NO-WAKE ZONING MATRIX

SECTION 1:

Name of organization/entity: _Jackson County

Primary contact information: _Jan Fitzgerald, Asst. to County Mgr. Don Adams

828-631-2295 jcfitzgerald@jacksonnc.org

Exact location of requested no-wake zone:

Body of water: ___Glenville Lake_____

Location: _northern end of lake near Cullowhee_____

Popular name of area, if any: _____

Width of No-Wake Zone: Narrowest Point: 220' at Low Water Widest Point: 400' at Low Water

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc) _Glenville Lake near where the Pine Creek Boating Access Area makes sharp turn south into the main body of the lake. There are two islands and the congested area with swimmers, kayakers and other motorless vessels is west of the islands, shore to shore.

Attach map of designated no-wake zone – **map is attached along with photos showing safety hazards**

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

Attach detailed reason given from point of contact for the request

Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corp of Engineers or the Division of Coastal Management (CAMA) i.e.; Intracoastal Waterway?

YES ☐

NO ☒

(When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.)

SECTION 2:

PUBLIC SAFETY HAZARD

What public safety hazard exists? Potential safety concerns during high traffic volume times only due to motor and manual powered vessels as well as swimmers accessing two private islands owned by Duke Energy.

Is this a public swimming or recreational area?

NO ☒

YES ☐ would the establishment of a swimming area or placement of regulatory buoys be more appropriate? YES ☐ NO ☐

SECTION 3:

NAVIGATIONAL HAZARDS

Identify any and all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS ☐ (Identify) _____

NARROW CHANNEL ☒ (give approximate width) Approximately 220' at low water line.

SHALLOW WATER ☐ (give average depth) _____

OBSTRUCTED VISION ☐ (for approximately how great a distance) _____

STRUCTURES (Check all applicable)

☐ DAM ☐ LOCK

☐ SPILLWAY ☐ JETTY

☐ FLOOD CONTROL STRUCTURE	☐ SUBMERGED STRUCTURE
☐ TRESTLE	☐ SANDBAR
☐ POWER LINE	☐ SHOAL
☐ FUELING DOCK	☒ PRIVATE DOCKS
☐ RESTURANT DOCKS	☐ BRIDGE
☐ ACCESS AREA/BOAT LAUNCH	☐ PIER

OTHER (list and describe) There are two private docks located within the proposed area. One is located at the narrowest portion of the area.

SECTION 4:

If approved, will the no-wake zone extend into a designated channel?

NO ☒

YES ☐ (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed Approximately .15 of a mile

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed 3 minutes

SECTION 5:

List any other known incidents, safety concerns or problems that have occurred? As of the creation of this report, no incidents, safety concerns or problems have been observed or brought to the attention of Wildlife Officers in reference to the proposed area.

Rate traffic density in this area from light to heavy **LIGHT** 1 2 3 4 5 6 7 8 9 10 **HEAVY**

Is traffic density specific to weekend/and or holidays? Yes, otherwise there is minimal traffic

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES ☐ NO ☒

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water **VERY UNLIKELY** 1 2 3 4 5 6 7 8 9 10 **MORE LIKELY**

SECTION 6:

OFFICER RECOMENDATION

YES: ☐

NO: ☒

Reason for decision: It is my recommendation to deny the request for a no wake zone in the purposed area. At the current low water mark and very light traffic there is no safety concern. I have observed the general area with more congestion at peak traffic density during weekends and holidays. However, with the proposed area being larger than similar areas on the lake with relatively the same traffic, I do not feel it is necessary to limit motorboat operations to no wake speed. Manual powered vessels and swimmers should proceed in this area with due regard to safety of themselves and others just as a motorvessel should during peak traffic times. While this area is popular for swimming along the shoreline of the islands from beached vessels, it would never be recommended to swim the open water between the islands and the main shoreline. I feel that adding a no wake zone would only encourage this activity with a perception of safety that would not necessarily exist. It is also my understanding that the islands are owned by Duke Energy. The creation of a no wake zone may also create more traffic for this area and a perception that the beaches on the islands area public areas.

