

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, November 3, 2025 2:25 PM
To: Avery, Jonathan; Julie B. Eddins
Cc: Burgos, Alexander N
Subject: RE: Periodic Review 07 NCAC 04S

Follow Up Flag: Follow up
Flag Status: Completed

Thank you, Mr. Avery.

I'm satisfied with the proposed readoption timeline submitted by your agency. The RRC will plan to vote on the agreed readoption deadline of **November 1, 2028** at its meeting on November 20, 2025 at 10am.

Please let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Avery, Jonathan <jonathan.avery@dncr.nc.gov>
Sent: Monday, November 3, 2025 11:32 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 07 NCAC 04S

Hi Travis,

As requested, please see the proposed readoption timeline below for 07 NCAC 04S rules. The dates noted on the timeline refer to a deadline, and not a specific date, as the meeting dates for the Tryon Palace Commission beyond 2025 have not yet been established. The timeline is based on previous meeting dates typical of the Commission's schedule.

Presentation of rules at Commission meeting: *April 2028*
Publication of Notice of Text: *April 2028*
Public Hearing: *July 2028*
Public Comment Period: *June – September 2028*
Commission meeting for final adoption: *October 2028*
Submission of rules to OAH for RRC consideration: *October 2028*
Rules Review Commission review: *No later than November 2028*
Earliest Effective Date of Rules: *January 1, 2028*

Please let me know if you need anything further.

Best,
Jonathan

Jonathan Avery
Assistant General Counsel
N.C. Department of Natural and Cultural Resources
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P: 919-814-6771 | jonathan.avery@dncr.nc.gov

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, October 2, 2025 4:07 PM
To: Avery, Jonathan <jonathan.avery@dncr.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 07 NCAC 04S

Good afternoon,

Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC. The Rule essentially requires every agency to submit a general timeline of when your agency intends to complete each step in the permanent rulemaking process. Most agencies have done the consultation via email but I'm happy to have a call to discuss further.

There are several factors your agency should consider when setting the readoption deadline. Please be mindful of 26 NCAC 05.0212(c)(2) that requires agencies to file rules with the RRC within 30 days of adoption. Remember to consider whether your agency will need to prepare any fiscal notes as required by G.S. 150B-21.4. Also, please account for whether your agency will want to amend any rules after the public comment period and rulemaking hearing that may constitute a substantial change under 150B-21.2(g).

Please see an attached example timeline and let me know if you have any questions or concerns.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Avery, Jonathan <jonathan.avery@dncr.nc.gov>
Sent: Thursday, October 2, 2025 3:55 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Periodic Review 07 NCAC 04S

Hi Travis,

Your recommended readoption deadline of November 1, 2028 is fine with DNCR.

Thanks,

Jonathan

Jonathan Avery

Assistant General Counsel

N.C. Department of Natural and Cultural Resources

Physical Address: 109 East Jones Street | Raleigh, North Carolina 27699

Mailing Address: 4601 Mail Service Center | Raleigh, North Carolina 27699

P: 919-814-6771 | jonathan.avery@dncr.nc.gov

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, September 8, 2025 4:12 PM

To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Avery, Jonathan <jonathan.avery@dncr.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Periodic Review 07 NCAC 04S

Good afternoon,

The attached periodic review report has been finalized. The next step is to set a deadline for the readoption of the “Necessary” rules. 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.

The deadline for your agency to provide this information is **November 7, 2025**. As a starting point, I would recommend a **November 1, 2028**, readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Please reply to confirm receipt of this email. Let me know if you have any questions. Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Julie B. Eddins <julie.eddins@oah.nc.gov>

Sent: Monday, September 8, 2025 10:56 AM

To: Avery, Jonathan <jonathan.avery@dncr.nc.gov>

Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Subject: Periodic Review 07 NCAC 04S

Good afternoon,

The determinations in the attached periodic review reports for 07 NCAC 04S were effective July 30, 2025. Commission Counsel Travis Wiggs 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 August 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



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