

1 15A NCAC 10F .0301 is proposed for amendment as follows:

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3 **15A NCAC 10F .0301 GENERAL PROVISIONS**

4 (a) Definitions. The definitions used in G.S. 75A-2 shall apply in this Subchapter. In addition, the following  
5 definitions shall apply to all rules in this Section: ~~apply:~~

- 6 (1) "Designated agency" means a subdivision of the State that the Commission designates for the  
7 purchase and placement of markers that conform to USATONS standards;
- 8 (2) "Executive Director" means the Executive Director of the Commission;
- 9 (3) "Mooring area" means an area on the water delineated by speed zone markers where vessels may  
10 be tied to objects anchored on the seabed;
- 11 (4) "Placement of markers" means putting regulatory and information markers in areas specified by the  
12 Rules of this Section and includes the re-placement of dislocated markers and the replacement of  
13 missing markers.
- 14 (5) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape  
15 against a white background, used to alert a mariner to warnings or regulatory matters, as defined in  
16 33 CFR 62.33;
- 17 (6) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel  
18 speed;
- 19 (7) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access  
20 is limited to authorized persons and vessels, as defined in 33 CFR 165.20.
- 21 (8) "Swimming area" means an enclosed area on the water for swimming that is marked against entry  
22 by vessels; and
- 23 (9) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and  
24 aids to navigation that mark navigable waters of the United States. The rules governing USATONS  
25 in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and  
26 editions and can be found free of charge online at [www.ecfr.gov](http://www.ecfr.gov).
- 27 ~~(1) "Executive Director" means the Executive Director of the Commission;~~
- 28 ~~(2) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and~~  
29 ~~aids to navigation that mark navigable waters of the United States. The rules governing USATONS~~  
30 ~~in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and~~  
31 ~~editions and can be found free of charge online at [www.ecfr.gov](http://www.ecfr.gov);~~
- 32 ~~(3) "Designated agency" means a subdivision of the State that the Commission designates for placement~~  
33 ~~of markers that conform to USATONS standards;~~
- 34 ~~(4) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape~~  
35 ~~against a white background, used to alert a mariner to warnings or regulatory matters, as defined in~~  
36 ~~33 CFR 62.33;~~

- 1           ~~(5) "Swimming area" means an enclosed area on the water for swimming that is marked against entry~~  
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5           ~~(7) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel~~  
6           ~~speed; and~~  
7           ~~(8) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access~~  
8           ~~is limited to authorized persons and vessels, as defined in 33 CFR 165.20.~~

9       (b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to  
10       the Commission for rules on waters within the subdivision's territorial limits on an application provided by the  
11       Commission at [www.ncwildlife.org](http://www.ncwildlife.org). The completed application and supporting documents shall be mailed to the No  
12       Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North  
13       Carolina 27699-1701 or submitted via email to ~~nowakezonecoordinator@ncwildlife.org~~.  
14       [nowakezonecoordinator@ncwildlife.gov](mailto:nowakezonecoordinator@ncwildlife.gov). The application shall contain the following information:

- 15           (1) the name of the subdivision of the State applying for water safety rulemaking;  
16           (2) the date of the application;  
17           (3) the contact person's name, telephone number, and mailing address;  
18           (4) descriptive information for the body of water;  
19           (5) location of the proposed no wake zone, marked swimming area, or other regulated area;  
20           (6) a statement that the subdivision of the State has given public notice of its intention to apply for  
21           rulemaking on waters within its territorial limits;  
22           (7) a resolution from the subdivision of the State requesting water safety rulemaking; and  
23           (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and  
24           placement of markers that conform to USATONS standards.

25       ~~(c) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas~~  
26       ~~established by rules in this Section. The designated agency or its designee shall be responsible for the purchase and~~  
27       ~~placement of markers conforming to USATONS required to implement a water safety rule.~~

28       ~~(d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to~~  
29       ~~place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place~~  
30       ~~information markers without permission from the Executive Director or his or her designee.~~

31       ~~(e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers.~~

32       ~~(f)~~(c) Swimming Areas. No vessel entry shall be permitted in the waters of marked swimming areas. Marked  
33       swimming areas shall meet the following requirements:

- 34           (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;  
35           (2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an  
36           enclosed area;

- 1 (3) the swimming area shall not extend into a navigational channel or interfere with navigation of  
2 vessels;
- 3 (2) float lines shall have white, international orange, or alternating white and international orange floats  
4 along their length at intervals of not less than one every 10 feet;
- 5 (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line,  
6 and no float shall exceed a size of 18 inches in length or diameter;
- 7 (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to  
8 float lines to give warning to vessels approaching the swimming area from all directions; and
- 9 (5) float lines and warning markers shall be anchored.

10 ~~(g)~~(d) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment  
11 structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed  
12 in the water. Markers shall meet USATONS standards in number and size to give warning of the restriction to vessels  
13 approaching from all directions.

14 ~~(h)~~(e) Enforcement. If an agent of the Commission discovers markers and navigational aids that do not conform to  
15 USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated  
16 area, written notice shall be served upon the individuals responsible for the improper placement of the markers or  
17 navigational aids. Individuals served a written notice of violation shall have 10 days to correct any deficiency before  
18 the Commission issues a citation.

19 ~~(i)~~(f) Miscellaneous Restrictions.

- 20 (1) Except for mooring buoys or markers that are specifically permitted by State or federal law, it shall  
21 be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05.
- 22 (2) It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or  
23 tamper with any marker lawfully placed in the waters of North Carolina in conformity with these  
24 rules or USATONS standards.
- 25 (3) Except where done by supervening federal authority, it shall be unlawful for anyone to place  
26 regulatory markers or navigational aids without authorization from the Commission; or to place  
27 information markers without permission from the Executive Director or his or her designee.

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29 *History Note: Authority G.S. 75A-15;*  
30 *Eff. February 1, 1976;*  
31 *Amended Eff. November 1, 1993; March 25, 1978;*  
32 *Temporary Amendment Eff. July 1, 1998;*  
33 *Amended Eff. April 1, 1999;*  
34 *Readopted Eff. November 1, 2018;*  
35 *Amended Eff. February 1, 2023.*  
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