

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0307

**DEADLINE FOR RECEIPT: February 18, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Explain how this is an “unforeseen” threat pursuant to G.S. 150B-21.1.*

*In general, there is a conflict between Paragraph (a) and (c). Paragraph (a) stated that the Rule is applicable to certain areas while Paragraph (c), which is part of The Rule, states that it is applicable to all marked swimming areas on Lake Norman. Which is it?*

*Line 15: Is “vessel” defined in your rules? Does the agency intend the same definition as G.S. 75A-2(5)?*

*Line 15: Define “no wake speed”.*

*Lines 19-20: Cite the statute concerning designation.*

*Line 21: Define “vessel liveries”.*

*Lines 29-30: As written, there is an ambiguity. The documentation is to be made available at the request of the livery company? Consider: “Both parties shall sign and date documentation verifying adherence to these requirements on the date the rental begins. The vessel livery shall maintain a copy of this documentation for a period of two years from the date of rental which shall be made available to law enforcement officers upon request. The vessel renter shall have a copy of the documentation on the vessel and available for law enforcement upon demand during the term of the rental.”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: February 14, 2025



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC Wildlife Resources Commission

2. Rule citation & name: 15A NCAC 10F .0307 CATAWBA, IREDELL, LINCOLN, AND MECKLENBURG COUNTIES

3. Action: ☐ Adoption ☒ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No Effective date:

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: 12/6/24
- b. Proposed Temporary Rule published on the OAH website: 12/10/24
- c. Public Hearing date: 1/9/25
- d. Comment Period: 12/9/24-1/17/25
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): 12/9/24
- f. Adoption by agency on: 2/6/25
- g. Proposed effective date of temporary rule if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3: 3/1/25

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.  
Cite:  
Effective date:
- ☐ A recent change in federal or state budgetary policy.  
Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
- ☐ Other:

**Explain:** Wildlife Resources Commission staff were recently notified of safety concerns and enforcement challenges surrounding vessel liveries on Lake Norman. Despite the ability of the Lake Norman Marine Commission to establish regulations concerning public recreation and water safety, enforcement of those regulations without joint resolution, as required by S.L.1969-1089, or regulations codified in Rule, has been difficult, leading to lack of action against liveries and increased safety concerns among lake users.

Rule amendments will facilitate and streamline enforcement activities and improve public safety.

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

Requirements need to be in place prior to the start of the 2025 boating season and adequate time is needed for livery companies to comply with the new safety requirements.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

**9. Rule-making Coordinator: Carrie Ruhlman**

**Phone: 919-707-0011**

**E-Mail: [carrie.ruhlman@ncwildlife.org](mailto:carrie.ruhlman@ncwildlife.org)**

**Agency contact, if any:**

**Phone:**

**E-Mail:**

**10. Signature of Agency Head\*:**



**\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name: Monty R. Crump**

**Title: Chairman**

**E-Mail: [monty@gorockingham.com](mailto:monty@gorockingham.com)**

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 15A NCAC 10F .0307 is amended under temporary procedures as follows:

2  
3 **15A NCAC 10F .0307 CATAWBA, IREDELL, LINCOLN, AND MECKLENBURG COUNTIES**

4 (a) Regulated Area. This Rule shall apply to Lake Norman in Catawba, Iredell, Lincoln, and Mecklenburg counties:

- 5 (1) within 50 yards of the shoreline at Jetton Park in Mecklenburg County, from a point on the west  
6 side of the park at 35.47082 N, 80.90427 W, south and around the point at 35.46703 N, 80.90360  
7 W, then northeast to a point at 35.47262 N, 80.89727 W;  
8 (2) Bluff Point Cove in Cornelius shore to shore, east of a line from a point 50 yards west of the south  
9 shore of the cove mouth at 35.45327 N, 80.89520 W to a point 50 yards west of the north shore of  
10 the cove mouth at 35.45487 N, 80.89440 W; and  
11 (3) the cove immediately north of the inlet of Hager Creek in Iredell County, north of a line from a point  
12 on the north shore at 35.55760 N, 80.94730 W southwest to a point on the island at the inlet of Hager  
13 Creek at 35.55695 N, 80.94971 W, and east of a line from the same point on the island northwest to  
14 a point on the north shore at 35.55754 N, 80.95029 W.

15 (b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described  
16 in Paragraph (a) of this Rule and as set forth in G.S. 75A-14.1.

17 (c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any  
18 marked swimming area on the waters of Lake Norman.

19 (d) Placement and Maintenance of Markers. The Lake Norman Marine Commission shall be the designated agency  
20 for placement and maintenance of navigational aids and regulatory markers on the waters of Lake Norman.

21 (e) Vessel Liveries. Vessel liveries operating on Lake Norman shall conduct the following activities with each vessel  
22 renter prior to relinquishing control of the vessel:

- 23 (1) a pre-rental vessel inspection to ensure that safety equipment required by Rule .0201 of this  
24 Subchapter is on board and accessible; and  
25 (2) provide and review instruction on safe operation of the vessel rented including review of navigation  
26 rules in G.S. 75A-6.1, operating restrictions in G.S. 75A-10, an electronic or waterproof  
27 navigational map of Lake Norman, and the U.S. Coast Guard's U.S. Aids to Navigation System  
28 pamphlet.

29 Documentation of adherence to these requirements shall be signed by both parties and be available for inspection by  
30 law enforcement officers upon request from the livery company for up to two years and from the vessel renter while  
31 that individual is in control of the vessel.

32  
33 *History Note: Authority G.S. 75A-3; 75A-15;*

34 *Eff. February 1, 1976;*

35 *Amended Eff. July 1, 1998; October 1, 1992; May 1, 1989; March 25, 1978;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
37 *6, 2016;*

- 1 *Amended Eff. October 1, 2019; October 1, 2018.*
- 2 *Temporary Amendment Eff. March 1, 2025.*