Officer: Chris Wilkins Badge# 963

December 6, 2017

Mr. Brian McMahan, Chairman of the Board
Jackson County Board of Commissioners
401 Grindstaff Cove Road
Sylva, North Carolina 28779

Dear Mr. McMahan:

We ask that the Jackson County Board of Commissioners formally apply to the North Carolina Wildlife Resources Commission (NCWRC) to establish a No Wake Zone on Glenville Lake for the area designated on the attached maps. As noted in our letter to this Board on July 20, 2017, the safety of this area has been negatively impacted by the significant increase in boat traffic in the past three years, which has arisen due to the public enhancements made to the Powerhouse Boating Access Area, the Pine Creek Boating Access Area, and the Pines Recreation Area.

We understand that a NCWRC officer preliminarily recommended not to establish a No Wake Zone. That recommendation, however, is flawed, as we outline in the attached document. Additionally, the NCWRC No Wake Zone Coordinator emphatically noted in her correspondence with the Jackson County Manager's office that despite the officer's preliminary recommendation, "HOWEVER, the final decision whether to approve rests with the Wildlife Resources Commission in an official meeting." The County Manager's office has also already received confirmation from the NCWRC that there will be the opportunity to provide written and verbal information to the NCRWC and to make a presentation to the NCWRC at its meeting.

When the County's formal application is made, the NCWRC has said that they will need to know how the initial installation will be funded. Based upon an approximation of the cost of buoys ($250 each) provided by the NCWRC, we estimate the installation cost would be less than $3,000. Because of our concern for the safety of this area, we are offering to pay for half of the cost of the installation up to $1,500.

We appreciate your consideration of this important matter. Margaret McRae (828-743-3539, mmcrae46@gmail.com) or Joyce Waterbury (919-616-2979, waterburync@gmail.com) may be contacted to provide further information or answer questions.

Sincerely,

Margaret McRae
Margaret McRae
1857 Woods Mountain Trail
Cullowhee, NC 28723

Joyce Waterbury
Joyce Waterbury
1946 Woods Mountain Trail
Cullowhee, NC 28723

With approval by and on behalf of:

Lynda Leslie Trader
1807 Woods Mountain Tr.
Cullowhee, NC 28723

Margaret and Will McRae
1857 Woods Mountain Tr.
Cullowhee, NC 28723

George and Kathy Gruber
1899 Woods Mountain Tr.
Cullowhee, NC 28723

Jan Steiner
1964 Woods Mountain Tr.
Cullowhee, NC 28723

Helen Cook, Roy Eustace
1936 Woods Mountain Tr.
Cullowhee, NC 28723

Ed and Diana Hofer
1840 Woods Mountain Tr.
Cullowhee, NC 28723

Doug and Viveka Jennings
1954 Woods Mountain Tr.
Cullowhee, NC 28723

Joyce Waterbury,
Raymond and Gail Ferri
1946 Woods Mountain Tr.
Cullowhee, NC 28723

cc: Don Adams, donadams@jacksonnc.org
Jan Fitzgerald, jcfitzgerald@jacksonnc.org

Enclosures

Glenville Lake No Wake Zone Request
Response to Preliminary Recommendation by Officer Wilkins

In 2014, the North Carolina Wildlife Resources Commission opened two new public boating access areas at the north end of Glenville Lake. In 2015, Duke Energy opened the nearby Pines Recreation Area. While these three projects have succeeded in increasing public access to Glenville Lake, an unintended outcome of their success has been the creation of a safety hazard in a nearby narrow area of the lake for which a No Wake Zone is proposed.

Officer Wilkins has submitted a preliminary recommendation to not establish a No Wake Zone. He makes four points in his conclusion. The petitioners disagree with each point. The points are as follows:

1) In his opinion, there are smaller similar areas on the lake with relatively the same traffic. It is not possible to verify the accuracy of this, since the officer does not provide any specifics. However, the petitioners are unaware of any such unmarked areas. Nor are there any other islands on the lake that for are for public access and swimming. Moreover, even if there are similar spans that are unmarked, that would not be a valid reason to avoid improving the safety of this zone which has been identified as hazardous.

2) Officer Wilkins suggests that swimmers and manual powered vessels are sufficiently safe by proceeding with normal due regard for personal safety, based on his stated assumption that motorboats will do the same. Ideally, this would be true. However, it is precisely *because* motorboats are **not** currently proceeding "with due regard to safety for themselves and others" that this petition is being made. It has been continually observed that swimmers/manual boaters are at risk from motorized boat traffic, whether it is because they are farther out from shore than desirable, or because motor boats are too close in the narrow passage. Many boats do not slow down because they are unaware of the swimmers/manual boaters and cannot see them when coming around the curve at a fast rate of speed. The county or state would not deem a roadway speed-limit unnecessary (especially around curves or on narrow roads) based on the assumption that drivers would simply drive a reasonable speed.

