

Burgos, Alexander N

From: BCM General Manager <gm@bradleycreekmarina.com>
Sent: Monday, May 20, 2024 2:19 PM
To: rrc.comments
Cc: Burgos, Alexander N; Wiggs, Travis C; Ruhlman, Carrie A
Subject: [External] RRC Objection Letter Submission for May 29th Meeting
Attachments: RRC Letters.pdf; RRC Speech.docx

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

Please find attached, 73 letters of objection to **15ANCAC10F.0314 (New Hanover County, Bradley Creek, Wilmington, NC - No Wake Zone Extension)**. I will be hand-delivering copies of these at the May 29th meeting of the RRC. I plan on speaking at the meeting too. I may add speakers prior to this email as well, and I will notify you as such when I have that information. Please let me know if I need to submit anything further.

THANK YOU,

JONATHAN CREWS 
CMO

GENERAL MANAGER

BRADLEY CREEK YACHT CLUB
6338 OLEANDER DR
WILMINGTON, NC 28403
BUSINESS OFFICE (910) 350-0029
DOCK OFFICE (910) 392-2584
CELL (910) 470-4389



Burgos, Alexander N

From: Howard Stanley <howard@creeksideyachtclub.com>
Sent: Tuesday, May 21, 2024 4:34 PM
To: rrc.comments; Burgos, Alexander N; Wiggs, Travis C; Ruhlman, Carrie A; Matt Groff; Marcus Bradsher; BCM General Manager
Subject: [External] 15A NCAC 10F .0314 (New Hanover County, Bradley Creek No-Wake Zone)
Attachments: RRC Presentation Doc. CYC 05.29.2024.pdf; 15A NCAC 10F 0314 a3 - proposed extension3.pdf; Bradley Creek Document MG 03.15.2024.pdf; Exhibit L-2 Bradley Creek Final Adoption with Attachments Signature Redacted.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached, please find documents to be used during the RRC review of the Bradley Creek No-Wake Zone Extension on 29 May 2024.

Matt Groff will be the lead presenter for Creekside Yacht Club. I may also decide to speak during the session.

Similar to Bradley Creek Yacht Club, Creekside will submit objection letters electronically prior to the meeting.

Sincerely,

Howard Stanley
General Manager
Creekside Yacht Club
6334 Oleander Drive
Wilmington, NC 28403
Office: 910.350.0023
Email: howard@creeksideyachtclub.com

RRC Case: 15A NCAC 10F .0314

We appreciate the opportunity to present information that should stop a process that was flawed from the beginning and now is pending final RRC approval. The facts that will be presented can be supported by documents which the NC Wildlife Resources Commission (NCWRC) used as their basis of decision making to create a no wake zone on Bradley Creek in New Hanover County (implemented in 2023), and then again expanded the zone to the ICW based on a petition by an individual homeowner in late 2023 (approved in April 2024). The first approval and implementation in July 2023 was the extension of the no wake zone that previously had been in existence for and honored for decades by individuals using the creek. Data provided by NCWRC documented four incidents (2003, 2019) in Bradley Creek. The conservative estimated boat traffic volume over that same 20-year period is approximately 210,000 boat trips for the two marinas. The two recent no wake zone extensions were approved to make the boating experience safer for all. You can calculate the incident ratio over the 20-year period. This data alone proves Bradley Creek was and is a safe boating zone before any changes were implemented in July 2023 or as requested before you now. Most experienced users of the creek will tell you the proposed new zone (no wake zone to the ICW) will create a situation for boating accidents and potential disaster.

HISTORY OF BRADLEY CREEK NO WAKE ZONE

There has been a no wake zone on the creek back as far as many old timers can remember. The zone started at the bridge over Bradley and extended past both marinas (Bradley Creek and Creekside) to a point past the Bradley Creek condominiums on the south side and to the end of Airlie Gardens on the north side. It covered shore to shore as anyone using Bradley Creek knows because if you get out of the channel you will be on an oyster bed and/or in mud. This is very visible at low tide and known to boaters using the creek. In July 2023, a new no wake zone was created which was recommended by New Hanover County. The change was implemented without any knowledge of boaters or staff members at the two marinas. This created confusion by all parties impacted and a hurried response to both marinas' members to educate them on the change. Incorrect marker buoys outside of the channel were first installed which also aided in the confusion.

