

From: [Ascher, Seth M](#)
To: [Avery, Jonathan](#); [Julie B. Eddins](#)
Cc: [Burgos, Alexander N](#)
Subject: Re: Periodic Review 07 NCAC 13H
Date: Friday, April 24, 2026 1:40:23 PM
Attachments: [image002.png](#)
[image003.png](#)
[Staff Opinion-Readoption Deadlines-April 2026.docx](#)

Jonathan,

I will recommend the deadline discussed for 07 NCAC 13H at the upcoming April 28, 2026, RRC meeting. The meeting begins at 10:00 AM, please let us know if anyone from your agency needs an invite to participate remotely.

I've attached an updated staff opinion including your recommendation. Let me know if you have any questions.

Seth Ascher

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Avery, Jonathan <jonathan.avery@dncr.nc.gov>
Sent: Tuesday, April 14, 2026 12:14 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: RE: Periodic Review 07 NCAC 13H

Hi Seth,

DNCR accepts your proposed September 1, 2028 readoption deadline for 07 NCAC 13H. As requested, please see the proposed readoption timeline below. The dates noted on the timeline refer to a deadline, and not a specific date.

DNCR Approval of Initial Rules: *February 2028*

Publication of Notice of Text: *February 2028*

Public Hearing: *June 2028*

Public Comment Period: *April – July 2028*

Final Adoption: *August 2028*

Submission of rules to OAH for RRC consideration: *August 2028*

Rules Review Commission review: No later than September 2028

Earliest Effective Date of Rules: November 1, 2028

Please let me know if you need anything further.

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

Physical Address: 109 East Jones Street

Mail: MSC 4601, Raleigh, North Carolina 27699

[Facebook](#) [Instagram](#) [YouTube](#) [LinkedIn](#)



North Carolina Department of
Natural & Cultural Resources

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, April 10, 2026 12:28 PM

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

Subject: Re: Periodic Review 07 NCAC 13H

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these 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.

It appears that the deadline for your agency to provide this information is June 9, 2026. As a starting point, I would recommend a September 1, 2028 readoption deadline, but I am open to

considering a different recommendation based on the needs of your agency

Seth Ascher

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Monday, March 30, 2026 9:30 AM
To: Avery, Jonathan <jonathan.avery@dncr.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review 07 NCAC 13H

Good afternoon,

The determinations in the attached periodic review report for 07 NCAC 13H were effective January 21, 2026. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Please Note: pursuant to 26 NCAC 05 .0212 your agency's 60-day timeline does not begin until you receive communication from a staff attorney.

Let me know if you have any questions.

Julie B. Eddins
Publications Coordinator
NC Office of Administrative Hearings
Phone 984-236-1937 (direct)
[***julie.eddins@oah.nc.gov***](mailto:julie.eddins@oah.nc.gov)



Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.