

1 15A NCAC 10F .0303 is amended as published in 31:18 NCR 1825 as follows:

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3 **15A NCAC 10F .0303 BEAUFORT COUNTY**

4 (a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- 5 (1) that portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693
6 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the
7 east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;
- 8 (2) that portion of Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access
9 Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at
10 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point
11 on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702
12 W;
- 13 (3) the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- 14 (4) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;
- 15 (5) that portion of Blounts Creek north of a line 35 yards south-southeast of the Mouth of the Creek
16 Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at
17 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek
18 Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at
19 35.43645 N, 76.96998 W; ~~and~~
- 20 (6) that portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159
21 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the
22 east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 ~~W~~ W;
23 and
- 24 (7) the waters of Little Creek beginning at a line near its mouth from a point on the east shore at
25 35.41917 N, 76.97102 W to a point on the west shore at 35.41900 N, 76.96940 W.

26 (b) Speed Limit. It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in
27 Paragraph (a) of this Rule.

28 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Beaufort County and the City Council
29 of the City of Washington are designated as suitable agencies for placement ~~and maintenance~~ of the markers
30 implementing this Rule.

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

33 *Eff. February 1, 1976;*

34 *Amended Eff. September 1, 2013; September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989;*

35 *March 1, 1987; April 1, 1986; March 4, 1979;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
37 *6, 2016.*

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Amended Eff. November 1, 2017.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0323

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

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:

In (a), please delete either "the following" on line 4 or "as follows" on line 5.

In (c) and (d), who is the executive director or his representative? Is this someone within your agency? If so, are the factors for approval set forth somewhere?

In (e), do you need "if applicable" on line 20?

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: September 27, 2017

1 15A NCAC 10F .0323 is amended as published in 31:18 NCR 1824 as follows:

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3 **15A NCAC 10F .0323 BURKE COUNTY**

4 (a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County described
5 as follows:

- 6 (1) Lake Hickory;
- 7 (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following
8 locations:
- 9 (A) Holiday Shores Subdivision;
- 10 (B) Lake James Campground;
- 11 (C) Laurel Pointe Subdivision;
- 12 (D) The waters of Boyd Moore Cove; Cove shore to shore, north of a line from a point on the
13 northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558
14 N, 81.82245 W;
- 15 (E) East Shores development;
- 16 (F) Eastern shore of Lake James at Mallard Cove;
- 17 (G) Highway 126 Bridge, area defined using the North American Datum of 1983 beginning 50
18 yards from the northeast side defined by a shore to shore line extending from state plane
19 coordinates: Northing = 224985.481182, Easting = 348767.698377 to Northing =
20 224912.319514, Easting = 348805.193732, encompassing all waters to a line 200 yards
21 south of the bridge defined by a line extending shore to shore from state plane coordinates:
22 Northing = 224723.881492, Easting = 348679.284125 to Northing = 224835.222394,
23 Easting = 348534.751513; That portion of Lake James shore to shore, beginning 50 yards
24 northeast of the NC Highway 126 bridge at a line from a point on the north shore at
25 35.74398 N, 81.88426 W, to a point on the south shore at 35.74334 N, 81.88383 W, and
26 ending at a line 215 yards southwest of the NC Highway 126 bridge, from a point on the
27 northwest shore at 35.74257 N, 81.88679 W to a point on the southeast shore at 35.74160
28 N, 81.88516 W;
- 29 (H) ~~Canal Bridge Boating Access Area: within~~ Within 50 yards of the Canal Bridge Boating
30 Access area dock;
- 31 (I) ~~South Pointe/Dry Creek Community Piers in the vicinity of the point of land at Lot 86 at~~
32 ~~the South Pointe Subdivision. Area defined using the North American Datum of 1983 and~~
33 ~~encompassing waters off the point; from the shoreline, 50 yards out to a perimeter defined~~
34 ~~by the following State Plane Coordinates: Northing = 226977.08583, Easting =~~
35 ~~353148.128305; Northing = 226950.431724, Easting = 353076.195527; Northing =~~
36 ~~227004.286569, Easting = 353011.808157; and Northing = 227082.795442, Easting =~~
37 ~~353042.59595. The waters within 50 yards of the end of the South Pointe Subdivision~~

1 peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding
2 the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and
3 surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; and
4 (J) The waters of Sherman’s Hollow Cove shore to shore, and contiguous with those waters
5 beginning at a point on the west shore of the mouth of Sherman’s Hollow Cove at 35.76423
6 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the
7 northeast shore of Linville Point at 35.76596 N, 81.82432 W.

8 (3) Lake Rhodhiss.

9 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated
10 public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on
11 designated waters of the areas described in Paragraph (a) of this Rule.

12 (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a
13 marked mooring area established with the approval of the Executive Director, or his representative, on the regulated
14 areas described in Paragraph (a) of this Rule.

15 (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to
16 enter any marked public swimming area established with the approval of the Executive Director, or his representative,
17 on the regulated areas described in Paragraph (a) of this Rule.

