

APPLYING FOR A NO WAKE ZONE

REQUEST INVESTIGATION

The local unit of government contacts No Wake Zone Coordinator to request investigation of area to determine whether statutory authority may exist for establishment of a no wake zone. Coordinator requests that Enforcement provides a recommendation to the NWZ Coordinator about whether sufficient safety hazards exist to meet the statutory authority of the WRC to enact a no wake zone in public trust waters.

RESULTS OF INVESTIGATION

NWZ Coordinator provides the local unit of government with the recommendation of Enforcement as to whether a no wake zone is necessary.

DECISION TO APPLY

Local unit of government receives a recommendation to proceed.

OR

The local unit of government receives a recommendation that a no wake zone may not be statutorily necessary. The local unit of government still may decide to apply for final decision by the Wildlife Resources Commission.

APPLICATION FOR RULEMAKING

If the local unit of government decides to proceed with rulemaking, the application for rulemaking begins.

- Public notice must be given
- Submit resolution to WRC requesting rulemaking
- Submit D-1 application form

OSBM REVIEW

Upon receipt of application, No Wake Zone Coordinator submits a fiscal note for review by the Office of State Budget and Management. The agency must provide an analysis of the fiscal impact of any Administrative Rule (OSBM has 60 days to review).

OR

The Local unit of government decides not to proceed.

No further action.

CONSIDERATION BY THE NCWRC

The application for rulemaking and fiscal note review are considered by the NCWRC in official meeting.

OR

NCWRC APPROVES

NCWRC approves promulgating rulemaking for the proposed no wake zone by submitting Notice of Text in the NC Register for at least 60 days with an open comment period.

After the 60 day open comment period, the WRC, in official meeting, considers public comments and provides final adoption of the no wake zone rule.

NCWRC DENIES

NCWRC denies the application for no wake zone rulemaking. Applicant is notified in writing of reasons for denial of application.

No further action.

RRC REVIEW

The adopted rule is sent to the Rules Review Commission for consideration of the rule at their next meeting (30 to 60 days) for:

- statutory authority
- clarity
- necessity
- compliance with procedures

RULE BECOMES EFFECTIVE

With approval by RRC, the rule becomes effective on the first of the month following the meeting of the RRC and is codified in the North Carolina Administrative Code.

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Rulemaking procedures must comply with requirements of GS 150B–NC Administrative Procedure Act and GS 75A–Rules on water safety. Implementation timelines may vary due to regulatory reviews.