



## **Fiscal Note for Proposed Public Fishing Area and Boating Access Area Rule Amendments**

**Rule Amendment:** 15A NCAC 10E .0101 DEFINITION  
15A NCAC 10E .0102 REGULATIONS POSTED  
15A NCAC 10E .0103 SIGNS AND MARKERS  
15A NCAC 10E .0104 USE OF AREAS REGULATED

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**Impact:**

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

**Authority:** G.S. 113-134; 113-292

### **BACKGROUND**

The wildlife resources of the State belong to the people of the State as a whole, including the enjoyment of these resources (G.S. 113-131(a)). The NC Wildlife Resources Commission (NCWRC) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing as equitably as possible the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and the NCWRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

A summary of the proposed rule amendments follows, with the proposed rule text included in Appendix A.

## **RULE AMENDMENTS AND IMPACT ANALYSIS**

### **15A NCAC 10E .0101**

Amendments to this rule are largely technical and proposed for clarity and alignment with current rule writing and formatting requirements. Several definitions have been added for clarity with impacts discussed below. The definition of “concessions” has been added with no impacts anticipated, except that improved clarity may result in minimal impacts to activities on PFAs and BAAs detailed in Rule .0104.

1. This rule defines Public Fishing Areas (PFAs) and Boating Access Areas (BAAs). Amendments include broadening the definition of BAAs to include motorboats and non-motorized vessels. This amendment is intended to change the way that BAAs and PFAs are signed, thus clarifying the activities allowed on these properties.

Currently boat launches at BAAs are designed specifically for motorboats. Parking lots at BAAs are designed primarily for trailered vehicles. Most PFAs are designed specifically for fishing. Some have ramps or kayak launches on the property. Parking is designed for single vehicles.

Rule 10E .0104 prohibits use of BAAs for purposes other than the launching and retrieving of vessels and parking vehicles with vessel trailers, unless otherwise signed. The use of PFAs for purposes other than fishing is also prohibited in this rule unless otherwise signed. Though all lawful activities on BAAs and PFAs other than the obvious are indicated on signs, the designation and inconsistencies between sites could be confusing to the public.

#### *State Impacts*

Clarification of these terms could result in reduced enforcement effort at motorboat BAAs as it will be clear that those areas and parking lots are for trailered vessels and non-motorized BAAs are available for single vehicles with other vessels.

Depending on the location, enforcement officers can spend a significant amount of time at a BAA on a busy day patrolling, having vehicles towed, and writing citations for parking violations. The proposed clarification may reduce officer time spent arranging towing and writing citations. Unfortunately, there is no way to quantify this potential time savings with available data.

Additionally, officers typically spend one day each month in a specific county’s court. If fewer citations are issued, the potential exists for officers to spend less time in court. However, because this is part of each officer’s typical duties, and parking citations are often paid ahead of the court date, the agency does not anticipate notable time savings related to the proposed amendments.

### *Local Impacts*

Parking violations carry a fine of \$50 plus cost of court (\$181). Thus, reduced parking violations at BAAs may result in fewer citations and less revenue to the county court system.

The agency estimates that approximately 50 citations are issued annually for parking violations at BAAs. This would account for \$9,050 (50 citations x \$181 = \$9,050) in county court costs. Because an accurate estimate of the effectiveness of the proposed change cannot be made, the agency has no way to quantify the potential costs.

### *Private Impacts*

Officers typically either have vehicles towed or issue citations for parking violations at BAAs. If a vehicle is towed, the individual must pay the tow company to recover their impounded vehicle. The agency does not currently have data on the number of vehicles towed from BAAs or the average cost of retrieving an impounded vehicle. However, reduced issues with parking may lead to fewer cars being towed and less revenue for tow companies.

If a parking citation is issued, individuals incur a \$231 fine. Clearer expectations at BAAs may result in fewer individuals receiving citations.

While the addition of specific non-motorized BAAs is not anticipated to completely eliminate need for towing or the issuance of citations, it may clarify the intentions of each BAA and promote compliance. Unfortunately, there is no way for the agency to accurately anticipate or estimate this impact.

2. Currently, 24 PFAs have non-motorized vessel launches or ramps. It is anticipated that most, if not all, of these launches will need to be re-signed.

### *State Impacts*

Re-signing non-motorized BAAs and PFAs with non-motorized boat launch signs is estimated as a one-time cost to the agency of approximately \$720 ( $\$30/\text{sign} \times 24 \text{ signs/area} = \$720$ ). Staff costs will be negligible as routine maintenance is part of their normal job duties.

## **15A NCAC 10E .0102**

This rule is proposed for repeal as it does not meet the statutory definition of a rule.

