

NORTH CAROLINA REGISTER

VOLUME 23 • ISSUE 17 • Pages 1730 - 1860

March 2, 2009

I. EXECUTIVE ORDERS	
Executive Order No. 6	1730 – 1732
II. IN ADDITION	
Brownfields Property – Canac Kitchens U.S. Limited	1733
Notice of Public Meetings – Kerr Lake Regional Water System.....	1734 – 1735
Narrow Therapeutic Index of Drugs	1736
III. PROPOSED RULES	
Environment and Natural Resources, Department of	
Environmental Management Commission	1737 – 1740
Wildlife Resources Commission.....	1740 – 1741
IV. APPROVED RULES.....	1742 – 1840
Agriculture and Consumer Services, Department of	
Agriculture, Board of	
Environment and Natural Resources, Department of	
Coastal Resources Commission	
Environmental Management Commission	
Marine Fisheries Commission	
Health and Human Services, Department of	
Medical Care Commission	
Mental Health, Commission for	
Mental Health, Division of	
Insurance, Department of	
Home Inspector Licensure Board	
Justice, Department of	
Private Protective Service Board	
Sheriffs' Education and Training Standards Commission	
Labor, Department of	
Department	
Occupational Licensing Boards and Commissions	
Chiropractic Examiners, Board of	
Dental Examiners, Board of	
Funeral Service, Board of	
Social Work Certification and Licensure Board	
V. RULES REVIEW COMMISSION	1841 – 1849
VI. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	1850 – 1860

Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, North Carolina 27609
(919) 431-3000
(919) 431-3104 FAX

contact: Molly Masich, Codifier of Rules molly.masich@oah.nc.gov (919) 431-3071
Dana Vojtko, Publications Coordinator dana.vojtko@oah.nc.gov (919) 431-3075
Julie Edwards, Editorial Assistant julie.edwards@oah.nc.gov (919) 431-3073
Tammara Chalmers, Editorial Assistant tammara.chalmers@oah.nc.gov (919) 431-3083
Angel Chen, Editorial Assistant angel.chen@oah.nc.gov (919) 431-3077

Rule Review and Legal Issues

Rules Review Commission
1711 New Hope Church Road
Raleigh, North Carolina 27609
(919) 431-3000
(919) 431-3104 FAX

contact: Joe DeLuca Jr., Commission Counsel joe.deluca@oah.nc.gov (919) 431-3081
Bobby Bryan, Commission Counsel bobby.bryan@oah.nc.gov (919) 431-3079

Fiscal Notes & Economic Analysis

Office of State Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603-8005
(919) 807-4700
(919) 733-0640 FAX

contact: William Crumbley, Economic Analyst william.crumbley@ncmail.net (919) 807-4740

Governor's Review

Eddie Speas eddie.speas@nc.gov
Legal Counsel to the Governor (919) 733-5811
116 West Jones Street
Raleigh, North Carolina 27603

Legislative Process Concerning Rule-making

Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street (919) 733-2578
Raleigh, North Carolina 27611 (919) 715-5460 FAX

contact: Karen Cochrane-Brown, Staff Attorney karen@ncleg.net
Jeff Hudson, Staff Attorney jeffreyh@ncleg.net

County and Municipality Government Questions or Notification

NC Association of County Commissioners
215 North Dawson Street (919) 715-2893
Raleigh, North Carolina 27603

contact: Jim Blackburn jim.blackburn@ncacc.org
Rebecca Troutman rebecca.troutman@ncacc.org

NC League of Municipalities (919) 715-4000
215 North Dawson Street
Raleigh, North Carolina 27603

