



## **Fiscal Note for Proposed Use of Areas Regulated Rule Amendment for the Wildlife Resources Commission**

**Rule Amendments:** 15A NCAC 10E .0104 Use of Areas Regulated

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**Impact Summary:** State Government: No  
Local Government: No  
Private Impact: No  
Substantial Economic Impact: No

**Authority:** G.S. 113 – 134; 113-264; 113-291.1; 113-291.5

### **BACKGROUND**

The wildlife resources of the State belong to the people of the State as a whole, including the enjoyment of these resources (G.S. § 113-131(a)). The Wildlife Resources Commission (WRC) is tasked with the conservation of wildlife resources of the State (G.S. § 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take of such resources (G.S. § 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. § 113-134).

As part of its mission, WRC conducts an annual review of its fish, wildlife, boating safety, and game land regulations, to determine whether such rules need to be adjusted in order to accomplish the objectives of: managing wildlife resources through a biologically sustainable harvest of such resources by hunters, trappers and anglers consistent with sound conservation objectives; 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.

Many of the proposed rule changes are expected to increase hunting, fishing, and outdoor recreation opportunities, while others are expected to restrict such opportunities. Additional changes are intended to improve the quality of future opportunities.

Although the Commission does not have a mechanism to determine the fiscal impact of these

specific rule changes on recreationists' behavior, economic research on the value individuals place on outdoor recreation can provide useful context for rules that affect opportunities for recreation. Taking the median of the findings across multiple studies, researchers have estimated that the value of hunting per person per day is approximately \$63; both hiking and "nature-related recreation" are valued at \$47 per person per day; and fishing is valued at approximately \$53 per person per day.<sup>1</sup> These figures represent individuals' total willingness to pay to engage in the activity, less the cost to do so. It does not represent any economic activity generated by the activity, such as retail sales. Note that these estimates are not species or location-specific. However, to the extent that the proposed rules induce recreationists to increase or decrease their trips in particular areas of the state, these findings provide a rough approximation of the costs or benefits to the individual.

The following is a summary of the proposed rule amendments to the use of areas regulated rule 15A NCAC 10E .0104, with the proposed text included in Appendix A.

### **15A NCAC 10E .0104 USE OF AREAS REGULATED**

The proposed changes to this rule cover topics related to areas regulated.

For the reasons outlined below, the WRC believes that the proposed rule changes will have minimal fiscal impacts.

This proposed amendment prohibits the use of gasoline powered motors on Ethridge Pond Public Fishing Area and Newbold Pond Public Fishing Area in Edgecombe County. Ethridge Pond (28 acres) and Newbold Pond (53 acres) are relatively small ponds. As a result, numerous reports have been received about wakes from boats with gasoline powered motors negatively impacting kayakers, bank anglers, and anglers using the ADA accessible fishing pier. Prohibiting gasoline powered motors at these areas will provide a safer and more enjoyable user experience.

#### Fiscal Impact

##### *State Impact*

No impact

##### *Local Impact*

No impact

##### *Private Impact*

Increased use by kayakers, bank anglers, and anglers using the ADA accessible fishing pier should be realized. Users with only gasoline powered motors would need to travel 5 miles to the next closest boating access area suitable for gasoline powered motors.

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<sup>1</sup> Rosenberger, Randall S.; White, Eric M.; Kline, Jeffrey D.; Cvitanovich, Claire. 2017. Recreation economic values for estimating outdoor recreation economic benefits from the National Forest System. Gen. Tech. Rep. PNWGTR-957. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 33 p.

## APPENDIX A – PROPOSED RULE

### 15A NCAC 10E .0104 USE OF AREAS REGULATED

(a) No person shall leave any vehicle, boat trailer or other obstruction on any public fishing or boating access area in such a location, position or condition that it will prevent or impede the use by other persons of any ramp or other facility constructed for the purpose of launching or landing boats or fishing. No person shall leave parked any vehicle, boat, boat trailer or other object at any place on any public fishing or boating access area other than on such place or zone as is designated as an authorized parking zone and posted or marked as such.

(b) No person shall possess a loaded firearm on any public fishing or boating access area, except that a handgun may be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. The permission to carry a handgun does not apply to access areas on the following game lands:

- (1) Bladen Lakes State Forest
- (2) Buckhorn
- (3) Butner-Falls of Neuse
- (4) Chatham
- (5) DuPont State Forest
- (6) Harris
- (7) Hyco
- (8) Jordan
- (9) Kerr Scott
- (10) Lee
- (11) Mayo
- (12) Pee Dee River north of U.S 74
- (13) Sutton Lake
- (14) Vance
- (15) the portion of R. Wayne Bailey-Caswell that is located north of U.S. 158 and east of N.C. 119

No person shall operate a vehicle on any public fishing or boating access area in a manner so as to endanger life or property.

(c) No person, when using any public fishing or boating access area, shall deposit any debris or refuse anywhere on the grounds of the area. No person, when using any public fishing or boating access area, shall do any act which is prohibited or neglect to do any act which is required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use of the area. At any time when all designated parking zones on any public fishing or boating access area are full, any person may enter and use such facilities, provided such person makes other arrangements for parking and violates none of the provisions of this Rule or the signs or markings made or posted pursuant hereto.

(d) No person shall operate a motorboat in the public waters of North Carolina within 50 yards of a Commission-owned or managed boat launching ramp at greater than "no wake" speed. For the purpose of this Rule, "no wake" speed means idling speed or a slow speed creating no appreciable wake.

## APPENDIX A – PROPOSED RULE

(e) Except where facilities are provided, it is unlawful to use any boating access area for purposes other than the launching of boats and parking vehicles and boat trailers. All other uses—including swimming, skiing, camping, building fires, operating concessions or other activities not directly involved with launching of boats—are prohibited, except that those activities including fish weigh-ins and for which a permit has been issued may be conducted, provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the activity is taking place.

(f) Except where facilities are provided and approved uses are posted, it is unlawful to use any public fishing area for purposes other than fishing. All prohibited uses and activities shall be posted including possession of loaded firearms (except as allowed in Paragraph (b) of this Rule), swimming, launching or mooring jet skis or boats, skiing, building fires, operating concessions, or other activities not directly associated with fishing.

(g) It is unlawful to feed or release animals or birds, domesticated animals and feral animals on public fishing or boating access areas without prior written authorization of the Wildlife Resources Commission. Written authorization will only be granted to persons acting on behalf of the Commission, to persons conducting scientific investigations or surveys, and for release of rehabilitated wildlife. Written authorization will not be granted for any feeding or release that is inimical to the conservation of native wildlife resources. For the purpose of enforcing this Paragraph, "domesticated animals" does not include pets under the control of the owner and raptors or hunting dogs where otherwise permitted for hunting or training purposes.

(h) The use of gasoline powered motors on Ethridge Pond Public Fishing Area and Newbold Pond Public Fishing Area in Edgecombe County is prohibited.

*History Note: Authority G.S. 75A-14; 113-134; 113-264;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2012; August 1, 2010; May 1, 2009; July 1, 1995; February 1, 1994;*

*September 1, 1992; July 1, 1991.*