



HIGH PERFORMANCE LAW™

J. Scott Flowers | Partner, Attorney at Law



HUTCHENS LAW FIRM LLP



October 2, 2023

Cameron Ingram  
Executive Director  
North Carolina Wildlife Resources Commission



**Via Certified Mail**

Re: Petition for Rulemaking by Watson G. Caviness

Mr. Ingram:

Please find enclosed a Petition for Rulemaking submitted by Watson G. Caviness pursuant to N.C. Gen. Stat. § 150B-20 to amend 15A NCAC 10F.0314(a)(3). I will be representing Mr. Caviness. Please direct all correspondence to me. Thank you for your attention to this matter.

Very Truly Yours,



J. Scott Flowers

Encl.

Cc: Client

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OCT 05 2023

NCWRC RULES COORDINATOR

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

BEFORE THE WILDLIFE RESOURCES  
COMMISSION

**PETITION FOR RULEMAKING**

TO: Cameron Ingram  
Executive Director  
North Carolina Wildlife Resources Commission  


I, Watson G. Caviness, Petitioner, hereby submit this Petition for Rulemaking to the North Carolina Wildlife Resources Commission ("WRC") pursuant to N.C. Gen. Stat. § 150B-20 to amend 15A NCAC 10F .0314 section (a)(3) (the "Rule"). In support of this Petition, please see the following information.

1. The Rule currently states:

"(a) Regulated Areas. This Rule shall apply to the following waters in New Hanover County: ...(3) the waters of the navigation channel in that portion of Bradley Creek in the City of Wilmington between the US 76 Bridge crossing Bradley Creek and channel marker 4, near the mouth of Bradley Creek at 34.20858 N, 77.82272 W;

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

2. I am Petitioning the WRC to amend this Rule to move the location of the start of the no-wake zone near the mouth of Bradley Creek 400 feet closer to the Intracoastal Waterway ("ICW") to the following location: 34.20794 N, 77.82158 W.

3. As amended, the Rule would read:

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(a) Regulated Areas. This Rule shall apply to the following waters in New Hanover County: ...(3) the waters of the navigation channel in that portion of Bradley Creek in the City of Wilmington between the US 76 Bridge crossing Bradley Creek and 34.20794 N, 77.82158 W, near the mouth of Bradley Creek;

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

4. This amendment is needed because the current location of the start of the no-wake zone near the mouth of Bradley Creek creates a serious safety hazard. I am requesting the Rule be amended to move the start of the no-wake zone closer to the ICW to alleviate this safety concern.

5. I live at [REDACTED] North Carolina, which is on Bradley Creek. The current start of the no-wake zone is directly in front of my home, 90 degrees off my dock. (See Exhibit A & B.) Since the WRC recently amended this Rule to place the start of the no-wake zone at this location, I have had near constant overwash on my dock on busy days. This has caused my skiff to wash up on my dock twice, and on one occasion a skiff to sink. I mention this to illustrate the powerful overwash occurring on Bradley Creek due to the unsafe location of the current no-wake zone, which is a safety concern for all boaters and property owners.

6. At the other end of Bradley Creek there are two marinas, which combined have over 1,000 boat slips. On weekends and other heavy traffic days, there is a continuous flow of boats entering and exiting Bradley Creek from the ICW. On any given weekend, there are hundreds of boats coming in and out of Bradley Creek, many operated by inexperienced boaters who I witness coming in from the ICW at full throttle trying to pick their spot in line to enter the

creek. In the last year, both day markers have been hit. It is only a matter of time before there is going to be a collision and potentially a serious injury or loss of life at this intersection. It is similar to a busy highway intersection with no traffic light.

7. The new location for the start of the no-wake zone I am proposing would move the location 400 feet closer to the ICW. (See Exhibit C & D.) It would close the distance from 1,157 feet to 757 feet. Extending the no-wake zone so that it is closer to the ICW would cause boaters exiting Bradley Creek to do so at a slower speed while still giving boats entering the creek plenty of room to safely exit the ICW. This would eliminate or greatly reduce the current safety hazard. This would also eliminate shoaling concerns.

Respectfully submitted this 2<sup>nd</sup> day of October, 2023.

