



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0305 – Brunswick County, Town of Ocean Isle Beach**

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Impact: State Government: No
Local Government: Yes
Private Impact: Minimal
Substantial Impact: No

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

The proposed permanent amendment to 15A NCAC 10F .0305 - Brunswick County (APPENDIX 1) will add a no-wake zone in the waters of the Intracoastal Waterway (ICW), shore to shore from a point 100 yards east of the Odell Williamson bridge, otherwise known as the N.C. Hwy 904 Causeway bridge to a point 100 yards west of the bridge in the Town of Ocean Isle Beach.

The Town of Ocean Isle Beach applied for rulemaking to mitigate hazards to boater safety. This area of the ICW is narrow and shallow. The WRC Boating Access Area (BAA) just east of the bridge is busy, with diminished sight lines coming east under the bridge and caused by bridge pilings and the fender system. The fender system creates a very narrow channel passage. It is located near a canal that is utilized for vessel fueling, restaurant usage, vessel rentals and numerous commercial purposes. Concurrence has been received from the US Army Corps of Engineers Wilmington District to allow placing a no-wake zone within that part of the ICW.

The Town of Ocean Isle Beach will mark the no-wake zone at an estimated cost of \$1,560.00. Of that cost, the Town will spend \$400.00 for the Coastal Area Management Act (CAMA) permit required under § 113A-118 before placing structures in waters in coastal counties. Two pilings will be placed by a contractor at a cost of \$500.00 for each piling. The \$1000.00 cost includes pilings and contractor labor to install the pilings. The Town of Ocean Isle Beach will purchase four no-wake signs, two signs on each piling, at a cost of \$40.00 each (\$40.00 x 4=\$160.00.) No additional cost for installation hours will be incurred, as placement of markers is the responsibility of the contractor.

State Impact Analysis: None.

Local Impact Analysis: The Town of Ocean Isle Beach will incur a cost of no more than \$1560.00 for the CAMA permit and purchase and placement of pilings and signage.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost as a result of this rule change, but their behavior will be restricted in the waters of the ICW in the vicinity of the bridge and the BAA. However, the benefit of that restriction is increased boater safety.

Substantial Economic Impact: There will be no substantial economic impact to the public.

APPENDIX 1

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; ~~and~~
- (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, 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; ~~and~~
- (3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this ~~Rule~~ Rule; ~~and~~
- (4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. April 1, 2009; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. July 1, 2018.*