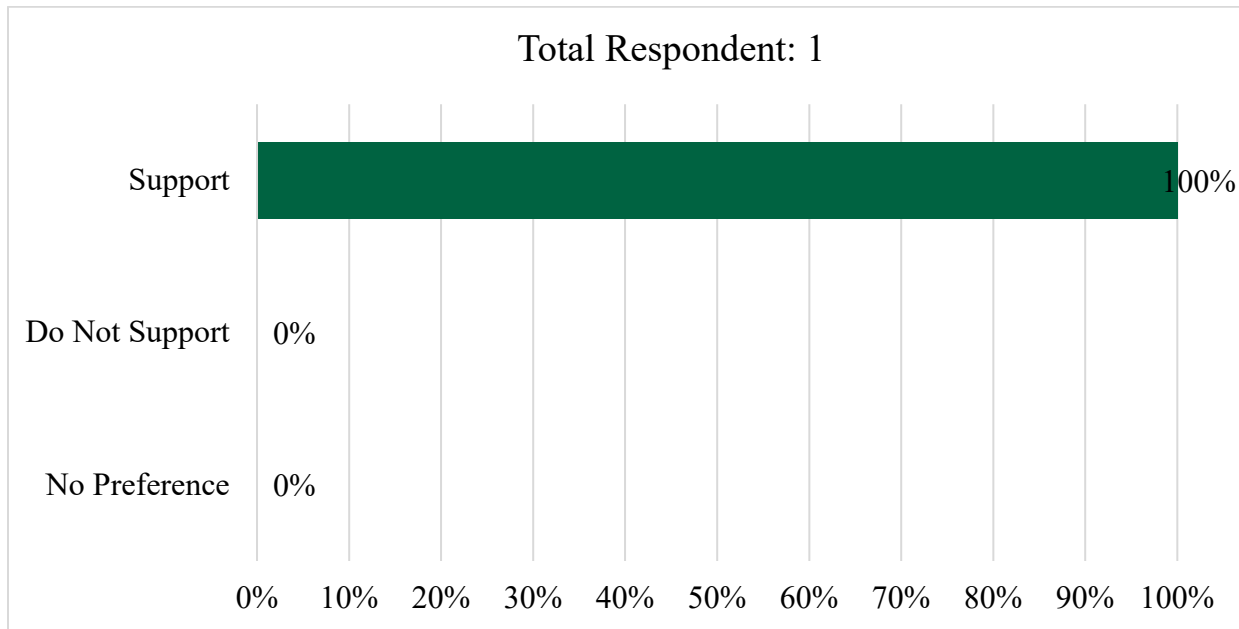


# EXHIBIT D-1

July 25, 2024



## Summary of Public Comments on 15A NCAC 10F .0321 - Pender County, Town of Surf City



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	1	0	0	0	0	0	0	0	0	0	1
Do Not Support	0	0	0	0	0	0	0	0	0	0	0	0
No Preference	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

One public hearing was held on June 26, 2024.

# EXHIBIT D-2

July 25, 2024



## FINAL ADOPTION FOR PROPOSED AMENDMENTS TO 15A NCAC 10F .0321 – PENDER COUNTY, TOWN OF SURF CITY

The Notice of Text for adoption of amendments to 15A NCAC 10F .0321 Pender County- Town of Surf City, to create two no-wake zones along the Town waterfront in Topsail Sound and Topsail Creek, one north of the channel setback of the Intracoastal Waterway (ICW), from a point east of the N.C. Highway 210 Surf City Bridge eastward 550 yards to a point in Topsail Sound and a portion of Topsail Creek; and one no-wake zone south of the channel setback of the ICW in Topsail Sound from a point east of the N.C. Highway 210 Surf City Bridge eastward 480 yards to a point in the Sound adjacent to the mouth of Deep Creek was published in the *NC Register* with open comment period and public hearing, per the Administrative Procedure Act.

As part of the agency's periodic review of Rules, the Notice of Text included names, addresses and descriptions of the Boating Access Areas in Pender County that are owned or operated by the WRC and have been added for codification in the NCAC.

Staff seeks your adoption of these proposed Rule amendments, subject to final review by the N.C. Rules Review Commission. The earliest effective date of the Rule will be October 1, 2024.

### 15A NCAC 10F .0321 PENDER COUNTY

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the following waters in Pender County:

~~(1) the canal adjoining Olde Point Development in Hampstead;~~

(1) Hampstead:

(A) the canal adjoining Olde Point Subdivision adjacent to the Intracoastal Waterway (ICW) near 2019 Kings Landing Road; and

(B) the waters within 50 yards of the Hampstead Boating Access Area adjacent to the ICW at 613 Lewis Road.

(2) NewTopsail Beach, Town of Topsail Beach:

~~(A) The~~ the First Finger Canal northeast of Godwin Avenue adjacent to Banks Channel; and Drive in New Topsail Beach;

~~(3)~~ (B) Town of Topsail Beach, the waters on the eastern side of Banks Channel within 100 yards of the shoreline beginning 155 yards west of Bush's Marina, extending northeast ending 75 yards from the shoreline perpendicular to Haywood Avenue; Avenue.



~~(4)(3)~~ Castle Hayne, the The waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area. ~~Area; and~~

~~(5)(4)~~ Town of Surf City, City:

(A) the waters of the channel in Topsail Sound known as Deep Creek, from near its mouth at a point at 34.43199 N, 77.54795 W 34.43208 N, 77.54808 W to its end west of Goldsboro ~~Avenue.~~ Avenue;

(B) the waters of Topsail Sound and Topsail Creek northeast of the channel setback of the ICW, beginning north of the channel setback east of the N.C. Highway 210 Surf City Bridge at a point at 34.42975 N, 77.55213 W, then 550 yards northeastward to a line from the point north of the channel setback at 34.43294 N, 77.54837 W to a point on the island at 34.43327 N, 77.54873 W, then northward including waters of Topsail Sound and a portion known as Topsail Creek to a line from a point on the town shoreline at 34.43425 N, 77.55069 W, to a point on the island at 34.43378 N, 77.55017 W; and

(C) the waters of Topsail Sound southeast of the channel setback of the ICW, beginning south of the channel setback and east of the N.C. Highway 210 Surf City Bridge at a point at 34.42902 N, 77.55200 W including the waters where the Surf City Boating Access Area and Soundside Park are located at 517 Roland Avenue, then 480 yards northeastward to a point south of the channel setback at 34.43167 N, 77.54848 W, adjacent to the mouth of Deep Creek.

(5) Burgaw:

(A) the waters within 50 yards of the Shelter Creek Boating Access Area on Shelter Creek, at 12380 Shaw Highway.

(B) the waters within 50 yards of the Sawpit Landing Boating Access Area on the Northeast Cape Fear River, at 527 Whitestocking Road Extension; and

(C) the waters within 50 yards of the Holly Shelter Boating Access Area on the Northeast Cape Fear River, at 7271 Shaw Highway.

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

(c) Placement of Markers. The following agencies shall place markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

(1) ~~The~~ the Board of Commissioners of Pender County for the regulated areas designated in Subparagraphs (a)(1), (2), and (4) of this Rule, Part (a)(1)(A) and (a)(2)(A) of this Rule; and

(2) the Board of Commissioners of the Town of Topsail Beach for the regulated area designated in Subparagraph Part (a)(2)(B) of this Rule. Rule, and the Board of Commissioners of the Town of Surf City for the regulated area designated in Subparagraph (a)(5) of this Rule shall be the designated agencies 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.

(d) Placement and Maintenance of Markers. The following agencies shall place and maintain 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 Commissioners of the Town of Surf City for the markers for the regulated areas designated in Parts (a)(4)(A), (B), and (C) of this Rule; and
- (2) the North Carolina Wildlife Resources Commission for the markers for the regulated areas designated in Parts (a)(1)(B), and (a)(5)(A), (B) and (C) of this Rule.

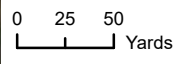
*History Note: Authority G.S. 75A-3; 75A-15;  
Eff. May 1, 1976;  
Amended Eff. July 1, 1993; December 1, 1991; May 1, 1989; October 1, 1985;  
Temporary Amendment Eff. April 1, 1999;  
Amended Eff. June 1, 2017; July 1, 2000;  
Readopted Eff. October 1, 2018.*

15A NCAC 10F .0321 - Proposed No-Wake Zone by the Town of Surf City  
 Intracoastal Waterway, Town of Surf City, Pender County



Legend:

- Proposed No-Wake Zone
- Existing No-Wake Zone
- No Wake Buoy (NCWRC-maintained)
- USACE Channel Setback



# EXHIBIT E-1

July 25, 2024



## 15A NCAC 10F .0305– BRUNSWICK COUNTY, TOWN OF SUNSET BEACH APPLICATION FOR RULEMAKING FOR PROPOSED AMENDMENT AT SOUTH JINKS CREEK

The Wildlife Resources Commission received an application and Resolution from the Town of Sunset Beach, requesting permanent rulemaking in an area of South Jinks Creek beginning in the navigation channel north of the Feeder Channel and including the waters of the Feeder Channel, four narrow finger canals at the end of the Feeder Channel, and the Bay Area.

The Town of Sunset Beach is requesting permanent rulemaking that replaces and slightly enlarges the former temporary no-wake zone that was established in South Jinks Creek during a two-year dredging project. The Town is concerned with increasing vessel traffic, shoaling, and vessels traveling too fast for conditions in this portion of South Jinks Creek, with more than 100 docks. During warm weather the town is crowded with visitors who do not know the waters well. Motorized vessels compete with kayaks, canoes, and personal watercraft that enter and exit the navigation channel to go to and return from the Intracoastal Waterway. The Town is hopeful that a permanent no-wake zone in South Jinks Creek will help maintain safer conditions in the congested and shallow creek with a very narrow navigation channel.

If the Rule is adopted, the Town of Sunset Beach will bear the cost for purchase and placement of regulatory markers. Brunswick County is a coastal county subject to the Coastal Area Management Act (CAMA) permitting requirements. The WRC's blanket CAMA permit authorizes any coastal county to place or replace Aids to Navigation (ATONS) at no additional cost.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A**). Enforcement's assessment showed sandbars and many docks in four narrow canals and the Bay Area. The water depth is tide dependent and shoaling is frequent there. Enforcement found no reported boating incidents in South Jinks Creek and stated that residents operate their vessels with regard for the safety of others and themselves.

Staff requests that the Commission consider the application from the Town of Sunset Beach for permanent water safety rulemaking in South Jinks Creek.

Staff also recommends approval to publish Notice of Text in the *NC Register* with an open comment period, to correct coordinates at the no-wake zone at the Odell Williamson Bridge at Ocean Isle Beach and remove the Dutchman Creek Boating Access Area from the NCAC, as it is a duplicate entry under a different name.



**15A NCAC 10F .0305 BRUNSWICK COUNTY**

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the waters described as follows:

- (1) Lockwood 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 S.R. 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 Lockwood 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) Morningstar Marinas Southport, 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 S.R. 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 57<sup>th</sup> 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 S.R. 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 40<sup>th</sup> Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at ~~33.89567 N, 78.51194 W;~~ 33.89551 N, 78.44077 W;
- (11) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;

- (12) Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (13) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;
- (14) within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (15) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;
- (16) within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow;
- (17) within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash; ~~and~~
- ~~(18) within 50 yards of the Dutchman Creek Boat Ramp on Dutchman Creek in Southport.~~
- (18) South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel from a point at 33.87617 N, 78.49297 W to a point at 33.87664 N, 78.49164 W, southward, west of a line to a point on the shore at 33.87325 N, 78.49033 W, including the waters of the feeder channel, four finger canals, and the Bay Area; and
- (19) Fox Creek in the Town of Sunset Beach, the navigation channel north of North Shore Drive West, from a point at 33.87250 N, 78.51091 W westward to a point at 33.87072 N, 78.51755 W.

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

(c) Placement and Maintenance of Markers. The following agencies shall place or place and maintain 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 placement in the area indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for placement in areas indicated in Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; ~~and~~
- (3) the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) ~~through (18)~~ through (17) of this ~~Rule~~ Rule; ~~and~~
- (4) the Town Council of the Town of Sunset Beach for placement in areas indicated in Subparagraphs (a)(18) and (19) 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. May 1, 2021; July 1, 2018;*

*Temporary Amendment Eff. October 1, 2022;*

*Temporary Amendment Eff. August 15, 2023;*

*Amended Eff. February 1, 2024.*



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

*Water safety rulemaking applications are considered at August and December NCWRC meetings.  
Please submit information at least six (6) weeks in advance.*

1. Governmental Unit: Town of Sunset Beach Date: 3/6/2024

Contact Name: Lisa Anglin, Town Mgr.

Mailing Address: [REDACTED] Phone: [REDACTED]  
Email: [REDACTED]

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:

South Jinks Creek, Brunswick County, From a line north of the feeder channel to the south and west including feeder channel, four finger canals, and bay area.

Name of Body of Water, County, Location: \_\_\_\_\_

Popular Name (if any): Jinks Creek / Tubbs Inlet

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

Area with shallow water and shoaling, and narrow dredged channels, with a feeder channel that is 30 yards wide and four finger canals at one end, and multiple houses and docks in the bay area with navigable areas between the docks if operated at a safe speed for conditions. Open Fields of view And Plenty of room for safety operations even in the narrow creeks and channels.

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
- 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 NO WAKE ZONE 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:

This is a very crowded section of Jinks Creek. Navigation and maneuverability in the narrow channels and canals are hazardous to boaters who live on the creek and enter and leave to reach the ICW through the very narrow channel at the of E North Shore Dr, between the feeder channel and the bay area. Docks on both side of the feeder channel ( more than 100 in the canals and feeder area ) and bay area ( than 55 docks in the bay area ) create a narrow area for boats to navigate, in some places only 20 yards. Several danger buoys have been placed to mark the shoals in South Jinks Creek.

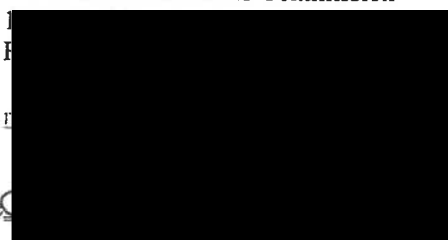
4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. 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 or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**  
NC Wildlife Resources Commission



Signature \_\_\_\_\_

Date 4/9/2024



**RESOLUTION REQUESTING A RULEMAKING  
OF A “NO WAKE ZONE”  
IN JINKS CREEK / TUBBS INLET**

**WHEREAS**, Public Notice has been given of the Town’s intention to make application to the North Carolina Wildlife Commission a Rule of a No Wake Zone along Jinks Creek / Tubbs Inlet; and,

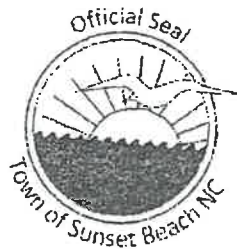
**WHEREAS**, the Town of Sunset Beach agrees to purchase and place markers that conform to U. S. Aids to Navigation (USATONS) standards to implement a Rule.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Sunset Beach, North Carolina request the North Carolina Wildlife Commission for a rulemaking for the waters along Jinks Creek / Tubbs Inlet, Brunswick County, from a line north of the feeder channel to the south and west including the feeder channel, the finger canals and the bay area.

Adopted this the 1<sup>st</sup> day of April, 2024

ATTEST:

  
Lisa Anglin  
Town Clerk



TOWN OF SUNSET BEACH



By: D. Shannon Phillips  
Mayor

AFFP  
No Wake

**Affidavit of Publication**

STATE OF NC }  
COUNTY OF BRUNSWICK } SS

Christy Williamson, being duly sworn, says:

That she is Christy Williamson, Advertising Director of the Brunswick Beacon, a daily newspaper of general circulation, printed and published in Shallotte, Brunswick County, NC; that the publication, a copy of which is attached hereto, was published in the said newspaper on

March 28, 2024

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

[Redacted Signature]

Christy Williamson, Advertising Director

Subscribed to and sworn to me this 28th day of March 2024.

[Redacted Signature]

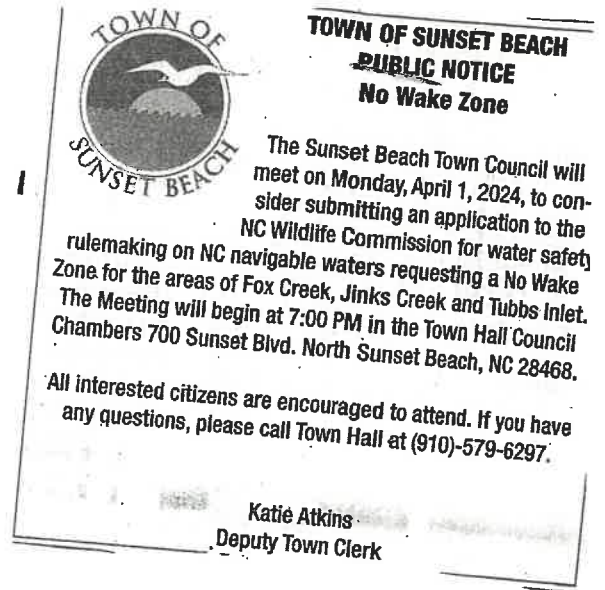
Dorothy Mascolo, Notary Brunswick, Brunswick County, NC

My commission expires: December 29, 2024

70027858 70919416

BR  
TOWN OF SUNSET BEACH

[Redacted Address]





# NO-WAKE ZONE INVESTIGATION MATRIX

## SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Town of Sunset Beach
- Primary contact information: Lisa Anglin, Town Mgr. [REDACTED]
- Location of requested no-wake zone:
  - Body of water and County: South Jinks Creek, Brunswick County
  - Location: from a line north of the feeder channel to south and west including feeder channel, four finger canals, and bay area. \_\_\_\_\_
  - Popular name of area, if any: Jinks Creek / Tubbs inlet \_\_\_\_\_
  - Width of No-Wake Zone: Narrowest Point: 91'      Widest Point: 1,231'
  - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)  
 Area with shallow water and shoaling, and narrow dredged channels, with a feeder channel that is 30 yards wide and four finger canals at one end, and multiple houses and more than 100 docks in South Jinks Creek, with navigable areas between the docks if operated at no wake speed.

**\*Attach map of designated no-wake zone\***

See attached map

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





## NO-WAKE ZONE INVESTIGATION MATRIX

### **Provide detailed reason given from point of contact for the request**

A temporary no-wake zone was placed and has been extended in this section of South Jinks Creek for the duration of a coastal dredging project to be completed in 2024. This is a very crowded section of Jinks Creek. Navigation and maneuverability in the narrow channels and canals are hazardous to boaters who live on the creek and enter and leave to reach the ICW through the very narrow channel at the end of E. North Shore Drive, between the feeder channel and bay area. Docks on both sides of the feeder channel (more than 100 in the canals and feeder area) and bay area (more than 55 docks in the bay area) create a narrow area for boats to navigate, in some places only 20 yards. Several danger buoys have been placed to mark the shoals in South Jinks Creek.

- 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  CAMA

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 INVESTIGATION 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)

Sand bars in areas

## SECTION 3: NAVIGATIONAL HAZARDS

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

OBSTRUCTIONS (Identify) Sand bars in areas.

Can obstructions be removed?  YES  NO

NARROW CHANNEL (give approximate width) 91' in canal leading to residences.

SHALLOW WATER (give average depth) Sand bar exposed at low tide.



# NO-WAKE ZONE INVESTIGATION MATRIX

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 INVESTIGATION MATRIX

## SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS      Date(s): None

CITATIONS ISSUED      Violations: \_\_\_\_\_

VERIFIED COMPLAINTS      List: \_\_\_\_\_

- Rate traffic density in this area    LIGHT
- 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:  
No local laws in this area. State boating laws only.
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES      Identify Violations: PWC distance laws NCGS 75A-13.3 when applicable  
 NO



## NO-WAKE ZONE INVESTIGATION 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): (3190' entrance to end of bay area), (1290' in feeder canal), canals (each canal approx. 825 feet long). \_\_\_\_\_
- Estimated travel time through propose area at no-wake speed: depending on destination at no-wake
- Width of proposed no-wake zone (in feet): Narrowest: 91'      Widest: 1,231'
- 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 INVESTIGATION 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:

The proposed wake zone encompasses an estimated 0.13 square miles or 9'419 square feet. This includes Jinks Creek, Feeder Channel and canals, and recently dredged bay area. Traveling times may vary depending on destination inside the proposed wake zone at an average five miles per hour speed. From my experience persons operating in this area are often familiar with the conditions and operate their vessels according to the required rules, regulations and due regard for the safety of others and themselves. During the time spent in this area I do not recall any boating incident.

Officer: \_\_\_\_\_

Date: \_\_\_\_\_

Sergeant: M L Criscoe

Date: 11/09/2023



15A NCAC 10F .0305 - Temporary No Wake Zone Request  
South Jinks Creek, Town of Sunset Beach, Brunswick County



# EXHIBIT E-2

July 25, 2024



## 15A NCAC 10F .0305– BRUNSWICK COUNTY, TOWN OF SUNSET BEACH APPLICATION FOR RULEMAKING FOR PROPOSED AMENDMENT AT FOX CREEK

The Wildlife Resources Commission received an application and Resolution from the Town of Sunset Beach, requesting permanent rulemaking in a portion of Fox Creek along North Shore Drive between 28<sup>th</sup> and 40<sup>th</sup> Street, shore to shore in an extremely shallow and narrow navigation channel.

The Town of Sunset Beach requests permanent rulemaking to create a no-wake zone in the most hazardous and shallow portion of this tidal creek that winds around the marsh until it reaches the Intracoastal Waterway. The Town Manager reports that in some places in the channel there are just 20 yards between the end of docks to the mud flat. At low tide parts of the creek are 6-12 inches deep, with oyster masses and remains of dock pilings that are exposed or close to the surface. Underwater obstructions make it dangerous for any motorized vessel to travel at greater than no-wake speed. Visitors to the area and operators of personal watercraft do not observe safety precautions in the area and there are reports of races in the marsh that endanger kayakers, anglers who are not underway, and residents leaving the creek to get to the ICW and who must work around boaters who do not know the conditions and endanger others with reckless operation at unregulated speed. The most hazardous conditions occur along North Shore Drive between 28<sup>th</sup> and 40<sup>th</sup> Street. The Town submitted some photographs of Fox Creek at high and low tide, showing the oyster rocks, exposed broken pilings and other obstructions barely underwater at high tide.

If the Rule is adopted, the Town of Sunset Beach will bear the cost for purchase and placement of regulatory markers. Brunswick County is a coastal county subject to the Coastal Area Management Act (CAMA) permitting requirements. The WRC's blanket CAMA permit authorizes any coastal county to place or replace Aids to Navigation (ATONS) at no additional cost.

Agency Enforcement has investigated the area and returned an Assessment Matrix (**Attachment A**). Enforcement's assessment stated that there are very low tide conditions, oyster beds, sandbars, private docks at the navigation channel, marsh grass and sharp bends in the creek that block the view of anglers and non-motorized vessels. There have been verified complaints from the Town of Sunset Beach, with requests for rulemaking and signage to slow vessel traffic through the barely navigable area at low tide.



Staff requests that the Commission consider the application from the Town of Sunset Beach for water safety rulemaking to create a no-wake zone in the small section of Fox Creek to mitigate multiple hazards to boater and water recreationist safety.

**15A NCAC 10F .0305 BRUNSWICK COUNTY**

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the waters described as follows:

- (1) Lockwood 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 S.R. 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 Lockwood 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) Morningstar Marinas Southport, 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 S.R. 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 57<sup>th</sup> 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 S.R. 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 40<sup>th</sup> Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578

N, 78.43870 W, to a point 100 yards west of the Bridge at ~~33.89567 N, 78.51194 W;~~ 33.89551 N, 78.44077 W;

- (11) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;
- (12) Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (13) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;
- (14) within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (15) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;
- (16) within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow;
- (17) within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash; ~~and~~
- ~~(18) within 50 yards of the Dutchman Creek Boat Ramp on Dutchman Creek in Southport.~~
- (18) South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel from a point at 33.87617 N, 78.49297 W to a point at 33.87664 N, 78.49164 W, southward, west of a line to a point on the shore at 33.87325 N, 78.49033 W, including the waters of the feeder channel, four finger canals, and the Bay Area; and
- (19) Fox Creek in the Town of Sunset Beach, the navigation channel north of North Shore Drive West, from a point at 33.87250 N, 78.51091 W westward to a point at 33.87072 N, 78.51755 W.

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

(c) Placement and Maintenance of Markers. The following agencies shall place or place and maintain 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 placement in the area indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for placement in areas indicated in Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; ~~and~~
- (3) the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) ~~through (18)~~ through (17) of this ~~Rule~~ Rule; and

(4) the Town Council of the Town of Sunset Beach for placement in areas indicated in Subparagraphs (a)(18) and (19) 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. May 1, 2021; July 1, 2018;  
Temporary Amendment Eff. October 1, 2022;  
Temporary Amendment Eff. August 15, 2023;  
Amended Eff. February 1, 2024.*



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

Water safety rulemaking applications are considered at August and December NCWRC meetings.  
Please submit information at least six (6) weeks in advance.

1. Governmental Unit: Town Of Sunset Beach Date: 3/6/2024  
Contact Name: Lisa Anglin, Town Mgr.  
Mailing Address: [REDACTED] Phone: [REDACTED]  
Email: [REDACTED]

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: Fox Creek, Brunswick County, Shore to Shore along North Shore Dr between 28th St and 40th St

Popular Name (if any): Fox Creek

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

Limited navigable creek limited to high tide, very low conditions 6-12" at low tide, conditions at high tide 3-4'. At low tide marsh grass may obstruct visibility for low profile vessels ( kayaks, canoes). Fox Creek has several Areas Of oyster beds and sand bars.

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
- 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 NO WAKE ZONE 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:

The narrow navigation channel and underwater obstructions make it dangerous for motorized vessels to travel at greater than no-wake speed, especially with tidal changes and marsh grass. Homeowners along North Shore DR. There is competition between boaters, non-motorized recreationists, anglers who drift along the creeks, and PWCs who race through the narrow areas at unregulated speed. Depending upon the tides, sight lines through the marsh grass are diminished and there have been near misses with kayakers and anglers who are not underway. The Town is working with PWC rental companies to educate renters who don't know the waters in the marsh off the ICW. The Town also is working on placing signage in the marsh. Boat owner and dock owners are most concerned about the hazardous conditions in Fox Creek and Bull Creek along the North Shore Dr, between 28th And 40th St

4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. 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 or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**  
NC Wildlife Resources Commission  
1717 Mail Service Center  
Raleigh, NC 27699-1717

Signature \_\_\_\_\_

Date 4/9/2024



**RESOLUTION REQUESTING A RULEMAKING  
OF A “NO WAKE ZONE”  
IN FOX CREEK**

**WHEREAS**, Public Notice has been given of the Town’s intention to make application to the North Carolina Wildlife Commission a Rule of a No Wake Zone along Fox Creek; and,

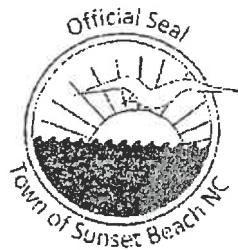
**WHEREAS**, the Town of Sunset Beach agrees to purchase and place markers that conform to U. S. Aids to Navigation (USATONS) standards to implement a Rule.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Sunset Beach, North Carolina request the North Carolina Wildlife Commission for a rulemaking for the waters along Fox Creek, Brunswick County, shore to shore along North Shore Drive West between 28<sup>th</sup> Street and 40<sup>th</sup> Street.

Adopted this the 1<sup>st</sup> day of April, 2024

ATTEST:

  
Lisa Anglin  
Town Clerk



TOWN OF SUNSET BEACH



By: D. Shannon Phillips  
Mayor

AFFP  
No Wake

### Affidavit of Publication

STATE OF NC )  
COUNTY OF BRUNSWICK ) SS

Christy Williamson, being duly sworn, says:

That she is Christy Williamson, Advertising Director of the Brunswick Beacon , a daily newspaper of general circulation, printed and published in Shallotte , Brunswick County, NC; that the publication, a copy of which is attached hereto, was published in the said newspaper on March 28, 2024

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

[Redacted Signature]

Christy Williamson, Advertising Director

Subscribed to and sworn to me this 28th day of March 2024.

