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 919.431.3000 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 amend the rule cited as 15A NCAC 10F .0359.

Codifier of Rules received for publication the following notice and proposed temporary rule on May 18, 2020.

Public Hearing:
Date: June 3, 2020
Time: 4:00 p.m.
Location: www://ncwildlife.zoom.us/j/98176397899 or telephone: 888-788-0099 (Toll Free) or 877-853-5247 (Toll Free) Webinar ID: 981 7639 7899

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare and G.S. 150B-21.1(a)(7)a The temporary rule is needed because the no-wake zone that regulates the waters within 50 yards of the Harbor Cove Marina facilities shore to shore must be moved, due to extension of the marina facilities on the waters of the cove on Hiwassee Lake. Under permits with the Tennessee Valley Authority and with the US Forest Service for use of the National Forest as part of the business operational area of the marina, Harbor Cove Marina is expanding its facilities including boat slips, covered boat slips, and support facilities that extend beyond the existing no-wake zone. The extended no-wake zone will be within 50 yards of the new facilities, shore to shore. Temporary rulemaking will be followed by permanent rulemaking.

Comment Procedures: Comments from the public shall be directed to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701; email regulations@ncwildlife.org. The comment period begins May 26, 2020 and ends June 19, 2020.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0359 CHEROKEE COUNTY

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

(1) Dukes Hideaway Marina cove shore to shore, east of a line from a point on the north shore at 35.11989 N, 84.10420 W to a point on the south shore at 35.11902 N, 84.10386 W;

(2) Shooks Marina cove shore to shore, south of a line from a point on the northwest shore at 35.15458 N, 84.14425 W to a point on the southeast shore at 35.15462 N, 84.14291 W;

(3) Mountain View Marina cove, shore to shore, west of a line from a point on the north shore at 35.15270 N, 84.16471 W to a point on the south shore at 35.15120 N, 84.16313 W;

(4) within 50 yards of the Tennessee Valley Authority boat launch at Micken Branch Ramp at 35.11890 N, 84.16806 W;

(5) Harbor Cove Marina cove, shore to shore, west of a line from a point on the north shore at 35.13947 N, 84.17475 W to a point on the south shore at 35.13771 N, 84.17593 W; 35.13754 N, 84.17465 W.

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

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

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