contact: Erin L. Wynia ewynia@nclm.org

NORTH CAROLINA REGISTER
Publication Schedule for January 2009 – December 2009

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
23:13	01/02/09	12/08/08	01/17/09	03/03/09	03/20/09	05/01/09	05/2010	09/29/09
23:14	01/15/09	12/19/08	01/30/09	03/16/09	03/20/09	05/01/09	05/2010	10/12/09
23:15	02/02/09	01/09/09	02/17/09	04/03/09	04/20/09	06/01/09	05/2010	10/30/09
23:16	02/16/09	01/26/09	03/03/09	04/17/09	04/20/09	06/01/09	05/2010	11/13/09
23:17	03/02/09	02/09/09	03/17/09	05/01/09	05/20/09	07/01/09	05/2010	11/27/09
23:18	03/16/09	02/23/09	03/31/09	05/15/09	05/20/09	07/01/09	05/2010	12/11/09
23:19	04/01/09	03/11/09	04/16/09	06/01/09	06/22/09	08/01/09	05/2010	12/27/09
23:20	04/15/09	03/24/09	04/30/09	06/15/09	06/22/09	08/01/09	05/2010	01/10/10
23:21	05/01/09	04/09/09	05/16/09	06/30/09	07/20/09	09/01/09	05/2010	01/26/10
23:22	05/15/09	04/24/09	05/30/09	07/14/09	07/20/09	09/01/09	05/2010	02/09/10
23:23	06/01/09	05/08/09	06/16/09	07/31/09	08/20/09	10/01/09	05/2010	02/26/10
23:24	06/15/09	05/22/09	06/30/09	08/14/09	08/20/09	10/01/09	05/2010	03/12/10
24:01	07/01/09	06/10/09	07/16/09	08/31/09	09/21/09	11/01/09	05/2010	03/28/10
24:02	07/15/09	06/23/09	07/30/09	09/14/09	09/21/09	11/01/09	05/2010	04/11/10
24:03	08/03/09	07/13/09	08/18/09	10/02/09	10/20/09	12/01/09	05/2010	04/30/10
24:04	08/17/09	07/27/09	09/01/09	10/16/09	10/20/09	12/01/09	05/2010	05/14/10
24:05	09/01/09	08/11/09	09/16/09	11/02/09	11/20/09	01/01/10	05/2010	05/29/10
24:06	09/15/09	08/24/09	09/30/09	11/16/09	11/20/09	01/01/10	05/2010	06/12/10
24:07	10/01/09	09/10/09	10/16/09	11/30/09	12/21/09	02/01/10	05/2010	06/28/10
24:08	10/15/09	09/24/09	10/30/09	12/14/09	12/21/09	02/01/10	05/2010	07/12/10
24:09	11/02/09	10/12/09	11/17/09	01/02/10	01/20/10	03/01/10	05/2010	07/30/10
24:10	11/16/09	10/23/09	12/01/09	01/15/10	01/20/10	03/01/10	05/2010	08/13/10
24:11	12/01/09	11/05/09	12/16/09	02/01/10	02/22/10	04/01/10	05/2010	08/28/10
24:12	12/15/09	11/20/09	12/30/09	02/15/10	02/22/10	04/01/10	05/2010	09/11/10

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NUMBER NO. 6

BUDGET ADMINISTRATION DUE TO NATIONAL ECONOMIC SLOWDOWN

WHEREAS, the impact of the national economic downturn, credit crunch and volatility in the financial markets has been extreme; and,

WHEREAS, Article III, Sec. 5(3) of the North Carolina Constitution provides that the State may not operate at a deficit during the fiscal period covered by a budget. Under the Constitution, a "deficit" is incurred when total expenditures for the fiscal period of the budget exceed the total of receipts during the period, plus the surplus remaining in the State Treasury at the beginning of the period. The fiscal period for the current budget began July 1, 2008; and,

WHEREAS, to insure that the State does not incur a deficit for the fiscal year covered by a budget, Article III, Sec. 5(3) of the Constitution requires the Governor to continually survey the collection of revenue. If, as a result of the Governor's surveys, the Governor determines that actual receipts for the fiscal period, when added to the surplus remaining in the Treasury at the beginning of the fiscal period, will not be sufficient to pay budgeted expenditures, the Governor, after first making adequate provisions for the prompt payment of the principal and interest on the State's outstanding bonds and notes, must effect the necessary economies in State expenditures to keep the deficit from occurring; and,

WHEREAS, continually surveying the collection of the State's revenues pursuant to Article III, Sec. 5 (3) of the Constitution is a function of the Office of State Budget and Management (OSBM) and reports of these surveys are provided to the Governor; and,

WHEREAS, OSBM has provided the Governor with detailed briefings on the growing fiscal period deficit and, along with the Office of the Governor, has also advised members of the General Assembly of the situation, including the President Pro-Tempore of the Senate and the Speaker of the House of Representatives; and,

WHEREAS, in September and October 2008 the Governor reduced state agency expenditures for the remainder of the fiscal year and,