At this point, both marinas became involved. The July 2023 change only covered the channel, not shore to shore. However, one could only assume it would cover shore to shore based on the comments above. Documents with the first Investigation Matrix stated the no wake was moved to marker #8. The corrected Matrix calls the marker #4. Protest documents emailed referenced marker #8 (additional confusion).

The proposal under current review is to extend shore to shore and to the mouth of the ICW (the major concern). The Investigation Matrix dated 12/7/2023 and used by the NCWRC for the first approval was full of data errors. For example, Bradley Creek Marina was listed as a fuel dock, Creekside was listed as a restaurant. The major error

was both marinas were “expanding and increasing boats thus boat traffic.” The current boat traffic is stable, no new slips, no additional boat traffic.

CRITICAL INFORMATION

1. Section 4: Summary of Boating Safety Statistics NCWRC dated 12/7/2023 stated several incidents (2003 & 2019) have occurred on Bradley Creek concerning safety.
2. The marker notations were changed from the first investigation matrix to the second investigation matrix, both documents dated 12/7/2023 (one document was signed and another document was unsigned). This change is a critical point of discussion of the no wake zone, with supporting documents, which were sent to the NCWRC for review before their final approval.
3. Both marinas noted these errors to NCWRC, and a corrected document was then issued with the same date (12/7/2023) and no signature by primary NCRWC contact.
4. We attended a NCWRC sponsored Zoom call in March 2023 to discuss issues and concerns of the proposed extension to the ICW. This call was plagued with issues of dropped calls, discussions about ending the Zoom meeting, and total confusion for participants. Numerous issues and confusion have occurred, yet the NCWRC has approved the latest change.

We are asking that the Rules Review Commission reject this latest change. We highly recommend starting over with actual data and facts clearly stated as the reason for an extension to the ICW. Next, collect actual data on boat traffic using high traffic boating days (holidays, and weekends). Finally, observe traffic on busy days entering and exiting Bradley Creek and the boating patterns on the ICW.

We acknowledge there is an abundance of boat traffic on Bradley Creek. Documents show that safety has not been a problem day or night based on the past records submitted by NCWRC. If the purpose of the additional no wake zone is truly boating safety and not to satisfy a petition filed by an individual homeowner to prevent boat wake on their dock, the latest no wake zone should be rejected. Setting up a no wake zone to the ICW sets up a situation for boating disaster/accidents, potential lawsuits, and safety concerns from many boaters using the creek.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: New Hanover County
- Primary contact information: Major Mark Dutton, NCWRC
- Location of requested no-wake zone:
 - Body of water and County: Bradley Creek New Hanover Co
 - Location: Beginning at the US 76 Bridge on Bradley Creek shore to shore, southeast to a point near the mouth at 34.20794 N , 77.82158 W
 - Popular name of area, if any: _____
 - Width of No-Wake Zone: Narrowest Point: 570 ft Widest Point: 1340 ft + cove&canal
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
Narrow channel 20-30 feet wide with shallow waters on either side. Heavy vessel traffic going to and from the ICW plus about 170 boats moored in very congested area.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

See Enforcement assessment and justification, below.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES

NO

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.

Buoys and signs exist. No additional cost . US Army Corps of Engineers has concurred with extending the NWZ closer to the ICW.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

FUELING DOCK OR FACILITY

Name of Facility: Bradley Creek Marina

PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA

NO-WAKE BUOYS

PUBLIC BOAT ACCESS

Name of Access Area: _____

PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

RESTAURANT DOCKS

Name of Restaurant: Creekside Yacht Club

Number of Docks: _____

OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS (Identify) _____

Can obstructions be removed? YES NO

NARROW CHANNEL (give approximate width) 90 Feet

SHALLOW WATER (give average depth) 7 feet in channel, 1-2 feet elsewhere



NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) _____

STRUCTURES: (Check all applicable)

