

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.1 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0304.

Codifier of Rules approved this rule as an emergency rule effective August 5, 2024 and received for publication the following notice and proposed temporary rule(s) on: July 25, 2024.

Public Hearing:

Date: August 20, 2024

Time: 7:00 p.m.

Location:

Zoom Meeting. Registration Required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_t2eYzEyOSnCUGdpadZ6EDw, or

Join by Phone: Toll Free (833) 568-8864,

Webinar ID 160 802 1797

Date: September 18, 2024

Time: 6:00 p.m.

Location: Virtual – Zoom Online Webinar

Join from a PC, Mac, iPad, iPhone or Android device:

- Registration required. https://ncwildlife-org.zoomgov.com/webinar/register/WN_VSDaFkBDRV-H9mXmT0RcAw#/registration
- Join by phone. Toll free (833) 568 8864, Webinar ID: 161 358 0163 and registration passcode.

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. G.S. 150B-21.1(a)(7)a. The agency was recently notified of a serious safety hazard caused by amendments to the Rule for the restricted area at White Lake. The restricted area is 500 feet from the shoreline around the entire perimeter of the lake. Because of the size of the restricted area and the shallow water in that portion of the lake, swimming within the restricted area is common.

The most recent rule change allows for unrestricted directional operation of motorboats within the restricted area, a change from the previous rule which only allowed for operation perpendicular to the shoreline. Parallel operation of a motorboat in the restricted area, even at no wake speed, is dangerous to swimmers and needs to be regulated for safety of the public. The proposed amendment will require motorboats to travel perpendicular to the shore and at no wake speed within the restricted area at White Lake.

Comment Procedures: Comments from the public shall be directed to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org. The comment period begins July 29, 2024 and ends August 23, 2024.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0304 BLADEN COUNTY

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

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

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

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

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

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

- (1) North Carolina State Parks for the regulated area designated in Subparagraph (a)(1) of this Rule; and

- (2) the North Carolina Wildlife Resources Commission for the regulated areas designated in Parts (a)(2)(A) through (C), and Subparagraph (a)(3) of this Rule.

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