[Redacted Signature]

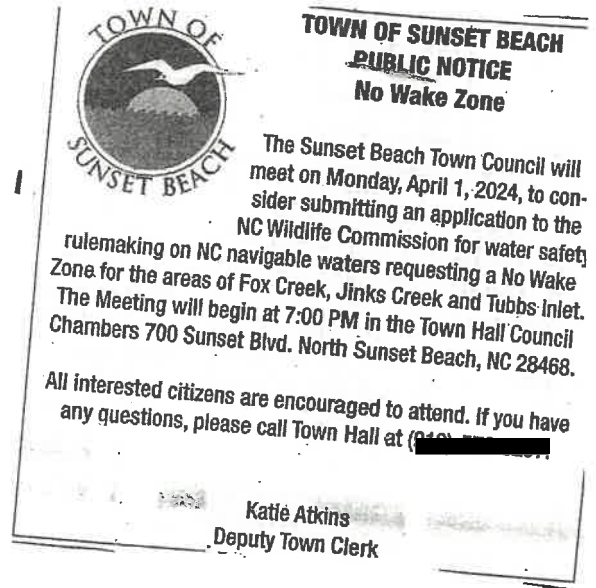
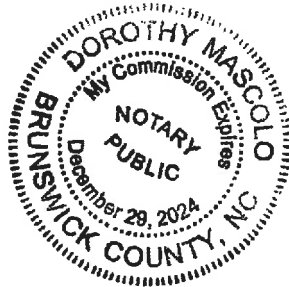
Dorothy Mascolo, Notary Brunswick, Brunswick County, NC

My commission expires: December 29, 2024

70027858 70919416

BR  
TOWN OF SUNSET BEACH

[Redacted]





## NO-WAKE ZONE INVESTIGATION MATRIX

### SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Town of Sunset Beach
- Primary contact information: Lisa Anglin, Town Mgr. [REDACTED]
- Location of requested no-wake zone:
  - Body of water and County: Fox Creek off ICW Brunswick County
  - Location: Shore to shore along North Shore Dr. between 28th St. and 40th St.
  - Popular name of area, if any: Fox Creek
  - Width of No-Wake Zone: Narrowest Point: 88'      Widest Point: 237'
  - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)  
Limited navigable creek limited to high tide, very low conditions 6-12" at low tide, conditions at high tide 3-4'. At low tide marsh grass may obstruct visibility for low profile vessels (kayaks, canoes). Fox creek has several areas of oyster beds and sand bars.

**\*Attach map of designated no-wake zone\***

See attachment of Map.

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





## NO-WAKE ZONE INVESTIGATION MATRIX

### Provide detailed reason given from point of contact for the request

The narrow navigation channel and underwater obstructions make it dangerous for motorized vessels to travel at greater than no-wake speed, especially with tidal changes and marsh grass. Homeowners along North Shore Dr. routinely take their boats into the ICW and return to their homes, and contend with the tidal changes in the marsh with narrow channel. There is competition between boaters, non-motorized recreationists, anglers who drift along the creeks, and PWCs who race through the narrow areas at unregulated speed. Depending upon the tides, sight lines through the marsh grass are diminished and there have been near misses with kayakers and anglers who are not underway. The Town is working with PWC rental companies to educate renters who don't know the waters in the marsh off the ICW. The Town also is working on placing signage in the marsh. Boat owners and dock owners are most concerned about the hazardous conditions in Fox Creek and Bull Creek along the North Shore Dr. between 28th and 40th St.

- 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  WRC has a blanket CAMA permit for structures placed in coastal counties as result of water safety rulemaking.  
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.**

**\*\* Brunswick is a CAMA County. WRC has blanket CAMA permit for markers placed in waters as result of rulemaking.**



NO-WAKE ZONE INVESTIGATION 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: \_\_\_\_\_

[x] OTHER (list and describe)

Very low tide conditions, oyster beds, sand bars, private docks, bends in the creek, marsh grass. Boaters, PWCs, non-motorized vessels.

SECTION 3: NAVIGATIONAL HAZARDS

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

[x] OBSTRUCTIONS (Identify) Very low tide conditions, oyster beds, sand bars, private docks, bends in the creek, marsh grass. \_\_\_\_\_

Can obstructions be removed? [ ] YES [x] NO

[x] NARROW CHANNEL (give approximate width) 88' to 237'

[x] SHALLOW WATER (give average depth) Low tide 6-12" High 3-4'



# NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) 50yards

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)  
Private Docks, marsh grass.



## NO-WAKE ZONE INVESTIGATION MATRIX

### SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS      Date(s): None

CITATIONS ISSUED      Violations: \_\_\_\_\_

VERIFIED COMPLAINTS      List: Town of Sunset Beach

- Rate traffic density in this area    LIGHT
- 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:  
No local law, only state laws pertain
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES      Identify Violations: PWC distance laws NCGS 75A-13.3  
 NO





## NO-WAKE ZONE INVESTIGATION 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:

Due to clear line of sight when operating in the creek and conditions of the creek at low and high tide, enforcement presence in the area of private docks during peak periods would control concerns and enforcing NCGS 75A-13.3. (PWC state laws)

Officer: \_\_\_\_\_

Date: \_\_\_\_\_

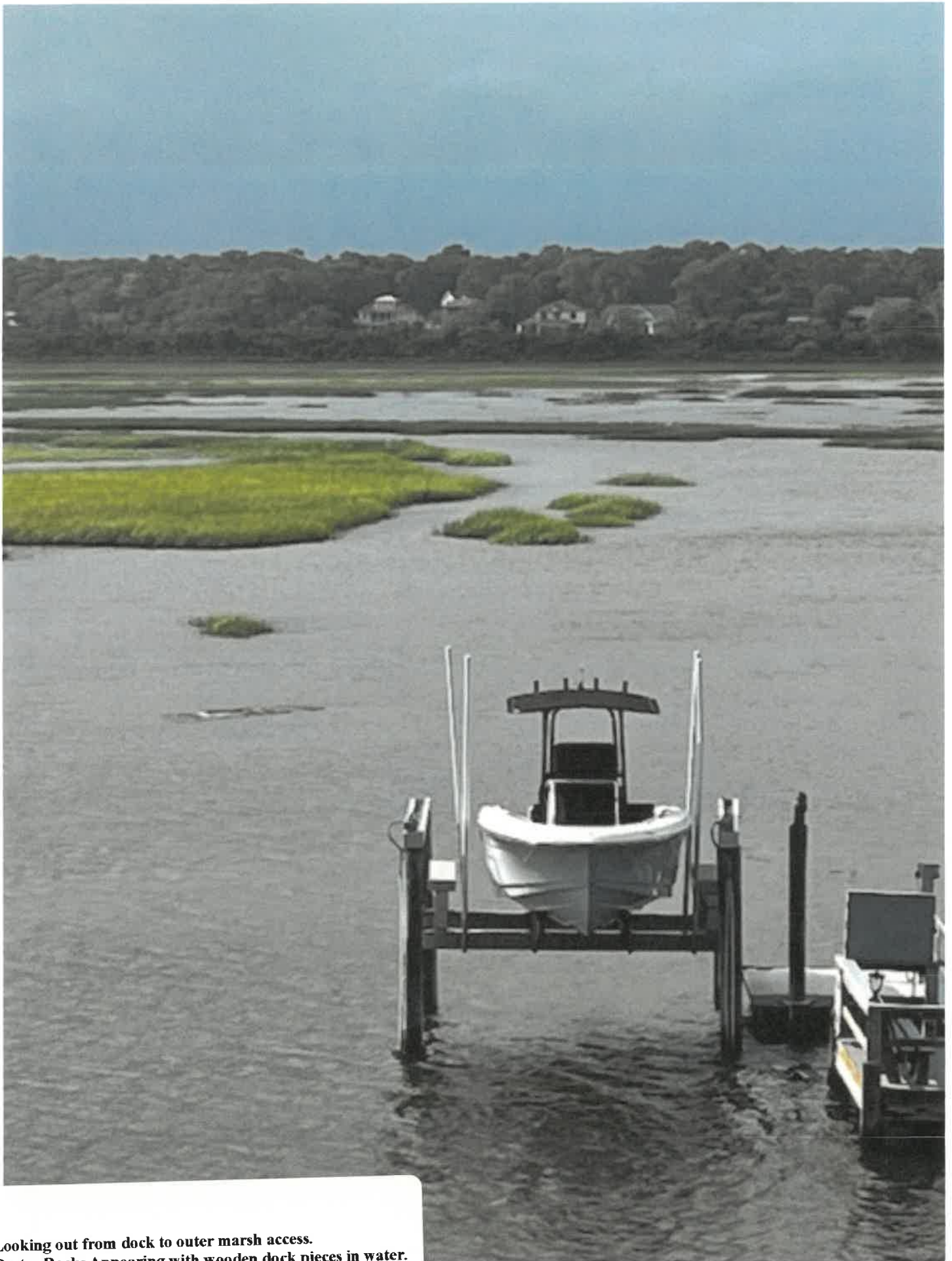
Sergeant: Sgt. ML Criscoe

Date: 11/09/2023

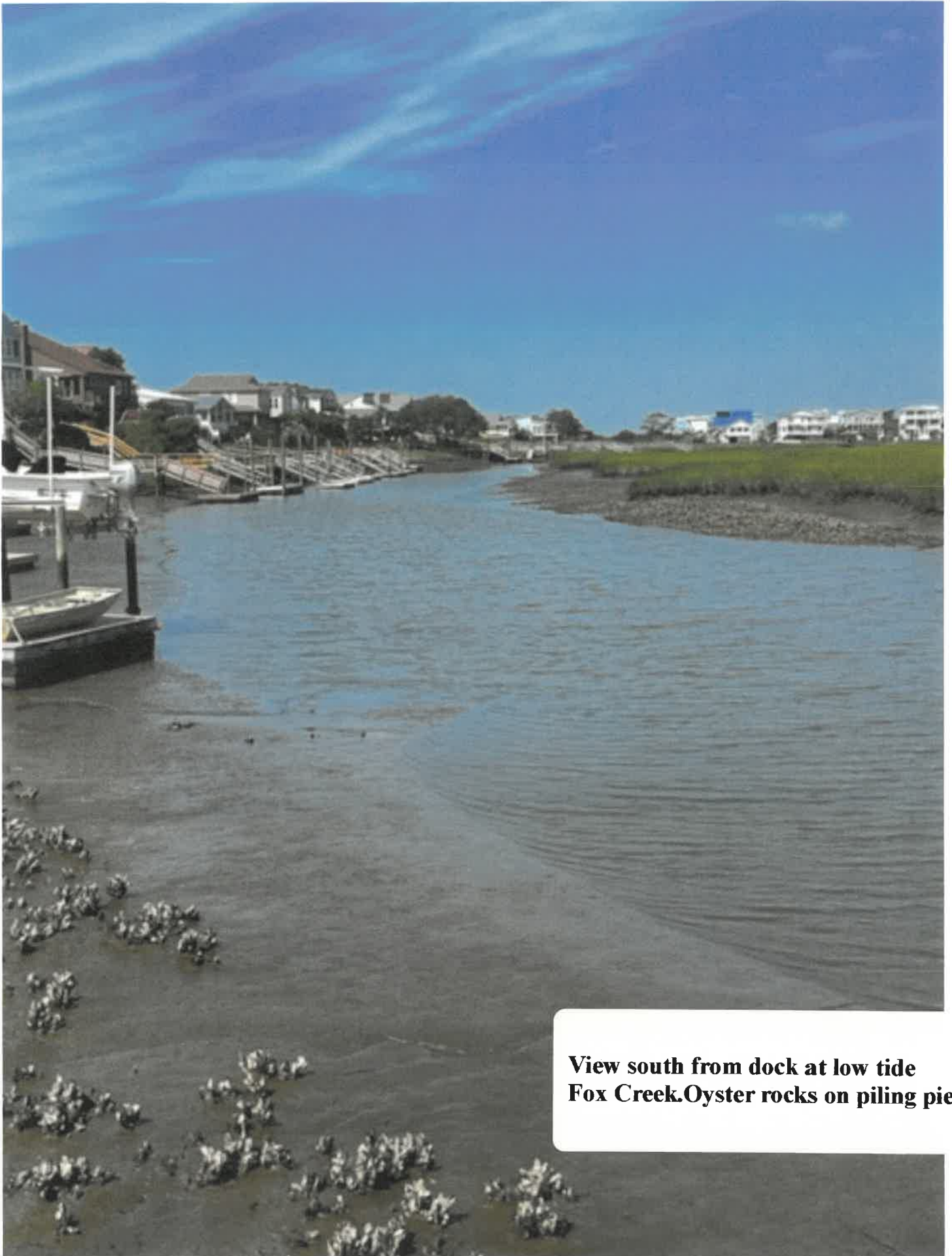


**Looking straight from dock to marsh backwater.  
Oyster rocks, pilings and crab traps at low tide.**





Looking out from dock to outer marsh access.  
Oyster Rocks Appearing with wooden dock pieces in water.



**View south from dock at low tide  
Fox Creek. Oyster rocks on piling pieces**





**south look at Fox Creek Bull Creek  
North Shore Dr. W  
Sunset Beach High Tide**



**Requested No-Wake Zone**  
**Fox Creek, Town of Sunset Beach, Brunswick County**







## NO-WAKE ZONE INVESTIGATION MATRIX

### Provide detailed reason given from point of contact for the request

The narrow navigation channel and underwater obstructions make it dangerous for motorized vessels to travel at greater than no-wake speed, especially with tidal changes and marsh grass. Homeowners along North Shore Dr. routinely take their boats into the ICW and return to their homes, and contend with the tidal changes in the marsh with narrow channel. There is competition between boaters, non-motorized recreationists, anglers who drift along the creeks, and PWCs who race through the narrow areas at unregulated speed. Depending upon the tides, sight lines through the marsh grass are diminished and there have been near misses with kayakers and anglers who are not underway. The Town is working with PWC rental companies to educate renters who don't know the waters in the marsh off the ICW. The Town also is working on placing signs in the marsh. Boat owners and dock owners are most concerned about the hazardous conditions in Fox Creek and Bull Creek along the North Shore Dr. between 28th and 40th St.

- 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  WRC has a blanket CAMA permit for structures placed in coastal counties as result of water safety rulemaking.
  - 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.**

***\*\* Brunswick is a CAMA County. WRC has blanket CAMA permit for markers placed in waters as result of rulemaking.***



# NO-WAKE ZONE INVESTIGATION 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)

Very low tide conditions, oyster beds, sand bars, private docks, bends in the creek, marsh grass. Boaters, PWCs, non-motorized vessels.

## SECTION 3: NAVIGATIONAL HAZARDS

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

OBSTRUCTIONS (Identify) Very low tide conditions, oyster beds, sand bars, private docks, bends in the creek, marsh grass. \_\_\_\_\_

Can obstructions be removed?  YES  NO

NARROW CHANNEL (give approximate width) 88' to 237'

SHALLOW WATER (give average depth) Low tide 6-12" High 3-4'





# NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) 50yards

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)  
Private Docks, marsh grass.



# NO-WAKE ZONE INVESTIGATION MATRIX

## SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS      Date(s): None

CITATIONS ISSUED      Violations: \_\_\_\_\_

VERIFIED COMPLAINTS      List: Town of Sunset Beach

- Rate traffic density in this area    LIGHT
- 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:  
No local law, only state laws pertain
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES      Identify Violations: PWC distance laws NCGS 75A-13.3  
 NO



## NO-WAKE ZONE INVESTIGATION 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): 2,343'
- Estimated travel time through propose area at no-wake speed: 5:20 at a speed of 5mph
- Width of proposed no-wake zone (in feet): Narrowest: 88'      Widest: 237'
- 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 INVESTIGATION 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:

Due to clear line of sight when operating in the creek and conditions of the creek at low and high tide, enforcement presence in the area of private docks during peak periods would control concerns and enforcing NCGS 75A-13.3. (PWC state laws)

Officer: \_\_\_\_\_

Date: \_\_\_\_\_

Sergeant: Sgt. ML Criscoe

Date: 11/09/2023

July 25, 2024



**Fiscal Note for No-Wake Zone Rule  
15A NCAC 10F .0305 Brunswick County**

**Agency Contact:** Betsy Haywood  
Water Safety Rules Coordinator  
NC Wildlife Resources Commission  
1751 Varsity Drive, Raleigh, NC 27606  
(919) 707-0011  
[betsy.haywood@ncwildlife.org](mailto:betsy.haywood@ncwildlife.org)

Melva Bonner  
Regulatory Analyst  
NC Wildlife Resources Commission  
1751 Varsity Drive, Raleigh, NC  
(919) 707-0014  
[melva.bonner@ncwildlife.org](mailto:melva.bonner@ncwildlife.org)

**Impact:** State Government: Yes  
Local Government: Yes  
Private Impact: Yes  
Substantial Economic Impact: No

**Authority:** G.S. 113-134; 113-306

**BACKGROUND**

*South Jinks Creek*

A proposed amendment to Rule 15A NCAC 10F .0305(a)(18) Brunswick County – Town of Sunset Beach (APPENDIX 1), will create a no-wake zone in a portion of South Jinks Creek, from a point in the navigation channel of the creek immediately north of the feeder channel, southward along a line in the navigation channel to a point on the beach shoreline at 33.87325 N, 78.49033 W, and will include the waters west of the line including the entire feeder channel with four finger canals, and the bay area. This portion of South Jinks Creek was recently dredged to accommodate busy boat traffic that uses the narrow navigation channel of the creek to and from the Intracoastal Waterway to the north. The safety hazards from dredging equipment, shallow water and shoaling necessitated temporary rulemaking over two years to mitigate boater safety and navigation hazards during the dredging project.

The Town of Sunset Beach applied for rulemaking to permanently establish and expand the no wake zone to continue to mitigate hazards to boater safety. The Town Council is concerned about safe operation of motorized and non-motorized vessels during low tides in shallow water with

multiple shoals and narrow dredged channels. The feeder channel is just 30 yards wide with narrow passage between docks on both sides and four narrow finger canals with docks on both sides located at the end of the feeder channel. There are multiple houses and 55 docks in the bay area with a narrow navigable area between the docks, in some places 20-30 yards, where maneuverability is limited.

The Town of Sunset Beach will purchase the no-wake buoys and mark the no-wake zone South Jinks Creek at an estimated one-time cost of \$1174.

#### *Fox Creek*

A proposed amendment to Rule 15A NCAC 10F .0305(a)(19) Brunswick County – Town of Sunset Beach (APPENDIX 1), will create a no-wake zone approximately 810 yards long along a portion of Fox Creek adjacent to North Shore Drive West, between 28<sup>th</sup> Street and 40<sup>th</sup> Street. The portion of Fox Creek is quite narrow and shallow such that navigation for motorized vessels is limited, mostly to high tide. Residents who routinely travel by boat to the Intracoastal Waterway (ICW) and back to their homes contend with tidal changes, obstructions, and diminished sight lines in the marsh and narrow channel.

The Town of Sunset Beach applied for rulemaking to mitigate hazards to boater safety. The Town Council is concerned about safe and reasonable operation of motorized and non-motorized vessels during low tides, with underwater obstructions that include sandbars and visible oyster beds. Motor boaters and dock owners are most concerned about hazardous conditions for tourists unfamiliar with the area, at high and low tide in the portion of the creek in front of the residential development. Non-motorized, low profile vessels such as kayaks and canoes experience limited sight lines from marsh grasses and bends in the creek. There have been near misses from encounters between motorboaters, kayakers, personal watercraft operators, and anglers who are not underway.

The Town of Sunset Beach will purchase the Aids to Navigation (ATONS) no-wake buoys and mark the no-wake zone on Fox Creek at an estimated one-time cost of \$1174.

### **IMPACT ANALYSIS**

#### **State Impact Analysis:**

The WRC will be responsible for maintenance of the buoys once installed. It is anticipated that the total annual cost to maintain the buoys will not exceed \$200.00/year (assuming the chain and anchor are not needed) and only if a buoy goes missing or is destroyed and must be replaced.

#### **Local Impact Analysis:**

The Town of Sunset Beach will be responsible for the purchase and placement of the ten no-wake buoys needed to mark the no-wake zone in South Jinks Creek and Fox Creek. The purchase and installation are estimated to cost approximately \$2,348. This includes two technicians' time to place ten buoys (12 hours x \$29<sup>1</sup>/hr = \$348) and the cost of ten buoys, chains, and anchors (\$200/buoy, chain and anchor x 10=\$2,348).

Brunswick County is a coastal county subject to CAMA permitting requirements by the N.C. Department of Coastal Management. The N.C. Department of Environmental Quality and Coastal Resources Commission (blanket) Permit Number 101-20 issued to the Wildlife Resources

---

<sup>1</sup> Calculated using 2024 average contractor salary and benefits

Commission authorizes any coastal county in the State to replace or install Aids to Navigation (ATONS) at no additional cost.

**Private Impact:**

The proposed rule is anticipated to have minimal private impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters of the regulated portions of South Jinks Creek and Fox Creek with no-wake speed. However, the benefit of that restriction will be the mitigation of safety hazards to all boaters and other water recreationists in the shallow, narrow waters with multiple underwater obstructions and diminished sight lines.



## APPENDIX 1

### 15A NCAC 10F .0305 BRUNSWICK COUNTY

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

- (1) Lockwood 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 S.R. 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 Lockwood 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) Morningstar Marinas Southport, 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 S.R. 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 57<sup>th</sup> 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 S.R. 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 40<sup>th</sup> Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at ~~33.89567 N, 78.51194 W;~~ 33.89551 N, 78.44077 W;
- (11) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;

- (12) Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (13) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;
- (14) within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (15) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;
- (16) within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow;
- (17) within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash;  
and
- ~~(18) within 50 yards of the Dutchman Creek Boat Ramp on Dutchman Creek in Southport.~~
- (18) South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel from a point at 33.87617 N, 78.49297 W to a point at 33.87664 N, 78.49164 W, southward, west of a line to a point on the shore at 33.87325 N, 78.49033 W, including the waters of the feeder channel, four finger canals, and the Bay Area; and
- (19) Fox Creek in the Town of Sunset Beach, the navigation channel north of North Shore Drive West, from a point at 33.87250 N, 78.51091 W westward to a point at 33.87072 N, 78.51755 W.

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

(c) Placement and Maintenance of Markers. The following agencies shall place or place and maintain 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 placement in the area indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for placement in areas indicated in Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) ~~through (18)~~ through (17) of this Rule Rule; and
- (4) the Town Council of the Town of Sunset Beach for placement in areas indicated in Subparagraphs (a)(18) and (19) 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. May 1, 2021; July 1, 2018;*

*Temporary Amendment Eff. October 1, 2022;*

*Temporary Amendment Eff. August 15, 2023;  
Amended Eff. February 1, 2024.*

# EXHIBIT E-4

July 25, 2024



## 15A NCAC 10F .0305– BRUNSWICK COUNTY TECHNICAL CORRECTIONS

Staff requests that the Commission approves submitting Notice of Text with an open comment period and public hearing, for a technical correction to correct the coordinates in 10F .0305 (a)(10) at Ocean Isle Beach for the no-wake zone at the Odell Williamson Bridge and Ocean Isle Boating Access Area; and to remove 10F .0305 (a)(18), the amendment for a no-wake zone within 50 yards of Dutchman Creek Boat Ramp in Southport, as it is a duplicate entry.

### 15A NCAC 10F .0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the waters described as follows:

- (1) Lockwood 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 S.R. 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 Lockwood 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) Morningstar Marinas Southport, 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 S.R. 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 57<sup>th</sup> 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 S.R. 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 40<sup>th</sup> Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at 33.89567 N, 78.51194 W; 33.89551 N, 78.44077 W;
- (11) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;
- (12) Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (13) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;
- (14) within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (15) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;
- (16) within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow;
- (17) within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash; ~~and~~
- ~~(18) within 50 yards of the Dutchman Creek Boat Ramp on Dutchman Creek in Southport.~~
- (18) South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel from a point at 33.87617 N, 78.49297 W to a point at 33.87664 N, 78.49164 W, southward, west of a line to a point on the shore at 33.87325 N, 78.49033 W, including the waters of the feeder channel, four finger canals, and the Bay Area; and
- (19) Fox Creek in the Town of Sunset Beach, the navigation channel north of North Shore Drive West, from a point at 33.87250 N, 78.51091 W westward to a point at 33.87072 N, 78.51755 W.

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

(c) Placement and Maintenance of Markers. The following agencies shall place or place and maintain 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 placement in the area indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for placement in areas indicated in Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; ~~and~~
- (3) the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) ~~through (18)~~ through (17) of this Rule Rule;  
and
- (4) the Town Council of the Town of Sunset Beach for placement in areas indicated in Subparagraphs (a)(18) and (19) 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. May 1, 2021; July 1, 2018;  
Temporary Amendment Eff. October 1, 2022;  
Temporary Amendment Eff. August 15, 2023;  
Amended Eff. February 1, 2024.*

# EXHIBIT F-1

July 25, 2024



## 15A NCAC 10F .0330– CARTERET COUNTY APPLICATION FOR RULEMAKING FOR PROPOSED AMENDMENT AT RAYMOND’S GUT ON WHITE OAK RIVER

The Wildlife Resources Commission received an application and Resolution from Carteret County, requesting rulemaking for a no-wake zone shore to shore in the waters of Raymond’s Gut off the White Oak River in Peletier.

Carteret County requested a no-wake zone to mitigate hazards to navigation in the narrow and shallow waters in the cove.

The County states that if the Rule is adopted, the County will bear the cost for purchase and placement of regulatory markers. Carteret County is a coastal county subject to the Coastal Area Management Act (CAMA) permitting requirements. The WRC’s blanket CAMA permit authorizes any coastal county to place or replace Aids to Navigation (ATONS) at no additional cost.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A**). Enforcement found no statutorily required hazards to navigation in the cove that might warrant rulemaking to create a no-wake zone there. It was noted that the length of the proposed no-wake zone is approximately 1900 feet. It would take approximately seven minutes to travel the length of the no-wake zone at idle speed. The water depth is tide dependent, but there is ample room in this uncongested cove for boaters to navigate and distance themselves from docks. There have been no boating incidents or citations issued in the cove.

Staff requests that the Commission consider the application from Carteret County for a decision about water safety rulemaking at Raymond’s Gut. Staff also recommends approval to publish Notice of Text in the *NC Register* with an open comment period, to incorporate into the NCAC ten boating access areas operated by the WRC in Carteret County (Exhibit F-2). Upon the close of the open comment period, the WRC will consider adoption of the amendments for Carteret County.

