

1 15A NCAC 10F .0321 is proposed for amendment as follows:

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3 **15A NCAC 10F .0321 PENDER COUNTY**

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

5 ~~(1) the canal adjoining Olde Point Development in Hampstead;~~

6 (1) Hampstead:

7 (A) the canal adjoining Olde Point Subdivision adjacent to the Intracoastal Waterway (ICW)
8 near 2019 Kings Landing Road; and

9 (B) the waters within 50 yards of the Hampstead Boating Access Area adjacent to the ICW at
10 613 Lewis Road.

11 ~~(2) NewTopsail Beach, Town of Topsail Beach:~~

12 (A) the First Finger Canal northeast of Godwin Avenue adjacent to Banks Channel; and Drive
13 in New Topsail Beach;

14 ~~(3) (B) Town of Topsail Beach,~~ the waters on the eastern side of Banks Channel within 100 yards
15 of the shoreline beginning 155 yards west of Bush's Marina, extending northeast ending 75
16 yards from the shoreline perpendicular to Haywood ~~Avenue;~~ Avenue.

17 ~~(4)(3) Castle Hayne, the~~ The waters of the Northeast Cape Fear River between the U.S. Highway 117
18 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access ~~Area;~~ and Area.

19 ~~(5)(4) Town of Surf City, City:~~

20 (A) the waters of the channel in Topsail Sound known as Deep Creek, from near its mouth at a
21 point at 34.43199 N, 77.54795 W 34.43208 N, 77.54808 W to its end west of Goldsboro
22 Avenue. Avenue.

23 (B) the waters of Topsail Sound and Topsail Creek northeast of the channel setback of the
24 ICW, beginning north of the channel setback east of the N.C. Highway 210 Surf City
25 Bridge at a point at 34.42975 N, 77.55213 W, then 550 yards northeastward to a line from
26 the point north of the channel setback at 34.43294 N, 77.54837 W to a point on the island
27 at 34.43327 N, 77.54873 W, then northward including waters of Topsail Sound and a
28 portion known as Topsail Creek to a line from a point on the town shoreline at 34.43425
29 N, 77.55069 W, to a point on the island at 34.43378 N, 77.55017 W; and

30 (C) the waters of Topsail Sound southeast of the channel setback of the ICW, beginning south
31 of the channel setback and east of the N.C. Highway 210 Surf City Bridge at a point at
32 34.42902 N, 77.55200 W including the waters where the Surf City Boating Access Area
33 and Soundside Park are located at 517 Roland Avenue, then 480 yards northeastward to a
34 point south of the channel setback at 34.43167 N, 77.54848 W, adjacent to the mouth of
35 Deep Creek.

36 (5) Burgaw:

1 (A) the waters within 50 yards of the Shelter Creek Boating Access Area on Shelter Creek, at
2 12380 Shaw Highway;

3 (B) the waters within 50 yards of the Sawpit Landing Boating Access Area on the Northeast
4 Cape Fear River, at 527 Whitestocking Road Extension; and

5 (C) the waters within 50 yards of the Holly Shelter Boating Access Area on the Northeast Cape
6 Fear River, at 7271 Shaw Highway.

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

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

11 (1) ~~The~~ the Board of Commissioners of Pender County for the regulated areas designated in
12 ~~Subparagraphs (a)(1), (2), and (4) of this Rule;~~ Part (a)(1)(A) and (a)(2)(A) of this Rule; and

13 (2) the Board of Commissioners of the Town of Topsail Beach for the regulated area designated in
14 ~~Subparagraph (a)(3)~~ Part (a)(2)(B) of this Rule. ~~Rule, and the Board of Commissioners of the Town~~
15 ~~of Surf City for the regulated area designated in Subparagraph (a)(5) of this Rule shall be the~~
16 ~~designated agencies for placement of the markers implementing this Rule, subject to the approval~~
17 ~~of the United States Coast Guard and the United States Army Corps of Engineers.~~

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

20 (1) the Board of Commissioners of the Town of Surf City for the markers for the regulated areas
21 designated in Parts (a)(4)(A), (B), and (C) of this Rule; and

22 (2) the North Carolina Wildlife Resources Commission for the markers for the regulated areas
23 designated in Parts (a)(1)(B), and (a)(5)(A), (B) and (C) of this Rule.

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

26 *Eff. May 1, 1976;*

27 *Amended Eff. July 1, 1993; December 1, 1991; May 1, 1989; October 1, 1985;*

28 *Temporary Amendment Eff. April 1, 1999;*

29 *Amended Eff. June 1, 2017; July 1, 2000;*

30 *Readopted Eff. October 1, 2018.*