WHEREAS, now OSBM estimates, based on December 2008 collections and a revised economic forecast, that the deficit for fiscal year 2008-09 will not be covered by the reduction in expenditure measures adopted in September and October 2008; and,

WHEREAS, based on these estimates, the budget enacted by the General Assembly for fiscal year 2008-09 cannot be administered as enacted without the State incurring a deficit; and,

WHEREAS, the Governor finds as a fact that actual receipts for the current fiscal year will not meet the expenditures anticipated and budgeted by the 2008 General Assembly and that unless further economies in State expenditures are made the State's General Fund expenditures will exceed General Fund receipts for the current fiscal year,

NOW THEREFORE, by the authority vested in me as Governor by Article III, Sec. 5(3) of the Constitution of North Carolina to insure that a deficit is not incurred in the administration of the budget for fiscal year 2009, **IT IS ORDERED:**

Section 1. OSBM, under the Governor's direction, will continue to reduce, as necessary, State expenditures from Funds appropriated to operate State departments and institutions, and continue monthly allotment expenditure and review measures,

Section 2. OSBM, under the Governor's direction, will halt, as necessary, expenditures for capital improvement projects for which State funds have been appropriated but not placed under State contract and, as necessary, transfer any unused capital improvement funds to the General Fund.

Section 3. OSBM, under the Governor's direction, will transfer, as necessary, non-General Fund and non-Highway Fund receipts into the General Fund to support appropriation expenditures in order to avoid a deficit in the General Fund.

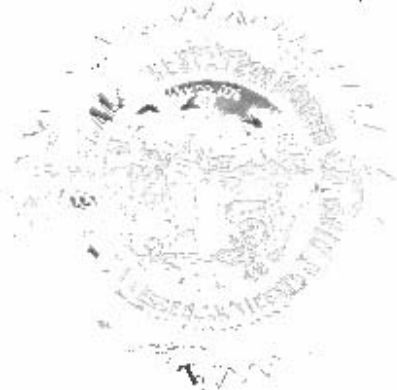
Section 4. OSBM, under the Governor's direction, may borrow, as necessary, receipts from non-General Fund State receipts and non-Highway Fund State receipts for support of General Fund appropriation expenditures.

Section 5. OSBM, under the Governor's direction, may, as necessary, order the delay or cancellation of purchase orders in State General Fund-supported departments and institutions.

Section 6. The Office of the State Controller, as advised by the State Budget Officer, is directed to monitor disbursements as presented on requisitions for CASH.

This Executive Order rescinds Governor Michael F. Easley's Executive Order No. 22, issued on June 27, 2002, and shall be effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this thirteenth day of January in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-third.




Beverly Hayes Perdue
Governor

ATTEST:


Elaine F. Marshall
Secretary of State

**SUMMARY OF NOTICE OF
INTENT TO REDEVELOP A BROWNFIELDS PROPERTY
Canac Kitchens U.S. Limited**

Pursuant to N.C.G.S. § 130A-310.34, Canac Kitchens U.S. Limited has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Statesville, Iredell County, North Carolina. The Property consists of 28 acres and is located at 607 Meacham Road. Environmental contamination exists at the Property in soil and groundwater. Canac Kitchens U.S. Limited has been operating a cabinetry manufacturing facility on the property and intends to sell the property for redevelopment consistent with manufacturing or office uses. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and Canac Kitchens U.S. Limited, which in turn includes (a) a map showing the location of the Property, (b) a description of the contaminants involved and their concentrations in the media of the Property, (c) the above-stated description of the intended future use of the Property, and (d) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35.

The full Notice of Intent to Redevelop a Brownfields Property may be reviewed at the Statesville City Clerk's Office, 301 S. Center Street, Statesville, NC 28687 by contacting City Clerk Mary Craddock at that address or at (704) 878-3583; or at the offices of the N.C. Brownfields Program, 401 Oberlin Rd., Suite 150, Raleigh, NC 27605 (where DENR will provide auxiliary aids and services for persons with disabilities who wish to review the documents) by contacting Shirley Liggins at that address, at Shirley.Liggins@ncmail.net or at (919) 508-8411.