**15A NCAC 10F .0330 CARTERET COUNTY**

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the following waters in Carteret County:

- (1) the waters of Money Island Slough in Atlantic Beach, beginning at the east end of Money Island near the Anchorage Marina Basin at a point at 34.70187 N, 76.72938 W and ending at the west end of Money Island where Brooks Avenue dead ends at a point at 34.70235 N, 76.73271 W;
- (2) the waters of Taylor Creek in Beaufort, shore to shore from its intersection with the Newport River at the western end, to a line at the eastern end between a point on the north shore at 34.70762 N, 76.61784 W, south-southwest to the eastern tip of Carrot Island;
- (3) the waters of Peletier Creek in Morehead City, beginning at the entrance to Peletier Creek at the Intracoastal Waterway at a point at 34.72543 N, 76.78044 W and ending at U.S. Highway 70;
- (4) the waters of Bogue Sound Harbor Channel in Morehead City, between Sugarloaf Island and the seawall on the south side of Evans, Shepard, and Shackelford Streets, from the east at the State Ports Authority, west to a point at 34.71848 N, 76.72015 W at the southern end of South 13<sup>th</sup> Street;
- (5) the waters of Gallants Channel in Beaufort, from the U.S. 70 Grayden Paul Bridge at a point at 34.72248 N, 76.66936 W, south to Taylor Creek at a point at 34.71775 N, 76.66950 W;
- (6) the waters of Cedar Island Bay and Harbor in the Town of Cedar Island, from N.C. Highway 12 to Cedar Island Bay Channel Light 8;
- (7) the waters of the small cove on the west side of Radio Island in Beaufort south of Old Causeway Road;
- (8) the waters of the Newport River in Beaufort, from a point north of the U.S. 70 Grayden Paul Bridge at 34.72265 N, 76.66930 W, north northwest to marker # 6;
- (9) the waters of Spooner Creek in Morehead City, north of a point where it enters the Intracoastal Waterway at 34.72570 N, 76.80294 W;
- (10) the waters of the Newport River at Bogue Sound in Morehead City, including all waters surrounding the Port of Morehead City to Goat Island as delineated by appropriate markers;
- (11) the waters of Newport River, known as Morgan Creek in Beaufort, west northwest of a point at the mouth at 34.71611 N, 76.67814 W;
- (12) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel in Newport, beginning at its intersection with Bogue Sound at 34.70163 N, 76.98157 W, as delineated by appropriate markers;
- (13) the waters of ~~the~~ Newport River within 200 yards of the Newport River Beach Access Boat Ramp, 301 U.S. Highway 70 East, Morehead City, beginning at the shore north of the U.S. Highway 70 Newport River Bridge at a point at 34.72141 N, 76.68707 W, west to a point at 34.72128 N, 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore at 34.72371 N, 76.68631 W;
- (14) the waters of Palmetto Drive ~~canal, a tributary to~~ Canal on the White Oak River in the Town of Cedar Point, beginning at a point on the western shore at 34.67903 N, 77.10142 W to a point on the eastern shore at 34.67899 N, 77.10098 W and extending the entire length of the canal; ~~and~~



- (15) the portion of the canal at Dolphin Bay Estates, a tributary to Estates on the White Oak River in the Town of Cedar Point, beginning 30 yards inside the entrance to the canal and extending the entire length of the canal;
- (16) the waters within approximately 50 yards of the Gordon S. Myers Boating Access Area at Cedar Point Boating Access Area, but not extending into the Intracoastal Waterway channel setback, at 144 Cedar Point Boulevard, Cedar Point;
- (17) the waters of the navigation channel from a point in Bogue Sound at 34.67392 N, 77.00725 W to the Emerald Isle Boating Access Area, a distance of 345 yards, at 6800 Emerald Drive, Emerald Isle;
- (18) the waters within 50 yards of the Newport Boating Access Area on Newport River, at 333 E. Chatham Street, Newport;
- (19) the waters within 50 yards of the Morehead City Boating Access Area on the Intracoastal Waterway, 3407 Arendall Street, Morehead City;
- (20) the waters within 50 yards of the West Beaufort Boating Access Area on Newport River, 298 West Beaufort Road, Beaufort;
- (21) the waters within 50 yards of the Taylors Creek Boating Access Area on Taylors Creek, 2370 Lennoxville Road, Beaufort;
- (22) the waters within 50 yards of the Straits Landing Boating Access Area on North River, 1648 Harkers Island Road, Straits;
- (23) the waters within 50 yards of the Oyster Creek Boating Access Area on Oyster Creek, 1300 U.S. Highway 70, Davis;
- (24) the waters within 50 yards of the Salters Creek Boating Access Area on Salters Creek, 200 Wildlife Ramp Road, Sealevel;
- (25) the waters within 50 yards of the Cedar Island Boating Access Area on Pamlico Sound, 115 Driftwood Drive, Cedar Island; and
- (26) the waters of Raymond's Gut, a cove on the White Oak River in Peletier, northeast of a point at the mouth of the cove at 34.72456 N, 77.10780 W.

(b) Speed Limit. No person shall operate a vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement of Markers. The following agencies shall ~~be the designated agencies for placement of~~ place the 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 Commissioners of Carteret County, for the regulated areas designated in ~~Subparagraphs~~ Parts (a)(1), (3), (5) through (8), (11), ~~and (12)~~ and (26) of this Rule;
- (2) the Board of Commissioners of the Town of Beaufort, for the regulated area designated in ~~Subparagraph~~ Part (a)(2) of this Rule;

- (3) the Board of Commissioners of Morehead City, for the regulated areas designated in ~~Subparagraphs~~ Parts (a)(4), (9), and (13) of this Rule;
- (4) the North Carolina State Ports Authority, for the regulated area designated in ~~Subparagraph~~ Part (a)(10) of this Rule; and
- (5) the Board of Commissioners of the Town of Cedar Point for the regulated areas designated in ~~Subparagraphs~~ Parts (a)(14) and (15) of this Rule. Rule; and
- (6) the North Carolina Wildlife Resources Commission shall place and maintain markers for the areas designated in Parts (a)(16) through (25) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;*  
*Eff. March 4, 1979;*  
*Amended Eff. October 1, 1997; May 1, 1995; June 1, 1994; February 1, 1994; July 1, 1993;*  
*Temporary Amendment Eff. February 1, 1998;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. March 1, 1999; November 1, 1998;*  
*Amended Eff. May 1, 2016; July 1, 2012; September 1, 2010; July 1, 2000;*  
*Temporary Amendment Eff. September 1, 2016;*  
*Amended Eff. April 1, 2017;*  
*Readopted Eff. October 1, 2018.*



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

*Water safety rulemaking applications are considered at August and December NCWRC meetings.  
 Please submit information at least six (6) weeks in advance.*

1. Governmental Unit: Carteret County Date: 2/19/24  
 Contact Name: Eugene Foxworth  
 Mailing Address: [REDACTED] Phone: [REDACTED]  
Beaufort, NC 28516 Email: [REDACTED]

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: Raymonds Gut

Popular Name (if any): \_\_\_\_\_

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

The proposed No Wake Zone would serve a narrow channel with surrounding shallow water.

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
- 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 NO WAKE ZONE 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:

Narrow and shallow water

4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. 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 or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**  
NC Wildlife Resources Commission  
1717 Mail Service Center  
Raleigh, NC 27699-1717
- [nowakezonecoordinator@ncwildlife.org](mailto:nowakezonecoordinator@ncwildlife.org)

Signature \_\_\_\_\_

Date 2/19/24

**Board of Commissioners**  
Jimmy Farrington, Chair  
Mark Mansfield, Vice-Chair  
Bob Cavanaugh  
Chris Chadwick  
David Quinn  
Chuck Shinn  
Ed Wheatly



**County Manager**  
Tommy R. Burns, II  
**Clerk to the Board**  
Lori R. Turner

**RESOLUTION SUPPORTING A "NO WAKE ZONE" IN RAYMONDS GUT A TRIBUTARY OF THE WHITE OAK RIVER**

**WHEREAS,** At least fourteen (14) "No Wake Zones" have been established in Carteret County by North Carolina Administrative Code and/or the North Carolina State Legislative; and

**WHEREAS,** "No Wake Zones" have been defined as areas where it is unlawful to operate a vessel at greater than idle speed or a slow speed creating no appreciable wake; and

**WHEREAS,** It is the intended purpose of "No Wake Zones" to create a safe environment and mitigate water safety hazards in the area in and surrounding a "No Wake Zone"; and

**WHEREAS,** The Raymond's Gut encompasses over 3,000 feet of shoreline; and

**WHEREAS,** The Citizens and Property owners along this tributary have requested that the County petition the North Carolina Wildlife Resources Commission to designate this a No Wake Zone;

**NOW, THEREFORE, BE IT RESOLVED,** by the Carteret County Board of Commissioners will conduct a public hearing at 6:00 p.m. on Monday, February 19, 2024 for the purpose of considering ordering a "No Wake Zone" at Raymond's Gut for life safety and damage prevention.

  
Mark Mansfield, Vice-Chairman

**ATTEST:**

  
Lori Turner, Clerk



Board of Commissioners  
Jimmy Farrington, Chair  
Mark Mansfield, Vice-Chair  
Bob Cavanaugh  
Chris Chadwick  
David Quinn  
Chuck Shinn  
Ed Wheatly



County Manager  
Tommy R. Burns, II  
Clerk to the Board  
Lori R. Turner

February 23, 2024

N.C. Wildlife Resources Commission  
Attn: Betsy Haywood, No Wake Zone Coordinator



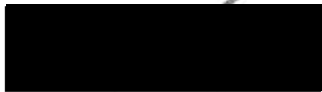
Dear Ms. Haywood:

Please find attached the No Wake Zone packet for Raymond's Gut, a tributary of the White Oak River. The County advertised this as a Public Hearing in the Carteret News Times and held that meeting on February 29, 2024. There was no one in attendance to speak for nor against. I have attached the Resolution adopted by the Commissioners, the application, as well as a proof on the Newspaper Publication.

Carteret County understands that we would have to bear the cost of installing and maintaining the markers for the No Wake Zone if it is approved by NCWRC.

Please contact me if you have any questions or if we need to discuss our request further.

Respectfully,



Eugene Foxworth, Assistant County Manager  
Carteret County







SEWELL ROAD

HAMPTON BAY ROAD

NOSEY ROAD

PLEASANTNOOK ROAD

BUSTER ROAD

LOWERY LANE

WHITE HERON LANE

Raymond's Gut

AZALEA COURT

White Oak River

0 80 160 320 480 640 Feet







## NO-WAKE ZONE INVESTIGATION MATRIX

### SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Carteret County
- Primary contact information: Eugene Foxworth, Asst Co Mgr. [REDACTED]
- Location of requested no-wake zone:
  - Body of water and County: Raymonds Gut on White Oak River, Carteret
  - Location: Peletier, east of Lowery Lane
  - Popular name of area, if any: Raymond's Gut
  - Width of No-Wake Zone: Narrowest Point: 2' Widest Point: 300'
  - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)  
 Raymond's Gut is a small body of water on the east side of the White Oak River. There are numerous homes along the north side of Raymond's Gut. There is ample room for safely operating a vessel throughout this body of water. There are a few turns within Raymond's gut but they can be made safely without a vessel operator's vision being obstructed.

**\*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 INVESTIGATION MATRIX

---

**Provide detailed reason given from point of contact for the request**

Mr. Foxworth reports that Raymond's Gut is a narrow channel less than 50 yards wide, with water depth of 1-2 feet.

- 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  Carteret is CAMA County. WRC holds blanket permit for markers.

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 INVESTIGATION 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) \_\_\_\_\_

SHALLOW WATER (give average depth) Tide dependent, 2'-5'



## NO-WAKE ZONE INVESTIGATION MATRIX

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 INVESTIGATION 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
  - 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:  
N/A
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?  
  
 YES      Identify Violations: \_\_\_\_\_  
 NO



## NO-WAKE ZONE INVESTIGATION 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): 1900'
- Estimated travel time through propose area at no-wake speed: 7 minutes
- Width of proposed no-wake zone (in feet): Narrowest: 2'      Widest: 300'
- Does proposed no-wake zone meet criteria for consideration?  
 YES: Appropriately sized  
 YES: Adjusted size recommended  
 NO
- Description/Explanation of adjusted size  
N/A
  
- Adjusted map attached



NO-WAKE ZONE INVESTIGATION 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:

In deciding whether a body of water should include a posted no wake zone which would restrict the speed of vessel operators, it is necessary to consider the statutorily required hazards to navigation. These hazards include dams, spillways, trestles, power lines, fueling docks, narrow and shallow waters, areas of obstructed vision, designated swim areas, congested areas with high traffic, and public boat access areas. A history of boating collisions and other incidents should also be considered. If a substantial risk of hazard does exist, it must be decided if the risk of hazard justifies limiting the restriction of free movement and transportation upon waters of this state. When considering Raymond's Gut, the known hazards do not justify the creation of a no wake zone. Raymond's Gut is not a congested or busy body of water. The proposed no wake zone is approximately 300 feet at its widest point funneling down to around 2 feet. The length of the proposed no wake zone is approximately 1900 feet. It would take approximately 7 minutes to travel the full distance of the proposed no wake zone at no wake speeds. The far majority of Raymond's Gut contains ample room for boaters to navigate and distance themselves from docks. The water depth is greatly tide dependent. I checked one location in the middle of Raymond's Gut that was in excess of five feet however this was at high tide. It is possible that Raymond's Gut is just a couple feet deep or less at low tide. I am not aware of any complaints from the public regarding this body of water nor have there been any known boating incidents or citations issued. In conclusion, I do not recommend the creation of a no wake in this body of water.

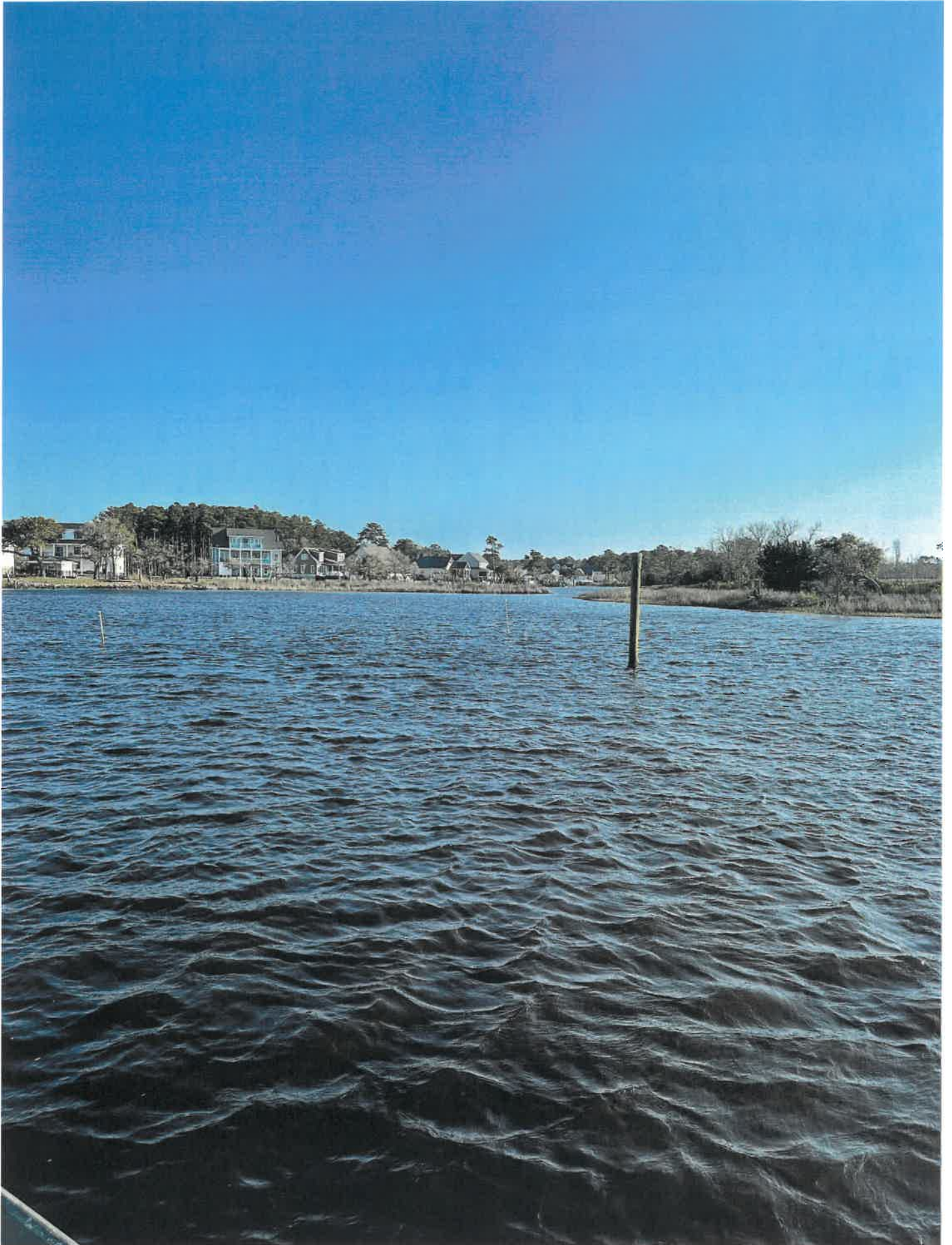
Officer: N/A

Date: \_\_\_\_\_

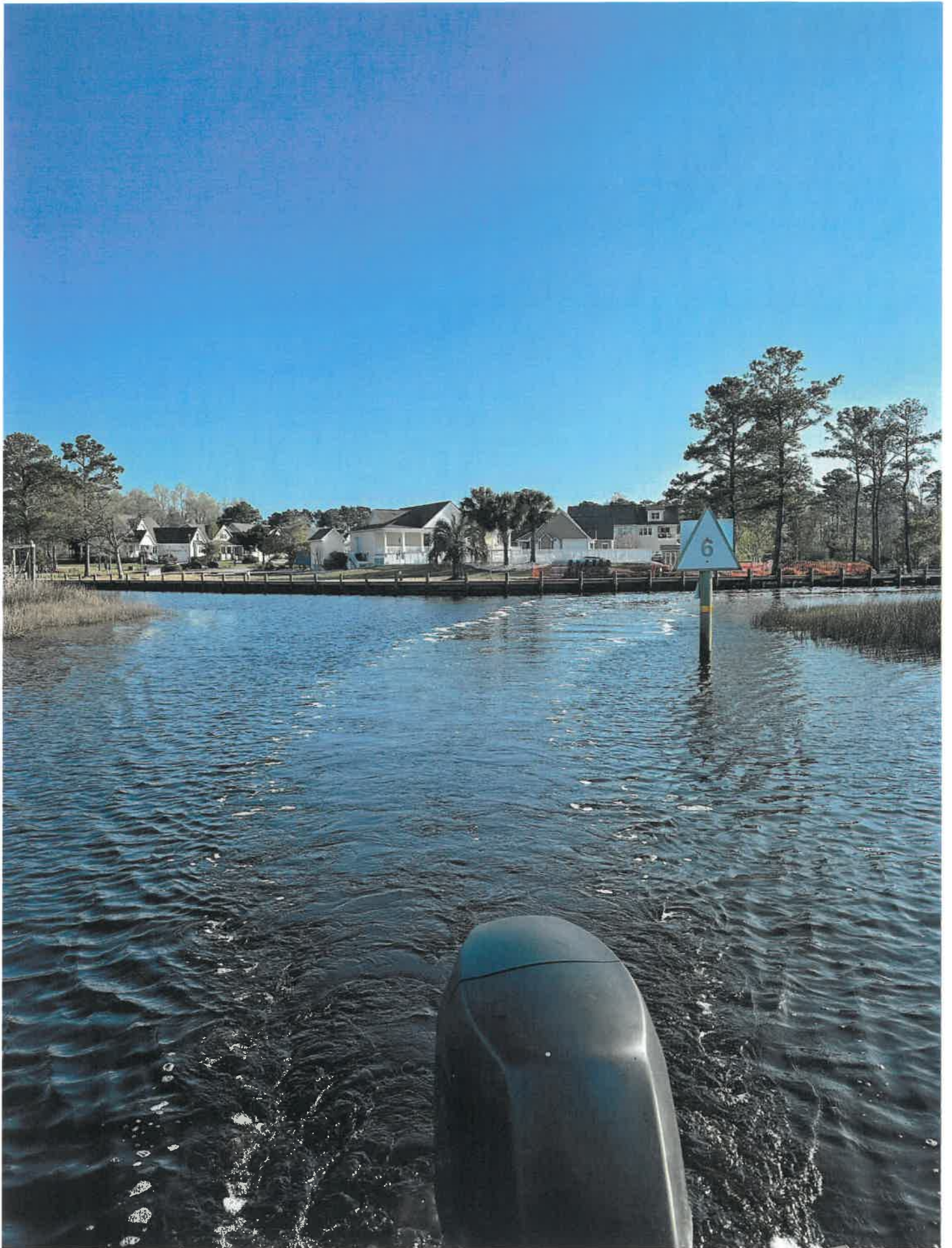
Sergeant: D.J. Midyette 605

Date: 03/25/2024













# EXHIBIT F-2

July 25, 2024



## CARTERET COUNTY – INCORPORATE INTO THE NORTH CAROLINA ADMINISTRATIVE CODE DESCRIPTIONS AND LOCATIONS OF TEN BOATING ACCESS AREAS

As part of the agency’s periodic review of Rules codify names, addresses and descriptions of the Boating Access Areas in Carteret County that are owned or operated by the WRC.

- the waters within approximately 50 yards of the Gordon S. Myers Boating Access Area at Cedar Point Boating Access Area, but not extending into the Intracoastal Waterway channel setback, at 144 Cedar Point Boulevard, Cedar Point;
- the waters of the navigation channel from a point in Bogue Sound at 34.67392 N, 77.00725 W to the Emerald Isle Boating Access Area, a distance of 345 yards, at 6800 Emerald Drive, Emerald Isle;
- the waters within 50 yards of the Newport Boating Access Area on Newport River, at 333 E. Chatham Street, Newport;
- the waters within 50 yards of the Morehead City Boating Access Area on the Intracoastal Waterway, 3407 Arendall Street, Morehead City;
- the waters within 50 yards of the West Beaufort Boating Access Area on Newport River, 298 West Beaufort Road, Beaufort;
- the waters within 50 yards of the Taylors Creek Boating Access Area on Taylors Creek, 2370 Lennoxville Road, Beaufort;
- the waters within 50 yards of the Straits Landing Boating Access Area on North River, 1648 Harkers Island Road, Straits;
- the waters within 50 yards of the Oyster Creek Boating Access Area on Oyster Creek, 1300 U.S. Highway 70, Davis;
- the waters within 50 yards of the Salters Creek Boating Access Area on Salters Creek, 200 Wildlife Ramp Road, Sealevel;
- the waters within 50 yards of the Cedar Island Boating Access Area on Pamlico Sound, 115 Driftwood Drive, Cedar Island

# EXHIBIT G-1

July 25, 2024



## **15A NCAC 10F .0332– ALEXANDER COUNTY, LAKE HICKORY AGENCY REQUEST FOR RULEMAKING – RESTRICTED AREA AT WITTENBURG ACCESS AREA, BETHLEHEM**

The Wildlife Resources Commission received a request from Duke Energy LLC to initiate the rulemaking process to create a restricted area in a cove at Wittenburg Access Area on Lake Hickory in Bethlehem. Vessel entry would be prohibited in the restricted area in the waters of the cove south of the Wittenburg Access Area where the swim beach that has been marked by Duke Energy is located. Enforcement completed a boater safety hazards assessment matrix (Attachment A) and advised that the proposed restricted area at Wittenburg Access Area is appropriate to ensure safety in the cove where the swimming area is located.

Staff requests Commission approval to publish Notice of Text in the *NC Register* with an open comment period, to adopt a restricted area maintained by Duke Energy LLC at Wittenburg Access Area. Upon the close of the open comment period, the WRC will consider adoption of the amendment for Alexander County.

**15A NCAC 10F .0332 ALEXANDER COUNTY**

~~(a) Regulated Area. This Rule shall apply to the waters of Lake Hickory within Alexander County:~~

- ~~(1) the waters shore to shore at a line 150 yards southeast of SR 1137 bridge otherwise known as the Rink Dam Road bridge in Taylorsville, from a point on the south shore at 35.82843 N, 81.26389 W to a point on the north shore at 35.82919 N, 81.26272 W, northwest to a point at the Rink Dam at 35.83035 N, 81.26669 W;~~
- ~~(2) the waters within 50 yards of the Taylorsville Beach Marina and docks, located at 420 Taylorsville Beach Court in Taylorsville;~~
- ~~(3) the waters within 50 yards of Rivers Edge Marina and docks, located at 5803 Icard Ridge Road in Hickory; and~~
- ~~(4) the waters within 50 yards of the Lakeside Marina and docks located at 81 Marina Drive in Hickory.~~

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

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

(a) Regulated Area. This Rule applies to the waters of Lake Hickory.

(1) Taylorsville:

- (A) the waters shore to shore from the Rink Dam at 35.83035 N, 81.26670 W, east-southeast to a point that is 195 yards southeast of the S.R. 1137 bridge known as the Rink Dam Road bridge, and 50 yards southeast of the Sandbar Marina and Grill docks;
- (B) the waters within 50 yards of the Lake Hickory Scuba and Marina and docks, located at 420 Taylorsville Beach Court; and
- (C) the waters within 50 yards of the Dusty Ridge Boating Access Area, 508 Dusty Ridge Access Road.

(2) Hickory:

- (A) the waters within 50 yards of Rivers Edge Marina and docks, located at 5803 Icard Ridge Road; and
- (B) the waters within 50 yards of the Lakeside Marina and docks, located at 81 Marina Drive.

(3) Bethlehem. The waters within 50 yards of the Wittenburg Boating Access Area, located at 175 Wildlife Access Road.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Parts (a)(1)(A), (B), (C), (a)(2)(A) and (B), and Subparagraph (a)(3) of this Rule.

(c) Wittenburg Access Area Restricted Area, Bethlehem. Vessel entry is prohibited in the waters of the cove south of the Wittenburg Access Area where the marked swim beach is located, west of a line from a point at 35.80480 N, 81.31101 W to a point at 35.80437 N, 81.31100 W.

d) Placement of Markers. The Board of Commissioners of Alexander County shall place markers implementing the regulated areas designated in Part (a)(1)(A) and (B), and Part (a)(2)(A) and (B) of this Rule.

(c) Placement and Maintenance of Markers. The following agencies shall place and maintain markers implementing the regulated areas designated in this Rule:

- (1) The Wildlife Resources Commission for the regulated areas designated in Subparagraph (a)(1)(C) and (a)(3); and
- (2) Duke Energy, LLC for the regulated area designated in Paragraph (c) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;  
Eff. March 25, 1979;  
Amended Eff. February 1, 1995; February 1, 1987;  
Temporary Amendment Eff. April 1, 2000;  
Amended Eff. May 1, 2010; July 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Amended Eff. October 1, 2018.*



15A NCAC 10F .0332 - Requested No-Wake Zone by Duke Energy  
Lake Hickory, Alexander County



# EXHIBIT G-2

July 25, 2024



## ALEXANDER COUNTY – LAKE HICKORY

### AGENCY REQUEST TO CORRECT LOCATION OF NO-WAKE ZONE NEAR RINK DAM, ENDING WITHIN 50 YARDS OF SAND BAR MARINA AND GRILL DOCKS, TAYLORSVILLE

Earlier this year Alexander County requested a boater safety hazards assessment in the cove on Lake Hickory shore to shore in Taylorsville, southeast of the existing Rule beginning at the Rink Dam, under the Rink Dam Road Bridge and ending within 50 yards of the Sand Bar Marina and Grill docks. Enforcement completed a matrix, which was negative for sufficient boater safety hazards shore to shore in the cove to extend the no-wake zone 400 yards to the mouth of the cove. Enforcement did notice during the investigation that the Sand Bar Marina and Grill, which has a fuel dock and a no-wake zone that ends within 50 yards of the fuel dock in the cove, has extended its marina docks since 2022. The current no-wake zone now as marked is only 12 yards from the new docks. Within the assessment matrix Enforcement recommended rulemaking to extend the no-wake zone at the Sand Bar Marina and Grill docks to within 50 yards of the new docks at the marina. (Attachment B - recommendation for extension of NWZ around Marina docks in matrix).

Based on the negative assessment of sufficient boater safety hazards to extend the no-wake zone to the mouth of the cove, Alexander County declined to submit an application for rulemaking in the entire cove. However, they concurred with WRC's offer to propose an amendment to extend the current no-wake zone approximately 50 yards southeast of the current marina docks. The existing buoy is sufficient to mark the extended no-wake zone and will be moved by the Wildlife Resources Commission at no expense to the County.

Staff requests Commission approval to publish Notice of Text in the *NC Register* with an open comment period, to extend the no-wake zone from the Rink Dam southeast, ending 50 yards from the new docks at the marina. Upon the close of the open comment period, the WRC will consider adoption of the amendment for Alexander County.



15A NCAC 10F .0332 ALEXANDER COUNTY

~~(a) Regulated Area. This Rule shall apply to the waters of Lake Hickory within Alexander County:~~

- ~~(1) the waters shore to shore at a line 150 yards southeast of SR 1137 bridge otherwise known as the Rink Dam Road bridge in Taylorsville, from a point on the south shore at 35.82843 N, 81.26389 W to a point on the north shore at 35.82919 N, 81.26272 W, northwest to a point at the Rink Dam at 35.83035 N, 81.26669 W;~~
- ~~(2) the waters within 50 yards of the Taylorsville Beach Marina and docks, located at 420 Taylorsville Beach Court in Taylorsville;~~
- ~~(3) the waters within 50 yards of Rivers Edge Marina and docks, located at 5803 Icard Ridge Road in Hickory; and~~
- ~~(4) the waters within 50 yards of the Lakeside Marina and docks located at 81 Marina Drive in Hickory.~~

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

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

(a) Regulated Area. This Rule applies to the waters of Lake Hickory.