DAM Name: _____

SPILLWAY Location: _____

FLOOD CONTROL STRUCTURE Location: _____

BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

TRESTLE Height above water: _____
Width between piers: _____

POWER LINE _____

LOCK Lock Number: _____

JETTY _____

SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? YES NO

SANDBAR _____

SHOAL _____

OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS Date(s): Dates approximate: 2003, 2019

CITATIONS ISSUED Violations: Several BWI's, careless and reckless

VERIFIED COMPLAINTS List: _____

- Rate traffic density in this area **HEAVY**
- Is traffic density specific to weekend/and or holidays? YES NO
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES NO

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
None
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES Identify Violations: _____
 NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant’s proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?

YES Distance extended into channel _____
 NO

- Total distance travelled at no-wake speed (in feet): 4650 feet

- Estimated travel time through proposed area at no-wake speed: 5-9 minutes

- Width of proposed no-wake zone (in feet) Narrowest: 570 Widest: 1340
 Plus cove, canal

- Does proposed no-wake zone meet criteria for consideration?

YES:
 YES: Adjusted size recommended
 NO

- Description/Explanation of adjusted size

- Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES:

NO:

- Justification:

This is a narrow and shallow channel with a heavy amount of boat traffic (especially during the boating season) coming to and from Bradley Creek Marina and the Intracoastal Waterway. The current revised no wake zone was approved effective July 1, 2023 in the navigation channel only, for purposes of mitigating safety hazards for vessels travelling to and from Bradley Creek Marina at the ICW. The marina is expanding its facilities with an increasing number of vessels. There is shoaling throughout the creek at times. There have been several boating incidents in this channel and several boating while impaired and careless and reckless boating violations/charges.

The water's average depth in the center of the channel is approximately 7 feet deep at mid to high tide. The channel is very narrow and the water depth immediately on the outside of the channel is approximately 2 feet and reduces to a mud flat very quickly. This restricts navigating a vessel to stay within the channel causing vessels to pass very closely in a busy cove. Operators not having the ability to discern the changes in depth can create extremely dangerous boat operations especially at night when operated at higher speeds.

Enforcement has assessed the need to create the revised no-wake zone within Bradley Creek shore to shore, including the cove on the south side where the Bradley Drive Bridge is located, and the canal on the south side near the mouth of the creek at the end of Westport Drive, where multiple boat slips are located. This proposed revision will be to extend the no-wake zone shore to shore, approximately 400 feet from its current point at Channel Marker #8, southeast to a point at 34.20794 N, 77.82158 W near the mouth of the creek. Creating the beginning of the no-wake zone closer to the mouth and away from docks, some that extend to the edge of the navigation channel, will lessen the impacts by wakes as multiple vessels must slow as they come in and out of the creek at the Intracoastal Waterway.

