



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Wildlife Resources Commission

2. Rule citation & name:

15A NCAC 10F .0304 BLADEN COUNTY

3. Action:

☐

Adoption

☒

Amendment

☐

Repeal

4. Was this an Emergency Rule:

☒☐

Yes
No

Effective date: 8/5/2024

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: 7/25/2024

b. Proposed Temporary Rule published on the OAH website: 7/30/2024

c. Public Hearing date: 8/20/2024 and 9/18/2024

d. Comment Period: 7/29/24 to 9/23/2024

e. Notice pursuant to G.S. 150B-21.1(a3)(2): 7/25/2024

f. Adoption by agency on: 10/3/2024

g. Proposed effective date of temporary rule if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

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A serious and unforeseen threat to the public health, safety or welfare.

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The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite:

Effective date:

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A recent change in federal or state budgetary policy.

Effective date of change:

☐

A recent federal regulation.

Cite:

Effective date:

☐

A recent court order.

Cite order:

☐

Other:

Explain:

The agency was notified of a serious safety hazard caused by amendments allowing unrestricted directional operation of motorboats in the restricted area at White Lake. The restricted area is 500 feet from the shoreline around the entire perimeter of the lake. Because of the size of the restricted area and the shallow water in that portion of the lake, swimming within the restricted area is common. The proposed amendment will require motorboats to travel perpendicular to the shore and at no wake speed within the restricted area at White Lake, thus mitigating the hazard.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

An emergency rule was adopted because White Lake is busiest with boat traffic and swimmers in the summer months, specifically Memorial Day through Labor Day. The safety hazard created by unrestricted motorboat movement in the extensive restricted zone where people were swimming could be life threatening to the public. This temporary rule replaces the emergency rule.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator: Carrie Ruhlman

Phone: 919-707-0011

E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Monty R. Crump

Title: Chairman

E-Mail: monty@gorockingham.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 15A NCAC 10F .0304 is amended under temporary procedures with changes as follows:

2
3 **15A NCAC 10F .0304 BLADEN COUNTY**

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

- 5 (1) White Lake. The water between the shoreline and ~~no-wake~~ regulatory markers 500 feet from the
6 shoreline is a ~~restricted area~~. Restricted Area.
- 7 (2) Cape Fear River:
- 8 (A) the waters shore to shore between a point 100 yards east and 100 yards west of the ferry
9 cable at Elwell Ferry and Elwells Ferry Boating Access Area, 2702 Elwell Ferry Road,
10 Council;
- 11 (B) the waters within 50 yards of the Tar Heel Boating Access Area, 1000 Wildlife Landing
12 Drive, Tar Heel; and
- 13 (C) the waters within 50 yards of the Tory Hole Boating Access Area, 335 N. Poplar Street,
14 Elizabethtown.
- 15 (3) Black River. The waters within 50 yards of the Hunts Bluff Boating Access Area, 351 Hunts Bluff
16 Road, Kelly.

17 (b) Restricted Area. ~~Skiing is prohibited~~ Motorboats, as defined in G.S. 75A-2(1e), shall not be operated on a course
18 parallel to the shoreline in the ~~restricted~~ area described in Subparagraph (a)(1) of this Rule.

19 (c) Diving. A person engaged in skin or scuba diving shall display a diver's flag, and no vessel shall approach within
20 50 feet of a diver's flag, as described in G.S. 75A-13.1.

21 (d) Speed Limit. No person shall operate a ~~vessel~~ motorboat at greater than no-wake speed within the regulated areas
22 described in Subparagraphs (a)(1) and (3), and Parts (a)(2)(A) through (C) of this Rule.

23 (e) Placement and Maintenance of Markers. The following agencies shall place and maintain the markers
24 implementing this Rule:

- 25 (1) North Carolina State Parks for the regulated area designated in Subparagraph (a)(1) of this Rule;
26 and
- 27 (2) the North Carolina Wildlife Resources Commission for the regulated areas designated in Parts
28 (a)(2)(A) through (C), and Subparagraph (a)(3) of this Rule.

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

31 *Eff. February 1, 1976;*

32 *Amended Eff. April 1, 1990; August 1, 1988; June 17, 1979;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
34 *6, 2016;*

35 *Amended Eff. June 1, 2024; October 1, ~~2018~~. 2018;*

36 *Temporary Amendment Eff. November 8, 2024.*