

Burgos, Alexander N

From: Bonner, Melva G
Sent: Wednesday, July 19, 2023 10:22 AM
To: Duke, Lawrence
Cc: Ruhlman, Carrie A; Burgos, Alexander N; Rules, Oah; McGhee, Dana
Subject: RE: NCWRC Temporary No Wake Zone Rule - 15A NCAC 10F .0305

Lawrence – Thank you.

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, July 19, 2023 10:20 AM
To: Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: RE: NCWRC Temporary No Wake Zone Rule - 15A NCAC 10F .0305

Melva,

Thank you for sending these. I have CC'd those who need copies of the filing. WRC is good to go for the meeting tomorrow.

Thanks again,
Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Wednesday, July 19, 2023 10:15 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: FW: NCWRC Temporary No Wake Zone Rule - 15A NCAC 10F .0305

Lawrence,

I just wanted to confirm that you received filing with the technical changes.

Thank you,
Melva

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

From: Bonner, Melva G
Sent: Tuesday, July 18, 2023 8:04 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: NCWRC Temporary No Wake Zone Rule - 15A NCAC 10F .0305

OAH Rules,

I have attached the NCWRC Temporary No Wake Zone Rule with technical changes.

Thank you,
Melva

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

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Burgos, Alexander N

Subject: FW: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Sent: Monday, July 17, 2023 1:44 PM

To: Bonner, Melva G <melva.bonner@ncwildlife.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>

Subject: RE: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review

Melva,

Thank you for making these changes. Can you file your amended version at rule.oah@oah.nc.gov?

Thank you,

Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

Burgos, Alexander N

Subject: FW: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review
Attachments: WRC - 07.2023 - 15A NCAC 10F .0305 Temporary Rule - Change Request (MB 7-17-23).docx; 15A NCAC 10F .0305 (7-17-23 Technical Changes).docx

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Monday, July 17, 2023 9:05 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: RE: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review

Lawrence,

I have made the requested changes to 15A NCAC 10F .0305.

Thank you,
Melva

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

Burgos, Alexander N

Subject: FW: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review
Attachments: WRC - 07.2023 - 15A NCAC 10F .0305 Temporary Rule - Change Request (MB 7-17-23).docx; 15A NCAC 10F .0305 (7-17-23 Technical Changes).docx

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Monday, July 17, 2023 9:05 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: RE: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review

Lawrence,

I have made the requested changes to 15A NCAC 10F .0305.

Thank you,
Melva

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

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 57th 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 40th 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.

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

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

10 (d) Notwithstanding Paragraphs (a) through (c) of this Rule, no person shall operate a vessel at greater than no-wake
11 speed in the waters of South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel,
12 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,
13 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
14 including the feeder channel, four finger canals, and the bay area. The North Carolina Wildlife Resources Commission
15 is the designated agency for placement and maintenance of markers for this regulated area.

16
17 *History Note: Authority G.S. 75A-3; 75A-15.*
18 *Eff. February 1, 1976;*
19 *Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987;*
20 *Temporary Amendment Eff. March 1, 1998;*
21 *Amended Eff. April 1, 2009; April 1, 1999;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
23 *6, 2016;*
24 *Amended Eff. May 1, 2021; July 1, ~~2018~~, 2018;*
25 *Temporary Amendment Eff. August 15, 2023.*

Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency’s statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

The imposition of a question implies that the rule as written is unclear or there is some ambiguity. If the request includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency “consider” an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for consideration which the agency may find preferable and clarifying.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day~~;~~ and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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. **Done.***

*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.”. **Done.***

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

Burgos, Alexander N

From: Duke, Lawrence
Sent: Friday, July 14, 2023 4:01 PM
To: Ruhlman, Carrie A; Bonner, Melva G
Cc: Burgos, Alexander N
Subject: WRC Temp Rule - 15A NCAC 10F .0305 - RRC Review
Attachments: WRC - 07.2023 - 15A NCAC 10F .0305 Temporary Rule - Change Request.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Carrie,

I hope you're doing well and have had a good week. I'm handling WRC's temp rule on the no-wake zone at Sunset Beach. Please see attached change requests (very minimal). I put Tuesday, July 18 as the deadline, but if you can make the changes earlier it would be great.

Have a good weekend!

Lawrence Duke



Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
Lawrence.Duke@osha.nc.gov
(919) 236-1938

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