



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0310 – Dare County**

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

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

The proposed amendment to 15A NCAC 10F .0310 - Dare County (APPENDIX 1), will extend a no-wake zone in Mill Creek in Avon to the west and north to include the waters of the cove between North Albacore Lane and South Albacore Lane, a small canal, and the waters of Pamlico Sound south and east of Big Island.

Dare County applied for rulemaking to mitigate hazards to boater safety. The waters of Pamlico Sound west and north of Mill Creek are shallow with sandbars and shoals. There is a small navigable portion in this part of the sound near the shoreline at the mouth of Mill Creek, at the mouth of the cove, and mouth of the small canal north of the creek. There are obstructed views and blind corners at the mouth of the cove. Multiple recreational water activities take place in the one-foot-deep waters east of Big Island. Navigation hazards are in the shallow area with dangers to water recreationists who use the area for kite surfing, paddle boards, and swimming and shelling.

State Impact Analysis: The WRC is responsible maintenance of buoys once installed. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 (assuming the chain and anchor are not needed) and only if a marker is destroyed and must be replaced.

Local Impact Analysis: Dare County is responsible for purchase and placement of markers to mark the no-wake zone shore to shore between the north end of Big Island and the Avon mainland, and to the south from a line south of Big Island to the mainland. Two technicians' time to place two buoys will be \$116.00 (4 hours x \$29¹/hr = \$116). Cost for two buoys to be purchased and installed will be \$600.00 (\$300/buoy x2=\$600), for a total cost by Dare County of \$716.00.

¹ Calculated using average salary and benefits of current technicians.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters in the regulated portion of Pamlico Sound and the cove and canal.

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

APPENDIX 1

15A NCAC 10F .0310 DARE COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters in Dare County:

- (1) Manteo. Doughs Creek off of Shallowbag Bay and all canals off of Shallowbag Bay.
- (2) Hatteras.
 - (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, 75.68050 W; and
 - (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard Beacon Number One in the Hatteras Channel.
- (3) Mann's Harbor. Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, 75.76916 W.
- (4) Nags Head.
 - (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound beginning at a point at 35.94192 N, 75.62571 W;
 - (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north from U.S. Highway 64-264.
- (5) Wanchese.
 - (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from Roanoke Sound at a point at 35.84006 N, 75.61726 W; and
 - (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end road SR 1141 otherwise known as Thicket Lump Drive, extending northwest roughly parallel to SR 1141, SR 1142 otherwise known as The Lane, and SR 1143 otherwise known as Tink Tillet Road, then westward roughly parallel to N.C. Highway 345, and finally curving to the southwest roughly parallel to SR 1289 otherwise known as C B Daniels SR Road to its end.
- (6) Stumpy Point Canal shore to shore, beginning 50 yards west of the Wildlife Resources Commission boating access area.
- (7) Stumpy Point Basin off of Stumpy Point Bay, east of U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.
- (8) Town of Southern Shores. canals and lagoons within the Town of Southern Shores north of U.S. Highway 158.
- (9) Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle Sound.
- (10) Kitty Hawk. the waters contained in the canals of Kitty Hawk Landing Subdivision.
- (11) Washington Baum Bridge. Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers.
- (12) Kill Devil Hills. Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W.
- (13) Avon. ~~Mill Creek beginning at its entrance at Pamlico Sound at a point at 35.36434 N, 75.50603 W. The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N, 75.50556 W, south to include the waters of the cove between North Albacore Lane and South Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358 N, 75.50826 W.~~
- (14) Jean Guite Creek. Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948 W.
- (15) Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301 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) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard, water skis, or jet skis shall permit it to enter the marked swimming area at Colington Island on the west shore, from a point where the

canal enters the harbor at 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 Albemarle Sound.

(d) Placement of Markers. The following agencies shall be the designated agencies for 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 Commissioners of the Town of Manteo for the areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Dare County for the areas indicated in Subparagraphs (a)(2) through (a)(7), (a)(9) and (a)(11) through (a)(15) of this Rule;
- (3) the Board of Commissioners of the Town of Southern Shores for the areas indicated in Subparagraph (a)(8) of this Rule; and
- (4) the Board of Commissioners of the Town of Kitty Hawk for the area indicated in Subparagraph (a)(10) of this Rule.

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