

Burgos, Alexander N

Subject: FW: RFC for WRC March 26
Attachments: 15A NCAC 10F .0301.docx; 15A NCAC 10F .0368.docx; 15A NCAC 10F .0303.docx; 15A NCAC 10F .0310.docx; 15A NCAC 10F .0329.docx; 15A NCAC 10F .0354.docx

From: Casola, William <william.casola@ncwildlife.gov>
Sent: Monday, March 9, 2026 4:04 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: RFC for WRC March 26

Thank you, Seth

Attached are the final revised rules for the March meeting.

Best,

Will Casola

1 15A NCAC 10F .0301 is amended with changes as published in 40:10 NCR 821 as follows:

2
3 **15A NCAC 10F .0301 GENERAL PROVISIONS**

4 (a) Definitions. The definitions used in G.S. 75A-2 shall apply in this Subchapter. In addition, the following
5 definitions shall apply to all rules in this Section: ~~apply:~~

- 6 (1) "Designated agency" means a subdivision of the State that the Commission designates for the
7 purchase and placement of markers that conform to USATONS standards;
- 8 (2) "Executive Director" means the Executive Director of the Commission;
- 9 (3) "Mooring area" means an area on the water delineated by speed zone markers where vessels may
10 be tied to objects anchored on the seabed;
- 11 (4) "Placement of markers" means putting regulatory and information markers in areas specified by the
12 Rules of this Section and includes the re-placement of dislocated markers and the replacement of
13 missing markers.
- 14 (5) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape
15 against a white background, used to alert a mariner to warnings or regulatory matters, as defined in
16 33 CFR 62.33;
- 17 (6) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel
18 speed;
- 19 (7) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access
20 is limited to authorized persons and vessels, as defined in [33-CFR-165.20.] 33 CFR 165.20, which
21 is hereby incorporated by reference, including subsequent amendments and editions and can be
22 found free of charge online at <https://www.ecfr.gov/current/title-33/section-165.20>.
- 23 (8) "Swimming area" means an enclosed area on the water for swimming that is marked against entry
24 by vessels; and
- 25 (9) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and
26 aids to navigation that mark navigable waters of the United States. The rules governing USATONS
27 in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and
28 editions and can be found free of charge online at <https://www.ecfr.gov/current/title-33/part-62>,
29 www.ecfr.gov.
- 30 (1) ~~"Executive Director" means the Executive Director of the Commission;~~
- 31 (2) ~~"USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and~~
32 ~~aids to navigation that mark navigable waters of the United States. The rules governing USATONS~~
33 ~~in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and~~
34 ~~editions and can be found free of charge online at www.ecfr.gov;~~
- 35 (3) ~~"Designated agency" means a subdivision of the State that the Commission designates for placement~~
36 ~~of markers that conform to USATONS standards;~~

- 1 (4) ~~"Regulatory Marker" and "Information Marker" means markers with an orange geometric shape~~
2 ~~against a white background, used to alert a mariner to warnings or regulatory matters, as defined in~~
3 ~~33 CFR 62.33;~~
- 4 (5) ~~"Swimming area" means an enclosed area on the water for swimming that is marked against entry~~
5 ~~by vessels;~~
- 6 (6) ~~"Mooring area" means an area on the water delineated by speed zone markers where vessels may~~
7 ~~be tied to objects anchored on the seabed;~~
- 8 (7) ~~"Restricted area" means an area on the water that is marked to limit recreational activity and vessel~~
9 ~~speed; and~~
- 10 (8) ~~"Safety Zone" means a water area or shore area where, for safety or environmental purposes, access~~
11 ~~is limited to authorized persons and vessels, as defined in 33 CFR 165.20.~~

12 (b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to
13 the Commission for rules on waters within the subdivision's territorial limits on an application provided by the
14 Commission at www.ncwildlife.gov, www.newildlife.org. The completed application and supporting documents shall
15 be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service
16 Center, Raleigh, North Carolina 27699-1701 or submitted via email to nowakezonecoordinator@newildlife.org.
17 nowakezonecoordinator@ncwildlife.gov. The application shall contain the following information:

- 18 (1) the name of the subdivision of the State applying for water safety rulemaking;
- 19 (2) the date of the application;
- 20 (3) the contact person's name, telephone number, and mailing address;
- 21 (4) descriptive information for the body of water;
- 22 (5) location of the proposed no wake zone, marked swimming area, or other regulated area;
- 23 (6) a statement that the subdivision of the State has given public notice of its intention to apply for
24 rulemaking on waters within its territorial limits;
- 25 (7) a resolution from the subdivision of the State requesting water safety rulemaking; and
- 26 (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and
27 placement of markers that conform to USATONS standards.

