



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]
ORIGINAL 4/10/2015

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: N.C. Wildlife Resources Commission
2. Rule citation & name: 15A NCAC 10F .0333 Mecklenburg and Gaston Counties
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 30, 2015 b. Proposed Temporary Rule published on the OAH website: February 5, 2015 c. Public Hearing date: February 19, 2015 d. Comment Period: February 9, 2015 to March 2, 2015 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 29, 2015 f. Adoption by agency on: March 18, 2015 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 1, 2015 h. Rule approved by RRC as a permanent rule: N/A
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: The need for the WRC to establish a No Wake Zone pursuant to NCGS 150B-21.1(a)(7)
Explain: The proposed changes to 15A NCAC 10F .0333 would allow the Commission to create No Wake Zones to address safety concerns and water hazards, per authority for temporary rule-making established under NCGA 150B-21.1 (a)(7).

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Law Enforcement assessed safety concerns and identified safety issues for the east and west Sadler Island portions of Lake Wylie. Immediate adoption is necessary to allow placement of markers in the interest of safety before the boating season starts.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No

9. Rule-making Coordinator: Erica Garner

Phone: 919-707-0014

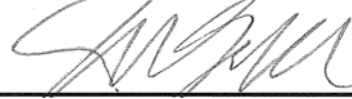
E-Mail: erica.garner@ncwildlife.org

Agency contact, if any: Kate Pipkin

Phone: 919-707-0065

E-Mail: kathryn.pipkin@ncwildlife.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jim Cogdell

Title: Chairman, NC Wildlife Resources Commission

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 15A NCAC 10F .0333 Mecklenburg and Gaston counties is adopted under temporary procedures as follows:
2

3 **15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

4 (a) Regulated Areas. This Rule applies to the following waters of Lake Wylie in Mecklenburg and Gaston
5 Counties:

- 6 (1) McDowell Park – The waters of the coves adjoining McDowell Park and the Southwest Nature
7 Preserve in Mecklenburg County, including the entrances to the coves on either side of
8 Copperhead Island;
- 9 (2) Gaston County Wildlife Club Cove – The waters of the cove at the Gaston County Wildlife Club
10 on South Point Peninsula in Gaston County;
- 11 (3) Buster Boyd Bridge- The areas 250 feet to the north and 150 feet to the south of the Buster Boyd
12 Bridge;
- 13 (4) Highway 27 Bridge – The area beginning 50 yards north of the NC 27 Bridge and extending 50
14 yards south of the southernmost of two railroad trestles immediately downstream from the NC 27
15 Bridge;
- 16 (5) Brown's Cove – The area beginning at the most narrow point of the entrance to Brown's Cove and
17 extending 250 feet in both directions;
- 18 (6) Paradise Point Cove – The waters of the Paradise Point Cove between Paradise Circle and
19 Lakeshore Drive as delineated by appropriate markers;
- 20 (7) Withers Cove - The area 50 feet on either side of Withers Bridge;~~and~~
- 21 (8) Sadler Island west- beginning at a line formed from a point on the western shore of Lake Wylie at
22 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south
23 on the Lake to a line formed from a point on the western shore of Lake Wylie at 35.2708N,
24 81.01525W to a point on the western side of Sadler Island at 35.27056N, 81.01393W.
- 25 (9) Sadler Island east- beginning at a line formed from a point on the western shore of Lake Wylie at
26 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south
27 on the Lake to a line formed from a point on the eastern side of Sadler Island at 35.2663N,
28 81.0143W to a point on the eastern shore of Lake Wylie at 35.26501N, 81.01374W.
- 29 ~~(8)~~(10) other bridges – the areas that are within 50 feet of any bridge in North Carolina that crosses the
30 waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph.

31 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of
32 any public boat-launching ramp, dock, pier, marina, boat storage structure or boat service area.

33 (c) Speed Limit Near All Other Bridges. No person shall operate a vessel at greater than no-wake speed within 50
34 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically
35 mentioned in Paragraph (a) of this Rule.

36 (d) Speed Limit in Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake
37 speed within 50 yards of any marked mooring area or marked swimming area.

1 (e) Placement and Maintenance of Markers. The Lake Wylie Marine Commission is designated a suitable agency
2 for placement and maintenance of markers implementing this Rule.

3

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

5 *Eff. July 1, 1980;*

6 *Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;*

7 *Temporary Amendment Eff. January 1, 1998;*

8 *Amended Eff. July 1, 1998;*

9 *Temporary Amendment Eff. February 4, 2000;*

10 *Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000.*

11 *Temporary Amendment Eff. May 1, 2015*