



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0321 – Pender County**

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Impact: Local Funds: Yes
State Funds: No
Private Funds: No

Substantial Economic Impact: Does not meet \$1,000,000 threshold

Authority: G.S. § 75A-3; 75A-15

For reasons which are outlined below, WRC believes that this rule change would have a local fiscal impact of approximately \$1,000. An analysis of the proposed changes for the rules follows.

BACKGROUND

As part of its mission, WRC conducts reviews of its boating safety and other regulations to determine whether such rules need to be adjusted in order to accomplish the objectives of ensuring the safety of the boating public; managing Commission-owned land for the conservation of wildlife resources and the enjoyment of the public; and implementing legislative directives.

The WRC is tasked with promoting the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels, and to promote uniformity of laws relating thereto. (G.S. § 75A-1). The WRC is empowered to adopt rules, for the local water in question, as to the operation of vessels, including restrictions concerning speed zones, and type of activity conducted; the promotion of boating and water safety generally by occupants of vessels, swimmers, fishermen, and others using the water; and the placement and maintenance of navigation aids and markers, in conformity with governing provisions of law. (G.S. § 75A-15). The statutes governing water safety rules are found in Chapter 75A, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes. (G.S. § 75A-15).

A summary of the proposed rule amendment is shown below, with the full text included in Appendix A.

PROPOSED RULE CHANGE 15A NCAC 10F .0321 Pender County

Description and Justification

The proposed permanent amendment to 15A NCAC 10F .0321 (APPENDIX 1) will extend the length of a no-wake zone on the eastern side of Banks Channel in the Town of Topsail Beach in Pender County. The Town of Topsail Beach is requesting an extension of the no wake zone that lies within 100 yards of the eastern shore of Banks Channel, from 125 yards southwest of Bush’s Marina to a point northeast, 100 yards offshore at the end of Haywood Avenue.

Agency Law Enforcement has determined multiple hazards to boater safety in the area, including the Town boating access area, commercial docks, a waterfront motel and multiple bulkheads and pilings in an area of heavy vessel traffic. No Wake Zone signs on pilings were established by the Town of Topsail Beach several years ago. At most, two buoys may be purchased and placed by the Town of Topsail Beach, at a cost of no more than \$1,000.

Fiscal Impact

State Impact

None.

Local Impact

The Town of Topsail Beach already placed signs on pilings at the southwest and northeast ends of the proposed extension of the no wake zone. The Town may decide to place two buoys to mark the edge of the channel 100 yards from shore. The cost would not exceed \$1000.

Private Impact

None. This rule has no private fiscal impact. The regulated community will not incur any direct financial cost as a result of this rule change, but their behavior will be restricted. However the benefit of that restriction is increased boater safety. Codification of a rule to extend the existing no-wake zone will provide for legal enforcement of the speed in the entire area.

Substantial Economic Impact

None. There will be no substantial economic impact to the public.

APPENDIX 1

15A NCAC 10F .0321 PENDER COUNTY

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

- (1) the canal adjoining Old Point Development;
- (2) the First Finger Canal in New Topsail Beach;
- (3) ~~the eastern side of Banks Channel that extends 50 yards north of the northern boat ramp at the South Beach Villas and 50 yards south of the boat ramp at Bush's Marine at Topsail Beach;~~ in the Town of Topsail Beach, those waters on the eastern side of Banks Channel within 100 yards of the shore, beginning 125 yards southwest of Bush's Marina and extending northeast, ending 100 yards from the shoreline perpendicular to Haywood Avenue;
- (4) those waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and ~~the Seaboard Coastline Railroad bridge;~~ a railroad trestle fifty yards east of the Castle Hayne Boating Access Area.

(b) Speed Limit. No person shall operate any motorboat or 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 Board of Commissioners of Pender County with respect to the regulated areas designated in Subparagraphs (1), (2) and (4) of Paragraph (a) of this Rule, and the Board of Commissioners of the Town of Topsail Beach, with respect to the regulated area designated in Subparagraph (3) of Paragraph (a) of this Rule are designated as suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

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. May 1, 2017; July 1, 2000.