

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0106

**DEADLINE FOR RECEIPT: September 5, 2019**

**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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*At lines 4-5, by "Subparagraphs (1) and (2) of this Paragraph" do you mean "Subparagraphs (b)(1) and (b)(2) of this Rule?"*

*At lines 6-7, this Rule mentions a form supplied by the Commission. Are the contents or substantive requirements of this form in rule? See 150B-2(8a)(d).*

*At line 11, who is the Executive Director's designee? How is this determined?*

*At line 21, when amending a rule, the smallest unit of text to be struck through or underlined is an entire word. Please make the change as follows: ~~permit~~, permit(s).*

*In (c), the first sentence is very long. Please consider breaking it into two sentences and making the sentence active by saying who shall do what. Consider the following if it is what you intend:*

*~~"An individual may apply to become a WDCA upon~~ ~~Upon~~ completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques, and demonstration of knowledge of wildlife laws and safe, humane wildlife handling techniques. ~~techniques, an individual with no record of wildlife law violations [that, within the last five years, has]~~ Individuals are eligible to become a WDCA if they have not been convicted of a wildlife misdemeanor as specified in G.S. 113-294 that resulted in a license suspension or revocation within the last five years. ~~may apply to the [Wildlife Resources] Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). [WDCA.]~~"*

*In (f)(1) lines 17 and 22, please refer to "Subparagraphs (f)(2) through (5) of this Paragraph."*

*In (f)(4), did you intentionally exclude foxes from the fur tagging requirement? Please compare this language with 15A NCAC 10B .0402(a).*

*In (h)(4), please define "potentially" or consider replacing it with "may have."*

Ashley Snyder  
Commission Counsel  
Date submitted to agency: August 22, 2019

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder  
Commission Counsel  
Date submitted to agency: August 22, 2019

1 15A NCAC 10B .0106 is adopted as published in 33:18 NCR 1873 as follows:

2  
3 **15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDACTIONS**

4 (a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs  
5 (1) and (2) of this Paragraph. Only employees of the Wildlife Resources Commission (Commission) and Wildlife  
6 Damage Control Agents (WDCA) may issue depredation permits. ~~Each permit~~ Permits shall be written on a form  
7 supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while  
8 committing depredations on ~~the~~ that property; however the manner of taking, disposition of dead wildlife, and  
9 reporting requirements as described in this Rule still apply.

10 (b) No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I,  
11 except alligators, by reason of depredations to property. Only the Executive Director or his or her designee may issue  
12 depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. An individual may  
13 take an endangered or threatened species in immediate defense of his or her own life or of the lives of others without  
14 a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human  
15 safety shall be reported to a federal or ~~state~~ State wildlife enforcement officer, who, upon verification of the report,  
16 may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species ~~shall~~  
17 may be issued under the following conditions:

18 (1) for taking wildlife that is or has been damaging or destroying ~~property property~~, provided there is  
19 evidence of property damage. No permit may be issued for the taking of ~~any~~ migratory birds and  
20 other federally-protected animals unless a ~~corresponding~~ corresponding, valid U.S. Fish and  
21 Wildlife Service depredation permit(s), if required, has been issued. A permit issued pursuant to  
22 this Rule shall name the species allowed to be taken and may ~~contain~~ include limitations as to age,  
23 sex, ~~or any other condition, such as~~ type of depredation, location of animal or damage, and local  
24 ~~laws, within the species so named.~~ laws. The permit shall be issued to a landholder or an authorized  
25 representative of a unit of local government for depredations on public ~~property; and the property.~~  
26 The permit shall be used only by individuals named on the permit.

27 (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources  
28 present a danger to human safety. ~~Cities~~ Cities, as defined in G.S. ~~160A-1(2)~~ 160A-1(2), seeking  
29 ~~such~~ a depredation permit pursuant to these circumstance shall apply to the ~~Executive Director~~  
30 Commission using a form supplied by the Commission requesting an application available from the  
31 Commission. The application shall include the following information:

- 32 (A) the name and location of the city;  
33 (B) the acreage of the affected property;  
34 (C) a map of the affected property;  
35 (D) the signature of an authorized city representative;  
36 (E) the nature of the overabundance or the threat to public safety; and  
37 (F) a description of previous actions taken by the city to ameliorate the problem.