(1) Taylorsville:

- (A) the waters shore to shore from the Rink Dam at 35.83035 N, 81.26670 W, east-southeast to a point that is 195 yards southeast of the S.R. 1137 bridge known as the Rink Dam Road bridge, and 50 yards southeast of the Sandbar Marina and Grill docks;
- (B) the waters within 50 yards of the Lake Hickory Scuba and Marina and docks, located at 420 Taylorsville Beach Court; and
- (C) the waters within 50 yards of the Dusty Ridge Boating Access Area, 508 Dusty Ridge Access Road.

(2) Hickory:

- (A) the waters within 50 yards of Rivers Edge Marina and docks, located at 5803 Icard Ridge Road; and
- (B) the waters within 50 yards of the Lakeside Marina and docks, located at 81 Marina Drive.

(3) Bethlehem. The waters within 50 yards of the Wittenburg Boating Access Area, located at 175 Wildlife Access Road.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Parts (a)(1)(A), (B), (C), (a)(2)(A) and (B), and Subparagraph (a)(3) of this Rule.

(c) Wittenburg Access Area Restricted Area, Bethlehem. Vessel entry is prohibited in the waters of the cove south of the Wittenburg Access Area where the marked swim beach is located, west of a line from a point at 35.80480 N, 81.31101 W to a point at 35.80437 N, 81.31100 W.

d) Placement of Markers. The Board of Commissioners of Alexander County shall place markers implementing the regulated areas designated in Part (a)(1)(A) and (B), and Part (a)(2)(A) and (B) of this Rule.

(c) Placement and Maintenance of Markers. The following agencies shall place and maintain markers implementing the regulated areas designated in this Rule:

- (1) The Wildlife Resources Commission for the regulated areas designated in Subparagraph (a)(1)(C) and (a)(3); and
- (2) Duke Energy, LLC for the regulated area designated in Paragraph (c) of this Rule.

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

*Eff. March 25, 1979;*

*Amended Eff. February 1, 1995; February 1, 1987;*

*Temporary Amendment Eff. April 1, 2000;*

*Amended Eff. May 1, 2010; July 1, 2000;*

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

*Amended Eff. October 1, 2018.*



**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): 1200' proposed extension, 150' adjusted
  
- Estimated travel time through propose area at no-wake speed: 3:15 proposed extension, :20 adjusted
  
- Width of proposed no-wake zone (in feet): Narrowest: 285',Adjusted 450'    Widest: 525',Adjusted 450'
  
- Does proposed no-wake zone meet criteria for consideration?  
 YES: Appropriately sized  
 YES: Adjusted size recommended  
 NO
  
- Description/Explanation of adjusted size  

Officers have not witnessed any activity that compromises safety in the proposed 400 yard extended area. The Alexander County proposed area is approximately 95 yards wide at the narrowest and 175 yards at the widest point. This width allows for boat traffic to maneuver safely. The proposed NWZ would significantly increase travel time in the area. By extending the zone 400 yards, boaters will expect to travel for approximately 3:15 to reach the first dock of the marina and 6 minutes to Rink Dam. While there have been multiple wake complaints from homeowners within the cove, records do not show that any boat incidents have occurred or any safety related boating citations have been issued in the area. However, an adjustment is recommended to the NWZ due to its proximity to the SandBar Marina docks. The current NWZ is only 12 yards from the dock. It is recommended to extend the NWZ by 50 yards, making it 200 yards from the Rink Dam Road bridge rather than 150 yards. This extension will more closely mirror the existing laws for the other marinas in Alexander County.
  
- Adjusted map attached



# NO-WAKE ZONE INVESTIGATION 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:

On 2/16/24, Officer Nelson and I patrolled by boat the area of the proposed NWZ extension. At this time, vessel traffic was minimal. In my experience, this is the case up until the summer months and specifically on weekends/holidays. The proposed 400 yard extension adds approximately three minutes and fifteen seconds to the travel time in the cove. Including this extension, total travel time in the NWZ would be approximately six minutes. In the proposed 400 yard extension, there are no public areas, only privately owned docks.

While inspecting the area, it was evident that the current NWZ should be extended to an appropriate distance from the marina docks. The SandBar Marina and Grill opened in 2022 and has fuel service at its docks. It has a significant amount of boat traffic in the summer months. With the expansion of docks at the marina, an extension to the NWZ at Rink Dam is appropriate to mitigate possible safety hazards due to the current proximity of it to the docks. The existing NWZ is only approximately 12 yards from a SandBar Marina dock. A slight extension to the southeast would allow boats ample opportunity to reduce wake prior to getting close to the docks, mitigating safety hazards associated with a public dock.

By extending the existing zone by approximately 50 yards, it will more closely mirror existing laws referencing the three other marinas in Alexander County (15A NCAC 10F .0332).

Officer: \_\_\_\_\_

Date: \_\_\_\_\_

Sergeant: Charlie Sale

Date: 02/20/2024



15A NCAC 10F .0332 - Requested No-Wake Zone Extension by Alexander County  
Lake Hickory, Alexander County



# EXHIBIT H-1

July 25, 2024



## 15A NCAC 10F .0333– LAKE WYLIE IN MECKLENBURG AND GASTON COUNTIES APPLICATION FOR RULEMAKING FOR PROPOSED AMENDMENT- JOYNER’S MARINA

The Lake Wylie Marine Commission (LWMC) submitted an application for rulemaking to establish a no-wake zone at Joyner’s Marina on the northeast side of Buster Boyd Bridge, 16310 York Road, Charlotte, within 50 yards of the marina and in the waters of the cove to the southeast, ending at a point on the shore at 35.10084 N, 81.03610 W.

The LWMC requested a no-wake zone to mitigate hazards at the marina, which sees heavy vessel traffic at the marina, especially in the summer. Joyner’s Marina is adjacent to an existing no-wake zone on the east side of the Buster Boyd Bridge. Vision is obstructed for vessels leaving marina docks into the main channel. Sizable wakes at the fuel docks increase the possibility of fuel spills. The LWMC states that Steele Creek Fire Department stores their vessels there and regularly conducts training exercises in the cove.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A**). Enforcement recommends placing a no-wake zone at Joyner’s Marina and the waters in the cove east of the marina to mitigate several safety hazards, including limited vision and a fuel pump on the marina dock. Wakes from boats near the fuel dock may cause fuel spills and possible fires. There are associated dangers from limited vision surrounding the three main docks that see heavy vessel traffic, especially during the summer. The only boat access areas in the cove are part of the private marina that is apart from the public fueling dock.

Staff requests Commission approval to publish Notice of Text in the *NC Register* with an open comment period and public comment period for the amendment in 15A NCAC 10F .0333(a)(15). Upon the close of the open comment period, the WRC will consider adoption of the amendment for a no-wake zone at Joyner’s Marina.

**15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at ~~35.10293 N, 81.03932 W~~, 35.10187 N, 81.03913 W to a point 150 feet west of the Buster Boyd Bridge at ~~35.10242 N, 81.04089 W~~; 35.10165 N, 81.04070 W;
- (4) N.C. Highway 27 Bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters of Withers Cove in Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on S.R. 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;
- ~~(8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;~~
- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.01380 W east to a point on the east shore of the Lake in



Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.26455 N, 81.01562 W to a point on the east shore of the Lake in Mecklenburg County at 35.26501 N, 81.01374 W, and the waters shore to shore east of Sadler Island in Mecklenburg County ending at the point at 35.27423 N, 81.01111 W;

- (9) Other Bridges. The waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph;
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W;
- (11) Brown's Cove. The waters of Brown's Cove in Mecklenburg County, beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W;
- (12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont;
- ~~(13) Other Facilities. The waters within 50 yards of a public boat launching ramp not otherwise specified in this Paragraph, public dock, public pier, public marina, public boat storage structure, or public boat service area; and~~
- ~~(14) Marked Swimming and Mooring Areas. The waters within 50 yards of a marked swimming area or marked mooring area.~~
- (13) the waters within 50 yards of the docks at Joyner's Marina, 16310 York Road in Charlotte, and including the cove southeast of the docks to a point on the shore at 35.10084 N, 81.03610 W; and
- (14) the waters north and east of Sunset Island near the North Carolina-South Carolina state line, east of a line from a point on the island at 35.04753 N, 81.04120 W to a point on the mainland at 35.04904 N, 81.04223 W, then south ending at a line from a point on the island at 35.04556 N, 81.03984 W to a point on the mainland at 35.04679 N, 81.03771 W.

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

(c) Restricted Area. No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the restricted area with swim beach at the South Point Access Area in Gaston County, at 199 Boat Launch Road in Belmont, north of the rope in the cove east of the South Point Boating Access Area.

(d) Placement and Maintenance of Markers. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:

- (1) the Lake Wylie Marine Commission for the regulated areas designated in Subparagraphs (a)(1) through ~~(11), (13) and (14);~~ (11), and (13) and (14);

- (2) the North Carolina Wildlife Resources Commission for the regulated area designated in Subparagraph (a)(12); and
- (3) Duke Energy Carolinas, LLC for the restricted area designated in Paragraph (c).

*History Note: Authority G.S. 75A-3; 75A-15;*  
*Eff. July 1, 1980;*  
*Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;*  
*Temporary Amendment Eff. January 1, 1998;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. February 4, 2000;*  
*Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000;*  
*Temporary Amendment Eff. May 1, 2015;*  
*Amended Eff. October 1, 2015;*  
*Readopted Eff. October 1, 2018;*  
*Amended Eff. January 1, 2024; June 1, 2023; June 1, 2022; May 1, 2019.*



**North Carolina Wildlife Resources Commission**  
**Application for Water Safety Rulemaking on Navigable Waters of the State of North Carolina**

*Water safety rulemaking applications are considered at **August** and **December** NCWRC meetings.  
Please submit information at least six (6) weeks in advance.*

1. Governmental Unit: Lake Wylie Marine Commission Date: 11/28/23  
Contact Name: Neil Brennan  
Mailing Address: [REDACTED] Phone: [REDACTED]  
Email: [REDACTED]

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: Lake Wylie, Mecklenburg, NE side of Buster Boyd Bridge

Popular Name (if any): At Joyner's Marina

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

No-Wake Zone around a main channel marina with a fuel dock. See attached drawing.

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
- 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 NO WAKE ZONE 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:

Fuel dock is on the main channel. High traffic area. Details are attached.

4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. 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 or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**  
NC Wildlife Resources Commission

[REDACTED]

- [REDACTED]

Signature

Date

28 NOV 23

# Fueling Docks

- The docks for fueling at Joyner's marina are just after the current no wake zone for the Buster Boyd Bridge.
- This is a high traffic area where boats accelerate and create sizable wakes in the fueling dock area creating a potential fuel spill hazard while fueling vessels.

## High Traffic

- This area of Lake Wylie has high traffic zone
- due to Papa Docs, Buster Boyd Public Access, Marine Max directly across from Joyners Marina as well as River Point Marina and Terrys Marina slightly north.
- This is also a popular spot for traveling to NC Sand Bar.



## Other Safety Circumstances

- **Fire Department presence:** The Steele Creek Fire Department has an official Fire and Rescue boat at the Marina.
- **Training exercises:** They also conduct training exercises at Joyner's Marina.
- **Dangerous conditions for response:** Due to high traffic area in this area, speeding boats can make it more dangerous to safely respond to emergencies.
- **Tow Boat Presence:** Tow boat also has a vessel to help stranded boaters who need immediate assistance.
- **General safety zone:** to slow other boats keeping them away from hazards.



# NO-WAKE ZONE INVESTIGATION MATRIX

## SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Lake Wylie Marine Commission
- Primary contact information: Neil Brennan [REDACTED]
- Location of requested no-wake zone:
  - Body of water and County: Lake Wylie Mecklenburg Co
  - Location: Joyner's Marina on NE side of Buster Boyd Bridge, 16310 York Rd. Charlotte NC
  - Popular name of area, if any: \_\_\_\_\_
  - Width of No-Wake Zone: Narrowest Point: 89 ft Widest Point: 529 ft
  - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)

Joyners Marina is adjacent to the Buster Boyd Bridge leading to SC side of Lake Wylie. There are obstructed views leading from the marina into the busy channel. There is a large shoal where boaters congregate within the cove.

**\*Attach map of designated no-wake zone\***

See Attachment A.

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



## NO-WAKE ZONE INVESTIGATION MATRIX

### **Provide detailed reason given from point of contact for the request**

The LWMC reports that Joyner's Marina fuel docks are outside the current no-wake zone established around the Buster Boyd bridge. This is a high traffic area due to the marina and public access area. The three marina docks create a blind spot while entering the busy channel under the bridge. Marine Max directly across from Joyner's Marina and River Point Marina and Terry's Marina slightly to the north add to the vessel traffic in the area. Accelerating boats create sizable wakes in the fuel dock area, creating potential fuel spill hazard while fueling vessels. Also located at the Marina are the Steele Creek Fire Department rescue boat where they also conduct training exercises, and a Tow Boat vessel to help stranded boaters. The shoal east of the marina is heavily used by boaters who anchor there for recreation. The LWMC requests a no-wake zone within 50 yards of the Joyner Marina facilities beginning on the shore west of the marina and extending out 50 yards from the end of the marina docks, ending at a point on the east shore of the cove at 35.10084 N, 81.03610 W.

- 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 INVESTIGATION 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: Joyner's Marina

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) \_\_\_\_\_

SHALLOW WATER (give average depth) \_\_\_\_\_



# NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) ~ 600 ft \_\_\_\_\_

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 INVESTIGATION 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    MEDIUM
  - 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 INVESTIGATION 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:

See Attachment A.

Officer: S.A. Shepperd

Date: 02/06/2024

Sergeant: W Laton

Date: 2/20/2024



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

---

[REDACTED]

**ATTACHMENT A**

The Lake Wylie Marine Commission has requested the review of a No Wake Zone near Joyner's Marina located on Lake Wylie. Joyner's Marina is located at 16310 York Rd, Charlotte, NC. The proposed area at Joyner's Marina extends an already existing No Wake Zone attached to the Buster Boyd Bridge (Highway 49/York Road) to the end of the cove surrounding the marina. This No Wake Zone has been proposed by the Lake Wylie Marine Commission because of the increasing amount of boat traffic attached to the marina during the summer season. The Lake Wylie Marine Commission says this is an area where vision is obstructed for vessels leaving the marina docks back into the main channel. Passing vessels also create sizable wakes at the fuel dock, increasing the possibility of fuel spills. Additionally, the Steele Creek Fire Department stores their vessels here, and also regularly conducts training exercises in this cove. They also state that a large number of vessels congregate in the cove just south of the marina for recreational swimming.

On 01/20/2024 Officer Sampson Parker Jr. and I patrolled the area to complete a boating safety assessment. Visually, this is a very wide cove that narrows down directly northeast of the Buster Boyd Bridge where the marina is located. The narrowest area in the proposed no wake zone is 89' across. The widest point is approximately 529'. The proposed area is approximately 800' in length. A vessel travelling at no wake speed will take approximately two minutes, 26 seconds to travel through the proposed No Wake Zone. The proposed No Wake Zone is an extension of the existing wake zone south of the marina and north of the bridge. There are currently no public swimming areas or fishing areas within the cove. The only boat access areas are part of the private marina, apart from the public fueling dock.

The reason that I am recommending this to be a no wake zone is the fact that the dock has a fuel pump located on it. If boaters were allowed to create a wake in the area it could cause a major issue if someone was using the fuel pump. The safety hazards include fuel spills and possible fires. The associated dangers of limited vision surrounding the three main docks that are listed by the Lake Wylie Marine Commission were also found to be true. This area has no recorded boat incidents reported. The existing No Wake Zone underneath the bridge has produced No Wake Zone infractions. My conclusion is that the fact that there is a fuel dock, accompanied with a limited field of vision near the marina docks is enough to warrant a No Wake Zone. This conclusion comes after patrolling the area and completing a full review of the proposed No Wake Zone.

Wildlife Enforcement Officer S.A. Shepperd NCWRC 816 < [REDACTED]

View going into the proposed No Wake Zone. The white building in the top right of the picture is the office building of Joyner's Marina. All three docks shown are part of the marina.



This is an additional view of the proposed No Wake Zone. Note the Buster Boyd Bridge in the right section of the picture.





15A NCAC 10F .0333 - Requested No-Wake Zone  
Joyner's Marina, Lake Wylie, Mecklenburg County





# EXHIBIT H-2

July 25, 2024



## **15A NCAC 10F .0333– LAKE WYLIE IN MECKLENBURG AND GASTON COUNTIES APPLICATION FOR RULEMAKING FOR PROPOSED AMENDMENT TO EXTEND NO-WAKE ZONE AT SADLER ISLAND**

The Lake Wylie Marine Commission (LWMC) submitted an application for rulemaking to extend the no-wake zone around Sadler Island on the west side of the island from its current end, southward to a line south of the island from a point on the Gaston County mainland at 35.26455 N, 81.01562 W to a point on the Mecklenburg County mainland at 35.26501 N, 81.01374 W.

The LWMC requested a no-wake zone to mitigate additional boating safety hazards in the narrow congested channel west and south of Sadler Island, with many additional docks that have been added on the Gaston County side of the lake since the Rule for Sadler Island was approved in 2015.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A**). Enforcement noted that regulating vessel speed near the additional docks south of Tailrace Marina would extend the no-wake zone to .75 miles, which would take a boater traveling at no-wake speed approximately eleven minutes to travel from north to south. It would take approximately 14 minutes traveling south to north against the current. Enforcement believes this would cause unnecessary congestion in an area where boaters already reduce their speed as they travel through the northern end of the no-wake zone around the island. There are no swimming or fishing areas within this channel. The only boat access areas are part of a private marina apart from public docks at J.R. Cash's Restaurant. No recorded boat incidents have occurred.

Staff requests that the Commission consider action on this application from the Lake Wylie Marine Commission pertaining to extension of the no-wake zone west and south of Sadler Island, in 15A NCAC 10F .0333(a)(8).

**15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at ~~35.10293 N, 81.03932 W~~, 35.10187 N, 81.03913 W to a point 150 feet west of the Buster Boyd Bridge at ~~35.10242 N, 81.04089 W~~; 35.10165 N, 81.04070 W;
- (4) N.C. Highway 27 Bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters of Withers Cove in Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on S.R. 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;
- (8) ~~Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;~~

- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.01380 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.26455 N, 81.01562 W to a point on the east shore of the Lake in Mecklenburg County at 35.26501 N, 81.01374 W, and the waters shore to shore east of Sadler Island in Mecklenburg County ending at the point at 35.27423 N, 81.01111 W;
- (9) Other Bridges. The waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph;
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W;
- (11) Brown's Cove. The waters of Brown's Cove in Mecklenburg County, beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W;
- (12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont;
- (13) ~~Other Facilities. The waters within 50 yards of a public boat launching ramp not otherwise specified in this Paragraph, public dock, public pier, public marina, public boat storage structure, or public boat service area; and~~
- (14) ~~Marked Swimming and Mooring Areas. The waters within 50 yards of a marked swimming area or marked mooring area.~~
- (13) the waters within 50 yards of the docks at Joyner's Marina, 16310 York Road in Charlotte, and including the cove southeast of the docks to a point on the shore at 35.10084 N, 81.03610 W; and
- (14) the waters north and east of Sunset Island near the North Carolina-South Carolina state line, east of a line from a point on the island at 35.04753 N, 81.04120 W to a point on the mainland at 35.04904 N, 81.04223 W, then south ending at a line from a point on the island at 35.04556 N, 81.03984 W to a point on the mainland at 35.04679 N, 81.03771 W.

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

(c) Restricted Area. No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the restricted area with swim beach at the South Point Access Area in Gaston County, at 199 Boat Launch Road in Belmont, north of the rope in the cove east of the South Point Boating Access Area.

(d) Placement and Maintenance of Markers. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:

- (1) the Lake Wylie Marine Commission for the regulated areas designated in Subparagraphs (a)(1) through ~~(11), (13) and (14)~~; (11), and (13) and (14);
- (2) the North Carolina Wildlife Resources Commission for the regulated area designated in Subparagraph (a)(12); and
- (3) Duke Energy Carolinas, LLC for the restricted area designated in Paragraph (c).

*History Note: Authority G.S. 75A-3; 75A-15;*  
*Eff. July 1, 1980;*  
*Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;*  
*Temporary Amendment Eff. January 1, 1998;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. February 4, 2000;*  
*Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000;*  
*Temporary Amendment Eff. May 1, 2015;*  
*Amended Eff. October 1, 2015;*  
*Readopted Eff. October 1, 2018;*  
*Amended Eff. January 1, 2024; June 1, 2023; June 1, 2022; May 1, 2019.*



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

*Water safety rulemaking applications are considered at August and December NCWRC meetings.  
 Please submit information at least six (6) weeks in advance.*

1. Governmental Unit: Lake Wylie Marine Commission Date: 02/10/2024  
 Contact Name: Neil Brennan  
 Mailing Address: [REDACTED] Phone: [REDACTED]  
 Email: [REDACTED]

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: Lake Wylie, Gaston, Mt. Holly, West channel adjacent to Sadler island

Popular Name (if any): Tailrace Marina channel

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

**Extend the existing west channel no-wake zone to the south end of Sadler Island.**

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
- 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 NO WAKE ZONE 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:

Narrow channel, increased congestion - more docks since NWZ was approved.

4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. 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 or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**  
NC Wildlife Resources Commission

[Redacted]

[Redacted]

Signature

Date

02/10/2024





## NO-WAKE ZONE INVESTIGATION MATRIX

## SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Lake Wylie Marine Commission
- Primary contact information: Neil Brennan, [REDACTED]
- Location of requested no-wake zone:
  - Body of water and County: Lake Wylie, Gaston and Mecklenburg County
  - Location: west channel adjacent to and south of Sadler Island
  - Popular name of area, if any: Tailrace Marina Channel
  - Width of No-Wake Zone: Narrowest Point: 269 ft      Widest Point: 590 ft
  - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)  
 narrow channel on the Gaston County side with increased development and docks.

**\*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 INVESTIGATION MATRIX

### **Provide detailed reason given from point of contact for the request**

Chairman Neil Brennan reports that vessels leaving the channel east of Sadler Island to the south are accelerating to unregulated speed, and are in conflict with boaters launching from multiple docks built on the west side of the island since 2015 when the Rule was adopted. Hazards to boater safety and vessel operation have greatly increased over the last nine years. The LWMC requests consideration of extending the west channel no-wake zone to a point shore to shore just past multiple docks that are new on the Gaston County side.

Under its statutory authority, the LWMC is responsible for purchase, placement, and maintenance of any no-wake buoys placed in the lake.

- 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 INVESTIGATION 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) 300 feet

SHALLOW WATER (give average depth) \_\_\_\_\_



## NO-WAKE ZONE INVESTIGATION MATRIX

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 INVESTIGATION 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 MEDIUM
- 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: GS 75A-13.3  
 NO



## NO-WAKE ZONE INVESTIGATION 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: 2376 feet  
 NO
- Total distance travelled at no-wake speed (in feet): 2376 feet
- Estimated travel time through propose area at no-wake speed: 6 minutes, 45 seconds
- Width of proposed no-wake zone (in feet): Narrowest: 269 ft      Widest: 590 ft
- 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 INVESTIGATION 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:

See Attachment A

Officer: S.A. Shepperd

Date: 07/08/2024

Sergeant: \_\_\_\_\_

Date: \_\_\_\_\_



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

[REDACTED]

**ATTACHMENT A**

The Lake Wylie Marine Commission has requested the review of a no wake zone on the channel west and south of Sadler Island. Sadler Island is located north of the Highway 85 bridge, in between the U.S. National Whitewater Center and Tailrace Marina (1010 Marina Village Drive, Mount Holly, NC). The island splits the Catawba River into an eastern and western channel. The proposed area at Sadler Island extends an already existing no wake zone attached to the docks of the Tailrace Marina (western channel), and the entirety of the eastern channel that runs parallel to the Whitewater Center. This no wake zone has been proposed by the Lake Wylie Marine Commission because of the increased development of docks on the Gaston County shoreline. The Lake Wylie Marine Commission says the new docks, coupled with the narrow nature of the channel has made this a congested area that poses safety concerns for traveling vessels. The existing no wake zone was commissioned in 2015, before the addition of the docks south of Tailrace Marina.

On 07/07/2024 Officers Kristofer Blankenship and Anthony Bynum patrolled the area to complete a boating safety assessment. Visually, Sadler Island splits the Catawba River into two narrow channels, east and west of the island. The narrowest area in the proposed no wake zone is approximately 269' across. The widest point is approximately 590'. The proposed area is approximately 2376' in length. A vessel travelling at no wake speed will take approximately 6 minutes, 45 seconds to travel through the proposed no wake zone. The proposed no wake zone is a southern extension of the existing no wake zone attached to the Tailrace Marina. The existing no wake zone also includes the entirety of the eastern channel adjacent to Sadler Island, connected to the dock of the U.S. National Whitewater Center. There are currently no public swimming areas or fishing areas within this channel. The only boat access areas are part of the private marina, apart from the public dock(s) for J.R. Cash's Restaurant.

The reason that I am not recommending this to be a no wake zone is because of the existing no wake zone located north and northeast of the proposed area. It is my opinion that boaters are already reducing their speed in anticipation of this existing area. Given the narrow nature of the channel(s), boaters are reducing their speed as well. If commissioned, this proposed area would extend the no wake zone to 0.75 miles, which would take a vessel traveling at no-wake speed (4 mph) approximately 11 minutes, 10 seconds traveling north-to-south. It would take even longer (approximately 14 minutes, 15 seconds) traveling south-to-north, against the current. This would cause unnecessary congestion of the area. This area has no recorded boat incidents reported. The existing no wake zone around Sadler Island has produced no wake zone infractions. My conclusion is that the newly constructed docks are not enough to warrant an addition to the existing no wake zone. Vessels are already reducing speed in anticipation of the area, and extending the no wake zone will only congest the channel even further due to mandated speed reductions.

Wildlife Enforcement Officer S.A. Shepperd NCWRC 816 [REDACTED]

View traveling north into the proposed No Wake Zone. The docks to the left are privately owned. The channel splits in the right side of the image. The eastern side of the split channel is an already established No Wake Zone.



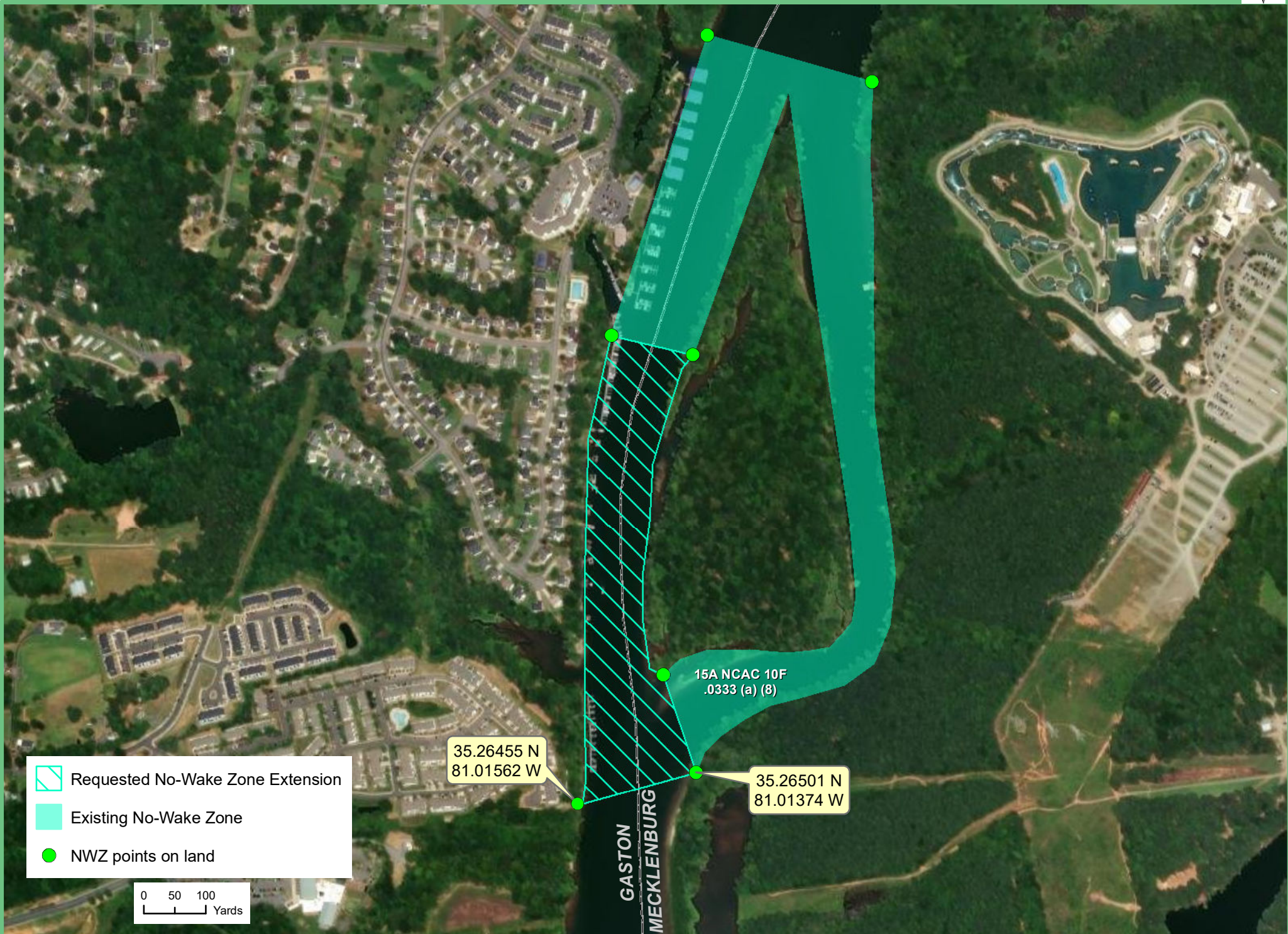





This is an additional view of the proposed No Wake Zone. Note how the channel splits in the center of the image at the yellow sign.

