

July 20, 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 are a group of residents and homeowners in Jackson County. We are writing to petition the Jackson County Board of Commissioners to request that the North Carolina Wildlife Resources Commission investigate the establishment of a No Wake Zone on Glenville Lake for the area designated on the attached maps. The area consists of a narrow passage between the mainland and two islands at the north end of the lake.

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 enhancements made to the Powerhouse Boating Access Area, the Pine Creek Boating Access Area and the Pines Recreation Area. As a result of the increased boat traffic, both boaters and swimmers are endangered.

In addition to the two maps outlining the proposed No Wake Zone, we are attaching a summary of the safety concerns and pictures illustrating the hazardous situation. We have also attached the flowchart of steps to obtain a No Wake Zone designation published by the North Carolina Wildlife Resources Commission. We appreciate your consideration of this important matter and would be pleased to discuss it with you prior to a Board meeting if that would be of assistance. 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

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
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Donnie and Patti Hicks 1932 Woods Mountain Tr. Cullowhee, NC 28723	Helen Cook, Roy Eustace 1936 Woods Mountain Tr. Cullowhee, NC 28723	Joyce Waterbury, Raymond and Gail Ferri 1946 Woods Mountain Tr. Cullowhee, NC 28723
Doug and Viveka Jennings 1954 Woods Mountain Tr. Cullowhee, NC 28723	Jan Steiner 1964 Woods Mountain Tr. Cullowhee, NC 28723	

c: Angie Winchester, angiewinchester@jacksonnc.org

Enclosures

Glenville Lake No Wake Zone Proposal Summary of Public Safety Concerns Prompting Request

In 2014, the North Carolina Wildlife Resources Commission opened two new public boating access areas at the north end of Glenville Lake. One year later, Duke Energy officially opened the nearby Pines Recreation Area. All three access areas are shown on the attached map (*"Exhibit A"*). 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 (*"Exhibit B"*). The details of the safety concern follow.

- 1) There are two small islands at the north end of the lake (*see Exhibits A and B*). The islands are approximately 250 feet from mainland. They are located where the arm of the lake housing the Pine Creek Boating Access Area makes a sharp turn south to enter the main body of the lake. Boaters and jet skiers make this abrupt turn onto the main body of the lake either already at a high rate of speed or quickly picking up speed as they see the open waterway. But the two islands create a narrow passageway with the western shoreline of the lake. As a result, there is high speed boat traffic in the narrow passage. It is common to have numerous boats going through at once, including jet skis jumping waves and circling the islands, and boats towing skiers or tubers. Summer weekend traffic is extremely dangerous. This high-speed boat congestion creates an excessive risk of a boat accident and neighbors have witnessed several near-misses.
- 2) These are the only two islands at the north end of the lake. Boaters, jet skiers, kayakers, and paddleboarders land there. Also, people swim to the islands from various places on the mainland. They all use the island shorelines for swimming, floating in tubes, takeoff spots for skiers and tubers, and swim areas for dogs (*see the pictures attached as "Exhibit C"*). Simultaneously, there are swimmers and recreationists off the docks extending out from the mainland. All these swimmers are extremely hard for boaters to see. If a boat is traveling at a high speed, coming around the curve, or looking behind at a skier, a swimmer is not easily spotted. This puts everyone in the water at extreme risk.
- 3) Moreover, frequent kayakers, canoers, and other operators of boats without motors prefer to use the narrow passage between the two islands and the western shoreline due to the desire to be shielded from faster boat traffic on the main body of the lake and the desire to operate near the shoreline. Operators of these small, slower boats cannot quickly maneuver to avoid high speed traffic.
- 4) The danger increases as the summer progresses due to the lowering of the lake level. The shorelines on all sides extend farther out, narrowing the channel even more (*see the pictures showing wider shorelines attached as "Exhibit D"*). At the same time, this creates an even more alluring beach on the islands for swimmers and picnickers. So, in late summer the risk for boaters and swimmers is even greater just when recreationists are most drawn to the islands.
- 5) Unfortunately, boating after sundown and consumption of alcohol while boating also take place. Again, the two islands provide a landing place where this type of activity occurs. When combined with excessive speed in a narrow location, this greatly increases safety risks.