28 ~~(e) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas~~
29 ~~established by rules in this Section. The designated agency or its designee shall be responsible for the purchase and~~
30 ~~placement of markers conforming to USATONS required to implement a water safety rule.~~

31 ~~(d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to~~
32 ~~place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place~~
33 ~~information markers without permission from the Executive Director or his or her designee.~~

34 ~~(e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers.~~

35 ~~(f)(c)~~ Swimming Areas. No vessel entry shall be permitted in the waters of marked swimming areas. Marked
36 swimming areas shall meet the following requirements:

- 37 (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;

- 1 (2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an
2 enclosed area;
- 3 (3) the swimming area shall not extend into a navigational channel or interfere with navigation of
4 vessels;
- 5 (2) float lines shall have white, international orange, or alternating white and international orange floats
6 along their length at intervals of not less than one every 10 feet;
- 7 (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line,
8 and no float shall exceed a size of 18 inches in length or diameter;
- 9 (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to
10 float lines to give warning to vessels approaching the swimming area from all directions; and
- 11 (5) float lines and warning markers shall be anchored.

12 ~~(g)~~(d) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment
13 structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed
14 in the water. Markers shall meet USATONS standards in number and size to give warning of the restriction to vessels
15 approaching from all directions.

16 ~~(h)~~(e) Enforcement. If an agent of the Commission discovers markers and navigational aids that do not conform to
17 USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated
18 area, written notice shall be served upon the individuals responsible for the improper placement of the markers or
19 navigational aids. Individuals served a written notice of violation shall have 10 days to correct any deficiency before
20 the Commission issues a citation.

21 ~~(i)~~(f) Miscellaneous Restrictions.

- 22 (1) Except for mooring buoys or markers that are specifically permitted by State or federal law, it shall
23 be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05.
- 24 (2) It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or
25 tamper with any marker lawfully placed in the waters of North Carolina in conformity with these
26 rules or USATONS standards.
- 27 (3) Except where done by supervening federal authority, it shall be unlawful for anyone to place
28 regulatory markers or navigational aids without authorization from the Commission; or to place
29 information markers without permission from the Executive Director or his or her designee.

30
31 *History Note: Authority G.S. 75A-15;*
32 *Eff. February 1, 1976;*
33 *Amended Eff. November 1, 1993; March 25, 1978;*
34 *Temporary Amendment Eff. July 1, 1998;*
35 *Amended Eff. April 1, 1999;*
36 *Readopted Eff. November 1, 2018;*
37 *Amended Eff. April 1, 2026; February 1, 2023.*

1 15A NCAC 10F .0303 is amended as published in 40:10 NCR 823 as follows:

2
3 **15A NCAC 10F .0303 BEAUFORT COUNTY**

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

5 (1) Aurora.

6 (A) the waters within 50 yards of Smith Creek Boating Access Area on Smith Creek, 3484 NC
7 Highway 33 E; and

8 (B) the waters within 50 yards of Aurora Boating Access Area on South Creek, 1 Main Street.

9 (2) Belhaven.

10 (A) the waters within 50 yards of Belhaven Boating Access Area on Pantego Creek, 135 West
11 Water Street; and

12 (B) the waters within 50 yards of Wrights Creek Boating Access Area on Pungo Creek, 1922
13 Wilkins Road.

14 (3) Chocowinity.

15 (A) the portion of Blounts Creek north of a line 35 yards south-southeast of the Mouth of the
16 Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the
17 west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the
18 Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a
19 point on the west shore at 35.43679 N, 76.97011 W;

20 (B) the canals at the eastern end of the peninsula between Chocowinity Bay and the Pamlico
21 River at Fork Point and Whichard Beach, beginning at the canal entrance off Chocowinity
22 Bay at a point a 35.50296 N, 77.03043 W and beginning at the canal entrance off the
23 Pamlico River at a point at 35.50340 N, 77.02364 W; and

24 (C) Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access Area
25 at 350 Crisp Landing Road, from a point on the east shore at 35.40846 N, 76.96091 W to
26 a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south
27 of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a
28 point on the west shore at 35.40231 N, 76.96702 W.

29 (4) Washington.

30 (A) the portion of Broad Creek south of a line from a point on the east shore at 35.49472 N,
31 76.95693 W to a point on the west shore at 35.49477 N, 76.96014 W and north of a line
32 from a point on the east shore at 35.48894 N, 76.95052 W to a point on the west shore at
33 35.48660 N, 76.95879 W;

34 (B) the waters within 50 yards of Masons Landing Boating Access Area on Tranter's Creek,
35 625 Clarks Neck Road; and

36 (C) the waters within 50 yards of Havens Garden Boating Access Area on Runyon Creek, 1053
37 East Main Street.