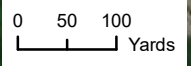




15A NCAC 10F .0333 - Requested No-Wake Zone Extension by the Lake Wylie Marine Commission  
Sadler Island, Lake Wylie, Gaston and Mecklenburg Counties



-  Requested No-Wake Zone Extension
-  Existing No-Wake Zone
-  NWZ points on land



35.26455 N  
81.01562 W

35.26501 N  
81.01374 W

15A NCAC 10F  
.0333 (a) (8)

GASTON  
MECKLENBURG

# EXHIBIT H-3

July 25, 2024



## **15A NCAC 10F .0333– LAKE WYLIE IN MECKLENBURG AND GASTON COUNTIES APPLICATION FOR RULEMAKING FOR PROPOSED NO WAKE ZONE – SUNSET ISLAND**

The Lake Wylie Marine Commission (LWMC) submitted an application for rulemaking to create a no-wake zone in the waters north and east of Sunset Island, located south of Rosapenny Road in Charlotte at the North Carolina/South Carolina border.

The LWMC requested a no-wake zone to mitigate boating safety hazards in the narrow, congested channel on the north and east side of Sunset Island. Neil Brennan, Executive Director, states there is a recognized recreational swim area to the north off Rosapenny Road. The recreational swim area is not open to the public. Mr. Brennan has spoken with Charlotte-Mecklenburg Police Department, which concurs with the proposed location of no-wake buoys to mark the cove northwest and east of Sunset Island along the NC/SC border.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A**). Enforcement officers visited the area twice to provide a thorough assessment of the area. The area around Sunset Island is popular for as many as 20-30 boaters at a time to beach their vessels or anchor them along the shoreline. The area around Sunset Island is not located on the main channel. There is a moderate amount of traffic around the backside of the island. Estimated travel time at no-wake speed around the proposed no-wake zone is five minutes forty-five seconds. Officers have documented one vessel incident that occurred at Sunset Island. The most common violation seen in the area is personal watercraft operating at greater than no-wake speed within 100 feet of anchored vessels and swimmers. Enforcement of this Statute helps maintain safety in the area for those who beach their vessels at the island and for boaters who operate through that area. Enforcement officers do not believe there are sufficient safety hazards around Sunset Island to warrant creating a no-wake zone there.

Staff requests that the Commission consider action on this application from the Lake Wylie Marine Commission pertaining to creating a no-wake zone north and east of Sunset Island, in 15A NCAC 10F .0333(a)(14).



**15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at ~~35.10293 N, 81.03932 W~~, 35.10187 N, 81.03913 W to a point 150 feet west of the Buster Boyd Bridge at ~~35.10242 N, 81.04089 W~~; 35.10165 N, 81.04070 W;
- (4) N.C. Highway 27 Bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters of Withers Cove in Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on S.R. 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;
- (8) ~~Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;~~
- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.01380 W east to a point on the east shore of the Lake in

Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.26455 N, 81.01562 W to a point on the east shore of the Lake in Mecklenburg County at 35.26501 N, 81.01374 W, and the waters shore to shore east of Sadler Island in Mecklenburg County ending at the point at 35.27423 N, 81.01111 W;

- (9) Other Bridges. The waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph;
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W;
- (11) Brown's Cove. The waters of Brown's Cove in Mecklenburg County, beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W;
- (12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont;
- ~~(13) Other Facilities. The waters within 50 yards of a public boat launching ramp not otherwise specified in this Paragraph, public dock, public pier, public marina, public boat storage structure, or public boat service area; and~~
- ~~(14) Marked Swimming and Mooring Areas. The waters within 50 yards of a marked swimming area or marked mooring area.~~
- (13) the waters within 50 yards of the docks at Joyner's Marina, 16310 York Road in Charlotte, and including the cove southeast of the docks to a point on the shore at 35.10084 N, 81.03610 W; and
- (14) the waters north and east of Sunset Island near the North Carolina-South Carolina state line, east of a line from a point on the island at 35.04753 N, 81.04120 W to a point on the mainland at 35.04904 N, 81.04223 W, then south ending at a line from a point on the island at 35.04556 N, 81.03984 W to a point on the mainland at 35.04679 N, 81.03771 W.

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

(c) Restricted Area. No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the restricted area with swim beach at the South Point Access Area in Gaston County, at 199 Boat Launch Road in Belmont, north of the rope in the cove east of the South Point Boating Access Area.

(d) Placement and Maintenance of Markers. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:

- (1) the Lake Wylie Marine Commission for the regulated areas designated in Subparagraphs (a)(1) through ~~(11), (13) and (14);~~ (11), and (13) and (14);

- (2) the North Carolina Wildlife Resources Commission for the regulated area designated in Subparagraph (a)(12); and
- (3) Duke Energy Carolinas, LLC for the restricted area designated in Paragraph (c).

*History Note: Authority G.S. 75A-3; 75A-15;*  
*Eff. July 1, 1980;*  
*Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;*  
*Temporary Amendment Eff. January 1, 1998;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. February 4, 2000;*  
*Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000;*  
*Temporary Amendment Eff. May 1, 2015;*  
*Amended Eff. October 1, 2015;*  
*Readopted Eff. October 1, 2018;*  
*Amended Eff. January 1, 2024; June 1, 2023; June 1, 2022; May 1, 2019.*



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

*Water safety rulemaking applications are considered at August and December NCWRC meetings.  
Please submit information at least six (6) weeks in advance.*

1. Governmental Unit: Lake Wylie Marine Commission Date: March 25, 2024  
Contact Name: Neil Brennan  
Mailing Address: [REDACTED] Phone: [REDACTED]  
Email: [REDACTED]

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: Lake Wylie, Mecklenburg, at SC-Nc border

Popular Name (if any): Sunset Island

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

NWZ around Sunset Island as shown, CMPD agrees with the location of the buoys.

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
- 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 NO WAKE ZONE 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:

NWZ in way of a recognized recreational/swimming area and narrow channel.

4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. 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 or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**  
NC Wildlife Resources Commission



• 

Signature

Date

March 25, 2024



## NO-WAKE ZONE INVESTIGATION MATRIX

### SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Lake Wylie Marine Commission
- Primary contact information: Neil Brennan, [REDACTED]
- Location of requested no-wake zone:
  - Body of water and County: Lake Wylie, Mecklenburg County at NC/SC border
  - Location: waters north and east of Sunset Island, south of Rosapenny Road, Charlotte
  - Popular name of area, if any: Sunset Island
  - Width of No-Wake Zone: Narrowest Point: \_\_\_\_\_ Widest Point: \_\_\_\_\_
  - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)  
Narrow channel in the cove with recognized private swim area.

**\*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 INVESTIGATION MATRIX

### **Provide detailed reason given from point of contact for the request**

Neil Brennan notes that the channel on the north and east side of Sunset Island is narrow. Mr. Brennan states that there is a recognized recreational swim area to the north, off Rosapenny Road. The recreational swim area is not open to the public.

Mr. Brennan states that Charlotte-Mecklenburg PD agrees with proposed location of no-wake buoys marking the cove northwest and east of Sunset Island (along NC/SC border)

- 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 INVESTIGATION 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 not open to the public

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) \_\_\_\_\_

SHALLOW WATER (give average depth) \_\_\_\_\_



# NO-WAKE ZONE INVESTIGATION MATRIX

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 INVESTIGATION 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:

See Attachment A.

Officer: W.W. Laton #496

Date: 07-03-2024

Sergeant: [REDACTED]

Date: 07-03-2024



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

---

**ATTACHMENT A**

[REDACTED]

The Lake Wylie Marine Commission has requested that the area around Sunset Island be reviewed for consideration for a No-Wake Zone area. Sunset Island is located at the southernmost portion of Lake Wylie in North Carolina.

The area of Sunset Island is a popular area where boaters come to beach their vessels. It isn't uncommon to see 20 to 30 vessels beached or anchored along the shoreline of the island. The area that is being requested to be considered for a No Wake Zone is not located on the main channel of the lake. This area does see a moderate amount of traffic driving around the backside of the island where the NWZ request is being made. Traffic is higher on weekends and holidays as stated in the matrix. As indicated in the matrix the narrowest point is 285 feet or 95 yards wide. The widest point of the requested area is 1,080 feet or 360 yards wide. The total travel distance is approximately 1,440 feet in length. The estimated travel time for the requested NWZ is 5 minutes and 45 seconds. The area requested doesn't have any demonstrated public safety or navigational hazards to meet the requirements for establishing a NWZ. NC Wildlife Officers have one documented vessel incident that occurred in this area. Officers have also observed the most common violation which is personal watercraft operating at greater than No Wake Speed within 100' of anchored vessels and or swimmers. Enforcement of this law can help to maintain safety in the area for those who choose to beach their vessels along Sunset Island and for vessel operators that operate through the requested area.

Officers have observed the area as part of this matrix request on two separate occasions. Officer Shepperd and Sgt. Laton reviewed the area on Saturday, June 22, 2024. Officer Bynum and Sgt. Laton observed the area again on Sunday, June 30, 2024. Officers observed several vessels come through the area while vessels beached on the island. Officers have concluded that the area doesn't meet the requirements to become a marked No-Wake Zone as a result of these observations.



View going in to the proposed No Wake Zone on the North side of Sunset Island.



This is an additional view of the proposed No Wake Zone at South end of Sunset Island at the NC/SC stateline.





15A NCAC 10F .0333 - Requested No-Wake Zone by the Lake Wylie Marine Commission  
Sunset Island, Lake Wylie, Mecklenburg County





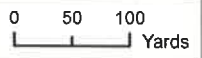
Lake Wylie

South Carolina

570 ft

700 ft

-  Requested No-Wake Zone
-  Requested NWZ Buoy Placements



# EXHIBIT H-4

July 25, 2024



## **15A NCAC 10F .0333– LAKE WYLIE IN MECKLENBURG AND GASTON COUNTIES TECHNICAL CORRECTIONS**

As part of the rulemaking process for 15A NCAC 10F .0333 Lake Wylie, Staff recommends Commission approval to submit the Notice of Text for permanent rulemaking, to replace in the Rule the coordinates that describe the eastern side of the Buster Boyd bridge and the western side of the Buster Boyd Bridge, replacing coordinates that are in the NCAC that are in the waters of Lake Wylie in South Carolina, with coordinates in North Carolina.

Staff also recommends Commission approval to publish Notice of Text to strike from the North Carolina Administrative Code two entries that are struck through and highlighted below:

- 15A NCAC 10F .0333(a)(13) Other Facilities; and
- 15A NCAC 10F .0333(a)(14) Marked Swimming and Mooring Areas.

Those paragraphs are not necessary, and incorrectly appear to assign responsibility for placement and maintenance of markers for any facility or any marked swimming area or mooring area to the Lake Wylie Marine Commission. The Lake Wylie Marine Commission has requested that they be removed from the North Carolina Administrative Code (NCAC). Every facility or swim area on Lake Wylie is considered for rulemaking and codification in the NCAC on a case-by-case basis.

**15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at 35.10293 N, 81.03932 W, 35.10187 N, 81.03913 W to a point 150 feet west of the Buster Boyd Bridge at 35.10242 N, 81.04089 W; 35.10165 N, 81.04070 W;
- (4) N.C. Highway 27 Bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters of Withers Cove in Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on S.R. 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;
- ~~(8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;~~
- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.01380 W east to a point on the east shore of the Lake in



Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.26455 N, 81.01562 W to a point on the east shore of the Lake in Mecklenburg County at 35.26501 N, 81.01374 W, and the waters shore to shore east of Sadler Island in Mecklenburg County ending at the point at 35.27423 N, 81.01111 W;

- (9) Other Bridges. The waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph;
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W;
- (11) Brown's Cove. The waters of Brown's Cove in Mecklenburg County, beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W;
- (12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont;
- ~~(13) Other Facilities. The waters within 50 yards of a public boat launching ramp not otherwise specified in this Paragraph, public dock, public pier, public marina, public boat storage structure, or public boat service area; and~~
- ~~(14) Marked Swimming and Mooring Areas. The waters within 50 yards of a marked swimming area or marked mooring area.~~
- (13) the waters within 50 yards of the docks at Joyner's Marina, 16310 York Road in Charlotte, and including the cove southeast of the docks to a point on the shore at 35.10084 N, 81.03610 W; and
- (14) the waters north and east of Sunset Island near the North Carolina-South Carolina state line, east of a line from a point on the island at 35.04753 N, 81.04120 W to a point on the mainland at 35.04904 N, 81.04223 W, then south ending at a line from a point on the island at 35.04556 N, 81.03984 W to a point on the mainland at 35.04679 N, 81.03771 W.

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

(c) Restricted Area. No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the restricted area with swim beach at the South Point Access Area in Gaston County, at 199 Boat Launch Road in Belmont, north of the rope in the cove east of the South Point Boating Access Area.

(d) Placement and Maintenance of Markers. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:

- (1) the Lake Wylie Marine Commission for the regulated areas designated in Subparagraphs (a)(1) through ~~(11), (13) and (14);~~ (11), and (13) and (14);



- (2) the North Carolina Wildlife Resources Commission for the regulated area designated in Subparagraph (a)(12); and
- (3) Duke Energy Carolinas, LLC for the restricted area designated in Paragraph (c).

*History Note: Authority G.S. 75A-3; 75A-15;*  
*Eff. July 1, 1980;*  
*Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;*  
*Temporary Amendment Eff. January 1, 1998;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. February 4, 2000;*  
*Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000;*  
*Temporary Amendment Eff. May 1, 2015;*  
*Amended Eff. October 1, 2015;*  
*Readopted Eff. October 1, 2018;*  
*Amended Eff. January 1, 2024; June 1, 2023; June 1, 2022; May 1, 2019.*

# EXHIBIT I

## July 25, 2024



### **Proposed Amendments for Periodic Review of Rules Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing**

Rules in Subchapters 10G and 10J were determined to be “necessary with substantive public interest” and are required to be readopted as part of the periodic review.

#### **15A NCAC 10G .0501 LICENSE REQUIREMENTS**

Proposed rule language has been updated to align with the current rule formatting requirements.

*15A NCAC 10K .0501 LICENSE REQUIREMENTS (pg. 2)*

#### **15A NCAC 10J .0103 HUNTING ON WILDLIFE CONSERVATION AREAS**

Proposed rule language has been updated to align with the current general statutes and rule formatting requirements.

*15A NCAC 10J .0103 HUNTING ON WILDLIFE CONSERVATION AREAS (pg. 3-4)*

#### **15A NCAC 10J .0104 FISHING ON WILDLIFE CONSERVATION AREAS**

Proposed rule language has been updated to align with the current rule formatting requirements.

*15A NCAC 10J .0104 FISHING ON WILDLIFE CONSERVATION AREAS (pg. 5)*

1 **15A NCAC 10G .0501 LICENSEE REQUIREMENTS**

2 ~~(a) In order to show entitlement to licenses~~ An individual exercising the privilege of a license issued by the Wildlife  
3 Resources Commission, ~~Commission~~ persons exercising the privilege of any license shall carry on their person and  
4 show to ~~any a~~ Wildlife Enforcement ~~Officer, Officer~~ upon ~~request a~~ request, the following documents:

- 5 (1) an electronic or physical license that entitles the individual to that privilege; and  
6 (2) a valid picture identification card which that includes the license holder's correct name, address, and  
7 date of birth, birth.

8 ~~(b) except that no~~ No person shall be in violation of this Rule if the required identification is provided to the Wildlife  
9 Resources Commission prior to the assigned court date. ~~The North Carolina Driver's License or the North Carolina~~  
10 ~~Picture ID Card issued by the North Carolina Division of Motor Vehicles is one type of identification card that is~~  
11 ~~acceptable for the purposes of this Rule.~~

12

13 *History Note: Authority G.S. 113-134; 113-270.1;*

14 *Eff. April 1, 1997.*

15

1 **15A NCAC 10J .0103 HUNTING ON WILDLIFE CONSERVATION AREAS**

2 (a) ~~Safety Requirements.~~ No person shall be under the influence of an impairing substance, as defined by G.S. 20-  
3 4.01(48b) while hunting on any area a designated and posted as a wildlife conservation area Wildlife Conservation  
4 Area, shall be under the influence of alcohol or any narcotic drug.

5 (b) ~~Tree Stands.~~ It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached  
6 by nails, screws, bolts, or wire to a tree on any area designated and posted as a wildlife conservation area. Erecting or  
7 occupying a tree stand or platform attached by nails, screws, bolts, or wire to a tree for the purpose of hunting on a  
8 designated Wildlife Conservation Area is prohibited. This prohibition shall not apply to lag-screw steps or portable  
9 stands that are removed after use with no metal left remaining in or attached to the tree.

10 (c) ~~Time and Manner of Taking.~~ Hunting on designated Wildlife Conservation Areas during the open season for game  
11 or furbearing species is permitted. ~~Except~~ except where the area is closed to hunting or limited to specific dates by the  
12 rules of this Chapter ~~Chapter~~, hunting on areas designated and posted as wildlife conservation areas is permitted during  
13 the open season for the game or furbearing species being hunted.

14 (1) ~~Waterfowl~~ waterfowl hunters shall not enter the areas earlier than 4:00 a.m. on the permitted hunting  
15 dates, and hunting is prohibited after 1:00 p.m. on such hunting dates; decoys may not be set out  
16 prior to 4:00 a.m. and must be removed by 3:00 p.m. each date.

17 (2) game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,  
18 Saturdays and Thanksgiving Day, Christmas Day, and New Year's Day.

19 (3) deer may be taken with archery equipment as specified in 15A NCAC 10B .0116 on the opening  
20 day of the archery season.

21 (d) The following shall be prohibited while hunting on Wildlife Conservation Areas:

22 (1) ~~No person shall operate~~ operating any a vessel or vehicle powered by an internal combustion engine  
23 engine; on the waters of any area designated and posted as a wildlife conservation area.

24 (2) ~~No person shall attempt~~ attempting to obscure the sex or age of any a game bird or game animal  
25 taken by severing the head or any other part thereof, or possess any a bird or animal ~~which that~~ has  
26 been ~~so mutilated.~~ mutilated;

27 (3) ~~No person shall place, or cause to be placed on any area designated and posted as a wildlife~~  
28 conservation area, placing salt, grain, fruit, or other foods without prior written authorization of the  
29 Commission or its agent agent; and no person shall take or attempt attempting to take any game  
30 birds or game animals attracted to such ~~foods.~~ foods;

31 (4) ~~No person shall use~~ using an electronic calling device for the purpose of attracting wild birds or wild  
32 ~~animals.~~ animals; and

33 (5) ~~No removing~~ live wild animals or wild birds birds, shall be removed from any designated wildlife  
34 conservation area except with the written permission of the landowner.

35 (e) The Nona Pitt Hinson Cohen Wildlife Conservation Area - Richmond County is closed to hunting.

36 (d) Hunting Dates:

1           (1)     ~~Any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,~~  
2                     ~~Saturdays and Thanksgiving, Christmas, and New Year's Days. In addition, deer Deer may be taken~~  
3                     ~~with bow and arrow on the opening day of the bow and arrow season for deer. Raccoon and opossum~~  
4                     ~~hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight~~  
5                     ~~on Saturdays.~~

6           (2)     ~~Except as otherwise indicated, the following designated wildlife conservation areas or indicated~~  
7                     ~~portions thereof are closed to all hunting:~~

8                     ~~(A) — Nona Pitt Hinson Cohen Wildlife Conservation Area — Richmond County.~~

9                     ~~(B) — John D. Lewis Wildlife Conservation Area — Wayne County.~~

10

11     *History Note:*     ~~Authority G.S. 113-134; 113-136; 113-264; 113-291.2; 113-291.5; 113-305;~~

12                     ~~Eff. February 1, 1990;~~

13                     ~~Amended Eff. August 1, 2021; October 1, 1994.~~

14

1 **15A NCAC 10J .0104 FISHING ON WILDLIFE CONSERVATION AREAS**

2 (a) ~~Generally. Except as otherwise indicated herein, fishing on designated wildlife conservation areas which are open~~  
3 ~~to fishing shall be in accordance with the statewide regulations. All designated Designated wildlife conservation areas~~  
4 ~~Wildlife Conservations Areas are open to public fishing except restocked ponds when posted against fishing.~~

5 (b) ~~No trotline or set hook nor any, net, trap, gig or other special fishing device of a type mentioned specified in 15~~  
6 ~~NCAC 10C .0403 .0404, except archery ~~equipment~~ equipment, may be used in the impounded waters or free-running~~  
7 ~~streams located on designated ~~wildlife conservation areas.~~ Wildlife Conservation Areas. Except as otherwise~~  
8 ~~indicated, the following designated wildlife conservation areas or indicated portions thereof are closed to all fishing,~~  
9 ~~except for special fishing clinics authorized or conducted by the Commission: John D. Lewis Wildlife Conservation~~  
10 ~~Area—Wayne County.~~

11 (b) ~~Designated Public Mountain Trout Waters: Fishing Hours. It is unlawful to fish in designated public mountain~~  
12 ~~trout waters on any a designated wildlife conservation area Wildlife Conservation Area from one half hour after sunset~~  
13 ~~to one half hour before sunrise.~~

14  
15 *History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;*  
16 *Eff. February 1, 1990;*  
17 *Amended Eff. October 1, 1994.*  
18

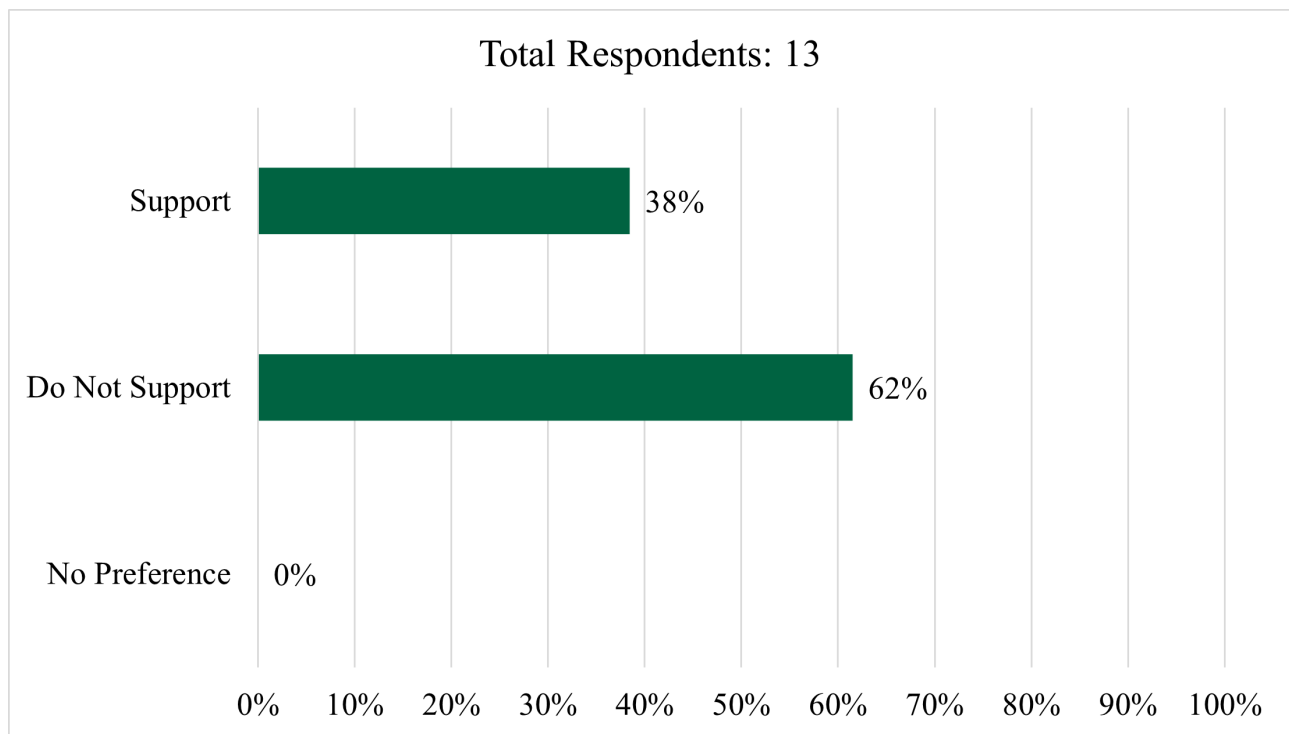


# EXHIBIT J-1

July 25, 2024



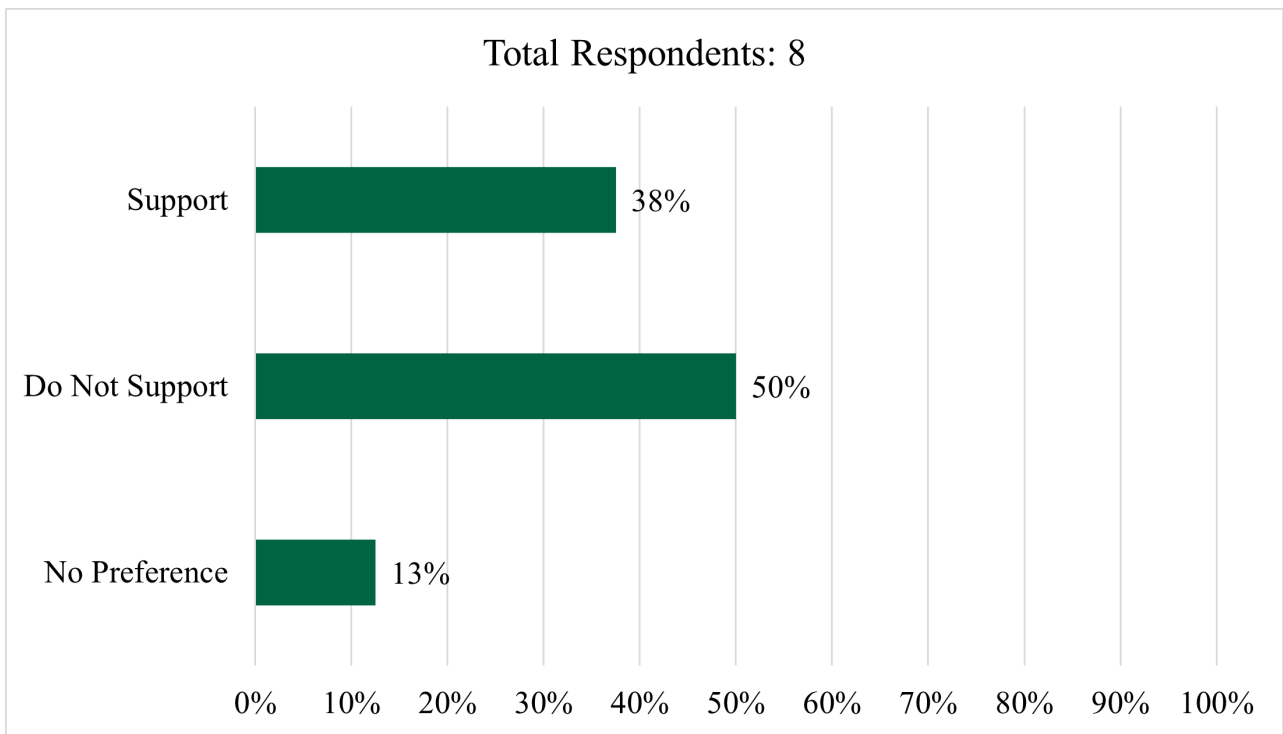
## Summary of Public Comments on 15A NCAC 10I .0102 - Protection of Endangered/Threatened/Special Concern Species