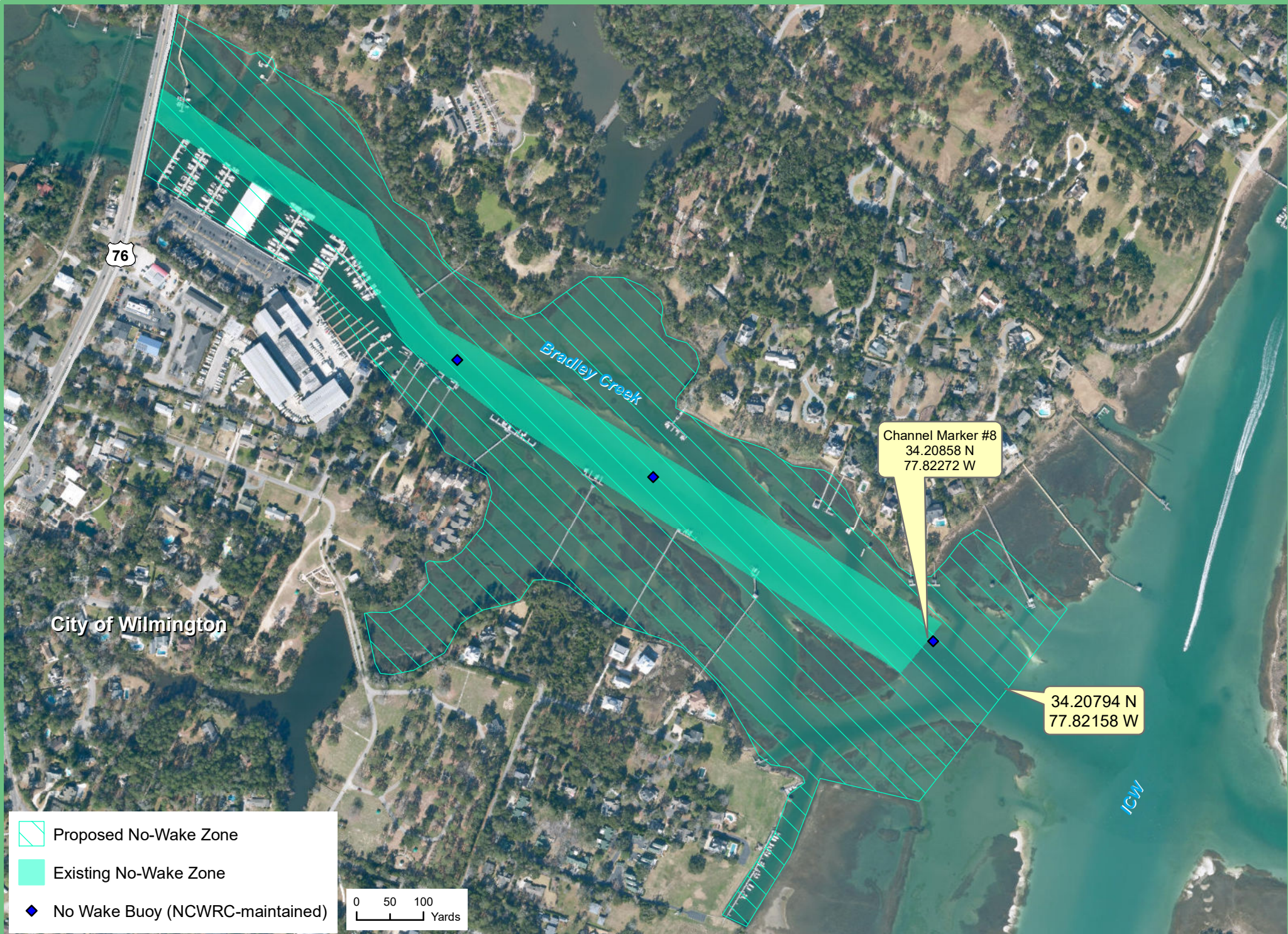
Officer: _____




Date: _____

12/7/2023

Major Mark Dutton

15A NCAC 10F .0314 (a) (3) - Proposed Revised and Extended No-Wake Zone
Bradley Creek, City of Wilmington, New Hanover County



-  Proposed No-Wake Zone
-  Existing No-Wake Zone
-  No Wake Buoy (NCWRC-maintained)

0 50 100
Yards

EXHIBIT L-2

April 18, 2024



PETITION FOR RULEMAKING – CONSIDER FINAL ADOPTION OF PROPOSED AMENDMENT TO 15A NCAC 10F. 0314 NEW HANOVER COUNTY - BRADLEY CREEK

Pursuant to a Petition for Rulemaking under N.C.G.S. 150B-20, Notice of Text for proposed rulemaking was published in the *NC Register* with open comment period and public hearing, to extend the no-wake zone at Bradley Creek in Wilmington and make it shore to shore (15A NCAC 10F .0314 New Hanover County).

Staff completed an Assessment Matrix (Attachment A- Matrix and Map). Boating safety hazards were noted the length of Bradley Creek to its mouth, including the narrow navigation channel, tide fluctuations, shoaling, shallow water depth, and hazards to multiple docks on the south side of the creek, that extend to the navigation channel. Congested conditions and night boating at unregulated speed are particularly hazardous. The analysis suggests making the Bradley Creek no-wake zone shore to shore and extending it closer to the mouth of the creek at 34.20794 N, 77.82158 W.

