



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0314 – New Hanover County**

Contact: Ashley Pekrul
Regulatory Analyst
(919) 707 – 0114
Ashley.pekrul@ncwildlife.org

Betsy Haywood
Water Safety Rules Coordinator
(919) 707-0013
betsy.haywood@ncwildlife.org

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 .0314 – New Hanover County (APPENDIX 1), will extend a no-wake zone in the navigation channel of Bradley Creek in the City of Wilmington to the southeast, between the US 76 Bridge crossing Bradley Creek and Channel Marker 8 near the mouth of Bradley Creek at 34.20858 N, 77.82272 W, just west of the navigation channel of the Intracoastal Waterway (ICW).

New Hanover County applied for rulemaking to mitigate hazards to boater safety. Navigational hazards include a narrow channel and shallow water in this very busy creek. There have been documented boat incidents and several citations in the vicinity. The heavy vessel traffic entering and leaving the marina has caused traffic safety and maneuverability issues.

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. Costs to maintain no-wake markers will be covered under existing funds budgeted for maintenance and upkeep and only upon request; and will not require reallocation of funds.

Local Impact Analysis: New Hanover County is responsible for initial purchase and placement of three additional markers to mark the extended no-wake zone navigation channel between the US 76 Bridge and Channel Marker 8. Two technicians' time to place three buoys will be \$116.00 (4 hours x \$29¹/hr = \$116). Cost for three buoys to be purchased will be \$600.00 (\$200/buoy x 3=\$600), for a total cost by New Hanover County of \$716.00.

¹Calculated using average salary and benefits of current technicians as of July, 2022.

Private Impact: The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in that boaters will be required to reduce speeds for a longer distance in the navigation channel of Bradley Creek east of the US 76 Bridge. The reduction in speed has the potential to improve boating traffic safety and reduce the potential for collisions. Given the history of boat incidents in this area, these potential benefits are likely to be realized; however, these benefits could not be quantified.

Substantial Economic Impact: There is not expected to be a substantial economic impact to the public.

APPENDIX 1

15A NCAC 10F .0314 NEW HANOVER COUNTY

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

- (1) the area bounded on the north by the US 74-76 Bridge crossing the Intracoastal Waterway, on the south by a line shore to shore intersecting Intracoastal Waterway marker number 127, on the west by the shore of Wrightsville Sound, and on the east by a line perpendicular to US Highway 74-76 and intersecting marker number 25 in Motts Channel;
- (2) the area of Motts Channel between marker number 25 at the Intracoastal Waterway on the west and marker number 16 at the entrance from Banks Channel on the east;
- (3) ~~the area bounded on the west by the US 76 Bridge crossing Bradley Creek, on the north and south by the banks of Bradley Creek, on the east by a line from a point on the southwest shore at 34.21298 N, 77.83173 W, to a point on the northeast shore at 34.21446 N, 77.83063 W; the waters of the navigation channel in that portion of Bradley Creek in the City of Wilmington between the US 76 Bridge crossing Bradley Creek and Channel Marker 8, near the mouth of Bradley Creek at 34.20858 N, 77.82272 W;~~
- (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) 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 74 bridge over Banks Channel; and
- (6) the waters of the Northeast Cape Fear River between the US Hwy. 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area.

(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 of the markers implementing 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. October 1, 2018; April 1, 2017.*