Even with the proposed No Wake Zone, it should be noted that boaters who choose to maintain a high speed would still be able to drive on the far side of the islands where there is a much wider body of water and therefore, a reduced risk of accidents. Over the last three years there has been a significant increase in high-speed boat traffic at the north end of Glenville Lake. In the narrow passageway for which a No Wake Zone is proposed, this has created an elevated level of boat and personal safety risk. Simply reducing the speed with which boats and personal watercraft traverse the passage can mitigate much of the risk.

EXHIBIT A

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

Source: NC
OneMap
Orthoimagery
2015.



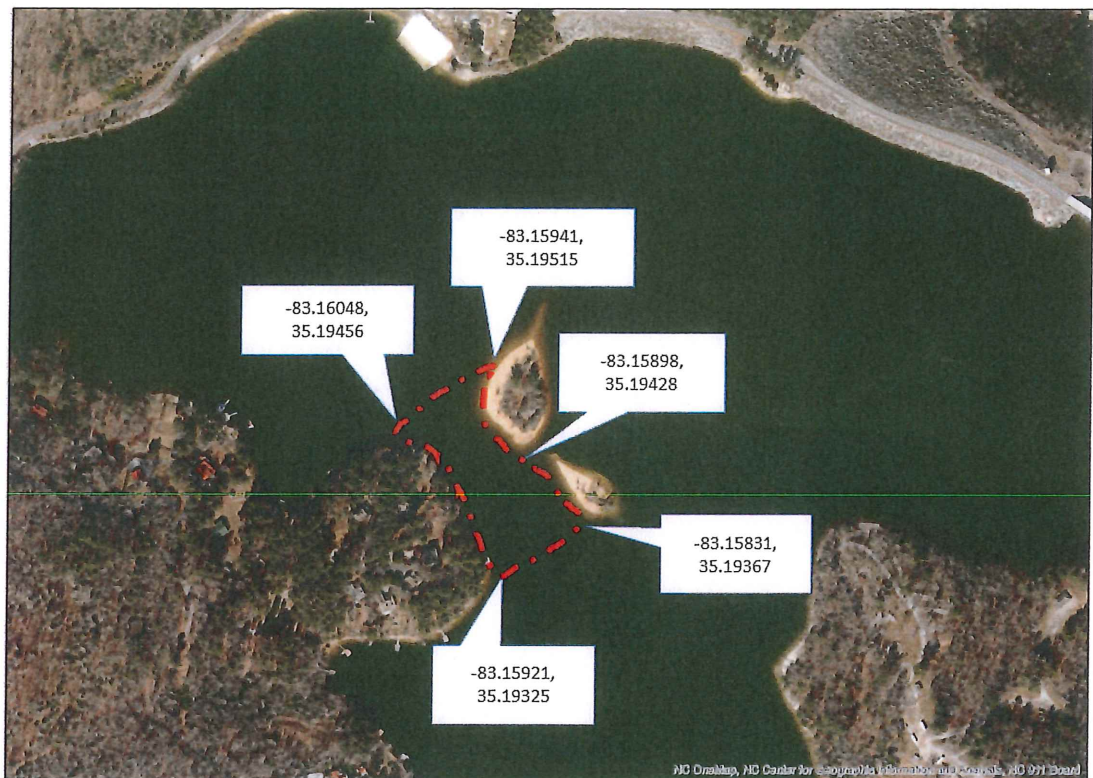
0 125 250 500 Yards



EXHIBIT B

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.



NC OneMap, NC Center for Geographic Information and Analysis, NC Off Board



EXHIBIT C1: Photograph of swimmers in close proximity to high-speed traffic on north-western shoreline of northern island. Taken facing north towards recreational users at Pines Recreation Area.



EXHIBIT C2: Photograph of multiple boats using northern entrance of the passageway off of northern island as a location to load and unload swimmers and stage water activities, such as tubing. Taken facing north towards recreational users at Pines Recreation Area.



EXHIBIT C3: Photograph of heavy, multi-purpose traffic in passageway off of western shore of northern island. Taken facing north towards recreational users at Pines Recreation Area.



EXHIBIT C4: Photograph of high-speed traffic between dock off of western shore and kayakers on southern island.



EXHIBIT C5: Photograph of high-speed traffic between western shoreline and recreational users on western side of northern island. Taken from western shoreline looking north-east.

