



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:	
2. Rule citation & name:	
3. Action: <input type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input type="checkbox"/> No Effective date:	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: b. Proposed Temporary Rule published on the OAH website: c. Public Hearing date: d. Comment Period: e. Notice pursuant to G.S. 150B-21.1(a3)(2): f. Adoption by agency on: 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]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:  Explain:	

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

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:

Phone:

E-Mail:

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:

Title:

E-Mail:

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0305

**DEADLINE FOR RECEIPT: Tuesday, July 18, 2023**

***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:

*Because “any” and “all” is to be avoided where possible, please delete “any of” in Paragraph (b), line 34, and “all” in Paragraph (d), line 13.*

*In the History Note, please strike through “2018.” at the end, add “2018;”, and on the next line add “Temporary Amendment Eff. August 15, 2023.”.*

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10F .0305 is proposed for amendment under temporary procedures as follows:

2  
3 **15A NCAC 10F .0305 BRUNSWICK COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- 5 (1) Lockwoods Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500  
6 yards northwest of the boat ramp located at the end of SR 1123 otherwise known as Fisherman  
7 Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including  
8 the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River  
9 directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;
- 10 (2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at  
11 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing  
12 docks at 33.88344 N, 78.56751 W;
- 13 (3) the Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway  
14 at a point at 33.91685 N, 78.02865 W;
- 15 (4) Shallotte River east of SR 1233, otherwise known as Village Point Road SW south of the Town of  
16 Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477  
17 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;
- 18 (5) Montgomery Slough otherwise known as Davis Creek, within 100 yards of the hotel and marina at  
19 the northern end of 57<sup>th</sup> Place West in the Town of Oak Island;
- 20 (6) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway,  
21 east of N.C. Highway 904 in the Town of Ocean Isle Beach;
- 22 (7) Town Creek east of SR 1609, otherwise known as Clearview Lane in Town Creek Township, shore  
23 to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a  
24 point at 34.16910 N, 78.07030 W;
- 25 (8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the  
26 Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal  
27 end at NE 40<sup>th</sup> Street in the Town of Oak Island;
- 28 (9) Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of  
29 the Sunset Boulevard South bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the  
30 bridge at 33.88111 N, 78.51194 W; and
- 31 (10) Intracoastal Waterway in the Town of Ocean Isle Beach, shore to shore from a point 100 yards east  
32 of the NC Hwy 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west  
33 of the bridge at 33.89567 N, 78.44092 W.

34 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas  
35 described in Paragraph (a) of this Rule.

(c) Placement of Markers. The following agencies shall be the designated agencies for the placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Aldermen of Varnamtown for areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for areas indicated in Subparagraphs (a)(2) through (8) of this Rule;
- (3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this Rule; and
- (4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

(d) Notwithstanding Paragraphs (a) through (c) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel, from a point on the west shore at 33.87617 N, 78.49297 W to a point on the east shore at 33.87664 N, 78.49164 W, then southeast to a point on the south shore at 33.87325 N, 78.49033 W, and all waters south and west of those lines including the feeder channel, four finger canals, and the bay area. The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of markers for this regulated area.

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

*Eff. February 1, 1976;*

*Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987;*

*Temporary Amendment Eff. March 1, 1998;*

*Amended Eff. April 1, 2009; April 1, 1999;*

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

*Amended Eff. May 1, 2021; July 1, 2018.*