



Fiscal Note for No-Wake Zone Rule
15A NCAC 10F .0321 Pender County, Town of Surf City

Agency Contact: Betsy Haywood
Water Safety Rules Coordinator
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC 27606
(919) 707-0011
betsy.haywood@ncwildlife.org

Melva Bonner
Regulatory Analyst
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC 27606
(919) 707-0014
melva.bonner@ncwildlife.org

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

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

BACKGROUND

The Town of Surf City applied for rulemaking to mitigate hazards to boater safety. The Town Council is concerned about safe and reasonable operation of vessels in busy commercial areas along the waterfront. The Town of Surf City reports data from the 2020 U.S. Census Bureau that shows a ten-year population increase from 2010 to 2020 of 108.7 percent in Surf City alone, and a 15.3 percent population increase in Pender County. Regulation of the waters around Surf City Boating Access Area, Soundside Park, Sears Landing and restaurants, Blackbeard’s Treasure Campground, restaurants, boat rentals, and charter fishing businesses will mitigate hazards to vessel safety and navigation and to other water recreationists who use the area.

Because the Town of Surf City abuts the Intracoastal Waterway (ICW), which is under the purview of the U.S. Army Corps of Engineers (USACE), the USACE Wilmington District was consulted before considering rulemaking. The USACE concurrence provided that the Town applicants work with them for appropriate placement of pilings in the water and signage that clearly states that State rulemaking does not encroach upon the ICW and its setback channel. The Town is working directly with the USACE Wilmington District for permitting for marker placement.

Proposed amendments to Rule 15A NCAC 10F .0321 Pender County – Town of Surf City (APPENDIX 1), will create no-wake zones along the shoreline of the Town of Surf City, separated by the ICW and USACE channel setback. One no-wake zone includes the waters of Topsail Sound and Topsail Creek north of the channel setback, beginning at a line from a point east of the N.C. Highway 210 Surf City Bridge at 34.42975 N, 77.55213 W, then northeastward about 550 yards, to a line from a point north of the setback channel at 34.43294 N, 77.54837 W to a point on the island at 34.43327 N, 77.54873 W then northward including the waters of Topsail Sound and a portion of Topsail Creek to a line from a point on the town shoreline at 34.43425 N, 77.55069 W, to a point on the island at 34.43378 N, 77.55017 W.

South-southeast of the ICW, the no-wake zone begins at a line southeast of the channel setback from a point east of the N.C. Highway 210 Surf City Bridge at 34.42902 N, 77.55200 W, then northeastward about 480 yards to a point south of the channel setback at 34.43167 N, 77.54848 W, including the waters of Topsail Sound where the Surf City Boating Access Area and Soundside Park are located at 517 Roland Avenue.

IMPACT ANALYSIS

State Impact:

The proposed amendments have no anticipated State impact.

Local Impact:

The Town of Surf City will be responsible for purchase and placement of pilings and signage. As a result of the proposed amendments, the Town of Surf City is expected to incur an estimated cost of \$10,600 for the no-wake zones north and south of the ICW. This includes eight pilings placed by contractors at a total cost of \$9,600 (\$1,200/piling x 8 pilings=\$9,600), which includes cost of the piling and labor to place each piling and sign. The Town of Surf City will also purchase eight no-wake signs at a cost of \$125 each for a total of \$1,000 (\$125/sign x 8 signs=\$1,000). In addition to these one-time costs for pilings and signage, it is estimated that there will be an annual cost to the Town of Surf City to maintain the signs of no more than \$245 (\$125 to replace one sign + \$120 labor). Labor cost was estimated at \$30/hr¹ x 2 hrs x 2 technicians = \$120. These additional costs will only be incurred if a sign is damaged or missing.

Pender County is a coastal county subject to Coastal Area Management Act (CAMA) permitting requirements by the N.C. Department of Coastal Management. The N.C. Department of Environmental Quality and Coastal Resources Commission (blanket) Permit Number 101-20 issued to the Wildlife Resources Commission authorizes any coastal county in the State to replace or install Aids to Navigation (ATONS) at no additional cost.

Private Impact:

The proposed amendments are expected to have minimal private impact. The regulated community will not incur any direct financial cost because of this rule. Their behavior will be restricted in that boaters will be required to reduce speeds in the regulated portions of Topsail Sound and Topsail

¹ Calculated using 2024 average contractor salary and benefits.

Creek north and south side of the ICW and setback channels. The reduction in speed has the potential to improve boating traffic safety and reduce the potential for damage to vessels and collisions with water recreationists. Given the increasing vessel traffic and congestion experienced in this area, these potential benefits are likely to be realized; however, these benefits could not be quantified.