- 1 (5) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River:
2 (1) ~~the portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693~~
3 ~~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~~
4 ~~east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;~~
5 (2) ~~the portion of Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access~~
6 ~~Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at~~
7 ~~35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point~~
8 ~~on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702~~
9 ~~W;~~
10 (3) ~~the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;~~
11 (4) ~~the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;~~
12 (5) ~~the portion of Blounts Creek north of a line 35 yards south southeast of the Mouth of the Creek~~
13 ~~Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at~~
14 ~~35.43267 N, 76.97196 W and south of a line 350 yards north northeast of the Mouth of the Creek~~
15 ~~Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at~~
16 ~~35.43679 N, 76.97011 W;~~
17 (6) ~~the portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159~~
18 ~~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~~
19 ~~east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W; and~~
20 (7) ~~the waters of Little Creek beginning at a line near its mouth from a point on the east shore at~~
21 ~~35.41917 N, 76.97102 W to a point on the west shore at 35.41900 N, 76.96940 W; and~~
22 (8) ~~the canals at the eastern end of the peninsula between Chocowinity Bay and the Pamlico River at~~
23 ~~Fork Point and Whichard Beach, beginning at the canal entrance off of Chocowinity Bay at a point~~
24 ~~a 35.50296 N, 77.03043 W and beginning at the canal entrance off of the Pamlico River at a point~~
25 ~~at 35.50340 N, 77.02364 W.~~

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

28 (c) Placement of Markers. ~~The Board of Commissioners of Beaufort County and the City Council of the City of~~
29 ~~Washington shall be the designated agencies for placement of the markers implementing this Rule, subject to the~~
30 ~~approval of the United States Coast Guard and United States Army Corps of Engineers.~~

- 31 (1) the Board of Commissioners of Beaufort County shall be the designated agency implementing the
32 portion of Parts (a)(3)(C) south of the Blounts Creek Boating Access Area; and Parts (a)(2)(A) and
33 (B), (a)(3)(A) and (B), and (a)(5) of this Rule;
34 (2) the City of Washington shall be the designated agency implementing Parts (a)(4)(A) through
35 (a)(4)(C) of this Rule; and
36 (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing
37 the portion of Part (a)(3)(C), the waters of Blounts Creek shore to shore from 100 yards north of the

1 Blounts Creek Boating Access Area to 100 yards south of the Boating Access Area; and Parts
2 (a)(1)(A) and (B) of this Rule.

3
4 *History Note: Authority G.S. 75A-3; 75A-15*
5 *Eff. February 1, 1976;*
6 *Amended Eff. September 1, 2013; September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989;*
7 *March 1, 1987; April 1, 1986; March 4, 1979;*
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
9 *6, 2016;*
10 *Amended Eff. April 1, 2026; May 1, 2019; October 1, 2018; November 1, 2017.*

1 15A NCAC 10F .0310 is amended as published in 40:10 NCR 824 as follows:

2
3 **15A NCAC 10F .0310 DARE COUNTY**

4 (a) Regulated Areas. This Rule ~~shall apply~~ applies to the following waters in Dare County:

5 (1) Manteo:

- 6 (A) the waters of Doughs Creek off Shallowbag Bay and the canals off Shallowbag Bay; and
7 (B) within 50 yards of the Bowsertown Boating Access Area on Croatan Sound at 35.89810
8 N, 75.67710 W.

9 (2) Hatteras:

- 10 (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek
11 bounded on the north and south by the high-water mark, on the west by a straight line
12 between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the
13 east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, 75.68050 W;
14 and
15 (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard
16 Beacon Number One in the Hatteras Channel.

17 (3) Manns Harbor:

- 18 (A) Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, 75.76916 W;
19 (B) within 50 yards of the Manns Harbor Boating Access Area on Croatan Sound at 35.91020
20 N, 75.77150 W; and
21 (C) within 50 yards of the Mashoes Boating Access Area on East Lake at 35.92820 N, 75.81470
22 W.

23 (4) Nags Head:

- 24 (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound
25 beginning at a point at 35.94192 N, 75.62571 W; and
26 (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north
27 from U.S. Highway 64-264.

28 (5) Wanchese:

- 29 (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from
30 Roanoke Sound at a point at 35.84006 N, 75.61726 W; and
31 (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end
32 road S.R. 1141 otherwise known as Thicket Lump Drive, extending northwest roughly
33 parallel to S.R. 1141, S.R. 1142 otherwise known as The Lane, and S.R. 1143 otherwise
34 known as Tink Tillet Road, then westward roughly parallel to N.C. Highway 345, and
35 finally curving to the southwest roughly parallel to S.R. 1289 otherwise known as C B
36 Daniels S.R. Road to its end.