## 15A NCAC 10E .0103

This rule is proposed for repeal as it does not meet the statutory definition of a rule.

## 15A NCAC 10E .0104

This rule contains requirements and restrictions for individuals using PFAs and BAAs. Most of the amendments to this rule are proposed for clarity and alignment with current rule writing and formatting requirements. As such, they will have no impact. However, the addition of the definition of “concessions” to Rule .0101, and specific prohibition on concessions at BAAs and PFAs in this rule is likely to provide clarity to the public.

The proposed amendment to .0104(d), which prohibits the operation of concessions on PFAs and BAAs, does not alter current requirements. However, the actual restrictions of this current prohibition on concessions may be unclear to the public since the term is undefined. It is the agency’s intention not to allow any operations which exchange money for goods or services at BAAs or PFAs, as these areas are not designed to accommodate this activity. This could include the rental of watercraft or sale of goods and food. While there are no data recorded to indicate the demand for such activities, staff receive this question/request throughout the year at various locations, and thus, the agency believes the addition of the term and specific prohibition are necessary to help avoid confusion and inconsistency.

Also, the proposed addition of specific information required to obtain an event permit for a BAAs has been included in this rule. The agency currently issues approximately 1,400 event permits annually for BAAs. Depending on the time of year, processing these permit applications can take up to eight hours/week. While the information required of the applicant is not new, the addition of this information in rule is proposed to ensure that individuals applying for a permit know what is required and the process of application review by staff can be streamlined. While the agency does not have data to estimate the time savings that may occur because of this change, any number of hours of staff time not spent processing incomplete applications would be a cost savings to the State.

## SUMMARY

### *State*

Quantifiable State costs are \$720 for non-motorized BAA signs (one-time cost).

Unquantifiable State costs include the following:

- Officer time saved on parking violations at BAAs
- Officer time saved in county court
- Staff time saved on processing incomplete BAA event permits

*Local Government*

Quantifiable local government costs include potential loss of \$150 per citation.

*Private*

Quantifiable private benefits include potential avoidance of \$200 parking citation. Unquantified private benefits include potential avoidance of vehicle towing costs.

Unquantifiable private costs include potential lost revenue to tow companies.

## APPENDIX A

### 15A NCAC 10E .0101 **DEFINITION DEFINITIONS**

For the purpose of this ~~Subchapter-Subchapter~~, the term "~~public fishing and boating access area~~" following definitions shall apply:

- (1) "Boating Access Area" means any area of land which adjoins or abuts on the public waters of the state; property which is owned, leased, cooperatively managed, or controlled by the North Carolina Wildlife Resources Commission; which is Commission, and developed and maintained for the purpose of providing the following types of vessels ingress to and egress from public waters and public fishing opportunities; and which is posted with a sign or signs designating the same as a public fishing or boating access area. Public fishing areas include Community Fishing Program waters and other cooperatively managed public waters developed for public fishing. waters:
  - (A) motorboats, as defined in G.S. 75A-2(1e); and
  - (B) non-motorized vessels that use an electric motor or manual means as the principal source of propulsion.
- (2) "Concessions" means the sale of goods or services.
- (3) "Public Fishing Area" means property which is owned, leased, cooperatively managed, or controlled by the Commission, and developed and maintained to provide public fishing opportunities. These areas include Community Fishing Program waters.

**15A NCAC 10E .0102 REGULATIONS POSTED**

~~The Executive Director of the Commission shall cause to be prepared signs or notices containing the rules in this Subchapter or the essential substance thereof and shall cause at least one of such signs to be posted at some conspicuous place on each public fishing and boating access area in the State.~~

**15A NCAC 10E .0103 SIGNS AND MARKERS**

~~The Executive Director shall cause to be installed signs or markings designating parking and nonparking zones and such other signs or marking to regulate the use of each access area as in his opinion will best serve the purposes for which the area is intended.~~



**15A NCAC 10E .0104 USE OF ~~AREAS REGULATED~~ PUBLIC FISHING AND BOATING ACCESS**

**AREAS**

(a) Individuals using public fishing areas and boating access areas shall adhere to posted signs and markings regulating use of the area.

(b) Except where facilities are provided or where otherwise posted, use of public fishing areas for purposes other than fishing is prohibited.

(c) Except where facilities are provided or permits are issued, use of boating access areas for purposes other than launching and retrieving vessels and parking vehicles with vessel trailers is prohibited.

(d) Operating concessions is prohibited on public fishing areas and boating access areas.