~~(b)~~ (c) Wildlife Damage Control Agents: Agents. Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques, and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual ~~with no record of wildlife law violations~~ that, within the last five years, has not been convicted of a wildlife misdemeanor as specified in G.S. 113-294 that resulted in a license suspension or revocation may apply to the ~~Wildlife Resources Commission (Commission)~~ to become a ~~Wildlife Damage Control Agent (WDCA)~~. WDCA. Those ~~persons~~ individuals who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of ~~85~~ 80 percent or better on a written examination provided by a representative of the ~~Wildlife Resources Commission~~, in cooperation with the training course provider, shall be approved. Those ~~persons~~ individuals failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those ~~persons~~ individuals approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game animals; bats; or any species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104, and .0105 of this Chapter. WDCAs shall annually report to the ~~Wildlife Resources Commission~~ the number and disposition of animals ~~taken, by county, annually.~~ by county. Records shall be available for inspection by a ~~Wildlife Enforcement~~ wildlife enforcement officer at any time during ~~normal business hours.~~ These business hours are the posted business hours of the Commission at ncwildlife.org. ~~WDCA status shall be revoked at any time by the~~ The Executive Director shall revoke WDCA status when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. ~~In order to maintain a knowledge of current laws, rules, and techniques, each~~ Each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months or agency approved continuing education credits.

~~(e)~~ (d) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources under the authority of a depredation permit shall comply with the conditions written on the permit and the requirements specified in this Rule.

~~(d)~~ (e) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season, such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be

protected, ~~according to the particular circumstances,~~ within which the traps shall be set. The Executive ~~Director~~ Director, Commission employee, or agent may also ~~state state,~~ in a permit authorizing ~~trapping trapping,~~ whether or not bait may be used and the type of ~~bait, if any, bait~~ that is authorized based upon factors such as type of depredation, locations of animal or damage, and local laws. In addition to any trapping restrictions that may be contained in the permit, the method of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.

- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, to intentionally ~~to~~ wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

~~(e)~~(f) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by Subparagraphs (e)(2) through (5) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs (e)(2) through (5) of this Rule, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt

for sale has a valid hunting or trapping license; provided further that bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner. When the relocation site is public property, written permission shall be obtained from ~~an appropriate~~ the local, ~~state, State,~~ or federal official authorized to manage the property before any animal may be released. Animals transported or held for euthanasia shall be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.

~~(f)(g)~~ Reporting Requirements. Any landholder who kills an alligator; ~~a coyote~~ coyote, in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report ~~such~~ the kill on the form provided with the ~~permit~~ permit, including the number and species of animal(s) killed, and ~~mail~~ submit the form upon the expiration date of the depredation permit to the Wildlife Resources Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report ~~such kill as directed~~ the kill, including the number of coyotes killed, on the form provided with the depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

(h) Exemption for Animal Control Officers. Animal Control Officers, as defined by G.S. 130A-184(1) and when in the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- 1) Exhibit visible signs of rabies;
- 2) Exhibit unprovoked aggression that may be associated with rabies;
- 3) Are suspected to be rabid; or
- 4) Have exposed or potentially exposed humans, pets, or livestock to rabies.