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	2	1	0	2	0	0	0	0	0	0	5
Do Not Support	0	2	0	2	0	1	2	0	0	1	0	8
No Preference	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>13</b>



## Summary of Public Comments on 15A NCAC 10I .0103 - Endangered Species Listed

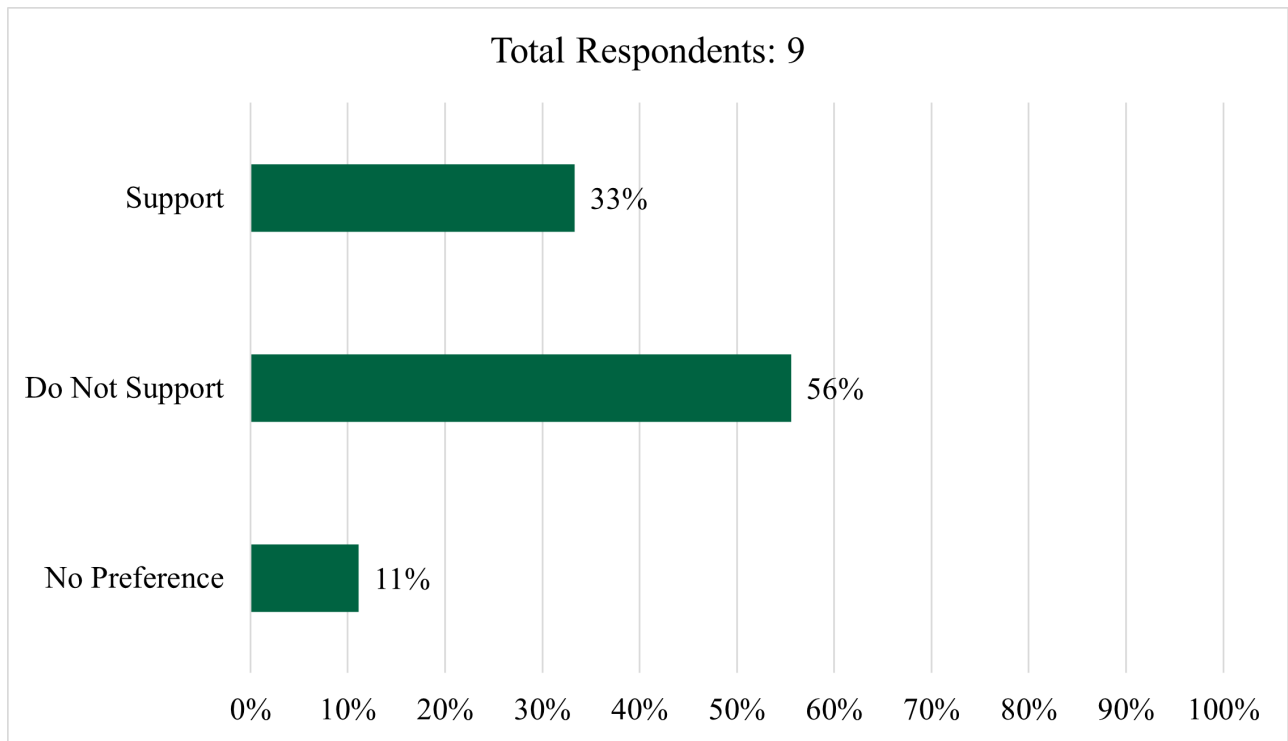


NOTE: Total % > 100% due to rounding

District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	1	1	0	1	0	0	0	0	0	0	3
Do Not Support	0	0	0	2	0	0	2	0	0	0	0	4
No Preference	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>8</b>



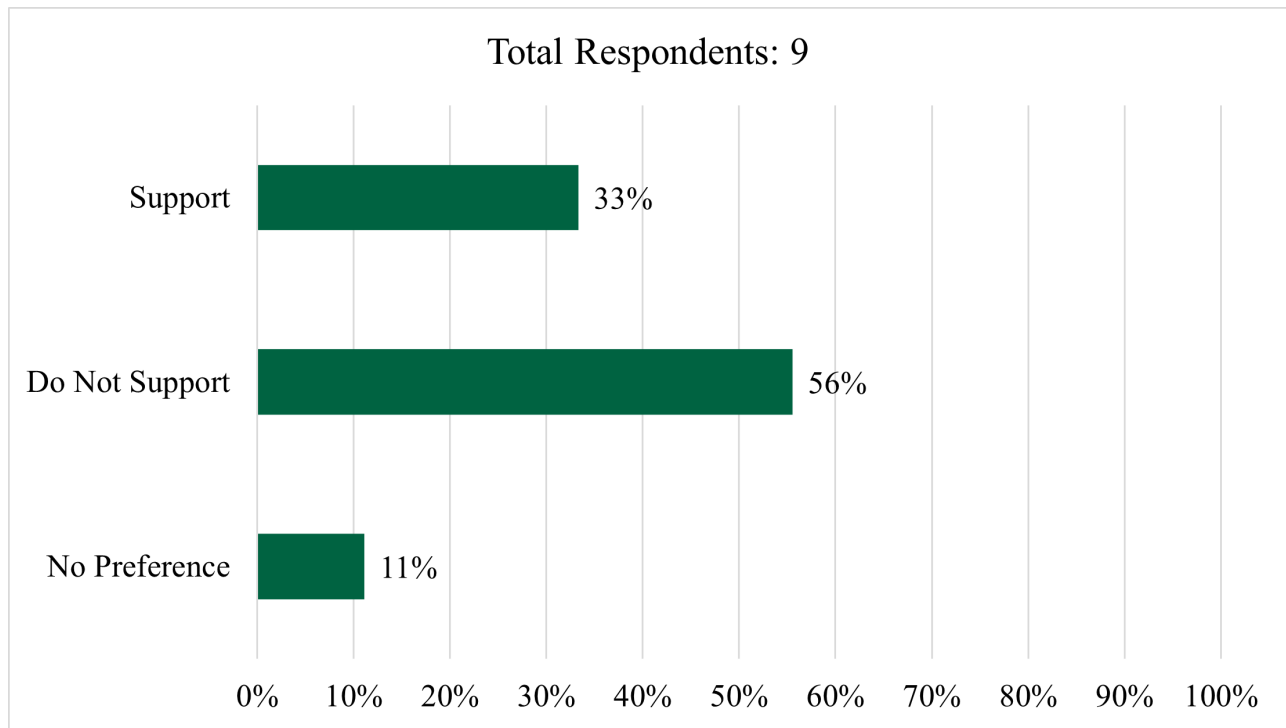
## Summary of Public Comments on 15A NCAC 10I .0104 - Threatened Species Listed



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	1	1	0	1	0	0	0	0	0	0	3
Do Not Support	0	0	0	2	0	0	2	1	0	0	0	5
No Preference	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>9</b>



## Summary of Public Comments on 15A NCAC 10I .0105 - Special Concern Species Listed



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	1	1	0	1	0	0	0	0	0	0	3
Do Not Support	0	0	1	2	0	0	2	0	0	0	0	5
No Preference	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>9</b>

# EXHIBIT J-2

July 25, 2024



## **Proposed Amendments to 15A NCAC 10I Endangered, Threatened, and Special Concern Species Rules Recommended by Agency Staff for Adoption**

### **15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN**

This rule was determined to be “necessary with substantive public interest” and is required to be readopted as part of the periodic review. Amendments were made to clarify requirements and conditions for:

- take, possession, sale, propagation, transport, import, export, transfer, barter, trade, or stocking endangered, threatened, or special concern species;
- application of an endangered species permit;
- take and possession without a permit; and
- reporting.

*15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN (Pgs. 3-6)*

### **15A NCAC 10I .0103 ENDANGERED SPECIES LISTED**

In addition to several name changes and technical edits to rule language, the following species were added to the endangered species list:

- Northern long-eared bat

The following species were removed from the endangered species list:

- Manatee, when found in inland fishing waters
- Bewick’s wren
- Longsolid

*15A NCAC 10I .0103 ENDANGERED SPECIES LISTED (Pgs. 7-9)*

### **15A NCAC 10I .0104 THREATENED SPECIES LISTED**

In addition to several name changes and technical edits to rule language, the following species were added to the threatened species list:

- West Indian Manatee, when found in inland fishing waters
- Longsolid
- Black skimmer
- Rusty blackbird

The Northern long-eared bat was removed from the threatened species list.

*15A NCAC 10I .0104 THREATENED SPECIES LISTED (Pgs. 10-12)*

### **15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED**

In addition to several name changes and technical edits to rule language, the following species were added to the special concern species list:

- Swallow-tailed kite
- Pink heelsplitter

The following species were removed from the special concern species list:

- Black skimmer

*15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED (Pgs. 13-16)*



1 **15A NCAC 10I .0102 PROTECTION OF ~~ENDANGERED/THREATENED/SPECIAL~~ ENDANGERED,**  
2 **~~THREATENED,~~ AND SPECIAL CONCERN SPECIES**

3 (a) ~~No Open Season.~~ There is no open season for taking any of the species listed as endangered in Rule ~~in Rules~~  
4 ~~.0103, .0104, or .0105~~ or threatened in Rule ~~.0104~~ of this Section, except for the American alligator (~~Alligator~~  
5 ~~mississippiensis) mississippiensis) as set forth in 15A NCAC 10B .0224.~~ the rules of this Chapter. Unless otherwise  
6 provided in North Carolina General Statutes or the rules of this Chapter,

7 (b) ~~Except as provided in Paragraphs (b), (d) and (e) (h) of this rule,~~ there is no open season for taking any of  
8 ~~purchase, sale, or take of~~ the species listed as special concern in Rule ~~in Rules .0103, .0104, or .0105~~ of this Section.  
9 Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in  
10 Rules ~~.0103, .0104, or .0105~~ of this Section at any time.

11 (b) (c) ~~Permits.~~ Take of federally listed endangered and threatened fish and wildlife species requires a federal permit,  
12 as specified in 50 CFR, hereby incorporated by reference, including subsequent amendments and additions. 50 CFR  
13 is available free of charge at [www.ecfr.gov](http://www.ecfr.gov).

14 (d) The Executive Director or his or her designee may issue endangered species permits to ~~take or possess an~~ take,  
15 possess, sell, propagate, transport, import, export, transfer, barter, trade, or stock endangered, threatened, or special  
16 concern species: species to:

- 17 (1) ~~to~~ an individual or institution with experience and training in handling, and caring for the wildlife  
18 and in conducting a scientific study, investigation for the purpose of scientific investigation relevant  
19 to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration  
20 effort; perpetuation, restoration, or management of a species;
- 21 (2) ~~to~~ a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained  
22 the specimen or specimens in his or her possession, possesses the requisite equipment and expertise  
23 to care for such specimen or the specimens, and abides by the applicable caging requirements for  
24 the species set forth in 15A NCAC 10H .0302; .1404;
- 25 (3) ~~to~~ a person who lawfully possessed any such the species for more than 90 days immediately prior  
26 to the date that such the species was listed and who abides by the applicable caging requirements  
27 for the species set forth in 15A NCAC 10H .1404; .0302, provided however, that no permit shall be  
28 issued more than 90 days after the effective date of the initial listing for that species; or
- 29 (4) ~~to~~ a person with demonstrable depredation from a Special Concern Species, or the American  
30 alligator (~~Alligator mississippiensis); mississippiensis);~~
- 31 (5) ~~to~~ a licensed ~~falconer;~~ falconer who meets the requirements of the rules in 15A NCAC 10H .0800;
- 32 (6) ~~to~~ a retail or wholesale establishment whose primary function is providing scientific supplies,  
33 provided that:
  - 34 (A) the specimens were lawfully obtained from captive populations or wild populations outside  
35 of North Carolina;
  - 36 (B) the specimens are possessed in indoor facilities; and
  - 37 (C) safeguards are provided during transportation to prevent accidental escape of the

specimens.

(7) ~~to~~ state and federal government agencies, corporate research entities, and research institutions within North Carolina provided that:

(A) the specimens are possessed in indoor facilities;

(B) safeguards are provided during transportation to prevent accidental escape of the specimens; and

(C) the agency's or institution's Animal Care and Use Committee has approved the research protocol for the ~~species;~~ species.

~~(D) — no specimens shall be stocked or released in the public or private waters or lands of North Carolina; and~~

~~(E) — specimens shall not be transferred to any private individual.]~~

~~(e) Additional permits or authorizations from the Commission shall be required for importation, exportation, propagation, transportation, stocking, and release of endangered, threatened, or special concern species.~~

~~(e)~~ (f) An individual may apply for an endangered species permit online at [www.gooutdoorsnorthcarolina.com](http://www.gooutdoorsnorthcarolina.com) by providing the following information:

(1) name, address, phone number, and ~~email;~~ email of the applicant;

(2) applicant's affiliation, if applicable;

(3) species name and quantity;

~~(3)~~(4) proposed activities;

~~(4)~~(5) map with specific location of activities identified, if applicable;

~~(5)~~(6) the source of the specimens and documentation of lawful acquisition;

~~(6)~~(7) caging or confinement plans for specimens, if applicable;

~~(7)~~(8) ~~applicant's~~ qualifications and explanation of ~~experience;~~ experience for anyone working with the species;

~~(8)~~(9) research proposal, if applicable;

~~(9)~~(10) ~~acknowledgement~~ proof that ~~additional~~ federal permits ~~may be required;~~ have been applied for or obtained, if applicable;

~~(10)~~(11) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if applicable; and

~~(11)~~(12) plans for final disposition of specimens.

~~(e)~~ ~~(d)~~ (g) Endangered species permits shall not be transferrable by license holder or by site.

(h) ~~Taking Without a Permit:~~ The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or possessed without a permit when:

(1) An individual ~~may take an endangered, threatened, or special concern~~ takes the species in defense of his or her own life or the lives of ~~others,~~ others, as described in Rule 10B .0106.

(2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC 10B .0224.

1 (3) an individual possesses meat or other parts of American alligators that have been lawfully taken,  
2 possessed, or bought in a state where there is an open season for harvesting alligators and the  
3 products are marketed in packages or containers that are labeled to indicate the state in which the  
4 animals were taken and the identity, address, and lawful authority of the processor or distributor.

5 (4) an individual is taking or harassing a red wolf (Canis rufus) pursuant to the conditions in 50 CFR  
6 17.84(c), hereby incorporated by reference, including subsequent amendments and editions,  
7 available free of charge at [www.ecfr.gov](http://www.ecfr.gov).

8 (2)(5) ~~A state or federal conservation officer or employee~~ an individual ~~who is designated by his agency~~  
9 ~~to do so may,~~ meets the requirements of G.S. 113-261, who, when acting in the course of his or her  
10 official duties, ~~take, possess, and transport~~ takes, possesses, or transports endangered, threatened, or  
11 special concern species if the action is necessary to:

12 (A) aid a sick, injured, diseased, or orphaned specimen;

13 (B) dispose of a dead specimen;

14 (C) salvage a dead specimen that may be useful for scientific study; or

15 (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety  
16 safety, provided the taking is done in a humane and noninjurious manner. The taking may  
17 involve injuring or killing endangered, threatened, or special concern species only if it is  
18 not possible to eliminate the threat by live capturing and releasing release the specimen  
19 unharmd, in a habitat that is suitable for the survival of that species. survival.

20 (d) ~~(e)~~ (i) Reporting. Any taking or possession of an Take, possession, sale, propagation, transportation, importation,  
21 exportation, transfer, barter, trade, or stocking of endangered, threatened, or special concern species under Paragraphs  
22 (b) (d) and (e) ~~(d)~~ (h) of this Rule is subject to applicable federal reporting requirements, requirements of federal law  
23 and regulations, and the and reporting requirements of the permit issued by the Executive Director or endangered  
24 species permit. permit, and applicable requirements of 15A NCAC 10B .0106(e).

25 (e) ~~Exceptions.~~

26 (1) ~~Notwithstanding any other provisions of this Rule, processed meat and other parts of American~~  
27 ~~alligators that have been lawfully taken in a state in which there is an open season for harvesting~~  
28 ~~alligators may be possessed, bought, and sold when such products are marketed in packages or~~  
29 ~~containers that are labeled to indicate the state in which they were taken and the identity, address,~~  
30 ~~and lawful authority of the processor or distributor.~~

31 (2) ~~Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild~~  
32 ~~for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered~~  
33 ~~species permit has been obtained as required in Paragraph (b) of this Rule.~~

34 (3) ~~Captive bred raptors listed as special concern species may be bought, sold, bartered, or traded as~~  
35 ~~provided in 50 CFR 21.85 when marked as required under those regulations. 50 CFR 21.85 is~~  
36 ~~incorporated by reference, including subsequent amendments and editions. This document may be~~  
37 ~~accessed at [www.ecfr.gov](http://www.ecfr.gov) at no cost.~~

1 ~~(4) Red Wolves (*Canis rufus*) listed as threatened in Rule .0104 in this Section may be taken or harassed~~  
2 ~~pursuant to the conditions provided in 50 CFR 17.84(e). 50 CFR 17.84(e) is incorporated by~~  
3 ~~reference, including subsequent amendments and editions. This document may be accessed at~~  
4 ~~www.ecfr.gov at no cost.~~

5 ~~(5) Importation, possession, sales, transportation, and exportation of species listed as special concern~~  
6 ~~species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale~~  
7 ~~establishments whose primary function is providing scientific supplies for research, provided that:~~

8 ~~(A) the specimens were lawfully obtained from captive or wild populations outside of North~~  
9 ~~Carolina;~~

10 ~~(B) they are possessed in indoor facilities;~~

11 ~~(C) all transportation of specimens provides safeguards adequate to prevent accidental escape;~~  
12 ~~and~~

13 ~~(D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A)~~  
14 ~~and (B) of this Rule.~~

15 ~~(f) A written application to the Commission shall be required for a permit to authorize importation, and possession~~  
16 ~~for the purpose of retail or wholesale sale. The application shall identify the source of the specimens and provide~~  
17 ~~documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation,~~  
18 ~~advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape~~  
19 ~~and sales to unauthorized individuals.~~

20 ~~(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit~~  
21 ~~to state and federal governmental agencies, corporate research entities, and research institutions, provided that:~~

22 ~~(1) sales are permitted to out of state consumers;~~

23 ~~(2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental~~  
24 ~~escape are provided during all transportation of the specimens;~~

25 ~~(3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for~~  
26 ~~this species; and~~

27 ~~(4) no specimens may be stocked or released in the public or private waters or lands of North Carolina~~  
28 ~~and specimens may not be transferred to any private individual.~~

29  
30 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; 113-337;*

31 *Eff. June 11, 1977;*

32 *Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April*  
33 *1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*

34 *Temporary Amendment Eff. February 27, 2015;*

35 *Amended Eff. February 1, 2023; July 1, 2016.*

1 **15A NCAC 10I .0103 ENDANGERED SPECIES LISTED**

2 (a) The following species of resident wildlife shall be designated as federally listed endangered species:

3 (1) Amphibians: None listed.

4 (2) Birds:

5 (A) Bachman's warbler (*Vermivora bachmanii*);

6 (B) Ivory-billed woodpecker (*Campephilus principalis*);

7 (C) Piping plover (*Charadrius melodus circumcinctus*);

8 (D) Red-cockaded woodpecker (*Dryobates borealis*); and

9 (E) Roseate tern (*Sterna dougallii dougallii*).

10 (3) Crustacea: None listed.

11 (4) Fish:

12 (A) Cape Fear shiner (~~*Notropis*~~ (*Miniellus mekistocholas*);

13 (B) Carolina madtom (*Noturus furiosus*);

14 (C) Roanoke logperch (*Percina rex*);

15 (D) Shortnose sturgeon (*Acipenser brevirostrum*), when found in inland fishing waters as  
16 defined in G.S. 113-129(9); and

17 (E) Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), when found in inland fishing waters  
18 as defined in G.S. 113-129(9).

19 (5) Mammals:

20 (A) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*);

21 (B) Eastern cougar (*Puma concolor*);

22 (C) Gray bat (*Myotis grisescens*);

23 (D) Indiana bat (*Myotis sodalis*);

24 ~~(E) Manatee (*Trichechus manatus*), when found in inland fishing waters as defined in G.S.  
25 113-129(9); and~~

26 (E) Northern long-eared bat (*Myotis septentrionalis*); and

27 (F) Virginia big-eared bat (*Corynorhinus townsendii virginianus*).

28 (6) Mollusks:

29 (A) Appalachian elktoe (*Alasmidonta raveneliana*);

30 (B) Carolina heelsplitter (*Lasmigona decorata*);

31 (C) Dwarf wedgemussel (*Alasmidonta heterodon*);

32 (D) James spinymussel (*Parvaspina collina*);

33 (E) Littlewing pearlymussel (*Pegias fabula*);

34 (F) Tan riffleshell (*Epioblasma florentina walkeri*); and

35 (G) Tar River spinymussel (*Parvaspina steinstansana*).

36 (7) Reptiles:

37 (A) Kemp's ridley sea turtle (*Lepidochelys kempii*);

- 1 (B) ~~Atlantic hawksbill~~ Hawksbill sea turtle (*Eretmochelys imbricata*); and  
2 (C) Leatherback sea turtle (*Dermochelys coriacea*).
- 3 (b) The following species of resident wildlife shall be designated as State-listed endangered species:
- 4 (1) Amphibians:
- 5 (A) Gopher frog (*Rana [=Lithobates] capito*);  
6 (B) Hickory Nut Gorge green salamander (*Aneides ~~caryaensis~~ caryaensis*);  
7 (C) Ornate chorus frog (*Pseudacris ornata*); and  
8 (D) River frog (*Rana [=Lithobates] heckscheri*).
- 9 (2) Birds:
- 10 (A) American peregrine falcon (*Falco peregrinus anatum*);  
11 ~~(B) Bewick's wren (*Thryomanes bewickii*);~~  
12 ~~(C) Common tern (*Sterna hirundo*);~~  
13 ~~(D) Henslow's sparrow (*Centronyx henslowii*); and~~  
14 ~~(E) Wayne's black-throated green warbler (*Setophaga virens waynei*).~~
- 15 (3) Crustacea:
- 16 (A) Bennett's Mill cave water slater (*Caecidotea carolinensis*); and  
17 (B) Waccamaw crayfish (*Procambarus braswelli*).
- 18 (4) Fish:
- 19 (A) Blotchside logperch (*Percina burtoni*);  
20 (B) Bridle shiner (*Notropis bifrenatus*);  
21 (C) Orangefin madtom (*Noturus gilberti*);  
22 (D) Paddlefish (*Polyodon spathula*);  
23 (E) Robust redbreast (*Moxostoma robustum*);  
24 (F) Rustyside sucker (*Thoburnia hamiltoni*);  
25 (G) Sharpnose darter (*Percina oxyrhynchus*); and  
26 (H) Stonecat (*Noturus flavus*).
- 27 (5) Mammals:
- 28 (A) Little brown bat (*Myotis lucifugus*); and  
29 (B) Tricolored bat (*Perimyotis subflavus*).
- 30 (6) Mollusks:
- 31 (A) Barrel floater (*Utterbackiana couperiana*);  
32 (B) Brook floater (*Alasmidonta varicosa*);  
33 (C) Carolina creekshell (~~*Villosa vaughaniana*~~); (*Sagittunio vaughanianus*);  
34 (D) Fragile glyph (~~*Glyphyalinia*~~) (*Pilsbryna clingmani*);  
35 (E) Green floater (*Lasmigona subviridis*);  
36 (F) Greenfield ~~rams horn~~ ramshorn (*Helisoma eucosmium*);  
37 (G) Knotty elimia (*Elimia christyi*);



- 1 (H) Longsolid (*Fusconaia subrotunda*);
- 2 (I) Magnificent ramshorn (*Planorbella magnifica*);
- 3 (J) Purple wartyback (*Cyclonaias tuberculata*);
- 4 (K) Savannah lilliput (*Toxolasma pullus*);
- 5 (L) Slippershell mussel (*Alasmidonta viridis*);
- 6 (M) Tennessee clubshell (*Pleurobema oviforme*);
- 7 (N) Tennessee heelsplitter (*Lasmigona holstonia*);
- 8 (O) Tennessee pigtoe (*Pleuronaia barnesiana*); and
- 9 (P) Yellow lampmussel (*Lampsilis cariosa*).
- 10 (7) Reptiles:
- 11 (A) Eastern coral snake (*Micrurus fulvius fulvius*); and
- 12 (B) Eastern diamondback rattlesnake (*Crotalus adamanteus*); and
- 13 (C) Mimic glass lizard (*Ophisaurus mimicus*).

14

15 *History Note: Authority G.S. 113-134; 113-333;*  
16 *Eff. June 11, 1977;*  
17 *Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; April 1, 2001; February 1, 1994;*  
18 *November 1, 1991; April 1, 1991; June 1, 1990;*  
19 *Readopted Eff. October 1, 2021;*  
20 *Amended Eff. February 1, 2023.*

21  
22

1 **15A NCAC 10I .0104 THREATENED SPECIES LISTED**

2 (a) The following species of resident wildlife shall be designated as federally-listed threatened species:

- 3 (1) Amphibians: Neuse River waterdog (*Necturus lewisi*).
- 4 (2) Birds:
- 5 (A) Eastern black rail (*Laterallus jamaicensis jamaicensis*);
- 6 (B) Piping plover (*Charadrius melodus melodus*);
- 7 (C) Red knot (*Calidris canutus rufa*); and
- 8 (D) Wood stork (*Mycteria americana*).
- 9 (3) Crustacea: None listed.
- 10 (4) Fish:
- 11 (A) Spotfin chub (*Erimonax monachus*); and
- 12 (B) Waccamaw silverside (*Menidia extensa*).
- 13 (5) Mammals: ~~Northern long-eared bat (*Myotis septentrionalis*)~~ West Indian Manatee (*Trichechus*  
14 *manatus*), when found in inland fishing waters as defined in G.S. 113-129(9).
- 15 (6) Mollusks:
- 16 (A) Atlantic pigtoe (*Fusconaia masoni*);
- 17 ~~(B)~~ Longsolid (*Fusconaia subrotunda*);
- 18 ~~(B)(C)~~ Noonday globe (*Patera clarki nantahala*); and
- 19 ~~(C)(D)~~ Yellow lance (*Elliptio lanceolata*).
- 20 (7) Reptiles:
- 21 (A) Bog turtle (*Glyptemys muhlenbergii*);
- 22 (B) American alligator (*Alligator mississippiensis*); mississippiensis;
- 23 (C) Green sea turtle (*Chelonia mydas*); and
- 24 (D) Loggerhead sea turtle (*Caretta caretta*).

