



**Fiscal Note for No-Wake Zone Rule
15A NCAC 10F .0305 Brunswick County**

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
(919) 707-0014
melva.bonner@ncwildlife.org

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

Authority: G.S. 113-134; 113-306

BACKGROUND

South Jinks Creek

A proposed amendment to Rule 15A NCAC 10F .0305(a)(18) Brunswick County – Town of Sunset Beach (APPENDIX 1), will create a no-wake zone in a portion of South Jinks Creek, from a point in the navigation channel of the creek immediately north of the feeder channel, southward along a line in the navigation channel to a point on the beach shoreline at 33.87325 N, 78.49033 W, and will include the waters west of the line including the entire feeder channel with four finger canals, and the bay area. This portion of South Jinks Creek was recently dredged to accommodate busy boat traffic that uses the narrow navigation channel of the creek to and from the Intracoastal Waterway to the north. The safety hazards from dredging equipment, shallow water and shoaling necessitated temporary rulemaking over two years to mitigate boater safety and navigation hazards during the dredging project.

The Town of Sunset Beach applied for rulemaking to permanently establish and expand the no wake zone to continue to mitigate hazards to boater safety. The Town Council is concerned about safe operation of motorized and non-motorized vessels during low tides in shallow water with

multiple shoals and narrow dredged channels. The feeder channel is just 30 yards wide with narrow passage between docks on both sides and four narrow finger canals with docks on both sides located at the end of the feeder channel. There are multiple houses and 55 docks in the bay area with a narrow navigable area between the docks, in some places 20-30 yards, where maneuverability is limited.

Fox Creek

A proposed amendment to Rule 15A NCAC 10F .0305(a)(19) Brunswick County – Town of Sunset Beach (APPENDIX 1), will create a no-wake zone approximately 810 yards long along a portion of Fox Creek adjacent to North Shore Drive West, between 28th Street and 40th Street. The portion of Fox Creek is quite narrow and shallow such that navigation for motorized vessels is limited, mostly to high tide. Residents who routinely travel by boat to the Intracoastal Waterway (ICW) and back to their homes contend with tidal changes, obstructions, and diminished sight lines in the marsh and narrow channel.

The Town of Sunset Beach applied for rulemaking to mitigate hazards to boater safety. The Town Council is concerned about safe and reasonable operation of motorized and non-motorized vessels during low tides, with underwater obstructions that include sandbars and visible oyster beds. Motor boaters and dock owners are most concerned about hazardous conditions for tourists unfamiliar with the area, at high and low tide in the portion of the creek in front of the residential development. Non-motorized, low-profile vessels such as kayaks and canoes experience limited sight lines from marsh grasses and bends in the creek. There have been near misses from encounters between motorboaters, kayakers, personal watercraft operators, and anglers who are not underway.

IMPACT ANALYSIS

State Impact Analysis:

The WRC will be responsible for maintenance of the buoys once installed. It is anticipated that the total annual cost to maintain the buoys will not exceed \$200/year (assuming the chain and anchor are not needed) and only if a buoy goes missing or is destroyed and must be replaced. Costs for maintaining buoys will be covered under existing funds budgeted for maintenance and upkeep and will not require reallocation of funds.

Local Impact Analysis:

The Town of Sunset Beach will be responsible for the purchase and placement of the ten no-wake buoys needed to mark the no-wake zone in South Jinks Creek and Fox Creek. The purchase and installation are estimated to cost approximately \$2,348. This includes two technicians' time to place ten buoys (6 hours x 2 technicians x \$29¹/hr = \$348) and the cost of ten buoys, chains, and anchors (\$200/buoy, chain and anchor x 10=\$2,000).

Brunswick County is a coastal county subject to 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.

¹ Calculated using 2024 average contractor salary and benefits

Private Impact:

The proposed rule is anticipated to have 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 that boaters will be required to reduce speeds in the regulated portions of South Jinks Creek and Fox Creek. The reduction in speed has the potential to improve boating traffic safety and reduce the potential for collisions with boaters and other water recreationists. Given that these are shallow, narrow waters with multiple underwater obstructions and diminished sight lines, and these areas are heavily trafficked, these potential benefits are likely to be realized. However, these benefits could not be quantified.

APPENDIX 1

15A NCAC 10F .0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the ~~waters described as follows:~~ following waters:

- (1) Lockwood 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 S.R. 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 Lockwood 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) Morningstar Marinas Southport, 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 S.R. 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 S.R. 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;
- (9) Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at ~~33.89567 N, 78.51194 W;~~ 33.89551 N, 78.44077 W;
- (11) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;

- (12) Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (13) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;
- (14) within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (15) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;
- (16) within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow;
- (17) within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash;
~~and~~
- ~~(18) within 50 yards of the Dutchman Creek Boat Ramp on Dutchman Creek in Southport.~~
- (18) South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel from a point at 33.87617 N, 78.49297 W to a point at 33.87664 N, 78.49164 W, southward, west of a line to a point on the shore at 33.87325 N, 78.49033 W, including the waters of the feeder channel, four finger canals, and the Bay Area; and
- (19) Fox Creek in the Town of Sunset Beach, the navigation channel north of North Shore Drive West, from a point at 33.87250 N, 78.51091 W westward to a point at 33.87072 N, 78.51755 W.

(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 and Maintenance of Markers. The following agencies shall place or 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 Aldermen of Varnamtown for placement in the area indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for placement in areas indicated in Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; ~~and~~
- (3) the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) ~~through (18)~~ through (17) of this ~~Rule~~ Rule; ~~and~~
- (4) the Town Council of the Town of Sunset Beach for placement in areas indicated in Subparagraphs (a)(18) and (19) 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. May 1, 2021; July 1, 2018;

Temporary Amendment Eff. October 1, 2022;

*Temporary Amendment Eff. August 15, 2023;
Amended Eff. February 1, 2024.*