Written public comments may be submitted to DENR within 30 days after the date this Notice is published in a newspaper of general circulation serving the area in which the Property is located, or in the North Carolina Register, whichever is later. Written requests for a public meeting may be submitted to DENR within 21 days after the period for written public comments begins. Thus, if Canac Kitchens U.S. Limited, as it plans, publishes this Summary in the North Carolina Register after it publishes the Summary in a newspaper of general circulation serving the area in which the Property is located, and if it effects publication of this Summary in the North Carolina Register on the date it expects to do so, the periods for submitting written requests for a public meeting regarding this project and for submitting written public comments will commence on March 3, 2009. All such comments and requests should be addressed as follows:

Mr. Bruce Nicholson
Brownfields Program Manager
Division of Waste Management
NC Department of Environment and Natural Resources
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605

Kerr Lake Regional Water System Proposed Interbasin Transfer

NOTICE OF PUBLIC MEETINGS

April 1, 2009, 4:00 – 7:00 PM

Warren County Memorial Library
119 South Front St.
Warrenton, NC 27589

April 2, 2009, 4:00 – 7:00 PM

Clarksville Community Center
102 Willow Oak Dr.
Clarksville, VA 23927

April 6, 2009, 4:00 – 7:00 PM

Long Bridge Fire Department
1678 Eaton Ferry Rd.
Littleton, NC 27850

April 7, 2009, 4:00 – 7:00 PM

Vance Granville Community College
Civic Center - 200 Community House Rd.
Henderson, NC 27536

April 8, 2009, 4:00 – 7:00 PM

Creedmoor City Hall
111 Masonic St.
Creedmoor, NC 27522

Kerr Lake Regional Water System (KLRWS) will hold a series of public meetings to receive comments on their request for an interbasin transfer (IBT) from the source river basin of the Roanoke River (John H. Kerr Lake) to the receiving river basins of the Tar River, Fishing Creek (subbasin to the Tar), and the Neuse River. The KLRWS currently provides water directly or indirectly to municipal and county systems in four counties and the three receiving river basins named above in northeastern North Carolina. These meetings are being held in accordance with North Carolina General Statute 143-215.22 in order to facilitate public comment and involvement in the interbasin transfer request process. This statute requires meetings in the source river basin (the Roanoke River Basin) upstream and downstream of the point of withdrawal and in each of the receiving river basins for the transfer (Tar, Fishing Creek, and Neuse River Basins).

Each public meeting will start at 4:00 pm, with a brief introductory presentation concerning the transfer request given at the start of each hour at 4:00, 5:00, and 6:00 pm. This presentation will be the same at each of the five (5) meetings. The remaining time will be available for interested parties to provide oral comments. North Carolina Division of Water Resources staff will be in attendance.

All oral statements made at the meeting will be audio recorded but will not be transcribed to prepare a written record of these proceedings. Oral comments will be given the same consideration as written comments. Persons who want to enter written comments in the record are encouraged to submit written comments no later than May 8, 2009. Based on the number of people who wish to speak, the length of oral presentations may be limited.

KLRWS is requesting an IBT certificate from the North Carolina Environmental Management Commission (EMC) for a maximum transfer of 24 million gallons per day (MGD) to the Tar River and Fishing Creek Basins combined and a maximum transfer of 2.2 MGD to the Neuse River Basin. KLRWS currently has permission to transfer 10 MGD. The source of this water is Kerr Lake.

These meetings will coincide with the scoping phase of this project where the applicant, Department of Environment and Natural Resources, and other agencies are considering the scope of impacts to be evaluated in an environmental impact statement (EIS). A scoping document has been prepared and is available for viewing or download at following web address:

http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/Status/Kerr/.

The scoping document provides additional background information regarding this proposed transfer including potential alternatives to this transfer. The applicants are requesting comments on the scope of the EIS including the potential alternatives and other issues related to the proposed transfers.

Written comments should be mailed to:
Kerr Lake Regional Water System IBT Comments
CH2M HILL
Attn: Kecia Lucas
3201 Beechleaf Court, Suite 300
Raleigh, NC 27604

Comments may also be submitted electronically to klrws@ch2m.com. Mailed and emailed comments will be given equal weight. The comment period for this phase of the project closes on May 8, 2009. Interested parties will also have future opportunities to provide comment during this IBT request process.