3) The officer feels that adding a No Wake Zone would encourage swimming between the islands and mainland with a perception of safety that would not necessarily exist. It is not logical to contend that the county or state should not make an area safer because then people might believe it to be so. We strongly disagree with the idea that an area should not be made safer because it might not be 100% safe. If the officer is concerned about swimmers' safety against boat traffic, this is a point *for* rather than against safety measures. And, the officer has not cited any reason to believe that the addition of No Wake Zone buoys would encourage people to engage in dangerous behavior in which they would not have otherwise engaged.

4) The officer feels that establishing a No Wake Zone might create more traffic by the perception that the island beaches are public areas. This ignores the fact that these islands are open to and used by the public, and that the shores of the island are already frequently full. Although the islands are private property, Duke Energy makes them open during the day to the public. On the company's "Island Use Guidelines" website, they state "Duke Energy welcomes and encourages the public to use the lakes for recreational purposes."[1] For practical purposes, these are not private islands.

In summary, this area has been identified by neighbors who observe the traffic, as a high-risk area during summer weekends and holidays. It is understood that a No Wake Zone will not provide 100% safety. Nonetheless, this minor change can easily mitigate much of the risk to which swimmers and manual boaters are currently subject. The cost of the No Wake Zone is insignificant considering the safety it would provide. The inconvenience to boaters is minimal as they can either slow down or simply boat on the far side of the islands, where there is a much wider passageway.

The petitioners are therefore requesting a No Wake Zone for the safety of boaters and swimmers in the designated area.

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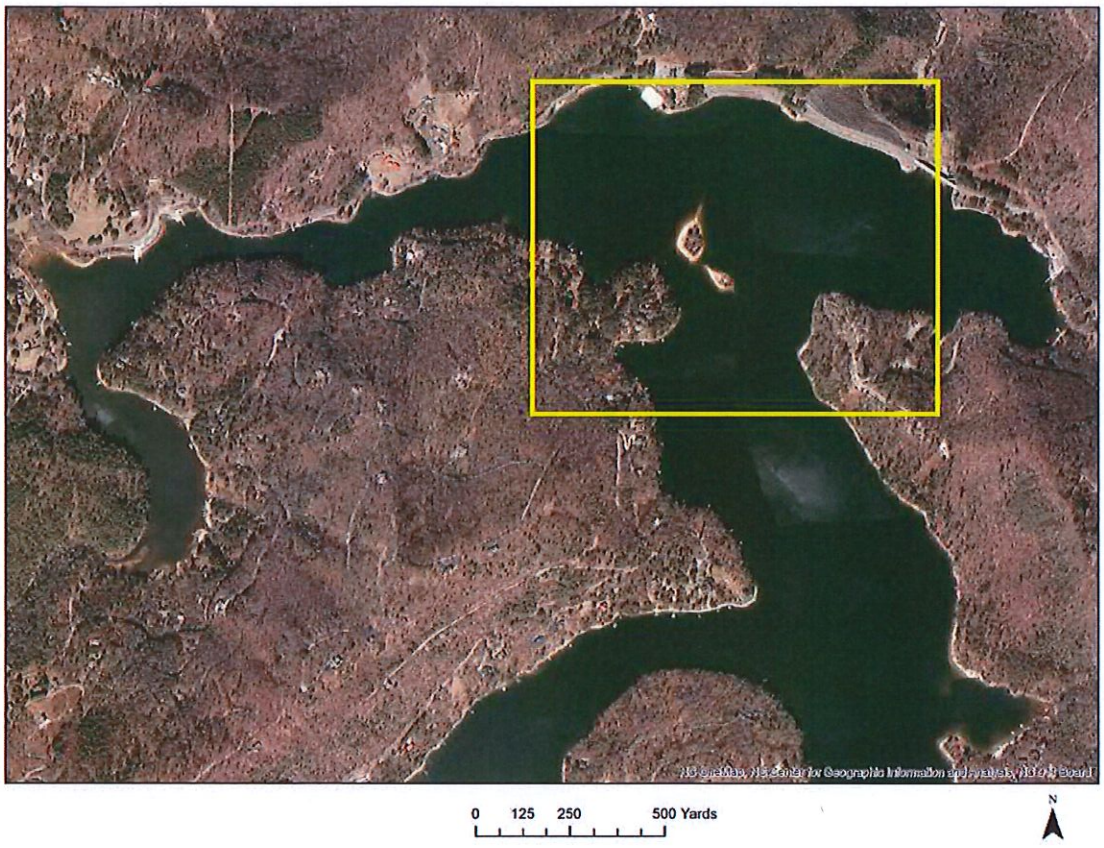
[1] (https://www.duke-energy.com/community/lakes/recreation-information/island-use-guidelines, accessed December 2, 2017)