37 (6) Stumpy Point:

- 1 (A) Stumpy Point Canal shore to shore on Pamlico Sound, beginning 50 yards ~~west~~ east of the
2 Stumpy Point Boating Access Area, 321 Bayview Drive; ~~and~~
3 (B) the waters within 50 yards of the Stumpy Point Boating Access Area, 321 Bay View Drive,
4 Stumpy Point; and
5 (B)(C) Stumpy Point Basin off Stumpy Point Bay, east of U.S. Highway 264 where it intersects
6 Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.
- 7 (7) Rodanthe. Within 50 yards of the Rodanthe Boating Access Area in Roanoke Sound, 23170 Myrna
8 Peters Road;
- 9 (8) Town of Southern Shores. The canals and lagoons within the Town of Southern Shores north of
10 U.S. Highway 158;
- 11 (9) Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle
12 Sound;
- 13 (10) Kitty Hawk. The waters in the canals of Kitty Hawk Landing Subdivision;
- 14 (11) Washington Baum Bridge Boating Access Area. The waters within 150 yards north and south and
15 300 yards east of the Washington Baum Boating Access Area in Roanoke Sound, at 35.89380 N,
16 75.63710 W;
- 17 (12) Kill Devil Hills:
- 18 (A) Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W; and
19 (B) the waters within 50 yards of the Avalon Beach Boating Access Area in Kitty Hawk Bay,
20 2025 Bay Drive.
- 21 (13) Avon. The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore
22 of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N,
23 75.50556 W, south to include the waters of the cove between North Albacore Lane and South
24 Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south
25 shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358
26 N, 75.50826 W;
- 27 (14) Jean Guite Creek. The waters of Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887
28 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N,
29 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948 W;
- 30 (15) Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore
31 beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301 W; and
- 32 (16) Cape Hatteras National Seashore. The waters of Motts Creek in Roanoke Sound, shore to shore at a
33 line from a point on the north shore where the Oregon Inlet U.S. Coast Guard Station is located, to
34 a point near the south shore of Motts Creek at 35.79270 N, 75.54903 W, then northward to include
35 the waters at the Oregon Inlet Fishing Center and Marina, Oregon Inlet Public Boat Ramp, kayak
36 launch area, and U. S. Coast Guard Station and Launch Area.

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

3 (c) Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the
4 marked swimming area at Colington Island on the west shore, from a point where the canal enters the harbor at
5 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W and extending 300 feet west into
6 Albemarle Sound.

7 (d) Placement of Markers. ~~The following agencies shall place markers implementing this Rule, subject to the approval~~
8 ~~of the United States Coast Guard and the United States Army Corps of Engineers:~~

- 9 (1) the Board of Commissioners of the Town of Manteo shall be the designated agency implementing
10 ~~for the areas designated in~~ Part (a)(1)(A) of this Rule;
- 11 (2) the Board of Commissioners of Dare County ~~for the areas designated in~~ shall be the designated
12 agency implementing Paragraph (c), Subparagraphs (a)(2); Parts (a)(4)(A) and (B); Subparagraph
13 (a)(5); (a)(9); (a)(13) through (15); and Parts (a)(3)(A); ~~(a)(6)(B);~~ (a)(6)(A) and (C); and (a)(12)(A)
14 of this Rule;
- 15 (3) the Board of Commissioners of the Town of Southern Shores ~~for the areas designated in~~ shall be the
16 designated agency implementing Subparagraph (a)(8) of this Rule;
- 17 (4) the Board of Commissioners of the Town of Kitty Hawk ~~for the area designated in~~ shall be the
18 designated agency implementing Subparagraph (a)(10) of this Rule;
- 19 (5) the National Park Service shall ~~place and maintain markers for the area designated in~~ be the
20 designated agency implementing Subparagraph (a)(16) of this Rule; and
- 21 (6) the North Carolina Wildlife Resources Commission shall ~~place and maintain markers for the areas~~
22 ~~designated in~~ be the designated agency implementing Subparagraphs (a)(7) and (a)(11); and Parts
23 (a)(1)(B); (a)(3)(B) and (C); ~~(a)(6)(A);~~ (a)(6)(B) and (a)(12)(B) of this Rule.

24
25 *History Note:* Authority G.S. 75A-3; 75A-15;
26 Eff. February 1, 1976;
27 Amended Eff. April 1, 1997; December 1, 1994; May 1, 1994; March 1, 1993; May 1, 1988;
28 Temporary Amendment Eff. February 1, 1999; July 1, 1998;
29 Amended Eff. July 1, 2000; April 1, 1999;
30 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
31 6, 2016;
32 Amended Eff. April 1, 2026; June 1, 2024; September 1, 2023; October 1, 2022; October 1, 2018.

