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Fiscal Note Review of Proposed Wildlife Resources Commission (WRC) “No-Wake Zone” Rule (15A NCAC 10F.0365)

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Impact:  State government: No
          Local government: Yes
          Substantial impact: No

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

This rule would establish a “no wake zone” in the waters of the canal that leads to the marina at Taylor’s Beach on Albemarle Sound in Columbia beginning at the entrance to the canal as indicated by the proposed changes (see Appendix).

For reasons which will be outlined below, WRC believes that this rule does not meet the criteria requiring a comprehensive fiscal note pursuant to G.S. § 150B-21.4, and requests certification and approval based on the following fiscal information.

STATE IMPACT ANALYSIS: The agency has concluded that there will be no cost to the State for the following reasons:

* Tyrrell County has requested this no-wake zone and will be paying for the cost of appropriate markers.

* WRC has surveyed the site and concurs that there are safety hazards that would be addressed by designation of this area as a “no-wake” zone.

* This rule is intended to accomplish the agency’s mandate to provide for the safety of boaters and other members of the public, and is part of a regulatory program enforced by Commission’s Division of Enforcement. The proposed change will not
require any additional staffing or costs to WRC for enforcement as this is already an active patrol area.

LOCAL IMPACT ANALYSIS: WRC has concluded that the cost to the County will be under $1,000.00, based on the following:

* The proposed no-wake zone is at the request of the Tyrrell County to minimize the risk of boat collisions in a highly congested area.

* The cost of placement of markers will be borne by the County as noted above. The cost to local government is estimated to be under $1,000 based on a cost of $250 per buoy for three buoys and anchor systems, and a cost of approximately $250.00 to install the buoys.

SUBSTANTIAL ECONOMIC IMPACT ANALYSIS: WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of this proposal for the following reasons:

* Based on its site survey, WRC does not believe that there will be any appreciable economic impact to the public. The marina and users will benefit from this rule due to the enhanced safety of the canal by no-wake passage through the canal. There would not be any economic impact to other vessel traffic since this is a “dead end” canal. The primary use of this particular waterway is recreational, and the imposition of a “no wake” zone at this location will not result in any measurable economic loss or gain to the public.

* However, boating safety will be enhanced by the implementation of this rule, resulting in less likelihood of personal injury or property damage which is a potential positive economic benefit to the public, although one which is impossible to quantify or even reasonably estimate.

Accordingly WRC has determined that the economic impact to the public is minimal to none, and does not meet the threshold impact requirement of three million dollars annually.

CONCLUSION: For all of the foregoing reasons, WRC requests that the information provided above be considered sufficient to meet the requirements for a fiscal note, and requests that the same be accepted and certified by OSBM.
Appendix

15A NCAC 10F .0365 is proposed for amendment as follows:

15A NCAC 10F .0365   TYRRELL COUNTY

(a) Regulated Area. This Rule applies to the following waters in Tyrrell County:
   (1) That portion of the Scuppernong River from 300 yards west of the Highway 64 bridge to 100 yards east of the Highway 64 bridge as designated by the appropriate markers.
   (2) That portion of the Scuppernong River from the Columbia Boat Ramp extending 200 feet into the river as designated by the appropriate markers.
   (3) The entire waters of the canal that leads to the marina at Taylor’s Beach on Albemarle Sound in Columbia beginning at a point at 35.95559, -76.30219.

(b) Speed Limit. It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Tyrrell County is designated as the suitable agency for the placement and maintenance of the markers implementing this Rule.

History Note:
Authority G.S. 75A-3; 75A-15;
Eff. December 1, 1993;