*History Note:* Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337;

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990;*

*Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at [www.ncwildlife.org](http://www.ncwildlife.org);*

- 1                    *Temporary Amendment Eff. February 27, 2015;*
- 2                    *Amended Eff. October 1, 2019; December 1, 2016; July 1, 2016; May 1, 2016.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: All Rules in 15A NCAC 10F

**DEADLINE FOR RECEIPT: September 5, 2019**

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In your history notes, please update the proposed effective date.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder  
Commission Counsel  
Date submitted to agency: August 22, 2019



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0307

**DEADLINE FOR RECEIPT: September 5, 2019**

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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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*At line 11, please delete or define "immediately."*

*In (b), is the language "which is specific to the waters of Lake Norman" necessary since Paragraph (a) limits the application of the Rule to Lake Norman?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder  
Commission Counsel  
Date submitted to agency: August 22, 2019

1 15A NCAC 10F .0307 is amended as published in 33:15 NCR 1553 as follows:

2  
3 **15A NCAC 10F .0307 CATAWBA, IREDELL, LINCOLN, AND MECKLENBURG COUNTIES**

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

- 5 (1) within 50 yards of the shoreline at Jetton Park in Mecklenburg County, from a point on the west  
6 side of the park at 35.47082 N, 80.90427 W, south and around the point at 35.46703 N, 80.90360  
7 W, then northeast to a point at 35.47262 N, 80.89727 W;  
8 (2) Bluff Point Cove in Cornelius shore to shore, east of a line from a point 50 yards west of the south  
9 shore of the cove mouth at 35.45327 N, 80.89520 W to a point 50 yards west of the north shore of  
10 the cove mouth at 35.45487 N, 80.89440 W; and  
11 (3) ~~the cove immediately north of the inlet of Hager Creek cove~~ in Iredell County, ~~east of a line at the~~  
12 ~~cove mouth from a point on the south shore at 35.55117 N, 80.95250 W to a point on the north shore~~  
13 ~~of the cove mouth at 35.56162 N, 80.95230 W.~~ north of a line from a point on the north shore at  
14 35.55760 N, 80.94730 W southwest to a point on the island at the inlet of Hager Creek at 35.55695  
15 N, 80.94971 W, and east of a line from the same point on the island northwest to a point on the north  
16 shore at 35.55754 N, 80.95029 W.

17 (b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described  
18 in Paragraph (a) of this Rule and as set forth in ~~G.S. 75A-14.1.~~ G.S. 75A – 14.1, which is specific to the waters of  
19 Lake Norman.

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

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

24  
25 *History Note: Authority G.S. 75A-3; 75A-15;*

26 *Eff. February 1, 1976;*

27 *Amended Eff. July 1, 1998; October 1, 1992; May 1, 1989; March 25, 1978;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
29 *6, 2016;*

30 *Amended Eff. September 1, 2019; October 1, 2018.*

1 15A NCAC 10F .0320 is amended as published in 33:15 NCR 1553-1554 as follows:

3 **15A NCAC 10F .0320 ONSLOW COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters in Onslow County:

- 5 (1) the canals in Old Settlers Beach subdivision in the Town of Surf City, east of the Onslow-Pender  
6 County line, and the waters of the approach canal from the Intracoastal Waterway between markers  
7 53 and 57, extending south-southwest to the Onslow-Pender County line;
- 8 (2) New River in the City of Jacksonville shore to shore, north from a line at a point on the east shore  
9 at 34.74356 N, 77.43775 W to a point on the west shore at 34.74358 N, 77.43924 W; and south from  
10 a line at a point on the east shore at 34.74695 N, 77.43719 W, to a point on the west shore at 34.74562  
11 N, 77.44114 W; and the waters shore to shore north of the SR 1402 bridge otherwise known as the  
12 Old Bridge Street bridge and south of the U.S. Highway 17 Business bridge otherwise known as  
13 Marine Boulevard bridge; and within 50 yards of the shoreline at the Marina Café and Marina, from  
14 the U.S. Highway 17 Business bridge otherwise known as Marine Boulevard bridge to a point on  
15 the west shore at 34.75461 N, 77.43819 W; ~~and~~
- 16 (3) Queens Creek near the boating access area at the north end of SR 1688, otherwise known as Sussex  
17 Lane in Hubert, shore to shore west of a line from a point on the south shore at 34.69881 N, 77.18884  
18 W to a point on the north shore at 34.69949 N, 77.18880 W and south-southeast of a line from a  
19 point on the west shore at 34.70103 N, 77.19287 W to a point on the east shore at 34.70101 N,  
20 ~~77.19216 W.~~ 77.19216 W; and
- 21 (4) Intracoastal Waterway at Hammocks Beach State Park in Swansboro, from a line at a point on the  
22 north shore west of the passenger ferry dock at 34.66967 N, 77.14454 W, south to a point on an  
23 unnamed island at 34.66823 N, 77.14459 W, eastward 520 yards to a line from a point on the north  
24 shore east of the public boat ramp and maintenance area at 34.67023 N, 77.13934 W, south to a  
25 point on an unnamed island at 34.66916 N, 77.13962 W.