1 15A NCAC 10F .0329 is amended as published in 40:10 NCR 825 as follows:

2
3 **15A NCAC 10F .0329 ROWAN COUNTY**

4 ~~(a) Regulated Areas. This Rule shall apply to the portions of High Rock Lake and Tuckertown Lake within Rowan~~
5 ~~County.~~

6 ~~(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no wake speed within 50 yards of any~~
7 ~~public boat launching ramp while on the waters of the regulated areas described in Paragraph (a) of this Rule.~~

8 ~~(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no wake speed while within a~~
9 ~~marked mooring area on the regulated areas described in Paragraph (a) of this Rule.~~

10 ~~(d) Speed Limit in Specific Zones. No person shall operate a vessel at greater than no wake speed in the following~~
11 ~~locations on the regulated areas described in Paragraph (a) of this Rule:~~

12 ~~(1) the waters within 50 yards of the Tamarac Shores Marina on Second Creek on High Rock Lake~~
13 ~~extending northeast of the marina 50 yards from the shoreline to a point at 35.61097 N, 60.30647~~
14 ~~W, and including the waters of the cove north of the marina;~~

15 ~~(2) the cove on the north side of Second Creek east of SR 2138 otherwise known as Poole Road on~~
16 ~~High Rock Lake, shore to shore, north of a line from a point on the east shore at 35.60800 N,~~
17 ~~80.31985 W to a point on the west shore at 35.60741 N, 80.32106 W;~~

18 ~~(3) the waters within 50 yards southeast and 50 yards northwest of the I 85 bridge over High Rock~~
19 ~~Lake, from a point southeast of the bridge at 35.71930 N, 80.38873 W, to a point northwest of the~~
20 ~~bridge at 35.72012 N, 80.39990 W;~~

21 ~~(4) the waters within 50 yards southeast and 50 yards northwest of the SR 2168 bridge otherwise known~~
22 ~~as the Goodman Lake Road bridge at Crane Creek on High Rock Lake, from a point southeast of~~
23 ~~the bridge at 35.55354 N, 80.35344 W, to a point northwest of the bridge at 35.66406 N, 80.35435~~
24 ~~W;~~

25 ~~(5) the waters within 50 yards northeast and 50 yards southwest of the SR 1002 bridge otherwise known~~
26 ~~as the Bringle Ferry Road bridge at Second Creek on High Rock Lake, from a point northeast of the~~
27 ~~bridge at 35.60916 N, 80.30626 W, to a point southwest of the bridge at 35.60840 N, 80.30693 W;~~

28 ~~(6) the waters within 50 yards north and 50 yards south of SR 1004 bridge otherwise known as the~~
29 ~~Stokes Ferry Road bridge at Riles Creek on Tuckertown Lake, from a point north of the bridge at~~
30 ~~35.50535 N, 80.21680 W, to a point south of the bridge at 35.50452 N, 80.21720 W;~~

31 ~~(7) the waters within 50 yards northwest and 50 yards southeast of the N. C. Highway 8 49 bridge at~~
32 ~~Tuckertown Lake from a point northwest of the bridge at 35.50642 N, 80.18430 W, to a point~~
33 ~~southeast of the bridge at 35.50538 N, 80.18372 W; and~~

34 ~~(8) the waters within 50 yards of the Rowan Shrine Club dock located at 35.66776 N, 80.31425 W on~~
35 ~~High Rock Lake.~~

36 ~~(e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any~~
37 ~~marked public swimming area on the waters of the regulated areas described in Paragraph (a) of this Rule.~~

1 ~~(f) Placement of Markers. The Board of Commissioners of Rowan County shall be the designated agency for~~
2 ~~placement of markers implementing this Rule.~~

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

4 (1) High Rock Lake:

5 (A) the waters within 50 yards of Tamarac Marina on Second Creek in Salisbury, extending
6 northeast of the marina 50 yards from the shore northward, including the cove west of a
7 point on the shore at 35.61116 N, 80.30701 W;

8 (B) the waters 50 yards southeast and 50 yards northwest of the SR 2168 bridge, otherwise
9 known as the Goodman Lake Road Bridge at Crane Creek in Salisbury, from a point
10 southeast of the bridge at 35.66349 N, 80.35347 W to a point northeast of the bridge
11 35.66411 N, 80.35431 W;

12 (C) the waters 50 yards northeast and 50 yards southwest of the SR 1002 bridge, otherwise
13 known as the Bringle Ferry Road Bridge at Second Creek in Salisbury, from a point
14 northeast of the bridge at 35.60917 N, 80.30626 W, to a point southwest of the bridge at
15 35.60840 N, 80.30701 W; and

16 (D) the waters within 50 yards of the Rowan Shrine Club dock in Salisbury, at 6480 Long Ferry
17 Road, Salisbury.