The narrow canal located on the south side of the creek at the end of Westport Drive currently is unregulated. The proposed extension will move the no-wake zone approximately 400 feet southeast of its current point at Channel Marker #4 shore to shore throughout and will mitigate hazards in the canal with its multiple boat slips. Enforcement estimates that travel time through Bradley Creek from the new coordinates to the U.S. Highway 76 Bridge will be 5-9 minutes, depending upon tide and congestion.

The distance from the ICW setback to the proposed location where the revised no-wake zone begins is 190 yards. In the estimation of Enforcement, the distance gives sufficient time for vessels to slow to no-wake speed when entering the creek from the ICW and to get up on plane before entering the ICW. Enforcement officers monitored Bradley Creek during the July 4th weekend and noted no bottlenecks at any time.

Staff requests Commission consideration of this Rule amendment. If the amendment is adopted it will be subject to final review by the N.C. Rules Review Commission.

15 NCAC 10F .0314 is amended with changes as published in 38:14 NCR 934-935 as follows:

15A NCAC 10F .0314 NEW HANOVER COUNTY

(a) Regulated Areas. This Rule shall apply applies to the following waters in New Hanover County:

- (1) the area bounded on the north by the ~~US~~ U.S. Highway 74-76 ~~Bridge~~ bridge crossing the Intracoastal Waterway, on the south by a line shore to shore intersecting Intracoastal Waterway channel marker number 127, on the west by the shore of Wrightsville Sound, and on the east by a line perpendicular to ~~US~~ U.S. Highway 74-76 and intersecting channel marker number 25 in Motts Channel;
- (2) the area of Motts Channel between channel marker number 25 at the Intracoastal Waterway on the west and channel marker number 16 at the entrance from Banks Channel on the east;
- (3) Wilmington, ~~the~~ The waters of ~~the navigation channel~~ shore to shore in that portion of Bradley Creek in the City of Wilmington between the ~~US~~ U.S. Highway 76 ~~Bridge~~ bridge crossing Bradley Creek and ~~channel marker 4, near the mouth of Bradley Creek at 34.20858 N, 77.82272 W;~~ and a point at 34.20794 N, 77.82158 W, near the mouth of Bradley Creek;
- (4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W, to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W;
- (5) Town of Wrightsville Beach, ~~the~~ The unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville Beach and an unnamed island located approximately 500 feet northeast of the ~~US~~ U.S. Highway 74 bridge over Banks Channel; and
- (6) Castle Hayne, ~~the~~ The waters of the Northeast Cape Fear River between the ~~US Hwy.~~ U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area, Area, 6418 Orange Street, Castle Hayne.

(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 Board of Commissioners of New Hanover County shall be the designated agency for placement shall place of the no-wake markers implementing Subparagraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

(d) Placement and Maintenance of Markers. The Wildlife Resources Commission shall place and maintain markers for the area designated in Subparagraph (a)(6) of this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

