

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0333

DEADLINE FOR RECEIPT: September 8, 2015

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 1, line 24: Please end this line with a semicolon rather than a period.

Page 1, line 28: Please end this line with “; and” rather than with a period.

Page 1, line 32: Please insert a comma between “structure” and “or.”

Suggestions to consider for future rulemaking:

15A NCAC 10F .0333 defines regulated areas, but limits vessel speeds only near ramps, bridges, and swimming or mooring areas located within those regulated areas. The rule does not limit vessel speeds throughout the regulated areas listed in the rule. By contrast, other rules do so – see, e.g., 15A NCAC 10F .0302. A brief survey of your .0300 rules reveals both approaches are used, but it is unclear whether this is really the intent of the Wildlife Resources Commission in each case.

The descriptions of the regulated areas in 10F .0333 use a variety of measures and types of descriptions, some of which are quite vague. In light of your assurance that the regulated public are well informed as to the locations of no-wake zones due to the placement and maintenance of markers (see 15A NCAC 10F .0301), this vagueness is not fatal to your rule. Nonetheless, the Wildlife Resources Commission might consider improving its descriptions of the locations of regulated areas.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609-6700.

Jason S. Thomas
Commission Counsel
Date submitted to agency: August 24, 2015

1 15A NCAC 10F .0333 Mecklenburg and Gaston Counties is adopted as published in 29:19 NCR 2238-2239 as
2 follows:
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4 **15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

5 (a) Regulated Areas. This Rule applies to the following waters of Lake Wylie in Mecklenburg and Gaston 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 Copperhead
8 Island;

9 (2) Gaston County Wildlife Club Cove – The waters of the cove at the Gaston County Wildlife Club on
10 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 Lakeshore
19 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 any
32 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 mentioned
35 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 for
2 placement and maintenance of markers implementing this Rule.

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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 *Amended Eff. October 1, 2015*