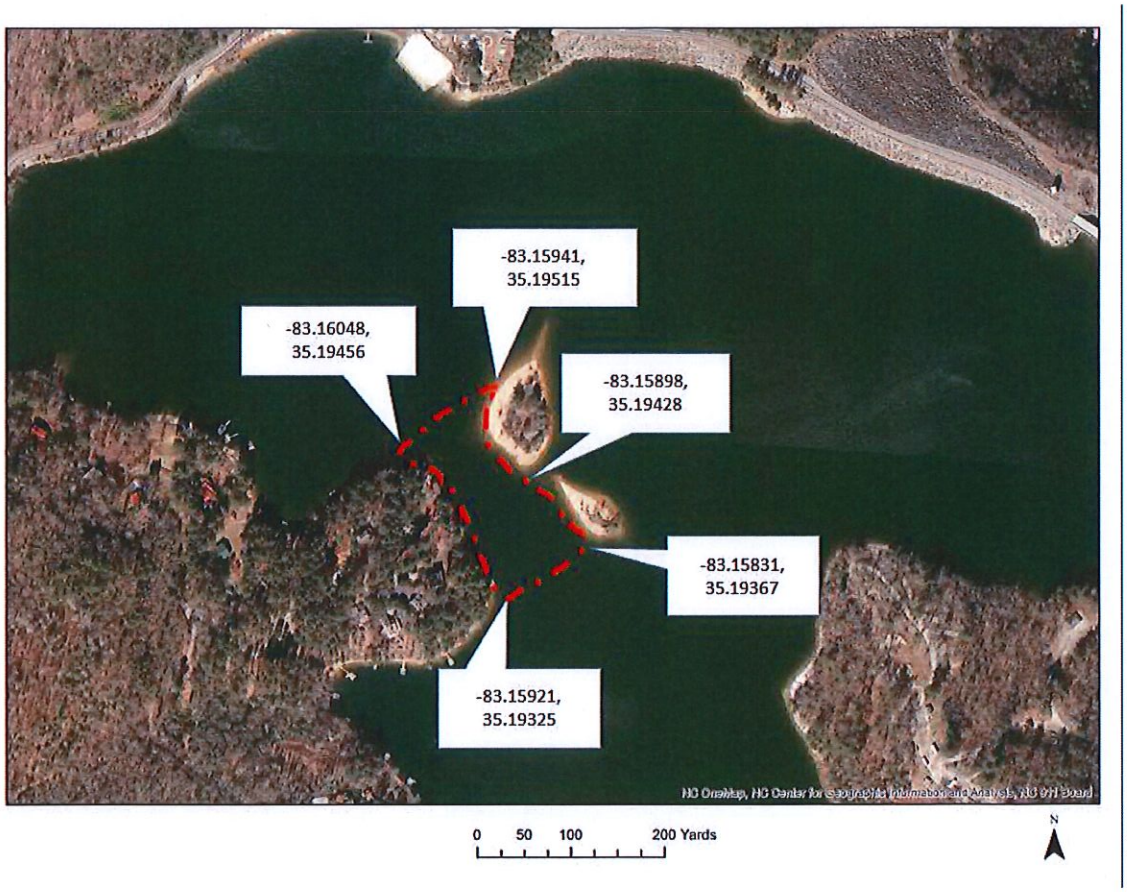
Upper Glenville Lake in Jackson County and study area (yellow rectangle)

Source: NC OneMap Orthoimagery 2015.



Proposed NWZ (red dashed line) and coordinates for selected locations in decimal degrees, based on visual reference in a geographic information system.

Source: NC OneMap Orthoimagery 2015.



GLENVILLE LAKE - NO WAKE ZONE (NWZ)

July 20, 2017 — Letter to Jackson County Commissioners to request NC Wildlife Resources Commission (NC WRC) investigate the establishment of a No Wake Zone in designated area on Glenville Lake. Letter attached.