**NARROW THERAPEUTIC INDEX DRUGS DESIGNATED BY THE NORTH
CAROLINA SECRETARY OF HUMAN RESOURCES**

Pursuant to N.C.G.S. §90-85.27(4a), this is a revised publication from the North Carolina Board of Pharmacy of narrow therapeutic index drugs designated by the North Carolina Secretary of Human Resources upon the advice of the State Health Director, North Carolina Board of Pharmacy, and North Carolina Medical Board. This revised listing includes all oral dosage forms of the drug tacrolimus, designated as a narrow therapeutic index drug by the Secretary on January 27, 2009:

Carbamazepine: all oral dosage forms

Cyclosporine: all oral dosage forms

Digoxin: all oral dosage forms

Ethosuximide

Levothyroxine sodium tablets

Lithium (including all salts): all oral dosage forms

Phenytoin (including all salts): all oral dosage forms

Procainamide

Theophylline (including all salts): all oral dosage forms

Warfarin sodium tablets

Tacrolimus: all oral dosage forms

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

Statutory reference: G.S. 150B-21.2.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 02B .0304.

Proposed Effective Date: September 1, 2009

Public Hearing:

Date: Tuesday, March 31, 2009

Time: 5:30 p.m. for Spring Creek and 7:30 p.m. for Big Laurel Creek

Location: Hot Springs Elementary School – Gym, 63 North Serpentine Avenue, Hot Springs, NC 28743

Reason for Proposed Action: Based on review of available data for Big Laurel Creek and Spring Creek (Madison County, French Broad River Basin), including results of 2006 DWQ studies, DWQ staff determined the HQW classification to be suitable for recognizing existing uses and excellent water quality in these waters. However, the Outstanding Resource Waters (ORW) classification may be more suitable for these waters than the HQW classification, due to observations of federally and/or state listed aquatic species noted in studies for the subject waters. The Environmental Management Commission has directed DWQ staff to present two options for these waters during the reclassification process: Option 1 is the HQW classification, and Option 2 is the ORW classification.

Big Laurel Creek and headwaters of Spring Creek are currently classified as Class C (Trout), and the remaining portion of Spring Creek is currently classified as Class C. Under Option 1, Big Laurel Creek would be reclassified to Class C HQW Tr, and the two portions of Spring Creek would be reclassified to Class C HQW and Class C HQW Tr. Under Option 2, Big Laurel Creek would be reclassified to Class C ORW Tr, and the Spring Creek segments would be reclassified to Class C ORW and Class C ORW Tr. These proposals would cover the entire watersheds of Big Laurel Creek and Spring Creek, from their sources to the French Broad River. The land along the waters to be reclassified exists solely within the jurisdiction of Madison County, except for a very small portion of the Spring Creek watershed that is located within the jurisdiction of the Town of Hot Springs.

The HQW rule changes would provide supplementary protection for the excellent water quality of the subject waters. The ORW supplemental classification is a designation intended to protect unique and special waters having excellent water quality and

being of exceptional state or national ecological or recreational significance. The watershed area proposed for reclassification associated with Big Laurel Creek and Spring Creek measures approximately 84,819 acres and 46,142 acres, respectively. Approximately 225 miles and 122 miles of named waterbodies are proposed to be reclassified within the Big Laurel Creek watershed and Spring Creek watershed, respectively.

If reclassified, regulations that affect several activities and operations, such as wastewater discharges, and new development, including N.C. Department of Transportation (DOT) projects, would apply. The ORW classification provides a higher level of supplementary protection than the HQW classification; ORW regulations do not allow new dischargers or expansions of existing dischargers, whereas HQW regulations require stricter treatment standards for new or expanded existing dischargers. However, regulations for new development activities are the same under the HQW and ORW regulations.

There is no known proposed development and no known plans for new or expanded discharges that would be impacted by either proposal, according to local government and Asheville Regional Office staff. NCDOT staff have determined that there is one planned DOT project in each of the subject watersheds that would be impacted to the same extent by both proposals; these projects would require additional stormwater and sediment erosion control devices in order to meet the proposed reclassifications' requirements.

Procedure by which a person can object to the agency on a proposed rule: Any person may attend the public hearings and make relevant verbal comments, and/or submit written comments, data or other relevant information by May 1, 2009. The Hearing Officer may limit the length of time that you may speak at the public hearings, if necessary, so that all those who wish to speak may have an opportunity to do so.