18 (2) Tuckertown Reservoir:

19 (A) the waters 50 yards north and 50 yards and 50 yards south of SR 1004 bridge otherwise
20 known as the Stokes Ferry Road Bridge at Riles Creek, from a point north of the bridge at
21 35.50535 N, 80.21680 W, to a point south of the bridge at 35.50452 N, 80.21720 W;

22 (B) the waters 50 yards north and 50 yards south of the N.C. Highway 8-49 bridge, from a
23 point north of the bridge at 35.50617 N, 80.18466 W, to a point south of the bridge at
24 35.50501 N, 80.18433 W; and

25 (C) the waters within 50 yards of the Flat Creek Boating Access Area, 450 Wildlife Access
26 Road, Richfield.

27 (3) Yadkin River. The waters 50 yards southeast and 50 yards northwest of the I-85 bridge over Yadkin
28 River, from a point southeast of the bridge at 35.71930 N, 80.38873 W, to a point northwest of the
29 bridge at 35.72015 N, 80.39001 W; and

30 (4) South Yadkin River. The waters within 50 yards of the Crowther Boating Access Area, 965 Hannah
31 Ferry Road, Salisbury.

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

34 (c) Placement of Markers.

35 (1) the Board of Commissioners of Rowan County shall be the designated agency implementing Parts
36 (a)(1)(A) and (D) of this Rule.

1 (2) Cube Hydro Carolinas shall be the designated agency implementing Parts (a)(1)(B) and (C),
2 (a)(2)(A) and (B), and Subparagraph (a)(3) of this Rule.

3 (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing
4 Part (a)(2)(C) and Subparagraph (a)(4) of this Rule.

5
6 *History Note: Authority G.S. 75A-3; 75A-15;*
7 *Eff. June 18, 1978;*
8 *Amended Eff. December 1, 2010; December 1, 1985;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
10 *6, 2016;*
11 *Amended Eff. April 1, 2026; October 1, 2021; October 1, 2018.*

1 15A NCAC 10F .0354 is amended as published in 40:10 NCR 826 as follows:

2
3 **15A NCAC 10F .0354 PITT COUNTY**

4 (a) Regulated Areas. ~~This Rule shall apply to the waters described in this Paragraph.~~ This Rule applies to the following
5 waters in Pitt County:

- 6 (1) ~~the waters of Tar River known as~~ the waters of Hardee Creek in the City of Greenville, surrounding
7 the waters within 50 yards of the Greenville Boating Access Area at 940 Port Terminal Road, shore
8 to shore, west of a line at its confluence with the main course of Tar River from a point on the north
9 shore at 35.59878 N, 77.31168 W to a point on the south shore at 35.59813 N, 77.31157 W;
10 (2) ~~the portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159~~
11 ~~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~~
12 ~~east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W; and~~
13 (3) (2) the waters of Barber Creek at Wildwood Park in the City of Greenville shore to shore, north of its
14 confluence with Tar River at a point at 35.60719 N, ~~77.32890 W,~~ 77.32890 W;
15 (3) the waters within 50 yards of the Falkland Boating Access Area on Tar River, 3013 NC Highway
16 222, Falkland; and
17 (4) the waters within 50 yards of the Contentnea Creek Boating Access Area on Contentnea Creek, 510
18 Water Street, Grifton.

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

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

- 23 (1) ~~The Board of Commissioners of Pitt County for those waters in (a)(1) and (a)(2) of this Rule; and~~
24 (2) ~~The City of Greenville for the waters listed in Subparagraph (a)(3) of this Rule.~~
25 (1) the City Council of the City of Greenville shall be the designated agency implementing the portion
26 of Subparagraph (a)(1) excluding the Greenville Boating Access Area, and Subparagraph (a)(2) of
27 this Rule; and
28 (2) the North Carolina Wildlife Resources Commission shall be the designated agency implementing
29 the portion of Subparagraph (a)(1) the waters of Hardee Creek surrounding the Greenville Boating
30 Access Area, and Subparagraphs (a)(3) and (4) of this Rule.