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

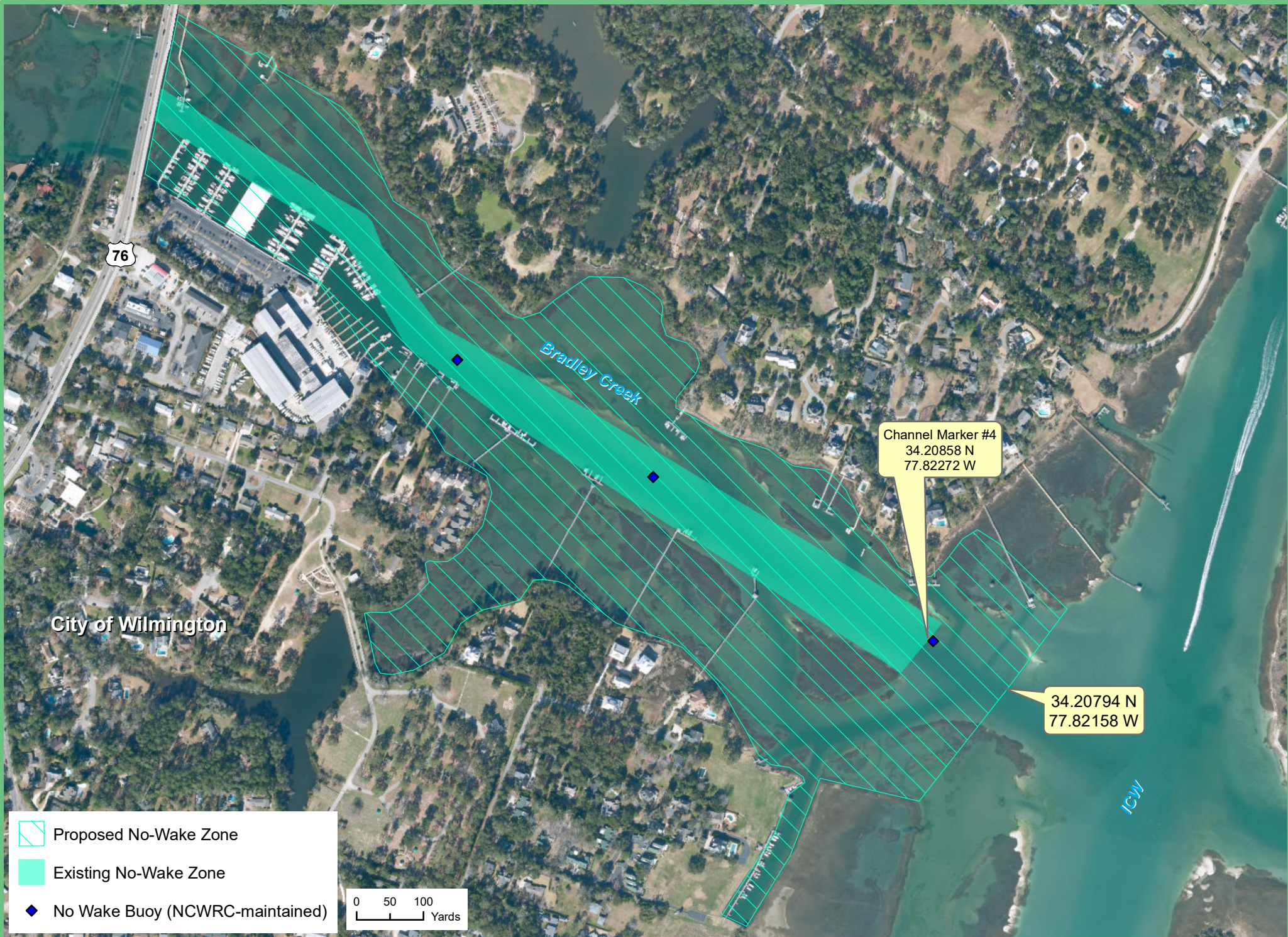
Eff. February 1, 1976;

Amended Eff. July 1, 1993; May 1, 1989; June 1, 1987; May 1, 1987;

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

Amended Eff. June 1, 2024; July 1, 2023; February 1, 2023; October 1, 2018; April 1, 2017.

15A NCAC 10F .0314 (a) (3) - Proposed Revised and Extended No-Wake Zone
Bradley Creek, City of Wilmington, New Hanover County





NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: New Hanover County Petition to WRC
- Primary contact information: Major Mark Dutton, NCWRC
- Location of requested no-wake zone:
 - Body of water and County: Bradley Creek New Hanover Co
 - Location: Beginning at the US 76 Bridge on Bradley Creek shore to shore, southeast to a point near the mouth at 34.20794 N , 77.82158 W
 - Popular name of area, if any: _____
 - Width of No-Wake Zone: Narrowest Point: 570 ft Widest Point: 1340 ft + cove&canal
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
Narrow channel 20-30 feet wide with shallow waters on either side. Heavy vessel traffic going to and from the ICW plus about 170 boats moored in very congested area.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

See Enforcement assessment and justification, below.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES

NO

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.