The EMC is very interested in all comments pertaining to the proposed reclassifications. All persons interested and potentially affected by the proposals are strongly encouraged to read this entire notice and make comments on the proposed reclassifications. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in this notice unless the EMC published the text of the proposed different rule and accepts comments on the new text (see General Statute 150B 21.2(g)). Written comments on the proposed reclassifications of Big Laurel Creek and Spring Creek may be submitted to Elizabeth Kountis of the Water Quality Planning Section at the postal address DENR/Division of Water

Quality, Planning Section, 1617 Mail Service Center, Raleigh, NC 27699-1617, email address elizabeth.kountis@ncmail.net, or by fax (919) 807-6497. Please clearly reference if your comments pertain to Option 1(the HQW classification) or Option 2 (the ORW classification).

Comments may be submitted to: *Elizabeth Kountis, DENR/Division of Water Quality, Planning Section, 1617 Mail Service Center, Raleigh, NC 27699-1617, phone (919) 807-6418, fax (919) 807-6497, email Elizabeth.kountis@ncmail.net*

Comment period ends: *May 1, 2009*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact: A copy of the fiscal note can be obtained from the agency.

- ☒ **State**
☐ **Local**
☐ **Substantive** (≥\$3,000,000)
☐ **None**

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

Note: The changes in italics have been proposed but not yet adopted by the Environmental Management Commission.

15A NCAC 02B .0304 FRENCH BROAD RIVER BASIN

(a) The French Broad River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) the Internet at <http://h2o.enr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources:
 - (A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina
 - (B) Division of Water Quality

Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Tennessee are classified "B."

(c) The French Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) September 22, 1976;
- (2) March 1, 1977;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) August 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) May 1, 1987;
- (9) March 1, 1989;
- (10) October 1, 1989;
- (11) January 1, 1990;
- (12) August 1, 1990;
- (13) August 3, 1992;
- (14) October 1, 1993;
- (15) July 1, 1995;
- (16) November 1, 1995;
- (17) January 1, 1996;
- (18) April 1, 1996;
- (19) August 1, 1998;
- (20) August 1 2000;
- (21) August 1, 2002;
- (22) September 1, 2004;
- (23) November 1, ~~2007~~ 2007;
- (24) May 1, 2009;
- (25) September 1, 2009.

(d) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective March 1, 1989 as follows:

- (1) Cataloochee Creek (Index No. 5-41) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.
- (2) South Fork Mills River (Index No. 6-54-3) down to Queen Creek and all tributaries were reclassified from Class WS-I and Class WS-III-trout to Class WS-I ORW and Class WS-III-trout ORW.

(e) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1989 as follows: Cane River (Index No. 7-3) from source to Bowlens Creek and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(f) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1990 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(g) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective August 3, 1992 with the reclassification of all water

supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1993 as follows: Reasonover Creek [Index No. 6-38-14-(1)] from source to Reasonover Lake Dam and all tributaries were reclassified from Class B Trout to Class WS-V and B Trout, and Reasonover Creek [Index No. 6-38-14-(4)] from Reasonover Lake Dam to Lake Julia Dam and all tributaries were reclassified from Class C Trout to Class WS-V Trout.

(i) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective July 1, 1995 with the reclassification of Cane Creek [Index Nos. 6-57-(1) and 6-57-(9)] from its source to the French Broad River from Classes WS-IV and WS-IV Tr to Classes WS-V, WS-V Tr and WS-IV.

(j) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 1995 as follows: North Toe River [Index Numbers 7-2-(0.5) and 7-2-(37.5)] from source to a point 0.2 miles downstream of Banjo Branch, including tributaries, has been reclassified from Class WS-III, WS-III Trout and WS-III Trout CA (critical area) to Class WS-IV Trout, WS-IV, WS-IV Trout CA, and C Trout.

(k) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1996 as follows: Stokely Hollow [Index Numbers 6-121.5-(1) and 6-121.5-(2)] from source to mouth of French Broad River has been reclassified from Class WS-II and Class WS-II CA to Class C.

(l) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended April 1, 1996 with the reclassification of the French Broad River [Index No. 6-(1)] from a point 0.5 miles downstream of Little River to Mill Pond Creek to Class WS-IV; French Broad River [Index No. 6-(51.5)] from a point 0.6 miles upstream of Mills River to Mills River to Class WS-IV CA (Critical Area), from Mills River to a point 0.1 miles upstream of Boring Mill Branch to Class C; and the Mills River [Index No. 6-54-(5)] was reclassified from City of Hendersonville water supply intake to a point 0.7 miles upstream of mouth of Mills River to Class WS-III, and from a point 0.7 miles upstream of mouth of Mills River to French Broad River to Class WS- III CA (Critical Area).