25 (b) The following species of resident wildlife are designated as State-listed threatened species:

- 26 (1) Amphibians:
- 27 (A) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
- 28 (B) Green salamander (*Aneides aeneus*);
- 29 (C) Junaluska salamander (*Eurycea junaluska*);
- 30 (D) Eastern long-tailed Long-tailed salamander (*Eurycea longicauda longicauda*);
- 31 (E) Mabee's salamander (*Ambystoma mabeei*);
- 32 (F) Pine Barrens tree frog (*Hyla andersonii*); and
- 33 (G) Wehrle's salamander (*Plethodon wehrlei*).
- 34 (2) Birds:
- 35 (A) Bald eagle (*Haliaeetus leucocephalus*);
- 36 ~~(B)~~ Black skimmer (*Rynchops niger*);
- 37 ~~(B)(C)~~ Caspian tern (*Hydroprogne caspia*);

- 1           ~~(C)~~(D) Gull-billed tern (*Gelochelidon nilotica aranea*);
- 2           ~~(D)~~(E) Northern saw-whet owl (*Aegolius acadicus*); and
- 3           (F) Rusty blackbird (*Euphagus carolinus*).
- 4           (3) Crustacea:
- 5           (A) Broad River spiny crayfish (*Cambarus spicatus*);
- 6           (B) French Broad crayfish (*Cambarus reburus*);
- 7           (C) Pamlico crayfish (*Procambarus medialis*);
- 8           (D) Sandhills crayfish (*Procambarus pearsei*); and
- 9           (E) South Mountains crayfish (*Cambarus franklini*).
- 10          (4) Fish:
- 11          (A) Bigeye jumprock (*Moxostoma ariommum*);
- 12          (B) Blotched chub (*Erimystax insignis*);
- 13          (C) Carolina pygmy sunfish (*Elassoma boehlkei*);
- 14          (D) Carolina redbreast (*Moxostoma sp.*);
- 15          (E) Ironcolor shiner (~~*Notropis*~~ (*Alburnops chalybaeus*);
- 16          (F) Least brook lamprey (*Lampetra aepyptera*);
- 17          (G) Logperch (*Percina caprodes*);
- 18          (H) Mimic shiner (~~*Notropis*~~ (*Paranotropis volucellus*);
- 19          (I) Rosyface chub (*Hybopsis rubrifrons*);
- 20          (J) Sharphead darter (~~*Etheostoma*~~ (*Nothonotus acuticeps*);
- 21          (K) Santee chub (*Cyprinella zanema*);
- 22          (L) Sicklefin redbreast (*Moxostoma sp.*);
- 23          (M) Thicklip chub (*Cyprinella labrosa*);
- 24          (N) Turquoise darter (*Etheostoma inscriptum*); and
- 25          (O) Waccamaw darter (*Etheostoma perlongum*).
- 26          (5) Mammals:
- 27          (A) Eastern woodrat (*Neotoma floridana floridana*);
- 28          (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
- 29          (C) Red wolf (*Canis rufus*).
- 30          (6) Mollusks:
- 31          (A) Alewife floater (*Utterbackiana implicata*);
- 32          (B) Big-tooth covert (*Fumonelix jonesiana*);
- 33          (C) Cape Fear threetooth (*Triodopsis soelneri*);
- 34          (D) Eastern lampmussel (*Lampsilis radiata*);
- 35          (E) Eastern pondmussel (~~*Ligumia nasuta*~~; (*Sagittunio nasutus*);
- 36          (F) Engraved covert (*Fumonelix orestes*);
- 37          (G) Mountain creekshell (~~*Villosa*~~ (*Leaunio vanuxemensis*);

- 1 (H) Notched rainbow (~~Villosa~~ (Venustaconcha constricta);
- 2 (I) Rainbow (~~Villosa~~ (Cambarunio iris);
- 3 (J) Roan supercoil (Paravitrea varidens);
- 4 (K) Sculpted supercoil (Paravitrea ternaria);
- 5 (L) Smoky Mountain covert (Inflectarius ferrissi);
- 6 (M) Creeper (Strophitus undulatus);
- 7 (N) Tidewater mucket (~~Leptodea~~ (Atlanticoncha ochracea);
- 8 (O) Triangle floater (Alasmidonta undulata); and
- 9 (P) Waccamaw ambersnail (Catinella waccamawensis).
- 10 (7) Reptiles:
- 11 (A) Northern pine snake (Pituophis melanoleucus melanoleucus); and
- 12 (B) Southern hognose snake (Heterodon simus).

13

14 *History Note: Authority G.S. 113-134; 113-333;*  
15 *Eff. March 17, 1978;*  
16 *Amended Eff. June 1, 2008; April 1, 2001; November 1, 1991; April 1, 1991; June 1, 1990;*  
17 *September 1, 1989;*  
18 *Temporary Amendment Eff. February 27, 2015;*  
19 *Amended Eff. October 1, 2017; July 1, 2016; August 1, 2016;*  
20 *Readopted Eff. October 1, 2021;*  
21 *Amended Eff February 1, 2023.*

22

23

1 **15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED**

2 The following species of resident wildlife shall be designated as State-listed special concern species:

3 (1) Amphibians:

- 4 (a) Collinse's mountain chorus frog (*Pseudacris collinorum*);
- 5 (b) Crevice salamander (*Plethodon longicrus*);
- 6 (c) Dwarf salamander (*Eurycea quadridigitata*);
- 7 (d) Dwarf black-bellied salamander (*Desmognathus folkertsi*);
- 8 (e) Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*);
- 9 (f) Four-toed salamander (*Hemidactylium scutatum*);
- 10 (g) Gray treefrog (*Hyla versicolor*);
- 11 (h) Mole salamander (*Ambystoma talpoideum*);
- 12 (i) Mudpuppy (*Necturus maculosus*);
- 13 (j) Southern chorus frog (*Pseudacris nigrita*);
- 14 (k) Southern zigzag salamander (*Plethodon ventralis*); and
- 15 (l) Weller's salamander (*Plethodon welleri*).

16 (2) Birds:

- 17 (a) American oystercatcher (*Haematopus palliatus*);
- 18 (b) Bachman's sparrow (*Peucaea aestivalis*);
- 19 (c) Barn owl (*Tyto alba*);
- 20 (d) Black-capped chickadee (*Parus atricapillus*);
- 21 ~~(e)~~ ~~Black skimmer (*Rynchops niger*);~~
- 22 ~~(f)~~(e) Brown creeper (*Certhia americana nigrescens*);
- 23 ~~(g)~~(f) Cerulean warbler (*Setophaga cerulea*);
- 24 ~~(h)~~(g) Glossy ibis (*Plegadis falcinellus*);
- 25 ~~(i)~~(h) Golden-winged warbler (*Vermivora chrysoptera*);
- 26 ~~(j)~~(i) Least bittern (*Ixobrychus exilis*);
- 27 ~~(k)~~(j) Least tern (*Sternula antillarum*);
- 28 ~~(l)~~(k) Little blue heron (*Egretta caerulea*);
- 29 ~~(m)~~(l) Loggerhead shrike (*Lanius ludovicianus*);
- 30 ~~(n)~~(m) Painted bunting (*Passerina ciris*);
- 31 ~~(o)~~(n) Red crossbill (*Loxia curvirostra*);
- 32 ~~(p)~~(o) Snowy egret (*Egretta thula*);
- 33 (p) Swallow-tailed kite (*Elanoides forficatus*);
- 34 (q) Tricolored heron (*Egretta tricolor*);
- 35 ~~(r)~~(q) Vesper sparrow (*Poocetes gramineus*); and
- 36 ~~(s)~~(r) Wilson's plover (*Charadrius wilsonia*).

37 (3) Crustacea:

- 1 (a) Carolina skistodiaptomus (*Skistodiaptomus carolinensis*);
- 2 (b) Carolina well diacyclops (*Diacyclops jeannelli putei*);
- 3 (c) Chowanoke crayfish (*Faxonius virginiensis*);
- 4 (d) Graceful clam shrimp (*Lynceus gracilicornis*);
- 5 (e) Greensboro burrowing crayfish (*Cambarus catagius*);
- 6 (f) Hiwassee headwaters crayfish (*Cambarus parrishi*);
- 7 (g) Little Tennessee River crayfish (*Cambarus georgiae*);
- 8 (h) North Carolina spiny crayfish (*Faxonius carolinensis*); and
- 9 (i) Oconee stream crayfish (*Cambarus chaugaensis*).
- 10 (4) Fish:
- 11 (a) American brook lamprey (*Lethenteron appendix*);
- 12 (b) "Atlantic" Highfin carpsucker (*Carpiodes sp. cf. velifer*);
- 13 (c) Banded sculpin (*Cottus carolinae*);
- 14 (d) Blue Ridge sculpin (*Cottus caeruleomentum*);
- 15 (e) Blueside darter (*Etheostoma jessiae*);
- 16 (f) Broadtail madtom (*Noturus sp.*);
- 17 (g) Carolina darter (*Etheostoma collis*);
- 18 (h) Cutlip minnow (*Exoglossum maxillingua*);
- 19 (i) Freshwater drum (*Aplodinotus grunniens*);
- 20 (j) Kanawha minnow (*Phenacobius teretulus*);
- 21 (k) Lake sturgeon (*Acipenser fulvescens*);
- 22 (l) Least killifish (*Heterandria formosa*);
- 23 (m) Mooneye (*Hiodon tergisus*);
- 24 (n) Mountain madtom (*Noturus eleutherus*);
- 25 (o) Ohio lamprey (*Ichthyomyzon bdellium*);
- 26 (p) Olive darter (*Percina squamata*);
- 27 (q) Pinewoods darter (*Etheostoma mariae*);
- 28 (r) River carpsucker (*Carpiodes carpio*);
- 29 (s) Sandhills chub (*Semotilus lumbee*);
- 30 (t) Seagreen darter (*Etheostoma thalassinum*);
- 31 (u) Sickie darter (*Percina williamsi*);
- 32 (v) Smoky dace (*Clinostomus sp.*);
- 33 (w) Sooty-banded darter (*Percina westfalli*);
- 34 ~~(w)~~(x) Striped shiner (*Luxilus chrysocephalus*);
- 35 ~~(x)~~(y) Snubnose darter (*Etheostoma simoterum*);
- 36 ~~(y)~~(z) "Thinlip" chub (*Cyprinella sp. cf. zanema*);
- 37 ~~(z)~~(aa) Waccamaw killifish (*Fundulus waccamensis*);



- 1           ~~(aa)~~    ~~Westfall's darter (*Percina westfalli*);~~  
2           (bb)    Wounded darter (~~*Etheostoma vulneratum*~~); (*Nothonotus vulneratus*); and  
3           (cc)    Yellowfin shiner (~~*Notropis*~~ (*Hydrophlox lutipinnis*)).
- 4           (5)    Mammals:
- 5           (a)    Allegheny woodrat (*Neotoma magister*);  
6           (b)    Buxton Woods white-footed mouse (*Peromyscus leucopus buxtoni*);  
7           (c)    Coleman's oldfield mouse (*Peromyscus polionotus colemani*);  
8           (d)    Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*);  
9           (e)    Eastern small-footed bat (*Myotis leibii leibii*);  
10          (f)    Florida yellow bat (*Lasiurus intermedius floridanus*);  
11          (g)    Southeastern bat (*Myotis austroriparius*);  
12          (h)    Southern rock vole (*Microtus chrotorrhinus carolinensis*); and  
13          (i)    Star-nosed mole (*Condylura cristata parva*).
- 14          (6)    Mollusks:
- 15          (a)    Appalachian gloss (*Zonitoides patuloides*);  
16          (b)    Bidentate dome (*Ventridens coelaxis*);  
17          (c)    Black mantleslug (*Pallifera hemphilli*);  
18          (d)    Blackwater ancyliid (*Ferrissia hendersoni*);  
19          (e)    Blue-foot lancetooth (*Haplotrema kendeighi*);  
20          (f)    Cape Fear spike (*Elliptio marsupiobesa*);  
21          (g)    Clingman covert (*Fumonelix wheatleyi clingmanicus*);  
22          (h)    Dark glyph (*Glyphyalinia junaluskana*);  
23          (i)    Dwarf proud globe (*Patera clarki clarki*);  
24          (j)    Dwarf threetooth (*Triodopsis fulciden*);  
25          (k)    Fringed coil (*Helicodiscus fimbriatus*);  
26          (l)    Glossy supercoil (*Paravitrea placentula*);  
27          (m)    Great Smoky slitmouth (*Stenotrema depilatum*);  
28          (n)    High mountain supercoil (*Paravitrea andrewsae*);  
29          (o)    Honey glyph (*Glyphyalinia vanattai*);  
30          (p)    Lamellate supercoil (*Paravitrea lamellidens*);  
31          (q)    Mirey Ridge supercoil (*Paravitrea clappi*);  
32          (r)    Open supercoil (*Paravitrea umbilicaris*);  
33          (s)    Pink glyph (*Glyphyalinia pentadelphia*);  
34          (t)    Pink heelsplitter (*Potamilus alatus*);  
35          ~~(u)~~    Pod lance (*Elliptio folliculata*);  
36          ~~(v)~~    Queen crater (*Appalachina chilhoweensis*);  
37          ~~(w)~~    Ramp Cove supercoil (*Paravitrea lacteodens*);

- 1           ~~(w)~~(x)   Ridged lioplax (*Lioplax subcarinata*);  
2           ~~(x)~~(y)   Roanoke slabshell (*Elliptio roanokensis*);  
3           ~~(y)~~(z)   Saw-tooth disc (*Discus bryanti*);  
4           ~~(z)~~(aa)   Seep mudalia (*Leptoxis dilatata*);  
5           ~~(aa)~~(bb)   Spike (*Eurynia dilatata*);  
6           ~~(bb)~~(cc)   Spiral coil (*Helicodiscus bonamicus*);  
7           ~~(cc)~~(dd)   Velvet covert (*Inflectarius subpalliatu*s);  
8           ~~(dd)~~(ee)   Waccamaw amnicola (*Amnicola* sp.);  
9           ~~(ee)~~(ff)   Waccamaw siltsnail (*Cincinnati*a sp.); and  
10          ~~(ff)~~(gg)   Wavy-rayed lampmussel (*Lampsilis fasciola*).  
11          (7)   Reptiles:  
12           (a)    Carolina pigmy rattlesnake (*Sistrurus miliarius miliarius*);  
13           (b)    Carolina swamp snake (*Liodytes pygaea paludis*);  
14           (c)    Carolina watersnake (*Nerodia sipedon williamengelsi*);  
15           (d)    Cumberland slider (*Trachemys scripta troostii*);  
16           (e)    Diamondback terrapin (*Malaclemys terrapin*);  
17           (f)    Eastern chicken turtle (*Deirochelys reticularia reticularia*);  
18           (g)    Eastern coachwhip (*Coluber* ~~(=*Masticophis*)~~ [=*Masticophis*] *flagellum flagellum*);  
19           (h)    Eastern slender glass lizard (*Ophisaurus attenuatus longicaudus*);  
20           (i)    Eastern spiny softshell (*Apalone spinifera spinifera*);  
21           (j)    Northern map turtle (*Graptemys geographica*);  
22           (k)    Outer Banks kingsnake (*Lampropeltis getula sticticeps*);  
23           (l)    Stripeneck musk turtle (*Sternotherus* ~~minor~~ *peltifer*); and  
24           (m)    Timber rattlesnake (*Crotalus horridus*).

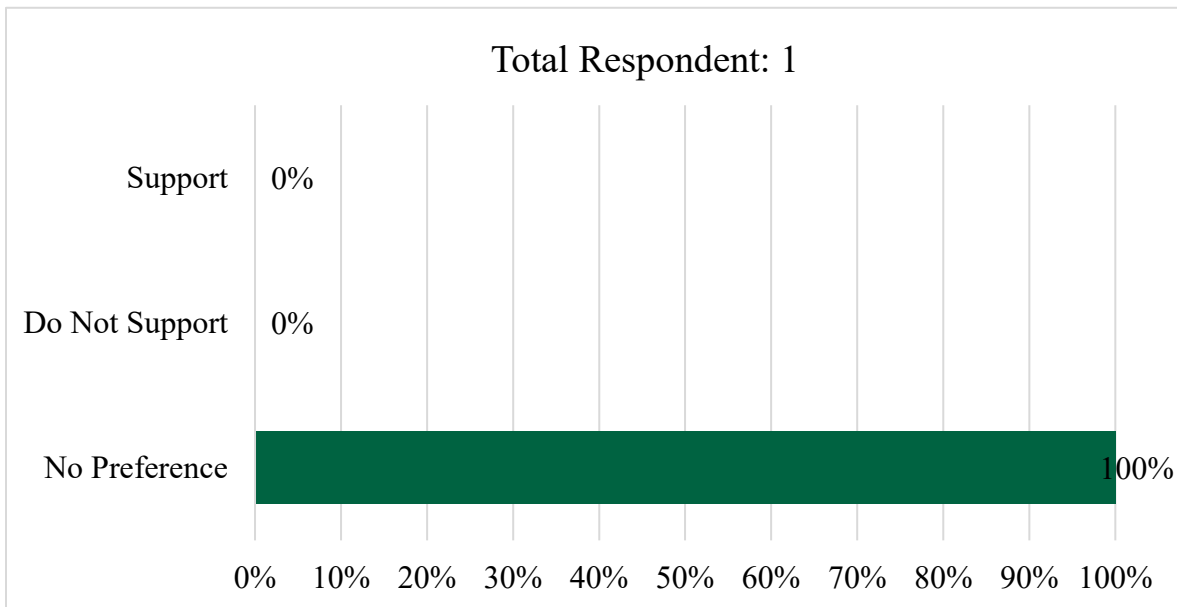
25  
26   *History Note:*    *Authority G.S. 113-134; 113-333;*  
27                    *Eff. September 1, 1989;*  
28                    *Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; July 18, 2002; April 1, 2001;*  
29                    *November 1, 1991; April 1, 1991; June 1, 1990;*  
30                    *Readopted Eff. October 1, 2021;*  
31                    *Amended Eff. February 1, 2023.*  
32

# EXHIBIT K-1

July 25, 2024



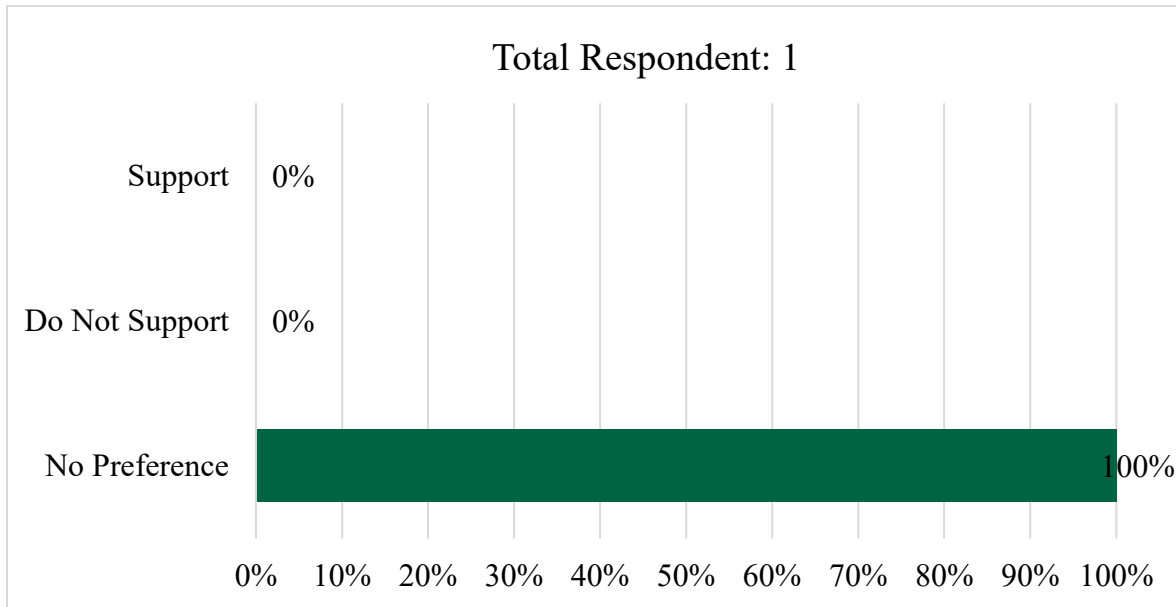
## Summary of Public Comments on Land and Water Access Rules for 2024-2025 Deer Season 15A NCAC 10D .0209 – Buffalo Cove Game Land in Caldwell and Wilkes Counties



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	0	0	0	0	0	0	0	0	0	0	0
Do Not Support	0	0	0	0	0	0	0	0	0	0	0	0
No Preference	0	0	0	0	0	0	0	0	1	0	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>



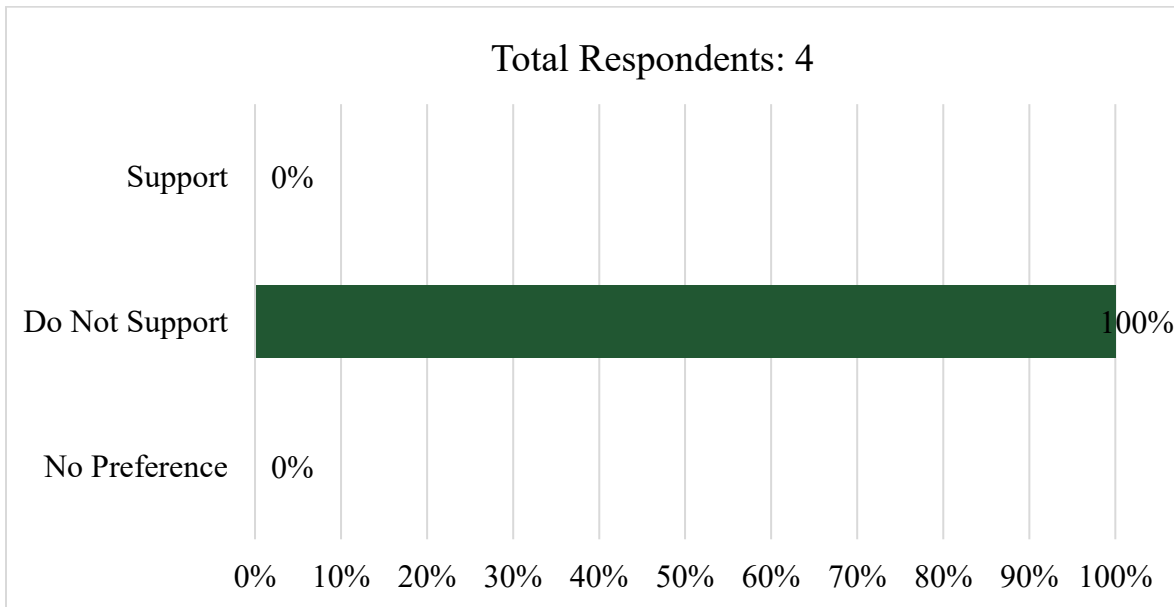
**Summary of Public Comments on  
Land and Water Access Rules for 2024-2025 Deer Season  
15A NCAC 10D .0243 – Kings Creek Game Land in Caldwell and Wilkes Counties**



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	0	0	0	0	0	0	0	0	0	0	0
Do Not Support	0	0	0	0	0	0	0	0	0	0	0	0
No Preference	0	0	0	0	0	0	0	0	1	0	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>



**Summary of Public Comments on  
Land and Water Access Rules for 2024-2025 Deer Season  
15A NCAC 10D .0276 – South Mountains Game Land in Burke, Cleveland, McDowell and  
Rutherford Counties**



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	0	0	0	0	0	0	0	0	0	0	0
Do Not Support	0	0	0	0	0	0	0	0	2	2	0	4
No Preference	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>4</b>

One public hearing was held on June 26, 2024.

# EXHIBIT K-2

July 25, 2024



## **Proposed Permanent Amendments to Land and Water Access Rules for 2024-2025 Deer Season Recommended by Agency Staff for Adoption**

Buffalo Cove, South Mountains, and Kings Creek Game Lands all have acreage in both the western and northwestern deer zones. The current deer season framework for these game lands is consistent with the western season. Changes to the deer rule were adopted as part of the 2024-2025 Annual Cycle, shifting the western blackpowder and gun season to allow the blackpowder season to begin two Saturdays before Thanksgiving and run for two weeks, and the gun season to begin the Saturday after Thanksgiving and run until January 1.

*15A NCAC 10D .0209 BUFFALO COVE GAME LAND IN CALDWELL AND WILKES COUNTIES*

*15A NCAC 10D .0243 KINGS CREEK GAME LAND IN CALDWELL AND WILKES COUNTIES*

*15A NCAC 10D .0276 SOUTH MOUNTAINS GAME LAND IN BURKE, CLEVELAND, MCDOWELL, AND RUTHERFORD COUNTIES*

1 **15A NCAC 10D .0209 BUFFALO COVE GAME LAND IN CALDWELL AND WILKES COUNTIES**

2 Buffalo Cove game land is a Seven Days per Week Area. The following shall apply:

- 3 (1) The Deer With Visible Antlers ~~season~~ Season for deer consists of the ~~open hunting days from the~~  
4 ~~Monday before~~ begins on the Saturday after Thanksgiving Day through ~~the third Saturday after~~  
5 ~~Thanksgiving, January 1. Deer of either sex~~ Antlered or antlerless deer may be taken with archery  
6 equipment ~~on open days~~ beginning the Saturday on or nearest September 10 through the ~~Sunday~~  
7 ~~day~~ immediately preceding the Blackpowder Firearms Season described in this rule ~~and the Sunday~~  
8 ~~immediately following the closing of Blackpowder Firearms Season described in this rule through~~  
9 ~~the Sunday before Thanksgiving Day. Deer with visible antlers may be taken with archery~~  
10 ~~equipment the Sunday immediately following the closing of the Deer With Visible Antlers Season,~~  
11 ~~as described in this Part, through January 1. Rule. Deer of either sex~~ Antlered or antlerless deer may  
12 be taken with blackpowder firearms ~~on open days~~ beginning two Saturdays preceding the first day  
13 of the open season for Deer With Visible Antlers described in this Rule ~~the Monday on or nearest~~  
14 ~~October 1~~ through the ~~Saturday of the second week~~ Friday thereafter.
- 15 (2) ~~Deer of either sex~~ Antlered or antlerless deer may be taken the first open Saturday of the applicable  
16 Deer With Visible Antlers Season.
- 17 (3) Horseback riding is prohibited except on designated trails May 16 through August 31 and horseback  
18 riding is prohibited from September 1 through May 15.
- 19 (4) Target shooting is prohibited.

20  
21 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*  
22 *Eff. October 1, 2022.*  
23



1 **15A NCAC 10D .0243 KINGS CREEK GAME LAND IN CALDWELL AND WILKES COUNTIES**

2 Kings Creek game land is a Six Days per Week Area, in which the following applies:

- 3 (1) The Deer With Visible Antlers ~~season~~ Season for deer consists of the open hunting days from the  
4 ~~Monday Saturday before~~ after Thanksgiving Day through ~~the third Saturday after Thanksgiving,~~  
5 ~~January 1. Deer of either sex Antlered or antlerless deer~~ may be taken with archery equipment on  
6 open days beginning the Saturday on or nearest September 10 ~~to~~ through the ~~third Saturday~~  
7 ~~thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. day~~  
8 ~~immediately preceding the Black powder Firearms Season described in the Rule. Deer with visible~~  
9 ~~antlers may be taken with archery equipment the Monday immediately following the closing of the~~  
10 ~~Deer With Visible Antlers Season, as described in this Part, through January 1. Deer of either sex~~  
11 ~~Antlered or antlerless deer~~ may be taken with blackpowder firearms on open days beginning the  
12 ~~Monday on or nearest October 1~~ two Saturdays preceding the first day of the open season for Deer  
13 With Visible Antlers described in this Rule through the ~~Saturday of the second week~~ Friday  
14 thereafter.
- 15 (2) ~~Deer of either sex Antlered or antlerless deer~~ may be taken the first open Saturday of the applicable  
16 Deer With Visible Antlers Season.

17  
18 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*  
19 *Eff. October 1, 2022.*  
20

1 **15A NCAC 10D .0276 SOUTH MOUNTAINS GAME LAND IN BURKE, CLEVELAND, MCDOWELL,**  
2 **AND RUTHERFORD COUNTIES**

3 South Mountains game land is a Seven Days per Week Area, in which the following applies:

- 4 (1) The Deer With Visible Antlers ~~season~~ Season for deer begins on the Saturday after ~~consists of the~~  
5 ~~open hunting days from the Monday before~~ Thanksgiving Day through ~~the third Saturday after~~  
6 ~~Thanksgiving, January 1. Deer of either sex~~ Antlered or antlerless deer may be taken with archery  
7 equipment ~~on open days~~ beginning the Saturday on or nearest September 10 through the ~~Sunday~~  
8 ~~day~~ immediately preceding the Blackpowder Firearms Season described in this rule ~~and the Sunday~~  
9 ~~immediately following the closing of Blackpowder Firearms Season described in this rule through~~  
10 ~~the Sunday before Thanksgiving Day. Deer with visible antlers may be taken with archery~~  
11 ~~equipment the Sunday immediately following the closing of the Deer With Visible Antlers Season,~~  
12 ~~as described in this Part, through January 1. Rule. Deer of either sex~~ Antlered or antlerless deer may  
13 be taken with blackpowder firearms ~~on open days~~ beginning ~~the Monday on or nearest October 1~~  
14 ~~two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in~~  
15 ~~this Rule through the Saturday of the second week~~ Friday thereafter.  
16 (2) ~~Deer of either sex~~ Antlered or antlerless deer may be taken the first open Saturday of the applicable  
17 Deer With Visible Antlers Season.  
18 (3) Horseback riding is prohibited except on designated trails during the following dates:  
19 (a) January 2 through March 31;  
20 (b) May 16 through August 31;  
21 (c) Sundays only - April 1 through May 15; and  
22 (d) Sundays only - September 1 through January 1.  
23 (4) Target shooting is prohibited.  
24 (5) Camping is restricted to September 1 through the last day of February and March 31 through May  
25 14 in areas both designated and posted as camping areas.  
26 (6) The maximum period of consecutive overnight camping at any posted and designated camping area  
27 is 14 days within any 30-day period.