Buoys and signs exist. No additional cost . US Army Corps of Engineers has concurred with extending the NWZ closer to the ICW.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

FUELING DOCK OR FACILITY

Name of Facility: Creekside Yacht Club

PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA

NO-WAKE BUOYS

PUBLIC BOAT ACCESS

Name of Access Area: _____

PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS (Identify) _____

Can obstructions be removed? YES NO

NARROW CHANNEL (give approximate width) 90 Feet

SHALLOW WATER (give average depth) 7 feet in channel, 1-2 feet elsewhere



NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) _____

STRUCTURES: (Check all applicable)

DAM Name: _____

SPILLWAY Location: _____

FLOOD CONTROL STRUCTURE Location: _____

BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

TRESTLE Height above water: _____
Width between piers: _____

POWER LINE _____

LOCK Lock Number: _____

JETTY _____

SUBMERGED STRUCTURE Identify Structure: _____

▪ Would placement of "Danger" buoys or other informational markers
mitigate the hazards in lieu of a no-wake zone? YES NO

SANDBAR _____

SHOAL _____

OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS Date(s): Dates approximate: 2003, 2019

CITATIONS ISSUED Violations: Several BWT's, careless and reckless

VERIFIED COMPLAINTS List: _____

- Rate traffic density in this area **HEAVY**
- Is traffic density specific to weekend/and or holidays? YES NO
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES NO

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
None
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES Identify Violations: _____
 NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?
 YES Distance extended into channel_
 NO

- Total distance travelled at no-wake speed (in feet): 4650 feet

- Estimated travel time through proposed area at no-wake speed: 5-9 minutes

- Width of proposed no-wake zone (in feet) Narrowest: 570 Widest:1340
 Plus cove, canal

- Does proposed no-wake zone meet criteria for consideration?
 YES:
 YES: Adjusted size recommended
 NO

- Description/Explanation of adjusted size

- Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES:

NO:

- Justification:

This is a narrow and shallow channel with a heavy amount of boat traffic (especially during the boating season) coming to and from Bradley Creek Marina and the Intracoastal Waterway. The current revised no wake zone was approved effective July 1, 2023 in the navigation channel only, for purposes of mitigating safety hazards for vessels traveling to and from Bradley Creek Marina at the ICW. There is shoaling throughout the creek at times. There have been several boating incidents in this channel and several boating while impaired and careless and reckless boating violations/charges. The water's average depth in the center of the channel is approximately 7 feet deep at mid to high tide. The channel is very narrow and the water depth immediately on the outside of the channel is approximately 2 feet and reduces to a mud flat very quickly. This restricts navigating a vessel to stay within the channel causing vessels to pass very closely in a busy cove. Operators not having the ability to discern the changes in depth can create extremely dangerous boat operations especially at night when operated at higher speeds.

Enforcement has assessed the need to create the revised no-wake zone within Bradley Creek shore to shore, including the cove on the south side where the Bradley Drive Bridge is located, and the canal on the south side near the mouth of the creek at the end of Westport Drive, where multiple boat slips are located. This proposed revision will be to extend the no-wake zone shore to shore, approximately 400 feet from its current point at Channel Marker #4, southeast to a point at 34.20794 N, 77.82158 W near the mouth of the creek. Creating the beginning of the no-wake zone closer to the mouth and away from docks, some that extend to the edge of the navigation channel, will lessen the impacts by wakes as multiple vessels must slow as they come in and out of the creek at the Intracoastal Waterway.

Officer: _____

Date: 12/7/2023

Major Mark Dutton

□

Mr. ██████████4

□

Rule Making Coordinator, NCWRC

1701 Mail Service Center

Raleigh NC 27699-1701

Dear Coordinator,

In review of the No Wake Zone Investigation Matrix referencing 15A NCAC 10F .0314, there are several pieces of incorrect data information and questionable reasons for change as it pertains to Bradley Creek Watershed with marinas, boats and safety records of the past 20 years.