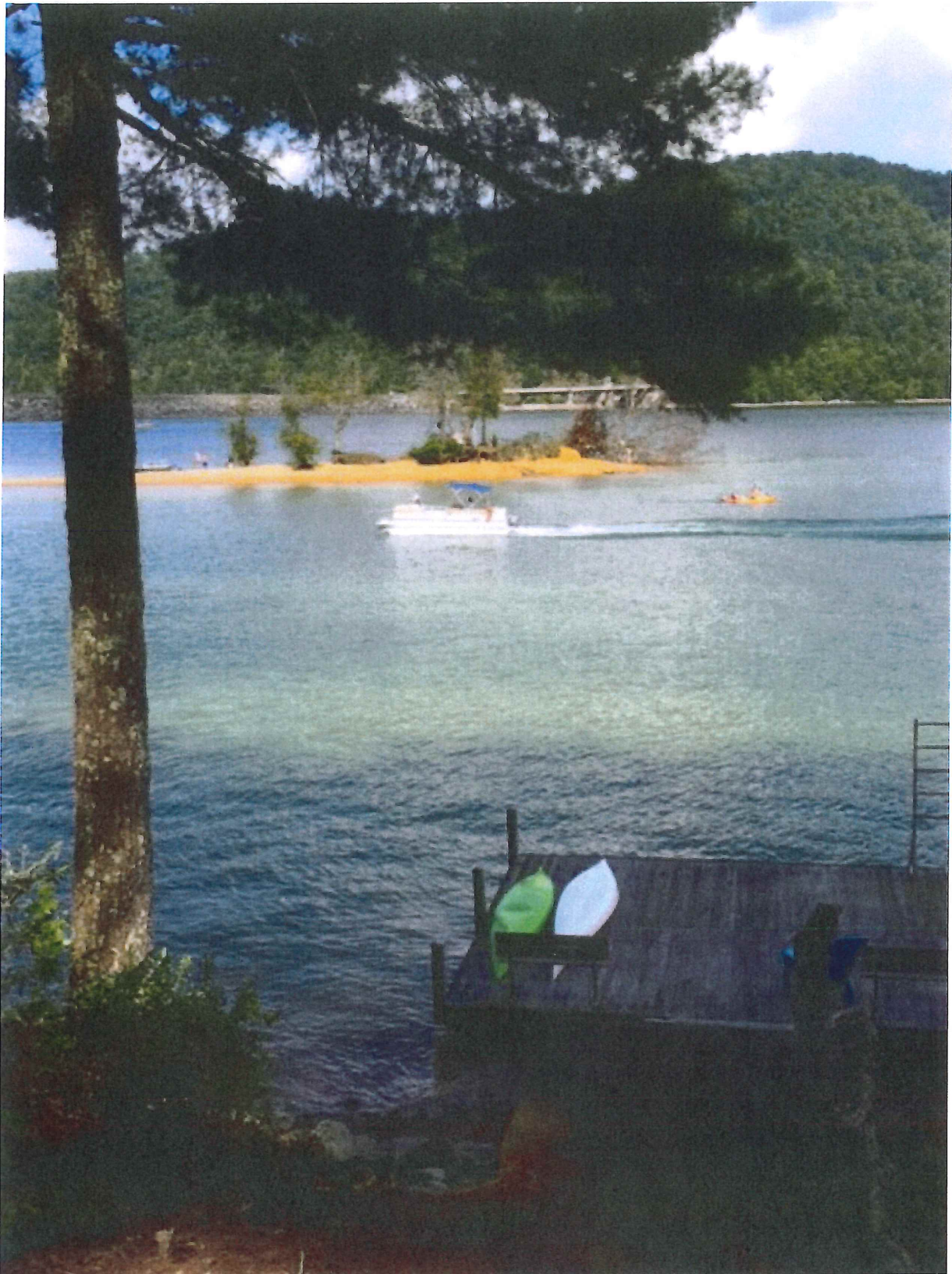


EXHIBIT D1: Photograph of increased shoreline on southern island during period of lower water levels. Taken from western shoreline facing east.



EXHIBIT D2: Photograph of increased shoreline on northern island during period of low water levels. Taken from western shoreline facing east.

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.

PETITION FOR RULEMAKING

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

- Applicant advertises and holds a public hearing to gauge the public's interest in a no wake zone
- Submit certified Resolution to WRC
- Submit D-1 application form and map

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 applicant's request for no wake zone rulemaking. Denial by WRC is final.

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.

Rulemaking procedures must comply with requirements of the N.C. Administrative Procedure Act, NCGS 150B. Implementation timelines may vary due to regulatory reviews.