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

28 (c) Placement of Markers. The Board of Commissioners of Onslow County shall be the designated agency for  
29 placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the  
30 United States Army Corps of Engineers.

31  
32 *History Note: Authority G.S. 75A-3; 75A-15;*  
33 *Eff. May 1, 1976;*  
34 *Amended Eff. July 1, 1993; June 1, 1989; October 1, 1984; May 1, 1982;*  
35 *Readopted Eff. October 1, ~~2018~~ 2018;*  
36 *Amended Eff. September 1, 2019.*

1 15A NCAC 10F .0339 is amended as published in 33:19 NCR 1924 as follows:

2  
3 **15A NCAC 10F .0339 MCDOWELL COUNTY**

4 (a) Regulated Areas. This Rule ~~applies~~ shall apply to the following waters ~~located~~ on Lake James in McDowell  
5 County:

- 6 (1) the cove east of Old Wildlife Club Road, beginning at a line from a point on the northwest shore at  
7 35.73649 N, 81.92296 W to a point on the southeast shore at 35.73595 N, 81.92194 W;
- 8 (2) ~~these the~~ waters including coves, shore to shore in the vicinity of the Marion Moose Club property,  
9 east of ~~the~~ a line from a point on the north shore at 35.72026 N, 81.97292 W, to a point on the south  
10 shore at 35.71908 N, 81.97257 W, and south of ~~the~~ a line from a point on the west shore at 35.72214  
11 N, 81.96807 W to a point on the east shore at 35.72305 N, 81.96642 W;
- 12 (3) Morgan ~~Cove;~~ Cove, west and south of a line at the mouth from a point on the north shore at  
13 35.74220 N, 81.94189 W to a point on the south shore at 35.74142 N, 81.94155 W;
- 14 (4) ~~that area~~ within 50 yards of the shoreline at the New Manna Baptist Youth ~~Camp;~~ Camp at 880  
15 Marina Drive in Nebo;
- 16 (5) ~~that area~~ within 50 yards of the shoreline at ~~Burnett's Landing;~~ Burnette's Landing at 3385 Hankins  
17 Road in Marion;
- 18 (6) the coves adjacent to Lake James State Park swimming area southeast of a line from a point on the  
19 northeast shore at 35.73402 N, 81.90450 W to a point on the southwest shore at 35.73268 N,  
20 81.90614 W;
- 21 (7) ~~that area~~ within 50 yards of camping areas in the Lake James State Park;
- 22 (8) ~~that area including~~ the cove between Waterglyn Subdivision and Lakeview Shores ~~Subdivision and~~  
23 ~~extending~~ Subdivision, contiguous with the waters within 50 yards of the shoreline of Lakeview  
24 Point ~~Subdivision~~ Subdivision, and within 50 yards of the boat launching ramp at the Marion Lake  
25 ~~Club;~~ Club at the end of Lake Club Lane;
- 26 (9) Plantation Point Cove southwest of a line from a point on the north shore at 35.71672 N, 81.98065  
27 W to a point on the south shore at 35.71616 N, 81.98010 W;
- 28 (10) Waterglyn Subdivision ~~Cove;~~ Cove, west of Lentz Landing Lane;
- 29 (11) within 50 yards of the boat ramp at Lake James Landing on Lake James Landing Drive, near the  
30 mouth of the North Fork of the Catawba River;
- 31 (12) ~~that area~~ within 50 yards of the Bear Creek ~~Marina;~~ Marina at 608 Marina Drive in Nebo;
- 32 (13) ~~the waters~~ within 50 yards of the peninsula at Waterglyn Subdivision at the end of Waterglyn Way,  
33 from the point on land east of the cove east of Old Wildlife Club Road at 35.73600 N, 81.92185 W  
34 to a point on land west of Waterglyn Subdivision Cove at 35.73549 N, 81.91900 W; ~~and~~
- 35 (14) ~~the waters~~ within 50 yards of the ~~boat ramp in Hidden Cove;~~ Cove Public Boat Access at 3657 NC-  
36 126 in Nebo; and