Creekside Yacht Club (once was Boat House) is the only marina which sells gas on the creek and has done so since the 1980's. We have no restaurant and have approximately 400 dry slips. Bradley Creek Marina has both wet and dry slips of approximately 500 total, however sells no gas nor has a restaurant. In your justification you state that Bradley Creek is expanding and bringing in more vessels. May I suggest someone contact them as this is untrue. They have gone through a total reorganization of their dry dock system and boat launch however NO BOAT slip additions. Creekside also is full, no dock space for additional boat slips. Currently most boats traveling Bradley Creek are exiting or returning back to our marinas unless they are fishermen or local residents. At Creekside, we do not advertise our gas sales on the Intracoastal which helps to lessen the traffic from the ICW down Bradley Creek as well.

It should be noted, for many years that it has been assumed by marinas, members and anyone traveling the creek that a NO WAKE Zone existed (enclosed shore to shore from the bridge at Oleander and extended to the end of Airlie Gardens across to the cemetery property inlet). This must have been a self imposed zone indicated by a large NO Wake marker approaching the condos and marina area. It has been followed without issue for decades. Outside the channel both areas are extremely shallow and therefore no wake is guaranteed. With the assumption of existing no wake, we were all surprised when the new markers were posted and boats stopped by Wildlife officers due to changes this past summer to Marker #8. This part of your justification of a total no wake zone from shore to shore appears to be warranted in your investigative matrix document. However, it should be extended shore to shore to Marker #8 and no further. Beyond Marker #8 shore to shore is affected more by Intracoastal Water traffic.

The water depth is correct and most members of Bradley Creek and Creekside are very aware of the channel depth and this subject has caused very few issues over the last 20 years in day or night use of the channel. There is shoaling as we experience a severe tide change but this has not changed for many years.

Your Summary of Boating Safety Statistics states incident dates of 2003, 2019 and several BWI's and careless and reckless citations within Bradley Creek waterway. Statistically with the number of noted incidents provided your document, Bradley Creek is a very safe and law abiding creek with all the boat traffic. I would venture to say Bradley Creek perhaps has more boat traffic from a single creek entering the ICW than many within the state. Bradley Creek and Creekside marinas will disperse approximately 400 total boats on the average week during the spring, summer and fall months. If we use 26 weeks as a benchmark a year as a basis for

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calculations, 10,400 boats would use the creek each year. I am not including summer week days, Memorial, July 4th nor Labor Day Holidays but all of which are generally our largest numbers in the calculation estimates. Multiply 20 years, 208,000 boats has traveled Bradley Creek during this time. You note 4 incidents. For the last 20 years we have a .0019% incident rate. I dare say Bradley Creek has a very respectful safety record. $400 \times 26 \times 20 / 4$. My guess this % number would much lower had we estimated with summer days and holidays. Your document states move the No Wake towards towards the ICW to make it safer? How? Our Traffic density has not appeared to have any adverse affect on the creek safety issues also noted as justification.

The major concern of our marinas with moving the "No Wake" from Marker #8 east 400 feet to the ICW, is the issue of exit and entrance to the ICW out of and back into Bradley Creek. The mere speed and number of ICW boats will cause a chaotic and dangerous situation for any boats using Bradley Creek without a acceleration space up and down entering or exiting Bradley. **The current situation and distance of Marker #8 is best because of that buffer zone.**

Also noted, there are two or three docks(referenced as several in the document) seen on your aerial view that would be affected if the No Wake is extended as proposed. However, these same docks all remain affected by the ICW wash from large vessels, as well as that of wind and tide regardless if this change is granted. All other docks along Bradley Creek and ICW in your aerial view have mechanical lifts (a solution for over wash for any affected)? Hundreds of boaters (seemingly safe) would be affected for the sake of over wash pertaining to 3 docks at certain tide times?

Before considering changes, I trust the commission will review the **corrected data** which modifies your proposed justifications. It would be best to analyze long and hard how ALL would be impacted! If TRUE safety is your objective then the logical solution would be to make Bradley Creek No Wake all the way across and include the ICW?

Thank you for what you all do as part of the NC Wildlife. Your goals are the same as our two marinas and all others who live on Bradley Creek which is to have a safe boating experience for ALL without incidents or accidents.

Respectfully submitted,

Matt Groff, Treasurer Creekside Yacht Club

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