August 15, 2017 — During Work Session Jackson County Commissioners request Glenville Lake No Wake Zone be placed on next regular meeting agenda for consideration.

August 28, 2017 — Jackson County Commissioners make a Motion to make a request for a No Wake Zone investigation to NC Wildlife Resources Commission for the described area on Glenville Lake during their regular meeting.

September 6, 2017 Request is made from Commissioners to No Wake Zone Coordinator with NC Wildlife Resources Commission.

November 9, 2017 — Receive email from No Wake Zone Coordinator (Betsy Haywood) with recommendation from NC Wildlife Resources Commission Enforcement Division to **not** place a NWZ at Glenville Lake. NWZ Matrix regarding denial attached.

November 9, 2017 — Ms. Haywood states final decision whether to approve NWZ rests with the WRC in an official meeting. If Commissioners decide to apply for final decision by the WRC, they must:

- Advertise and hold a public hearing to gauge the public's interest in a NWZ.
- Submit certified Resolution asking WRC to proceed.
- Submit D-1 application form and map. D-1 Form attached.
- Memo stating whether the county or an individual will be responsible for purchase and placement of the NWZ markers. If a government unit is incurring the expense, Ms. Haywood is required to submit fiscal note for review by the Office of State Budget and Management.
- NWZ chain and anchor cost approximately $300.
- Ms. Waterbury is willing to split the cost with the County, she cannot speak for her neighbors.

November 21, 2017 — Jan Fitzgerald reaches out to Ms. Haywood with specific questions from individuals requesting NWZ.

November 28, 2017 — Ms. Haywood states interested parties can supply input to WRC in person, by phone or email prior to voting on a submitted application. At

the committee meeting, the application along with matrix submitted by Enforcement with their recommendation not to proceed will be presented to WRC. Speakers are allowed to present their findings and supporting information to the Committee at that meeting. Ms. Haywood is willing to ask the officer to speak to the reasons he recommended against it.

There is a WRC meeting scheduled for February 22, 2018. If Jackson County wishes to proceed with an application, Ms. Haywood can put it on the agenda for February 22, 2018. The agenda will be finalized the week of February 5, 2018.

If individuals requesting NWZ choose to speak in person at the WRC committee meeting, no one from the County is required to be present. If the County chooses to make any comments, they can be made in writing.

FORM D-1

North Carolina Wildlife Resources Commission

Application for Placement of No Wake Zone Markers Under the U.S. Aids to Navigation System on Navigable Waters of the State of North Carolina.

1. Governmental Unit: _____ Date: _____

   Mailing Address: _____ Phone # _____

   _____

2. In accordance with G.S. 75A-15, the above-named local governing unit hereby applies to the North Carolina Wildlife Resources Commission for a No Wake Zone in the following waters:

   Body of Water: _____

   Popular Name (if any): _____

   GPS Coordinates:_____

   Describe Area: _____

   Safety Hazard Prompting Request: (No Wake Zones will only be approved when evidence shows a danger to public safety) **Please attach a detailed summary of the hazardous conditions in the proposed area.**

   Note: Applicant must include a map of the area. Maps should be sufficiently clear that a person who is unfamiliar with the area can locate the area that is intended to be designated a No Wake Zone.

   Please include the following:

   a. A certified copy of the resolution from the above-named governmental unit:

      (1) requesting the special rules and regulations for the waters named in Item 2 and,

      (2) stating that public notice and its date and media source were given of the intention to make application to the Wildlife Resources Commission for the regulations which are being proposed.

   b. A copy of a map of the waters concerned showing the location and type and number of waterway markers that may be necessary.

   d. If the local unit of government agrees to purchase markers, include the estimated cost of placement of markers (buoys, signs, anchoring system, pilings if applicable). The North Carolina Wildlife Resource Commission is required to report the fiscal impact of any Rule. If purchase and erection of the markers is to be by someone other than the governmental unit, a memorandum identifying that person or entity is attached. The applicant or its designee shall be responsible for the placement of regulatory markers in accordance with the United States Aids to Navigation System. An unmarked No Wake Zone is unenforceable.

3. It is understood that the regulations promulgated by the North Carolina Wildlife Resources Commission for the placement of waterway markers in federally controlled waters requires concurrence by the United States Army Corps of Engineers.

5. No wake zone markers shall comply in color, shape and structural design with the U. S. Aids to Navigation System. Such markers shall be erected or installed within sixty days after receipt of notification of the last such official action.