1           (15) within 50 yards of the peninsula at Old Wildlife Club Subdivision at the end of Hunt Camp Drive  
2           and Screech Owl Drive, from a point on land at 35.75171 N, 81.92186 W, southeast to a point on  
3           land at 35.74914 N, 81.91782 W.

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

6 (c) Restricted Swimming Areas. No person operating or responsible for the operation of any ~~vessel, surfboard or~~  
7 ~~waterskis~~ vessel shall permit ~~the same~~ it to enter any marked swimming area located on the ~~regulated area~~ waters of  
8 Lake James in McDowell County.

9 (d) Placement of Markers. The Board of Commissioners of McDowell County is the designated agency for placement  
10 of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States  
11 Army Corps of Engineers.

12  
13 *History Note: Authority G.S. 75A-3; 75A-15;*

14 *Eff. August 23, 1981;*

15 *Amended Eff. February 1, 1996; December 1, 1993; March 1, 1992; April 1, 1991;*

16 *Temporary Amendment Eff. February 1, 1998;*

17 *Amended Eff. July 1, 1998;*

18 *Temporary Amendment Eff. February 4, 2000; April 1, 1999;*

19 *Amended Eff. July 1, 2000;*

20 *Temporary Amendment Eff. May 1, 2001;*

21 *Amended Eff. May 1, 2010; July 1, 2008; July 18, 2002;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
23 *6, 2016;*

24 *Amended Eff. September 1, 2019; November 1, 2017.*

1 15A NCAC 10F .0370 is amended as published in 33:19 NCR 1924-1925 as follows:

2  
3 **15A NCAC 10F .0370 CITY OF ROCKY MOUNT MOUNT – ROCKY MOUNT MILLPOND DAM**  
4 **SAFETY ZONE**  
5

6 (a) ~~Regulated Areas.~~ Area. ~~This Rule shall apply to the~~ The waters of the Tar River shore to shore, beginning ~~up at~~  
7 ~~the N.C. Highway Bridge on Peachtree Street, eastward 100 yards and ending at the Rocky Mount Mill Dam.~~ west of  
8 the Falls Road bridge on N.C. Highway 48/43 Business at a point at 35.96016 N, 77.80447 W, extending eastward  
9 and ending at the Rocky Mount Millpond Dam and associated abutments and structures, shall be a designated safety  
10 zone. Access by swimming or entry of a person in or upon a vessel or any floating object shall be prohibited within  
11 the safety zone.

12 ~~(b) Swimming or boating. No swimming or other entry of a person in or upon a boat, raft, or other floating object~~  
13 ~~shall be permitted within the exclusionary zone established in Paragraph (a) of this Rule.~~

14 ~~(c) Paragraph (b)~~ (a) of this Rule shall not apply to persons who, with consent of the City of Rocky Mount, require  
15 access for maintaining or repairing facilities associated with the Rocky Mount Millpond ~~Dam~~ Dam, abutments and  
16 structures or the Rocky Mount ~~Mill~~ Mills.

17 ~~(d) (c)~~ (c) Placement of Markers. The City of Rocky Mount shall be the ~~designated as the~~ entity for placement and  
18 maintenance of buoys and other signs ~~indicating the areas in which boating and swimming are prohibited by this Rule.~~  
19 implementing this Rule.

20  
21 *History Note: Authority G.S. 75A-3; 75A-15;*

22 *Eff. May 1, 2004;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
24 *6, 2016;*

25 *Amended Eff. September 1, 2019; October 1, 2018.*