

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.  
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

## TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

**Notice** is hereby given in accordance with G.S. 150B-21.1 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10F .0323.

**Codifier of Rules** approved this rule as an emergency rule effective November 2, 2020 and received for publication the following notice and proposed temporary rule on October 23, 2020.

### Public Hearing:

**Date:** November 16, 2020

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

**Location:** Virtual meeting: <https://ncwildlife.zoom.us/j/92765520796>

**Reason for Proposed Temporary Action:** A pedestrian bridge is being constructed over Mill Creek on Lake James in connection with the new Lake James Visitor Center and Fonta Flora Trail. Construction will begin in mid-November 2020. During this time, the construction company will have equipment in the water and on the land. The temporary restriction of access to this area is necessary to ensure the safety of the public and construction crew, and to ensure that the construction company complies with OSHA standards.

**Comment Procedures:** Comments from the public shall be directed to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1700; email [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org). The comment period begins October 23, 2020 and ends November 20, 2020.

## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

### SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

#### SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

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

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

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

(3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

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

*History Note: Authority G.S. 75A-3; 75A-15; 102-1.1.*