(m) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the revision to the primary classification for portions of the French Broad River [Index No. 6-(38.5)] and the North Toe River 7-2-(10.5) from Class IV to Class C.

(n) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the reclassification of Clear Creek [Index No. 6-55-(1)] from its source to Lewis Creek from Class C Tr to Class B Tr.

(o) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2000 with the reclassification of Rough Creek [Index No. 5-8-4-(1)], including all tributaries, from its source to the Canton Reservoir from Class WS-I to Class WS-I Tr ORW.

(p) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2002 with the revision to the primary classification for the French Broad River [Index No. 6-(1), 6-(27), 6-(47.5), 6-(52.5), and 6-(54.5)] including its four headwater forks' mainstems, watershed of tributary Davidson River, and watershed of tributary Bent Creek below Powhatan Dam, and the Nolichucky River [Index No. 7] including a lower portion of the North Toe River from Class C and Class WS-IV to Class B.

(q) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2002 with the reclassification of the North Toe River [Index No. 7-2-(0.5)], including all tributaries, from source to a point 0.2 mile upstream of Pyatt Creek, from Class C Tr to Class WS-V Tr.

(r) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended September 1, 2004 with the reclassification of a portion of Richland Creek [Index No. 5-16(1)], from source to a point approximately 11.2 miles from source (Boyd Avenue), from Class B to Class B Tr, and all tributaries to the portion of the creek referenced in this Paragraph from C, C HQW, and WS-I HQW, and WS-I HQW to C Tr, C HQW Tr, and WS-I HQW Tr, respectively, except Hyatt Creek [Index No. 5-16-6], Farmer Branch [Index No. 5-16-11], and tributaries already classified as Tr.

(s) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 2007 with the reclassification of McClure's Bog near Gash Creek [Index No. 6-47] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

(t) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective May 1, 2009 with the reclassification of Boylston Creek [Index No. 6-52-(0.5)], from source to a point 0.3 mile upstream of Murray Branch and all tributaries to this portion of the Creek, and Fines Creek [Index No. 5-32], including all tributaries, from its source to the Pigeon River, from Class C to Class C Tr.

(u) Option 1: The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective September 1, 2009 with the reclassification of the entire watershed of Big Laurel Creek (Index No. 6-112) from source to the French Broad River from Class C Tr to Class C HQW Tr.

Option 2: The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective September 1, 2009 with the reclassification of the entire watershed of Big Laurel Creek (Index No. 6-112) from

source to the French Broad River from Class C Tr to Class C ORW Tr.

(v) Option 1: The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective September 1, 2009 with the reclassification of the entire watershed of Spring Creek [Index No. 6-118-(1) and 6-118-(27)] from source to the French Broad River from Class C Tr and Class C to Class C HQW Tr and Class C HQW.

Option 2: The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective September 1, 2009 with the reclassification of the entire watershed of Spring Creek [Index No. 6-118-(1) and 6-118-(27)] from source to the French Broad River from Class C Tr and Class C to Class C ORW Tr and Class C ORW.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0323.

Proposed Effective Date: July 1, 2009

Public Hearing:

Date: April 1, 2009

Time: 10:00 a.m.

Location: Rm. 428, 1751 Varsity Drive, Raleigh, North Carolina

Reason for Proposed Action: *The agency has been requested by Burke County to establish a no wake zone in the vicinity of the South Pointe subdivision of Lake James in Burke County.*

Procedure by which a person can object to the agency on a proposed rule: *Any person who wishes to object to a proposed rule may do so by writing (or emailing) Betsy Foard by May 1, 2009.*

Comments may be submitted to: Betsy Foard, 1701 Mail Service Center, Raleigh, NC 27699-1701, phone (919) 707-0013, email betsy.foard@ncwildlife.org

Comment period ends: May 1, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions

concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- ☐ State
☐ Local
☐ Substantive (≥\$3,000,000)
☒ None

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

NOTE: The changes in bold have been proposed but not yet adopted by the Wildlife Resources Commission.