31
32 *History Note: Authority G.S. 75A-3; 75A-15;*

33 *Eff. May 1, 1988;*

34 *Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992;*

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

37 *Amended Eff. April 1, 2026; June 1, 2022; October 1, 2018.*

1 15A NCAC 10F .0368 is repealed as published in 40:10 NCR 827 as follows:

2

3 **15A NCAC 10F .0368 TOWN OF NAGS HEAD**

4

5 *History Note: Authority G.S. 71A-15; 72A-3;*

6 *Temporary Adoption Eff. July 1, 2002;*

7 *Eff. April 1, 2003;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
9 *6, 2016;*

10 *Amended Eff. October 1, 2018; ~~2018~~.*

11 *Repealed Eff. April 1, 2026.*

Burgos, Alexander N

Subject: FW: RFC for WRC March 26
Attachments: 15A NCAC 10F .0301.docx; WRC RFC March 26 Tech Changes.docx

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, March 9, 2026 3:07 PM
To: Casola, William <william.casola@ncwildlife.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: RFC for WRC March 26

This update addresses any concern I had regarding these rules. With this one updated rule and the other rules as filed, I anticipate recommending approval. Additionally, I appreciate you providing the maps for the Commissioners who find them helpful.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: RFC for WRC March 26
Attachments: 15A NCAC 10F .0301.docx; WRC RFC March 26 Tech Changes.docx

From: Casola, William <william.casola@ncwildlife.gov>
Sent: Friday, March 6, 2026 10:39 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for WRC March 26

Seth,

Attached, please see revised rule text for 10F .0301 and RFC responses.

Please let me know if you have additional feedback before I resubmit all rules to OAH copying you and Mr. Burgos.

Best,

Will Casola



Will Casola, PhD
Policy Analyst
Office of Conservation Policy & Analysis
51 Varsity Drive, Raleigh, NC 27606
Office: 919-707-0125

1 15A NCAC 10F .0301 is amended with changes as published in 40:10 NCR 821 as follows:

2
3 **15A NCAC 10F .0301 GENERAL PROVISIONS**

4 (a) Definitions. The definitions used in G.S. 75A-2 shall apply in this Subchapter. In addition, the following
5 definitions shall ~~apply to all rules in this Section: apply:~~

- 6 (1) "Designated agency" means a subdivision of the State that the Commission designates for the
7 purchase and placement of markers that conform to USATONS standards;
- 8 (2) "Executive Director" means the Executive Director of the Commission;
- 9 (3) "Mooring area" means an area on the water delineated by speed zone markers where vessels may
10 be tied to objects anchored on the seabed;
- 11 (4) "Placement of markers" means putting regulatory and information markers in areas specified by the
12 Rules of this Section and includes the re-placement of dislocated markers and the replacement of
13 missing markers.
- 14 (5) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape
15 against a white background, used to alert a mariner to warnings or regulatory matters, as defined in
16 33 CFR 62.33;
- 17 (6) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel
18 speed;
- 19 (7) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access
20 is limited to authorized persons and vessels, as defined in [33-CFR 165.20.] 33 CFR 165.20, which
21 is hereby incorporated by reference, including subsequent amendments and editions and can be
22 found free of charge online at <https://www.ecfr.gov/current/title-33/section-165.20>.
- 23 (8) "Swimming area" means an enclosed area on the water for swimming that is marked against entry
24 by vessels; and
- 25 (9) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and
26 aids to navigation that mark navigable waters of the United States. The rules governing USATONS
27 in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and
28 editions and can be found free of charge online at <https://www.ecfr.gov/current/title-33/part-62>,
29 www.ecfr.gov.
- 30 (1) ~~"Executive Director" means the Executive Director of the Commission;~~
- 31 (2) ~~"USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and~~
32 ~~aids to navigation that mark navigable waters of the United States. The rules governing USATONS~~
33 ~~in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and~~
34 ~~editions and can be found free of charge online at www.ecfr.gov;~~
- 35 (3) ~~"Designated agency" means a subdivision of the State that the Commission designates for placement~~
36 ~~of markers that conform to USATONS standards;~~

- 1 (4) ~~"Regulatory Marker" and "Information Marker" means markers with an orange geometric shape~~
2 ~~against a white background, used to alert a mariner to warnings or regulatory matters, as defined in~~
3 ~~33 CFR 62.33;~~
- 4 (5) ~~"Swimming area" means an enclosed area on the water for swimming that is marked against entry~~
5 ~~by vessels;~~
- 6 (6) ~~"Mooring area" means an area on the water delineated by speed zone markers where vessels may~~
7 ~~be tied to objects anchored on the seabed;~~
- 8 (7) ~~"Restricted area" means an area on the water that is marked to limit recreational activity and vessel~~
9 ~~speed; and~~
- 10 (8) ~~"Safety Zone" means a water area or shore area where, for safety or environmental purposes, access~~
11 ~~is limited to authorized persons and vessels, as defined in 33 CFR 165.20.~~

