

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resource Commission

RULE CITATION: 15A NCAC 10F .0346

DEADLINE FOR RECEIPT: Friday, December 9, 2016

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.

The Name contained in Box 2 of the Submission for Permanent Rule Form does not match the name of the Rule. Please correct where appropriate.

In Subparagraph (a)(1), do you mean that the area designated is to be considered the recreational area? If so, please consider making this more clear. Also, please remove the capitalization of "Area."

In Subparagraph (a)(3), by the "unnamed canal" do you mean that which is located at 36.22508N, 76.70787W.? If so, this is fine as written, I just wanted to verify.

In (b), please change "Subparagraph (1) of Paragraph (a)" to "Subparagraph (a)(1)"

In (c), please change "Subparagraph (1) of Paragraph (a)" to "Subparagraph (a)(1)"

In (c), line 16, please change "the proper marking of the area" to "mark the area." Otherwise, please define "proper."

In (d), please change "Subparagraph (2) and (3) of Paragraph (a) to "Subparagraphs (a)(2) and (3)."

Please review the language in (e) to determine what is necessary. In looking at similar rules to this, the last sentence has not been included in recent editions. Please revise for purposes of clarity.

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2016

1 15A NCAC 10F .0346 is proposed for adoption as follows:

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3 **15A NCAC 10F .0346 ARROWHEAD BEACH SUBDIVISION**

4 (a) Regulated Areas. This Rule applies to the following waters or portions of waters in Chowan County:

5 (1) Chowan River: that portion adjoining the shoreline of the Arrowhead Beach Subdivision
6 Park and having dimensions of approximately 350 by 600 feet containing a marked
7 swimming area and the area within 200 feet of the pier, the whole being designated as the
8 recreational Area;

9 (2) Indian Creek: that portion adjoining the Arrowhead Beach ~~Subdivision.~~ Subdivision; and

10 (3) Chowan River: the waters of an unnamed canal in Arrowhead Beach Subdivision, shore to
11 shore at its intersection with the Chowan River at 36.22508 N, 76.70787 W.

12 (b) Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the
13 swimming area described in Subparagraph (1) of Paragraph (a) of this Rule.

14 (c) Obstruction of Swimmers or Boats. No person shall place or maintain within the Recreational Area described
15 in Subparagraph (1) of Paragraph (a) of this Rule any poles, cables, lines, nets, trotlines, fish traps or other
16 obstructions or hazards to swimmers or boats, excepting those necessary to the proper marking of the area
17 pursuant to this Rule.

18 (d) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the area described in
19 ~~Subparagraph~~ Subparagraphs (2) and (3) of Paragraph (a) of this Rule.

20 (e) Placement and Maintenance of Markers. The board of Commissioners of Chowan County is designated a
21 suitable agency for the placement and maintenance of the markers implementing this Rule, subject to the
22 approval of the United States Coast Guard and the United States Army Corps of Engineers. On condition that
23 the said board of commissioners exercise its supervisory responsibility, it may delegate the actual placement
24 and maintenance of markers to some responsible person or organization. With regard to marking the regulated
25 areas described in Paragraph (a) of this Rule, the supplementary standards contained in Paragraph (g) of Rule
26 .0301 of this Section shall apply.

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

29 *Eff. August 1, 1983.*

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