



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0306 – Carolina Beach**

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Impact: State Government: Yes
Local Government: Yes
Private Impact: Minimal
Substantial Impact: No

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

The proposed permanent amendment to 15A NCAC 10F .0306 – Town of Carolina Beach (APPENDIX 1) will add a no-wake zone along a portion of the Intracoastal Waterway in Myrtle Grove Sound, within approximately 50 yards of the fueling docks at the Oceana Marina, the Carolina Beach Yacht Club and Marina, and the community docks and pier. The U.S. Army Corps of Engineers Wilmington District will concur with placement of a no-wake zone in this portion of the Intracoastal Waterway if it does not extend into the federal channel, approximately 50 yards from the docks and shoreline.

The Town of Carolina Beach applied for rulemaking to mitigate hazards to boater safety. This congested portion of the ICW includes fueling docks at two marinas, a busy community pier, and an area just south of the marinas, across from the Snows Cut Boating Access Area. The channel is narrow; there are diminished sight lines for vessels travelling north and south in the ICW as well as in and out of the Carolina Beach Yacht Basin.

The Town of Carolina Beach will mark the no-wake zone and incur an estimated cost of \$4100.00. The Town will spend no more than \$400.00 for the Coastal Area Management Act (CAMA) permit that is required under **G.S. § 113A-118** before placing structures in waters in coastal counties. Two pilings will be placed for a total cost of \$1200.00, which includes \$600.00 for each piling and labor to install it. Four 19-inch no-wake buoys as well as anchors and blocks will be purchased at a cost of \$550.00 each, for a total cost of \$2200.00. Two technicians will spend six hours each installing the buoys (12 hours x \$25.00/hr * = \$300.00).

State Impact Analysis: The WRC is responsible for the maintenance of the buoys for the Town of Carolina Beach no-wake zone within 50 yards of the marinas on the ICW. It is anticipated that the total annual cost to maintain the buoys will be no more than \$550.00.

Local Impact Analysis: The Town of Carolina Beach will incur the expense of no more than \$4100.00 for the CAMA permit and purchase and placement of the markers for the no-wake zone in the vicinity of the Oceana Marina and Carolina Beach Yacht Club and Marina.

Private Impact: The rule has minimal 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 on the east side of the Intracoastal Waterway near the marinas. The restricted behavior is offset by the mitigation of hazards to boater safety caused by the presence of fuel docks, congested areas with limited sight lines, and proximity to a boating access area with busy vessel traffic.

Substantial Economic Impact: There will be no substantial economic impact to the public.

APPENDIX 1

15A NCAC 10F .0306 CAROLINA BEACH

(a) Regulated Area. This Rule applies to ~~those waters known as Carolina Beach Yacht Basin bounded on the north by a line perpendicular to Florida Avenue and intersecting marker number "2" in the channel of the yacht basin, and on the south by the terminus of the yacht basin at the Carolina Beach Municipal Marina.~~ the following waters in the Town of Carolina Beach:

(1) Carolina Beach Yacht Basin shore to shore, south of a line from a point on the east shore at 34.05723 N, 77.88894 W to a point on the west shore at 34.05700 N, 77.89089 W; and

(2) a portion of the Intracoastal Waterway in Myrtle Grove Sound within approximately 50 yards of the community pier and docks surrounding marinas at the Oceana Marina and Carolina Beach Yacht Club and extending south of the marinas within approximately 50 yards of the shoreline to the intersection with the no-wake zone at the Carolina Beach Yacht Basin.

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

(c) Placement ~~and Maintenance~~ of Markers. The Carolina Beach Town Council ~~is~~ shall be the designated ~~a suitable~~ agency 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. February 1, 1976;
Amended Eff. March 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.*