

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0305.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: June 29, 2022.

Public Hearing:

Date: July 18, 2022

Time: 2:00 p.m.

Location:

Register online here: https://ncwildlife-org.zoomgov.com/webinar/register/WN_bFi_smqXRkiqXsP043NEkg

Join by phone toll free (833 568 8864) using Webinar ID: 160 968 0092

Reason for Proposed Temporary Action: *The Town of Sunset Beach in Brunswick County has requested temporary rulemaking by the Wildlife Resources Commission to establish a no-wake zone in part of South Jinks Creek. Dredging is planned to begin in November 2022 to remove a large drifting sandbar that causes part of the creek to be less than two feet deep at mean low tide. The channel near the peninsula at the eastern end of North Shore Drive is very narrow as well, creating navigation hazards. Creation of a temporary no-wake zone until the dredging is completed will mitigate hazards to boater safety and navigation.*

At the conclusion of the dredging project the no-wake zone will no longer be necessary.

Comment Procedures: *Comments from the public shall be directed to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org. The comment period begins June 29, 2022 and ends July 28, 2022.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- (1) Lockwoods Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp located at the end of SR 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;
- (2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;
- (3) the Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;
- (4) Shallotte River east of SR 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;
- (5) Montgomery Slough otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;
- (6) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;
- (7) Town Creek east of SR 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;
- (8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of the Sunset Boulevard South bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W; and
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach, shore to shore from a point 100 yards east of the NC Hwy 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the bridge at 33.89567 N, 78.44092 W.

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

(c) Placement of Markers. The following agencies shall be the designated agencies for the placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Aldermen of Varnamtown for areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for areas indicated in Subparagraphs (a)(2) through (8) of this Rule;
- (3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this Rule; and
- (4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

(d) Notwithstanding Paragraphs (a) through (c) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of South Jinks Creek in the Town of Sunset Beach, south of a line from a point on the north shore of the peninsula at the eastern end of North Shore Drive at 33.87481 N, 78.49324 W, eastward to a point in the water at 33.87516 N, 78.49215 W, then west of a line from that point at 33.87516 N, 78.49215 W southward to a point on the shore at 33.87300 N, 78.49133 W, then westward the waters, shore to shore, to a line from a point on the shore at 33.87250 N, 78.49373 W northward to a point on the south shore of the peninsula at 33.87370 N, 78.49411 W. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

Authority G.S. 75A-3; 75A-15.