

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(a3) that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0307.

Codifier of Rules received for publication the following notice and proposed temporary rules on: December 6, 2024.

Public Hearing:

Date: January 9, 2025

Time: 6:00 p.m.

Location: Zoom Meeting. Registration Required:

https://ncwildlife-org.zoomgov.com/webinar/register/WN_gqeGvTcWSdW_QW8CAzMvEw, or

Join by Phone: Toll Free (833) 568-8864, Webinar ID: 161 735 8604

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. 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.

Proposed rule amendments codify vessel livery safety requirements to clarify standards for livery companies, facilitate and streamline enforcement activities, and improve public safety.

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 December 9, 2024 and ends January 17, 2025.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

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

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

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

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

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

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

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

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

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

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