

## Burgos, Alexander N

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**From:** Avery, Jonathan  
**Sent:** Thursday, May 21, 2026 11:39 AM  
**To:** Ascher, Seth M; Julie B. Eddins; Burgos, Alexander N  
**Subject:** RE: 07 NCAC 01A,B,D, 02H,I J, and 03

Hi Seth,  
Thank you! Please send me an evite for the meeting.  
Best,  
Jonathan

**Jonathan Avery**  
Assistant General Counsel  
N.C. Department of Natural & Cultural Resources  
919-814-6771  
jonathan.avery@dncr.nc.gov  
[www.dncr.nc.gov](http://www.dncr.nc.gov)  
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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Sent:** Thursday, May 21, 2026 10:40 AM  
**To:** Avery, Jonathan <jonathan.avery@dncr.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: 07 NCAC 01A,B,D, 02H,I J, and 03

Jonathan,

I will recommend April 2029 for these rulesets based on your timeline. The Commission will consider the deadline officially at their upcoming May 28 meeting at 10:00 AM. Let us know if anyone from your agency needs an evite for the meeting.

**Seth Ascher**  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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**From:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>

**Sent:** Thursday, May 14, 2026 12:52 PM

**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: 07 NCAC 01A,B,D, 02H,I,J, and 03

Hi Seth,

After further discussion with DNCR management, I'd like to propose to move the readoption deadline for 07 NCAC 01A, B, and D, 07 NCAC 02H, I, and J, and 07 NCAC 03 back to April 1, 2029. This additional time is necessary for DNCR because some of these rules have not been updated since the 1980's and will likely take a significant amount of staff time and review to complete. Additionally, there are multiple boards and commissions involved so I'd like to try to work within their normal schedule.

As requested, please see the proposed readoption timeline below for these rules, based on this new proposed deadline. The dates noted on the timeline refer to a deadline, and not a specific date, as the meeting dates for the involved public bodies beyond 2026 have not yet been established. The timeline is based on previous meeting dates typical of those public body's schedule.

Initial Adoption: June – July 2028

Publication of Notice of Text: August 2028

Public Hearing: September 2028

Public Comment Period: August – November 2028

Final adoption: December 2028 – January 2029

Submission of rules to OAH for RRC consideration: February 2029

Rules Review Commission review: No later than March 2029

Earliest Effective Date of Rules: April 1, 2029

Please let me know if you need anything further and if this new proposed deadline is acceptable.

Best,  
Jonathan

**Jonathan Avery**

Assistant General Counsel

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>

**Sent:** Thursday, May 7, 2026 4:52 PM

**To:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** Re: 07 NCAC 01A,B,D, 02H,I

Jonathan,

As an initial matter, can you confirm that these three reports reflect what you were waiting on?

If so, my initial recommendation for a readoption date would be November 2028. Happy to consider a different date based on your circumstances.

For your reference: Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

Thanks for your patience as we manage this process.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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**From:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>

**Sent:** Tuesday, May 5, 2026 2:20 PM

**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: 07 NCAC 01A,B,D, 02H,I

Seth,

Thank you! I'll look out for your email to set the readoption date.

Best,

Jonathan

## Jonathan Avery

Assistant General Counsel

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919-814-6771

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North Carolina Department of  
Natural & Cultural Resources

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>

**Sent:** Tuesday, May 5, 2026 2:06 PM

**To:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** Re: 07 NCAC 01A,B,D, 02H,I

Jonathan,

Thanks for reaching out. It appears that we lost track of these sets. I will reach out to you this week to initiate the consultation process with a proposed date.

I am going to treat these the same as I would rules that just became effective, so the delay on our part will not negatively impact you.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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**From:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>

**Sent:** Monday, May 4, 2026 11:09 AM

**To:** Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>

**Subject:** RE: 07 NCAC 01A,B,D, 02H,I

Hi All,

I'd like to ask about the readoption dates for 07 NCAC 01, 02, and 03. From the below and attached emails, you can see that the classifications for these rules were approved some time ago, but as far as I'm aware, I've never received any correspondence about setting up a readoption deadline. Can you please confirm that I haven't missed something and let me know when we can start working on setting up those readoption dates?

Thanks,

Jonathan

**Jonathan Avery**

Assistant General Counsel

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**From:** Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>  
**Sent:** Friday, November 7, 2025 2:45 PM  
**To:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>  
**Subject:** 07 NCAC 01A,B,D, 02H,I

Good afternoon,

The determinations in the attached periodic review reports for 07 NCAC 01A,B,D, 02H,I were effective September 30, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date for the rules in the report designated necessary.

The rules designated, as unnecessary expired effective October 1, 2025.

Let me know if you have any questions.

***Julie B. Eddins***

*Publications Coordinator*

*NC Office of Administrative Hearings*

*Phone 984-236-1937 (direct) – **new number effective March 14, 2025***

[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)



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