

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0304

DEADLINE FOR RECEIPT: March 6, 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:

Page 1, Line 19: Define "skin diving." Does skin diving include free diving? What about snorkeling? I am aware that G.S. 75A-13.1 uses the term. While the General Assembly can use ambiguous terms in legislation, pursuant to G.S. 150B-21.9(a)(2), agencies may not.

Page 1, Lines 19-20: Given G.S. 75A-13.1, explain why Paragraph (c) is necessary pursuant to G.S. 150B-21.9(a)(3).

Page 1, Line 22: Consider simply stating Subparagraph (a) of this Rule.

Page 1, Line 25: Explain the agency's authority to mandate a task by North Carolina State Parks.

Page 1, Line 25: Is it not the NC Division of Parks and Recreation that you are attempting to regulate?

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 18, 2025

1 15A NCAC 10F .0304 is amended with changes as published in 39:07 NCR 386-387 as follows:

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3 **15A NCAC 10F .0304 BLADEN COUNTY**

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

- 5 (1) White Lake. The water between the shoreline and ~~no-wake~~ regulatory markers 500 feet from the
6 shoreline is a ~~restricted area~~. Restricted Area.
- 7 (2) Cape Fear River:
- 8 (A) the waters shore to shore between a point 100 yards east and 100 yards west of the ferry
9 cable at Elwell Ferry and Elwells Ferry Boating Access Area, 2702 Elwell Ferry Road,
10 Council;
- 11 (B) the waters within 50 yards of the Tar Heel Boating Access Area, 1000 Wildlife Landing
12 Drive, Tar Heel; and
- 13 (C) the waters within 50 yards of the Tory Hole Boating Access Area, 335 N. Poplar Street,
14 Elizabethtown.
- 15 (3) Black River. The waters within 50 yards of the Hunts Bluff Boating Access Area, 351 Hunts Bluff
16 Road, Kelly.

17 (b) Restricted Area. ~~Skiing is prohibited~~ Motorboats, as defined in G.S. 75A-2(1e), shall not be operated on a course
18 parallel to the shoreline in the ~~restricted~~ area described in Subparagraph (a)(1) of this Rule.

19 (c) Diving. A person engaged in skin or scuba diving shall display a diver's flag, and no vessel shall approach within
20 50 feet of a diver's flag, as described in G.S. 75A-13.1.

21 (d) Speed Limit. No person shall operate a ~~vessel~~ motorboat at greater than no-wake speed within the regulated areas
22 described in Subparagraphs (a)(1) and (3), and Parts (a)(2)(A) through (C) of this Rule.

23 (e) Placement and Maintenance of Markers. The following agencies shall place and maintain the markers
24 implementing this Rule:

- 25 (1) North Carolina State Parks for the regulated area designated in Subparagraph (a)(1) of this Rule;
26 and
- 27 (2) the North Carolina Wildlife Resources Commission for the regulated areas designated in Parts
28 (a)(2)(A) through (C), and Subparagraph (a)(3) of this Rule.

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

31 *Eff. February 1, 1976;*

32 *Amended Eff. April 1, 1990; August 1, 1988; June 17, 1979;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
34 *6, 2016;*

35 *Amended Eff. April 1, 2025; June 1, 2024; October 1, 2018.*