18 (e) Placement and Maintenance of Markers. The Board of Commissioners of Burke County is designated a suitable
19 agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United
20 States Coast Guard and the United States Army Corps of Engineers, if applicable. ~~With regard to marking the~~
21 ~~regulated areas described in Paragraph (a) of this Rule, all of the supplementary standards listed in Rule .0301(g) of~~
22 ~~this Section shall apply.~~

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24 *History Note: Authority G.S. 75A-3; 75A-15; 102-1.1;*
25 *Eff. July 1, 1976;*
26 *Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;*
27 *Temporary Amendment Eff. April 1, 1999;*
28 *Amended Eff. July 1, 2000;*
29 *Temporary Amendment Eff. August 15, 2001;*
30 *Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;*
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
32 *6, 2016.*
33 *Amended Eff. November 1, 2017.*
34

1 15A NCAC 10F .0339 is amended as published in 31:18 NCR 1824 as follows:

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

4 (a) Regulated Areas. This Rule applies to the following waters located on Lake James in McDowell County, as
5 designated by the United States Aids to Navigation system:

- 6 (1) ~~that area adjacent to the shoreline of the McDowell Wildlife Club property;~~ the cove east of Old
7 Wildlife Club Road, beginning at a line from a point on the northwest shore at 35.73649 N, 81.92296
8 W to a point on the southeast shore at 35.73595 N, 81.92194 W;
- 9 (2) ~~that area adjacent to the shoreline of the Marion Moose Club property;~~ those waters including coves,
10 shore to shore in the vicinity of the Marion Moose Club property, east of the line from a point on
11 the north shore at 35.72026 N, 81.97292 W, to a point on the south shore at 35.71908 N, 81.97257
12 W, and south of the line from a point on the west shore at 35.72214 N, 81.96807 W to a point on
13 the east shore at 35.72305 N, 81.96642 W;
- 14 (3) ~~that area known as Morgan Cove;~~
- 15 (4) that area within 50 yards of the shoreline at the New Manna Baptist Youth Camp;
- 16 (5) that area within 50 yards of the shoreline at Burnett's Landing;
- 17 ~~(6) the cove area adjacent to the State Park swimming area;~~
- 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 325.73268 N,
20 81.90614 W;
- 21 ~~(7) the cove area adjacent to the State Park picnic area and dock;~~
- 22 ~~(8) (7)~~ that area within 50 yards of camping areas in the Lake James State Park;
- 23 ~~(9) (8)~~ that area ~~within 50 yards of the boat launching ramp at the Marion Lake Club;~~ including the cove
24 between Waterglyn Subdivision and Lakeview Shores Subdivision and extending within 50 yards
25 of the shoreline of Lakeview Point Subdivision and within 50 yards of the boat launching ramp at
26 the Marion Lake Club;
- 27 ~~(10) (9)~~ that area ~~within 50 yards in either direction from the marina docks in Plantation Point Cove;~~ Cove
28 southwest of a line from a point on the north shore at 35.71672 N, 81.98065 W to a point on the
29 south shore at 35.71616 N, 81.98010 W;
- 30 ~~(11) that area of Goodman's Landing Cove within 50 yards of the swimming area and boat docks of~~
31 ~~Goodman's Campground;~~
- 32 ~~(12) that area beginning at the rock shoals located at Deerfield Campground downstream for a distance~~
33 ~~of approximately 200 yards;~~
- 34 ~~(13) that area along the shoreline of the development known as Lakeview Pointe;~~
- 35 ~~(14) (10)~~ that area at the Waterglyn Subdivision Cove;
- 36 ~~(15) that area at the North Fork of the Catawba River where it enters Lake James;~~

1 (11) that area within 50 yards of the boat ramp at Lake James Landing, near the mouth of the North Fork
2 of the Catawba River;

3 ~~(16) (12)~~that area within 50 yards of the Bear Creek Marina; ~~and~~

4 ~~(17) that cove which is bounded by Waterglyn Subdivision to the west beginning at the point of the~~
5 ~~shoreline known as the Island and extending in a straight line eastward to the boundary between the~~
6 ~~Carrier and Finger property within Lakeview Shores Subdivision.~~

7 (13) the waters within 50 yards of the peninsula at Waterglyn Cove Subdivision, from the point on land
8 east of the cove east of Old Wildlife Club Road at 35.73600 N, 81.92185 W to a point on land west
9 of Waterglyn Cove at 35.73549 N, 81.91900 W; and

10 (14) the waters within 50 yards of the boat ramp in Hidden Cove.

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

13 (c) Restricted Swimming Areas. No person operating or responsible for the operation of any vessel, surfboard or
14 waterskis shall permit the same to enter any marked swimming area located on the regulated area.

15 (d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of McDowell County is designated a
16 suitable agency for placement ~~and maintenance~~ of the markers implementing this Rule.

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

19 *Eff. August 23, 1981;*

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

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

22 *Amended Eff. July 1, 1998;*

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

24 *Amended Eff. July 1, 2000;*

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

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

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

29 *Amended Eff. November 1, 2017.*