BY:

Watson G. Caviness, Petitioner



Exhibit A





Exhibit B







Exhibit C

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map length: 400.54 Feet

Ground length: 400.54

Heading: 122.44 degrees

Mouse Navigation

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

34°12'28.60" N 77°43'17.72" W elev 0 ft

Goog

Bradley

Address

Bradley Creek, Wilmington, NC, United States

Get GPS Coordinates

New sign location

DD (decimal degrees)

Latitude

34.20794383333334

Longitude

-77.821589

Get Address

DMS (degrees, minutes, seconds)

Latitude

☒ N ☐ S

34

°

12

'

28.5978

"

Longitude

☐ E ☒ W

77

°

49

'

17.7204

"

Get Address

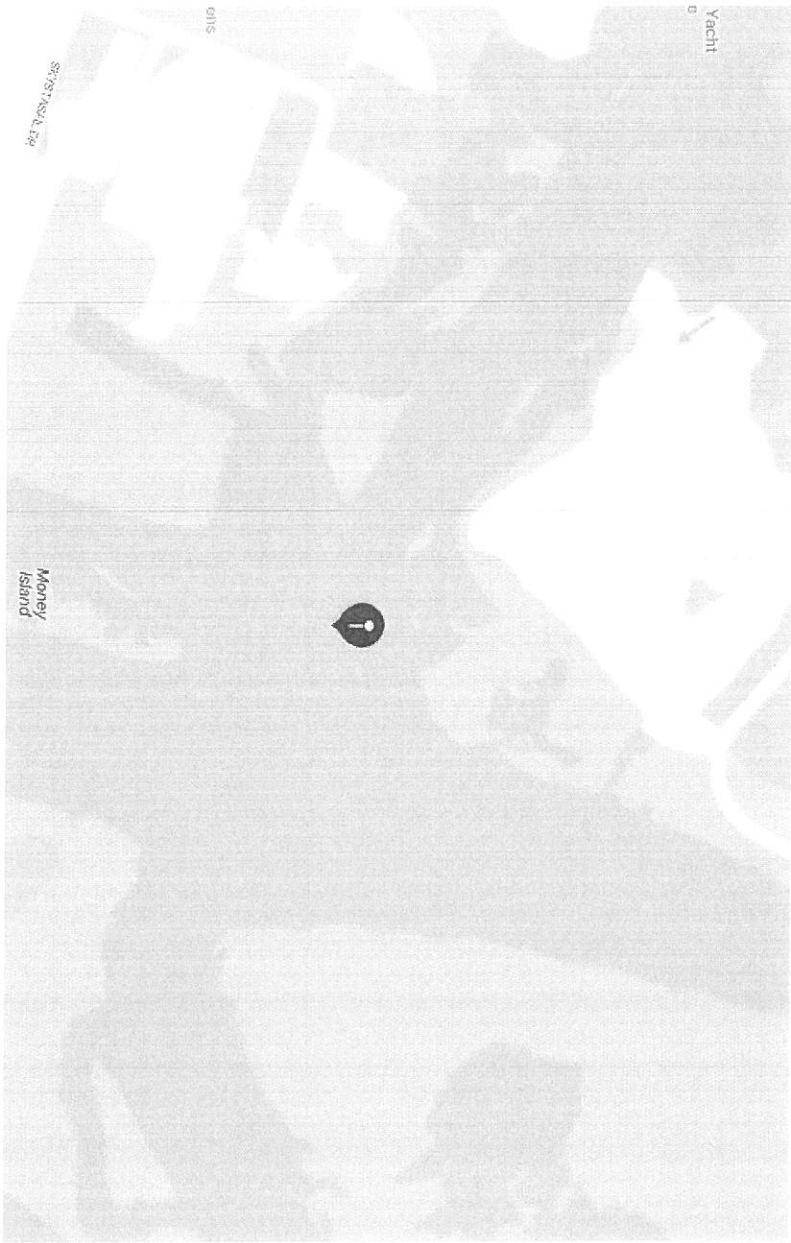






Exhibit D

# Bradley Creek

Start of new  
No Wake Zone

1,157 ft