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June 19, 2012

Fiscal Analysis Review of  
Proposed Wildlife Resources Commission (WRC) "No-Wake Zone" Rule  
(15A NCAC 10F .0303)

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

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

This rule, if amended (see proposed rule text in Appendix 1), will make the following changes:

1. Subdivisions (a)(1) and (a)(6) address technical changes that convert the current descriptions of the existing "no-wake" zones (NWZ) to descriptions based on latitude and longitude. These changes will provide for a more accurate determination of the boundaries in the future that will not rely on physical landmarks that may not exist in the future, or shift due to shoreline changes, or be renamed. As they come up for amendment, similar technical changes are being applied to all such rules. However, these changes will have absolutely no effect on the public as they do not change any NWZ boundary.
2. Subdivision (a)(5) changes the NWZ described by 15 yards. This is done to conform the rule to the actual placement of the marker in the water, and is based on a survey of the site that revealed the marker was placed 15 yards inside of the currently described NWZ. The zone is marked by an existing piling that would be expensive to relocate, and WRC believes that the site as

currently marked is adequate to address safety issues. Again, these changes will have no effect on the public as they will not alter the currently marked NWZ boundary.

3. Subdivision (a)(2) creates an NWZ (see Appendix 2) that is greater than the one currently authorized by the provisions of 15A NCAC 10E.0104(d). This change is needed to ensure public safety in the vicinity of a new boating access area (BAA).

For reasons which will be outlined below, WRC believes that this rule change does not have an economic impact.

**STATE IMPACT ANALYSIS:** The agency has concluded that there will be no net cost to the State as a result of this rule as will be explained below.

The only portion of this rule that will have any associated costs is subdivision (a)(2). This subdivision would establish an NWZ on either side of the newly constructed Blounts Creek BAA that exceeds the size of the NWZ currently authorized by the operation of 15A NCAC 10E.0104(d). Pursuant to 15A NCAC 10E.0104(d), an NWZ is automatically established within 50 yards of any WRC operated BAA, although such zone must be marked to be enforceable pursuant to 15A NCAC 10F .0301(c).

The Blounts Creek BAA would require three markers to be enforceable if marked in conformity with 15A NCAC 10E.0104(d) and 15A NCAC 10F .0301(c). Budgeting for these markers was included in the overall budgeting for the BAA construction project at a cost of approximately \$600.

The Commission has determined due to the narrow area of Blounts Creek BAA, that a larger NWZ is required for safety. Accordingly, 15A NCAC 10F .0303 (a)(2) proposes to extend the no wake zone from 100 yards north of the Blounts Creek BAA and to 100 yards south of Cotton Patch Landing. 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 WRC's Division of Enforcement.

Since the cost of the placement of these markers by WRC has already been budgeted, and since they would be placed pursuant to existing rule if this rule were not proposed, the cost to the State for placement of markers will not be affected by this rule.

The proposed change will not affect staffing or costs to WRC for enforcement as this is already an active patrol area and there should be no need for either an increased or decreased Enforcement presence.

As noted above, the remainder of the proposed changes are technical in nature and clarify the precise locations of existing NWZs by means of latitude and longitude rather than solely in reference to landmarks. They do not affect the public.

**LOCAL IMPACT ANALYSIS:** There is no cost to Beaufort County for the enactment of this rule since the State will be responsible for enforcement.

**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 since this is primarily a recreational boating area. Although the NWZ will require recreational traffic to slow to no-wake speed through this area, any inconvenience should be far outweighed by enhanced safety and recreational opportunity for boaters. Accordingly, WRC has determined that the economic impact to the public for this rule is not substantial.

## APPENDIX 1

15A NCAC 10F .0303 is proposed for amendment as follows:

### 15A NCAC 10F .0303 BEAUFORT COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- (1) that portion of Broad Creek ~~bounded on the north by a line running due east and west across Broad Creek through a point 1400 feet due north of Red Marker No. 6, on the south by a line running east and west across Broad Creek through the location of Red Marker No. 4, on the east and west by the high water mark on Broad Creek;~~ south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;
- ~~(2) that portion of Blounts Creek 100 yards on either side of the SR 1112 Bridge;~~
- ~~(3)~~ (2) that portion of Blounts Creek ~~beginning 100 yards below the Old Crist Landing and extending upstream to the NC 33 bridge;~~ south of a line 100 yards north of the Blounts Creek Boating Access Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W;
- ~~(4)~~ (3) the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- ~~(5)~~ (4) the navigable portion of ~~Nevils~~ Nevil Creek extending upstream from its mouth at the Pamlico River; ~~and~~
- ~~(6)~~ (5) that portion of Blounts Creek ~~beginning 50 yards on the south side and 300 yards on the north side of the Blounts Creek Bridge;~~ north of a line 35 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at 35.43645 N, 76.96998 W; and
- ~~(7)~~ (6) that portion of Tranters Creek ~~beginning at a line, shore to shore, from a point at 35.56925 N, 77.09138 W and ending at a line, shore to shore, to a point at 35.56703 N, 77.08981 W as delineated by appropriate markers.~~ east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W.

(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 Beaufort County and the City Council of the City of Washington are designated as suitable agencies for placement and maintenance of the markers implementing this Rule.

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

*Eff. February 1, 1976;*

*Amended Eff. September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989; March 1, 1987; April 1, 1986; March 4, 1979;*

# Appendix 2