12 (b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to
13 the Commission for rules on waters within the subdivision's territorial limits on an application provided by the
14 Commission at www.ncwildlife.gov, www.newildlife.org. The completed application and supporting documents shall
15 be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service
16 Center, Raleigh, North Carolina 27699-1701 or submitted via email to nowakezonecoordinator@newildlife.org.
17 nowakezonecoordinator@ncwildlife.gov. The application shall contain the following information:

- 18 (1) the name of the subdivision of the State applying for water safety rulemaking;
19 (2) the date of the application;
20 (3) the contact person's name, telephone number, and mailing address;
21 (4) descriptive information for the body of water;
22 (5) location of the proposed no wake zone, marked swimming area, or other regulated area;
23 (6) a statement that the subdivision of the State has given public notice of its intention to apply for
24 rulemaking on waters within its territorial limits;
25 (7) a resolution from the subdivision of the State requesting water safety rulemaking; and
26 (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and
27 placement of markers that conform to USATONS standards.

28 ~~(e) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas~~
29 ~~established by rules in this Section. The designated agency or its designee shall be responsible for the purchase and~~
30 ~~placement of markers conforming to USATONS required to implement a water safety rule.~~

31 ~~(d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to~~
32 ~~place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place~~
33 ~~information markers without permission from the Executive Director or his or her designee.~~

34 ~~(e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers.~~

35 ~~(f)(c) Swimming Areas. No vessel entry shall be permitted in the waters of marked swimming areas. Marked~~
36 ~~swimming areas shall meet the following requirements:~~

- 37 (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;

- 1 (2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an
- 2 enclosed area;
- 3 (3) the swimming area shall not extend into a navigational channel or interfere with navigation of
- 4 vessels;
- 5 (2) float lines shall have white, international orange, or alternating white and international orange floats
- 6 along their length at intervals of not less than one every 10 feet;
- 7 (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line,
- 8 and no float shall exceed a size of 18 inches in length or diameter;
- 9 (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to
- 10 float lines to give warning to vessels approaching the swimming area from all directions; and
- 11 (5) float lines and warning markers shall be anchored.

12 ~~(g)~~(d) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment
13 structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed
14 in the water. Markers shall meet USATONS standards in number and size to give warning of the restriction to vessels
15 approaching from all directions.

16 ~~(h)~~(e) Enforcement. If an agent of the Commission discovers markers and navigational aids that do not conform to
17 USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated
18 area, written notice shall be served upon the individuals responsible for the improper placement of the markers or
19 navigational aids. Individuals served a written notice of violation shall have 10 days to correct any deficiency before
20 the Commission issues a citation.

21 ~~(i)~~(f) Miscellaneous Restrictions.

- 22 (1) Except for mooring buoys or markers that are specifically permitted by State or federal law, it shall
- 23 be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05.
- 24 (2) It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or
- 25 tamper with any marker lawfully placed in the waters of North Carolina in conformity with these
- 26 rules or USATONS standards.
- 27 (3) Except where done by supervening federal authority, it shall be unlawful for anyone to place
- 28 regulatory markers or navigational aids without authorization from the Commission; or to place
- 29 information markers without permission from the Executive Director or his or her designee.

30
31 *History Note: Authority G.S. 75A-15;*
32 *Eff. February 1, 1976;*
33 *Amended Eff. November 1, 1993; March 25, 1978;*
34 *Temporary Amendment Eff. July 1, 1998;*
35 *Amended Eff. April 1, 1999;*
36 *Readopted Eff. November 1, 2018;*
37 *Amended Eff. April 1, 2026; February 1, 2023.*

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;; and”
 - Right: “~~day~~, day; and”
7. Formatting instructions and examples may be found at:
<https://www.oah.nc.gov/rule-format-examples>

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0301

DEADLINE FOR RECEIPT: March 13, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 20, is 33 CFR 165.20 included in an incorporation somewhere? If not, please incorporate here.

We've updated subparagraph (a)(7) incorporating 33 CFR 165.20.

On line 26, in the guidance currently circulating, the Commission's preference is a more precise link than just to the efr generally. I recommend using "https://www.ecfr.gov/current/title-33/part-62".

We've updated the link as recommended.

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

Burgos, Alexander N

From: Ascher, Seth M
Sent: Wednesday, March 4, 2026 2:42 PM
To: Casola, William; Ruhlman, Carrie A
Cc: Burgos, Alexander N
Subject: RFC for WRC March 26
Attachments: WRC RFC March 26.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Wildlife Resources Commission for the March 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 26, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Note that the only changes I have recommended relate to the incorporation links, which the Commission is currently considering issuing guidance for and a draft is currently on the agenda for March. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on March 13, 2026.

Please let me know if you have any questions of concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.