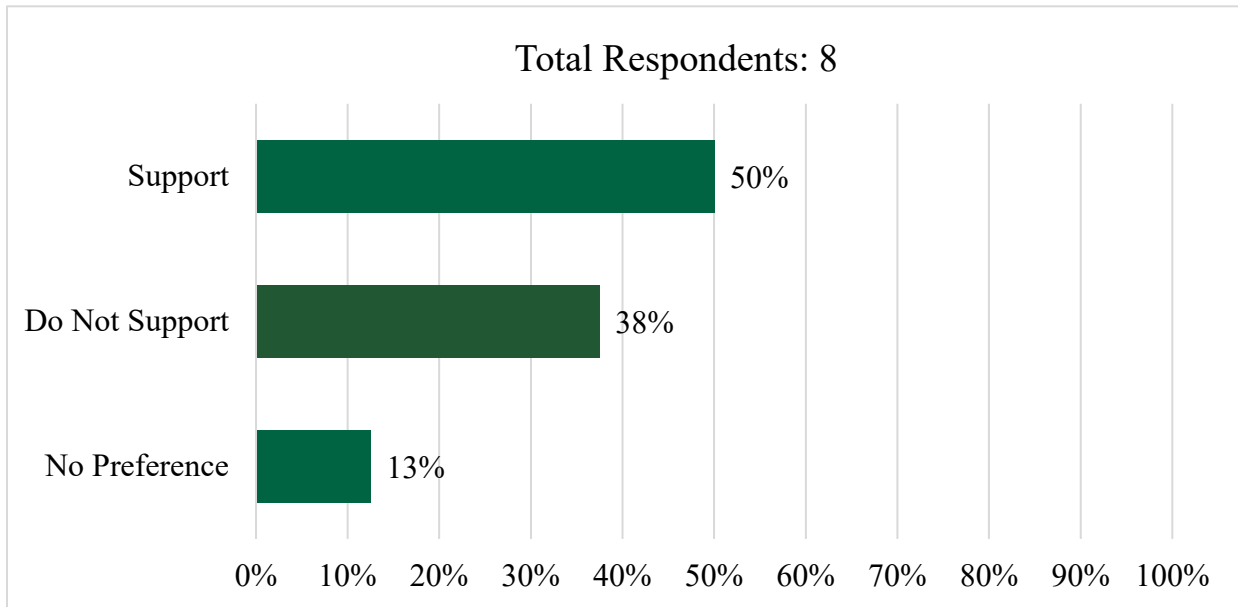
28  
29 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*  
30 *Eff. October 1, 2022.*  
31

# EXHIBIT L-1

July 25, 2024



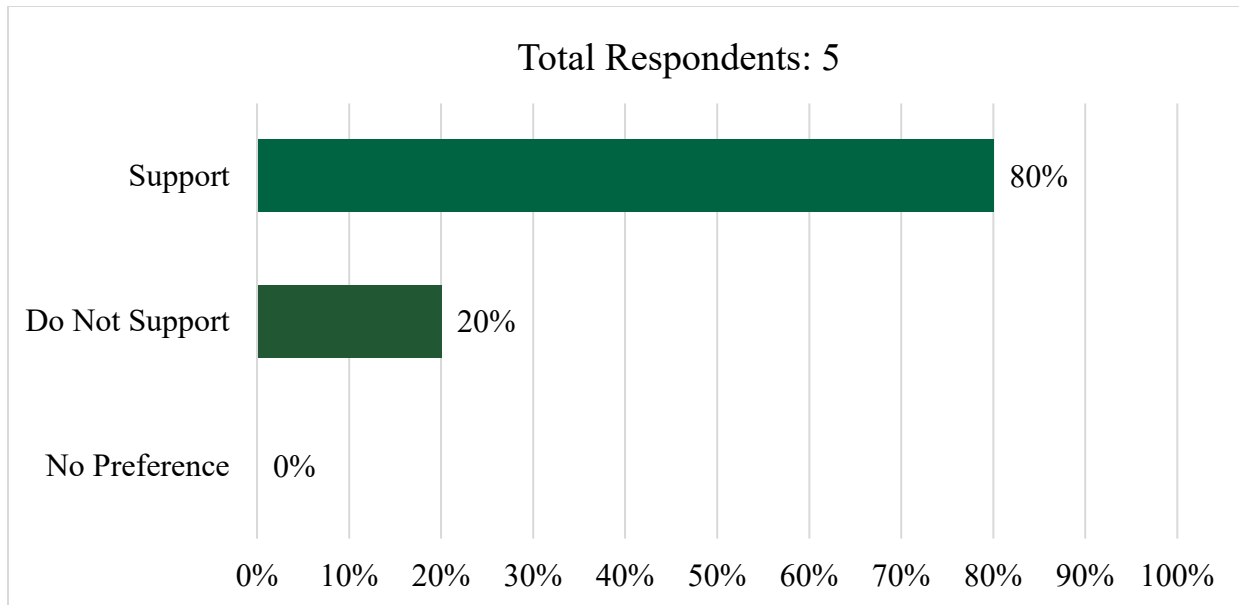
## Summary of Public Comments on Commercial Activity Permitting Rules 15A NCAC 10H .0801 – General Requirements and Fees



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	2	0	0	0	0	0	0	0	2	0	0	4
Do Not Support	0	1	0	0	0	1	0	0	0	0	1	3
No Preference	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>8</b>



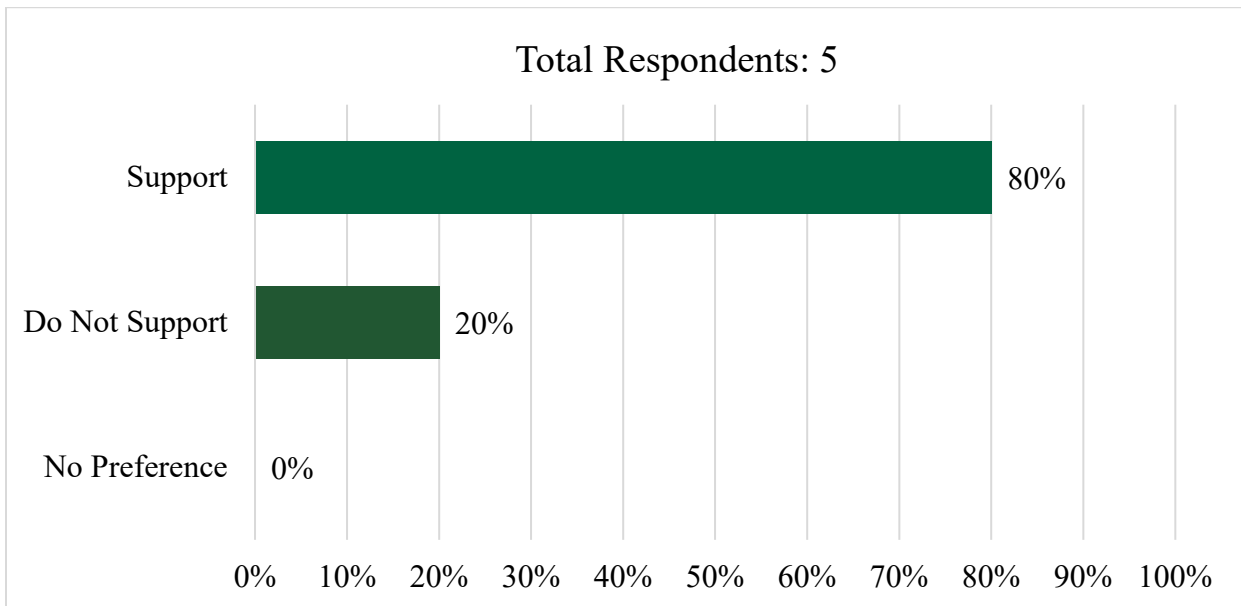
**Summary of Public Comments on  
Commercial Activity Permitting Rules  
15A NCAC 10H .0802 – Commercial Use Permits**



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	2	0	0	0	0	0	0	0	2	0	0	4
Do Not Support	0	1	0	0	0	0	0	0	0	0	0	1
No Preference	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>5</b>



**Summary of Public Comments on  
Commercial Activity Permitting Rules  
15A NCAC 10H .0803 – Event Permits**



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	2	0	0	0	0	0	0	0	2	0	0	4
Do Not Support	0	1	0	0	0	0	0	0	0	0	0	1
No Preference	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>5</b>

One public hearing was held on June 26, 2024.

# EXHIBIT L-2

July 25, 2024



## **Proposed Commercial Activity Permitting Rules 15A NCAC 10H .1800 Recommended by Agency Staff for Adoption**

The Commission has the authority under G.S. 113-264 to license, regulate, prohibit, or restrict the public as to the use and enjoyment of Commission property and may charge a reasonable fee for access to or use of the property. Because of the increased demand for access and impact of large user groups, there is a need to regulate and track use by organized entities.

### **15A NCAC 10H .1801 GENERAL REQUIREMENTS AND FEES**

This proposed rule establishes Commercial Use Permits, Event Permits and requirements for Use of Commission Property. Specifically, this rule:

- Defines commercial activities, use, and events
- Sets requirements for information needed to obtain a commercial permit
- Sets fees for a commercial use permit (\$100) and event permit (\$50 - \$250 based on the number of participants)
- Establishes \$3 per person fee for each individual participating in the permitted activity or event
- Details general permit, records, and reporting requirements

*15A NCAC 10H .1801 GENERAL REQUIREMENTS AND FEES (pgs. 2-4)*

### **15A NCAC 10H .1802 COMMERCIAL USE PERMITS**

This proposed rule sets requirements for Commercial Use Permits, including:

- Activities for which the permit is required
- Reporting requirements
- Insurance requirements
- Clean-up requirements

*15A NCAC 10H .1802 COMMERCIAL USE PERMITS (pg. 5)*

## **15A NCAC 10H .1803 EVENT PERMITS**

This proposed rule sets requirements for Event Permits, including:

- Activities for which the permit is required
- Reporting requirements
- Insurance requirements
- Clean-up requirements

*15A NCAC 10H .1803 EVENT PERMITS (pg. 6)*





1 fee schedule is as follows:

- 2 (1) ten to 100 individuals - \$50;
- 3 (2) one hundred and one to 250 individuals - \$100;
- 4 (3) two hundred and fifty-one to 500 individuals - \$150;
- 5 (4) five hundred and one to 1000 individuals - \$200; and
- 6 (5) over 1000 individuals - \$250.

7 (f) In addition to the commercial permit fee, a fee of \$3.00 per individual participating in the permitted activity on  
8 Commission property shall be required and remitted to the Commission no more than 30 days after the event for which  
9 the permit was acquired or every other month during the year for which the commercial use permit is valid.

10 (g) Unless authorized by the Commission, commercial permit holders and their patrons shall not block access or  
11 prevent others from entering or exiting any Commission property.

12 (h) Commercial permits are non-transferable between individuals, businesses, or companies and a separate permit is  
13 required for each commercial activity or event.

14 (i) The Commission may deny permits or issue permit requirements for use of its property based on the time of year,  
15 holidays, safety concerns, biological impacts, compatibility of requested activity with intended use of an area or  
16 property, failure to adhere to the conditions set forth in these Rules and Commission planned or sponsored events.

17 (j) Unless a more limited duration is designated on the permit, a Commercial Use Permit shall be valid from January  
18 1 through December 31 of the same year. An Event Permit shall be valid for the duration of the event and expires at  
19 its conclusion.

20 (k) Records of commercial activities shall be available for inspection by representatives of the Commission upon  
21 request and during normal operating hours.

22 (l) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a permit holder's  
23 commercial permit, if the permit holder violates any rules set forth by the Commission in this Subchapter or any  
24 conditions of the permit.

25  
26 History Note: Authority G.S. 113-134; 113-264;  
27

1 **15A NCAC 10H .1802 COMMERCIAL USE PERMITS**

2 (a) A commercial use permit shall be required for commercial activities on Commission property, including but not  
3 limited to:

- 4 (1) providing registered and unregistered rental vessels to individuals for use on Commission property;
- 5 (2) leading tours or excursions for unlicensed activities on Commission property;
- 6 (3) dropping off or picking up individuals on Commission property; or
- 7 (4) using Commission property to stage patrons or recreational equipment in preparation for an activity  
8 on Commission property.

9 (b) Individuals holding a commercial use permit shall submit a report to the Commission online at [www.ncwildlife.org](http://www.ncwildlife.org)  
10 by the last day of every other month of the year in which their permit is valid. The report shall contain the following  
11 information:

- 12 (1) individual's name and name of business, company, or organization;
- 13 (2) permit number; and
- 14 (3) number of individuals participating in activity.

15 (c) Individuals applying for a commercial use permit as described in 15A NCAC 10H. 1801 shall verify liability  
16 insurance in the amount of \$1 million per occurrence and \$2 million in aggregate for commercial activities conducted  
17 on Commission property.

18 (d) Commercial use permittees shall be responsible for removing litter and trash left on Commission property by  
19 individuals covered by their permit.

20  
21 History Note: Authority G.S. 113-134; 113-264;  
22

1 **15A NCAC 10H .1803 EVENT PERMITS**

2 (a) An event permit is required for a commercial business conducting an event on Commission property.

3 (b) Individuals holding an event permit shall submit a report for the event within 30 days of the conclusion of the  
4 event, to the Commission online at [www.ncwildlife.org](http://www.ncwildlife.org) with the following information:

5 (1) individual's name and name of business, company, or organization;

6 (2) permit number; and

7 (3) total number of participants.

8 (c) Individuals applying for an event permit as described in 15A NCAC 10H .1801 shall verify \$1 million per  
9 occurrence and \$2 million in aggregate of liability insurance for commercial events to be conducted on Commission  
10 property.

11 (d) Event permit holders shall be responsible for removing all litter and trash left on Commission property by  
12 individuals participating in the event.

13  
14 History Note: Authority G.S. 113-134; 113-264

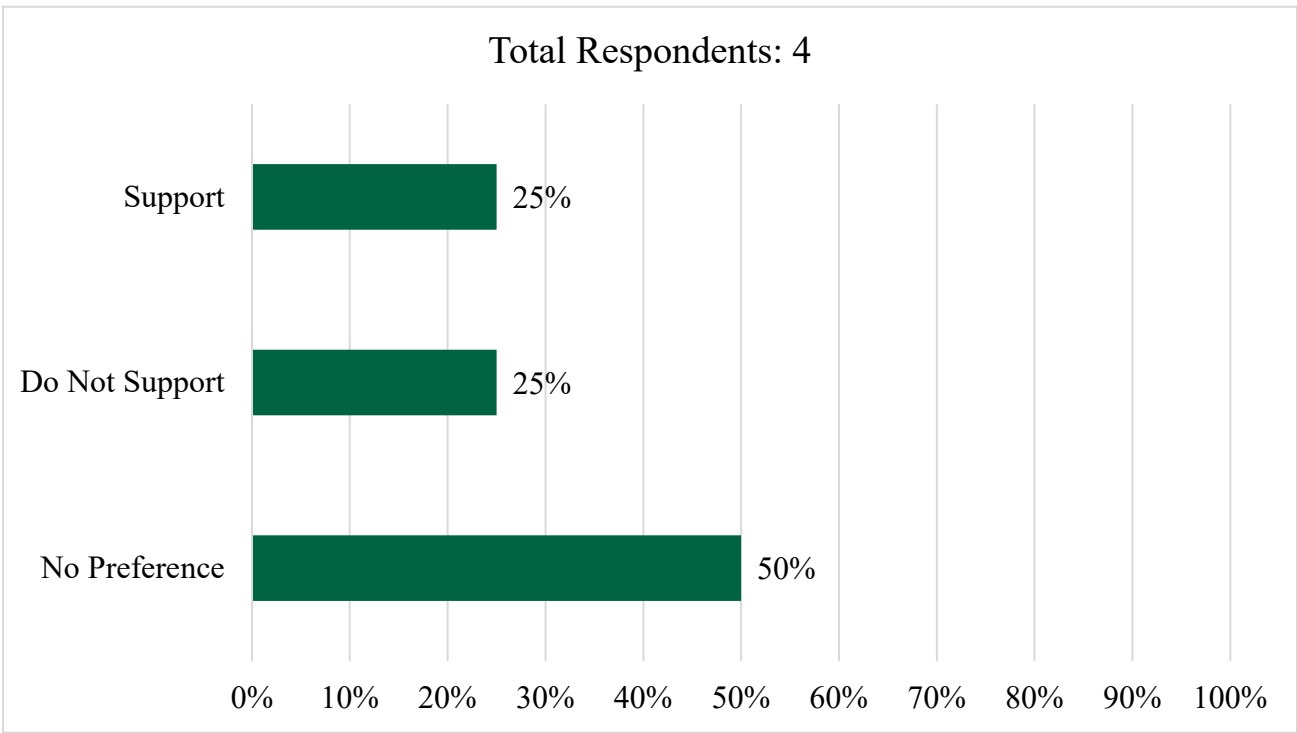
15

# EXHIBIT M-1

July 25, 2024



## Summary of Public Comments on 15A NCAC 10D .0252 - Needmore Game Land in Macon and Swain Counties



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	0	0	0	0	0	0	0	0	0	1	0	1
Do Not Support	0	0	0	0	0	0	0	0	0	1	0	1
No Preference	0	0	1	0	0	1	0	0	0	0	0	2
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>4</b>

One public hearing was held on June 20, 2024.

# EXHIBIT M-2

July 25, 2024



## **Proposed Temporary Amendments to Land and Water Access Rule for 2024-2025 Deer Season Recommended by Agency Staff for Adoption**

The antlerless deer harvest during the introductory gun season is limited by 15A NCAC 10D .0251(b) on Nantahala Game Land solely to that portion which is located in Transylvania County. The majority of Nantahala Game Land is outside of Transylvania County and will not have an antlered or antlerless gun season. This proposal will standardize the antlered or antlerless blackpowder and gun seasons between Needmore and Nantahala Game Land. This is particularly important as both game lands have a shared boundary. If the Nantahala Game Land had a more conservative antlered or antlerless season than Needmore, the additional hunting pressure could result in negative impacts to resources and game land use during that period.

This proposal will remove the one day of introductory antlerless deer harvest during the gun season on the Needmore Game Land in Macon and Swain County and will align Needmore Game Land with the same antlerless deer season structure as Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, and Swain counties.

*15A NCAC 10D .0252 NEEDMORE GAME LAND IN MACON AND SWAIN COUNTIES*

1 **15A NCAC 10D .0252 NEEDMORE GAME LAND IN MACON AND SWAIN COUNTIES**

2 Needmore game land is a Seven Days per Week Area, in which the following applies:

3 (1) Horseback riding is prohibited except on designated trails May 16 through August 31, and all  
4 horseback riding is prohibited from September 1 through May 15.

5 (2) On posted dove fields, dove hunting on the opening day of dove season is by permit only.

6 (3) ~~[No antlerless deer may be taken during the first open Saturday of the Deer With Visible Antlers~~  
7 ~~season on Needmore Game Land.]~~ No antlerless deer shall be taken during the Deer With Visible  
8 Antler season.

9  
10 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*  
11 *Eff. October 1, 2022.*

12

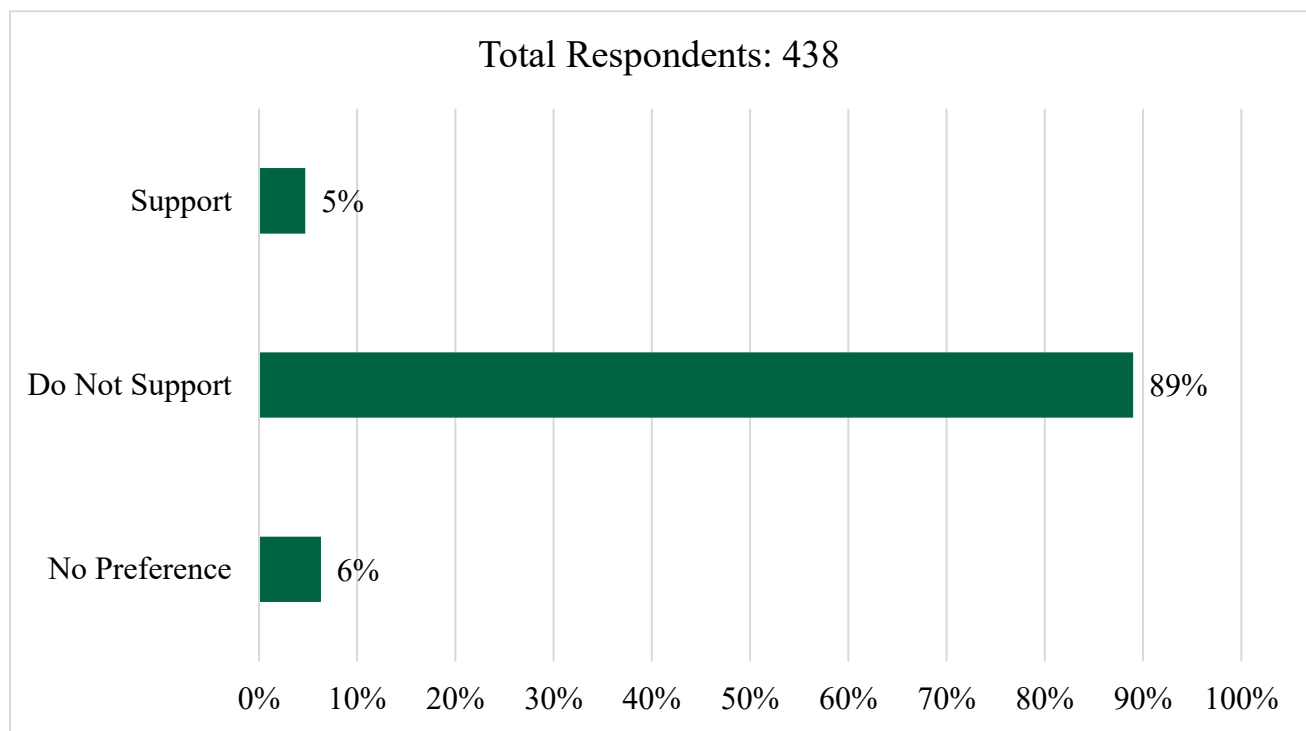


# EXHIBIT N-1

July 25, 2024



## Summary of Public Comments on 15A NCAC 10C .0307 - Flounder



District	1	2	3	4	5	6	7	8	9	NC - Not Specified	Out of State	Totals
Support	2	7	4	1	1	0	2	1	0	3	0	21
Do Not Support	25	108	66	44	23	37	15	17	3	39	12	389
No Preference	0	3	4	1	0	0	0	2	0	18	0	28
<b>Total</b>	<b>27</b>	<b>118</b>	<b>74</b>	<b>46</b>	<b>24</b>	<b>37</b>	<b>17</b>	<b>20</b>	<b>3</b>	<b>60</b>	<b>12</b>	<b>438</b>

One virtual public hearing was held on June 26, 2024 and one in-person public hearing was held on June 27, 2024.

# **EXHIBIT N-2**

**July 25, 2024**



## **Proposed Temporary Amendments to 15A NCAC 10C .0307 Flounder Rule Recommended by Agency Staff for Adoption**

The N.C. Division of Marine Fisheries (NCDMF) has stated they will not open the recreational flounder harvest season in 2024 due to the recreational sector exceeding the 2023 harvest allotment last year. To be consistent with the annual quota management measure of the North Carolina Southern Flounder Fishery Management Plan Amendment 3 and with the NCDMF closure of the recreational season in coastal waters, the proposed amendments will close the flounder harvest season in 2024.

*15A NCAC 10C .0307 FLOUNDER*

1 15A NCAC 10C .0307 is amended under temporary procedures with changes as follows:

2

3 **15A NCAC 10C .0307 FLOUNDER**

4 (a) The daily creel limit for flounder is one ~~four~~ fish.

5 (b) The minimum size limit is 15 inches.

6 (c) The season for taking and possessing flounder is September 1 ~~through~~ and 2; and September 14-7 and 8.

7 ~~[Flounder shall not be taken or possessed.]~~

8

9 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

10 *Eff. November 1, 2013;*

11 *Readopted Eff. October 1, 2021;*

12 *Temporary Amendment Eff. September 1, 2022;*

13 *Amended Eff. August 1, 2024; March 15, 2023.*

# EXHIBIT O

July 25, 2024



## **Proposed Emergency/Temporary/Permanent Amendments to 10F .0304 – Bladen County**

### **Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing**

The Wildlife Resources Commission was recently notified of a serious safety hazard caused by amendments to the Rule for the restricted area at White Lake. The restricted area is 500 feet from the shoreline around the entire perimeter of the lake. Because of the size of the restricted area and the shallow water in that portion of the lake, swimming within the restricted area is common.

The most recent rule change allows for unrestricted directional operation of motorboats within the restricted area, a change from the previous rule which only allowed for operation perpendicular to the shoreline. Parallel operation of a motorboat in the restricted area, even at no wake speed, is dangerous to swimmers and needs to be regulated for safety of the public. The proposed amendment will require motorboats to travel perpendicular to the shore and at no wake speed within the restricted area at White Lake.

*15A NCAC 10F .0304 BLADEN COUNTY*

1 **15A NCAC 10F .0304 BLADEN COUNTY**

2 (a) Regulated Areas. This Rule applies to the following waters in Bladen County:

3 (1) White Lake. The water between the shoreline and no-wake markers 500 feet from the shoreline  
4 is a restricted area.

5 (2) Cape Fear River:

6 (A) the waters shore to shore between a point 100 yards east and 100 yards west of the ferry  
7 cable at Elwell Ferry and Elwells Ferry Boating Access Area, 2702 Elwell Ferry Road,  
8 Council;

9 (B) the waters within 50 yards of the Tar Heel Boating Access Area, 1000 Wildlife Landing  
10 Drive, Tar Heel; and

11 (C) the waters within 50 yards of the Tory Hole Boating Access Area, 335 N. Poplar Street,  
12 Elizabethtown.

13 (3) Black River. The waters within 50 yards of the Hunts Bluff Boating Access Area, 351 Hunts  
14 Bluff Road, Kelly.

15 (b) Restricted Area. ~~Skiing is prohibited~~ Motorboats, as defined in G.S. 75A-2(1e), shall not be operated on a  
16 course parallel to the shoreline in the restricted area described in Subparagraph (a)(1) of this Rule.

17 (c) Diving. A person engaged in skin or scuba diving shall display a diver's flag, and no vessel shall approach  
18 within 50 feet of a diver's flag, as described in G.S. 75A-13.1.

19 (d) Speed Limit. No person shall operate a ~~vessel~~ motorboat at greater than no-wake speed within the regulated  
20 areas described in Subparagraphs (a)(1) and (3), and Parts (a)(2)(A) through (C) of this Rule.

21 (e) Placement and Maintenance of Markers. The following agencies shall place and maintain the markers  
22 implementing this Rule:

23 (1) North Carolina State Parks for the regulated area designated in Subparagraph (a)(1) of this Rule;  
24 and

25 (2) the North Carolina Wildlife Resources Commission for the regulated areas designated in Parts  
26 (a)(2)(A) through (C), and Subparagraph (a)(3) of this Rule.

27

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

29 *Eff. February 1, 1976;*

30 *Amended Eff. April 1, 1990; August 1, 1988; June 17, 1979;*

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

32 *December 6, 2016;*

33 *Amended Eff. June 1, 2024; October 1, 2018.*