(e) Organized activities and events on boating access areas require a permit from the Commission. Individuals may apply for a permit at [www.ncwildlife.org](http://www.ncwildlife.org) by providing the following information:

- (1) organization name, if applicable;
- (2) contact name, address, phone number, and email;
- (3) public fishing area or boating access area name and body of water;
- (4) description of activity or event;
- (5) dates and time of activity or event; and
- (6) number of individuals and or boats expected.

Permits shall be available for inspection by wildlife enforcement officers when the activity is taking place.

~~(f) No person shall leave any vehicle, Vehicles, boat trailer or trailers, and other obstruction objects that obstruct, prevent, or impede use of ramps or facilities constructed for the purpose of launching or landing boats, or fishing, shall not be left in a location, position or condition, on any public fishing area or boating access area in such a location, position or condition that prevents or impedes the use by others. other persons of any ramp or other facility constructed for the purpose of launching or landing boats or fishing.~~

~~(b)(g) Vehicles, boats, boat trailers, and other objects shall be parked in designated parking zones. No person shall park a vehicle, boat, boat trailer, or other object at a public fishing or boating access area unless parking in a designated parking zone. Public fishing or boating access areas and facilities remain available for use when designated parking zones are at capacity. When designated parking zones are at capacity, individuals any person may still enter and use the areas or facilities. facilities, provided other arrangements for parking are made that do not violate this Rule or the regulations of this Subchapter, if applicable.~~

(h) No person shall operate a vehicle at a public fishing area or boating access area in a manner that endangers life, limb, or property.

~~(e)~~(i) No person shall possess a loaded firearm on any a public fishing area or boating access area, except that individuals with a valid concealed handgun permit may possess a handgun where allowed. Individuals carrying a handgun shall adhere to the requirements of G.S. 14-415.11. a handgun may be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. The permission

~~to~~ Individuals shall not carry a handgun ~~does not apply to access areas on~~ public fishing and boating access areas at the following game lands:

- (1) Bladen Lakes State Forest
- (2) Buckhorn
- (3) Butner-Falls of Neuse
- (4) Chatham
- (5) DuPont State Forest
- (6) Harris
- (7) Hyco
- (8) Jordan
- (9) Kerr Scott
- (10) Lee
- (11) Mayo
- (12) Pee Dee River north of U.S 74
- (13) Sutton Lake
- (14) Vance
- (15) the portion of R. Wayne Bailey-Caswell ~~that is~~ located north of U.S. 158 and east of N.C. 119

~~(d)~~(j) No person, ~~when using any public fishing or boating access area,~~ shall deposit debris or refuse ~~anywhere~~ on the grounds of ~~the area.~~ a public fishing area or boating access area.

~~No person, when using any public fishing or boating access area, shall do any act that is prohibited or neglect to do any act that is required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use of the area.~~

~~(e)~~(k) No person shall operate a motorboat ~~in the public waters of North Carolina~~ within 50 yards of a Commission-owned or managed ~~boat launching ramp~~ boating access area at greater than "no wake speed", as defined in 15A NCAC 10F .0301. ~~wake" speed. For the purpose of this Rule, "no wake" speed means idling speed or a slow speed creating no appreciable wake.~~

~~(f) Except where facilities are provided or permits are issued, it is unlawful to use any boating access area for purposes other than the launching and retrieving of vessels and parking vehicles with vessel trailers. All other uses, including swimming, skiing, camping, building fires, operating concessions or other activities not directly involved with launching and retrieving of vessels are prohibited, except those activities for which the Commission has issued a permit. All organized activities and events require a permit from the Commission and can be applied for at [www.newildlife.org](http://www.newildlife.org). Permits shall be available for inspection by wildlife enforcement officers at the time the activity is taking place.~~

~~(g) Unless otherwise posted, it is unlawful to use any public fishing area for purposes other than fishing.~~

~~(h)~~(l) It is unlawful to feed or release wild, domesticated, or feral animals or birds ~~birds, domesticated animals and feral animals~~ on public fishing areas or boating access areas without prior written authorization ~~of from~~ the Wildlife Resources Commission. Written authorization ~~Authorization will only~~ may be granted to persons ~~individuals~~ acting

on behalf of the Commission, ~~to persons those~~ conducting scientific investigations or surveys, ~~and or~~ for release of rehabilitated wildlife. ~~Written authorization will not be granted for any feeding or release that is inimical to the conservation of native wildlife resources. For the purpose of enforcing~~ As applied in this Paragraph, "domesticated animals" does not include pets under the control of the owner and raptors or hunting dogs where otherwise permitted for hunting or training purposes.

~~(i) The use of gasoline powered motors on Ethridge Pond Public Fishing Area and Newbold Pond Public Fishing Area in Edgecombe County is prohibited.~~