APPENDIX 1

15A NCAC 10F .0321 PENDER COUNTY

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

- ~~(1)~~ ~~the canal adjoining Olde Point Development in Hampstead;~~
- (1) Hampstead:
 - (A) the canal adjoining Olde Point Subdivision adjacent to the ICW near 2019 Kings Landing Road; and
 - (B) the waters within 50 yards of the Hampstead Boating Access Area adjacent to the ICW at 613 Lewis Road.
- (2) Town of Topsail Beach:
 - ~~(A)~~ ~~the First Finger Canal northeast of Godwin Drive in New Topsail Beach; Avenue adjacent to Banks Channel; and~~
 - ~~(B)~~ ~~Town of Topsail Beach, the waters on the eastern side of Banks Channel within 100 yards of the shoreline beginning 155 yards west of Bush's Marina, extending northeast ending 75 yards from the shoreline perpendicular to Haywood Avenue; Avenue.~~
- ~~(4)~~(3) Castle Hayne. the The waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge Bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area; and Area.
- ~~(5)~~(4) Town of Surf City, City:
 - (A) the waters of the channel in Topsail Sound known as Deep Creek, from near its mouth at a point at 34.43199 N, 77.54795 W 34.43208 N, 77.54808 W to its end west of Goldsboro Avenue. Avenue;
 - (B) the waters of Topsail Sound and Topsail Creek northeast of the channel setback of the ICW, beginning north of the channel setback east of the N.C. Highway 210 Surf City Bridge at a point at 34.42975 N, 77.55213 W, then 550 yards northeastward to a line from the point north of the channel setback at 34.43294 N, 77.54837 W to a point on the island at 34.43327 N, 77.54873 W, then northward including waters of Topsail Sound and a portion known as Topsail Creek to a line from a point on the town shoreline at 34.43425 N, 77.55069 W, to a point on the island at 34.43378 N, 77.55017 W; and
 - (C) the waters of Topsail Sound southeast of the channel setback of the ICW, beginning south of the channel setback and east of the N.C. Highway 210 Surf City Bridge at a point at 34.42902 N, 77.55200 W including the waters where the Surf City Boating Access Area and Soundside Park are located at 517 Roland Avenue, then 480 yards northeastward to a point south of the channel setback at 34.43167 N, 77.54848 W, adjacent to the mouth of Deep Creek.
- (5) Burgaw:
 - (A) the waters within 50 yards of the Shelter Creek Boating Access Area on Shelter Creek, at 12380 Shaw Highway;
 - (B) the waters within 50 yards of the Sawpit Landing Boating Access Area on the Northeast Cape Fear River, at 527 Whitestocking Road Extension; and
 - (C) the waters within 50 yards of the Holly Shelter Boating Access Area on the Northeast Cape Fear River, at 7271 Shaw Highway.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

~~(c) Placement of Markers. The Board of Commissioners of Pender County for the regulated areas designated in Subparagraphs (a)(1), (2), and (4) of this Rule, the Board of Commissioners of the Town of Topsail Beach for the regulated area designated in Subparagraph (a)(3) of this Rule, and the Board of Commissioners of the Town of Surf City for the regulated area designated in Subparagraph (a)(5) of this Rule shall be the designated agencies 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.~~

(c) Placement of Markers. The following agencies shall place markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) ~~The the Board of Commissioners of Pender County for the regulated areas designated in Subparagraphs(a)(1),(2), and (4) of this Rule, Part (a)(1)(A), (a)(2)(A), and Subparagraph (a)(3) of this Rule; and~~
- (2) ~~the Board of Commissioners of the Town of Topsail Beach for the regulated area designated in Subparagraph (a)(3) Part (a)(2)(B) of this Rule, and the Board of Commissioners of the Town of Surf City for the regulated area designated in Subparagraph (a)(5) of this Rule shall be the designated agencies 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. Rule.~~

(d) Placement and Maintenance of Markers. The following agencies shall place and maintain 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 Surf City for the markers for the regulated areas designated in Parts (a)(4)(A), (B), and (C) of this Rule; and
- (2) the North Carolina Wildlife Resources Commission for the markers for the regulated areas designated in Parts (a)(1)(B), and (5)(A), (B), and (C) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1976;
Amended Eff. July 1, 1993; December 1, 1991; May 1, 1989; October 1, 1985;
Temporary Amendment Eff. April 1, 1999;
Amended Eff. June 1, 2017; July 1, 2000;
Readopted Eff. October 1, 2018.*