15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County described as follows:

- (1) Lake Hickory;
- (2) **Lake James; James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:**
 - (A) Holiday Shores ~~Subdivision; Subdivision~~ **as delineated by appropriate markers;**
 - (B) Lake James ~~Campground; Campground~~ **as delineated by appropriate markers;**
 - (C) Laurel Pointe ~~Subdivision; Subdivision~~ **as delineated by appropriate markers;**
 - (D) Boyd Moore ~~Cove; Cove~~ **as delineated by appropriate markers;**
 - (E) East Shores ~~development; development~~ **as delineated by appropriate markers;**
 - (F) Eastern shore of Lake James at Mallard Cove;
 - (G) **Highway 126 Bridge, area defined using the North American Datum of 1983 beginning 50 yards from the northeast side defined by a shore to shore line extending from state plane coordinates: Northing = 224985.481182, Easting = 348767.698377 to Northing = 224985.481182, Easting = 348767.698377, to Northing = 224912.319514, Easting = 348805.193732, encompassing all waters to a line 200 yards south of the bridge defined by a line**

extending shore to shore from state
plane coordinates: Northing =
224723.881492, Easting =
348679.284125 to Northing =
224835.222394, Easting =
348534.751513;

(H) Canal Bridge Boating Access Area:
within 50 yards of the Canal Bridge
Boating Access area dock;

(I) South Pointe subdivision community
piers vicinity at Lot number 86.

(3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated ~~and marked~~ public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or ~~pier, pier;~~ or while on ~~the designated~~ waters of the areas described in Paragraph (a) of this Rule.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked

mooring area established with the approval of the Executive Director, or his representative, on the regulated areas described in Paragraph (a) of this Rule.

(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Executive Director, or his representative, on the regulated areas described in Paragraph (a) of this Rule.

(e) Placement and Maintenance of Markers. The Board of Commissioners of Burke County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable. With regard to marking the regulated areas described in Paragraph (a) of this Rule, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.

Authority G.S. 75A-3; 75A-15; 102-1.1.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on January 22, 2009.

**REGISTER CITATION TO THE
NOTICE OF TEXT****AGRICULTURE, BOARD OF**

<u>Type Approval of Weighing and Measuring Devices</u>	02	NCAC	38	.0203*	23:06 NCR
<u>Retail Motor Fuel Dispensers/Half-Pricing</u>	02	NCAC	38	.0601	23:02 NCR
<u>Noxious Weeds</u>	02	NCAC	48A	.1702	23:03 NCR
<u>Regulated Areas</u>	02	NCAC	48A	.1703	23:04 NCR

MEDICAL CARE COMMISSION

<u>Model EMS Systems</u>	10A	NCAC	13P	.0202*	23:04 NCR
<u>EMS Provider License Conditions</u>	10A	NCAC	13P	.0205*	23:04 NCR
<u>Renewal of Credentials for Level I and Level II EMS Instr...</u>	10A	NCAC	13P	.0510*	23:04 NCR

MENTAL HEALTH, COMMISSION FOR

<u>Staff Definitions</u>	10A	NCAC	27G	.0104*	23:01 NCR
--------------------------	-----	------	-----	--------	-----------

HHS - MENTAL HEALTH

<u>Operations During Licensed Period</u>	10A	NCAC	27G	.0404*	23:01 NCR
--	-----	------	-----	--------	-----------

HOME INSPECTOR LICENSURE BOARD

<u>Purpose and Scope</u>	11	NCAC	08	.1103	23:08 NCR
--------------------------	----	------	----	-------	-----------

PRIVATE PROTECTIVE SERVICES BOARD

<u>Experience Requirements/Security Guard and Patrol License</u>	12	NCAC	07D	.0301*	23:04 NCR
<u>Experience Requirements for Guard Dog Service License</u>	12	NCAC	07D	.0302	23:04 NCR
<u>Experience Requirements for Private Investigator License</u>	12	NCAC	07D	.0401*	23:04 NCR
<u>Experience Requirements for Courier License</u>	12	NCAC	07D	.1201	23:04 NCR

SHERIFFS EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Definitions</u>	12	NCAC	10B	.0103*	23:06 NCR
<u>Administration of Detention Officer Certification Course</u>	12	NCAC	10B	.0703*	23:06 NCR
<u>Suspension: Revocation: Denial of Detention Officer Instr...</u>	12	NCAC	10B	.0911*	23:06 NCR
<u>Period/Suspension: Revocation: or Denial of</u>	12	NCAC	10B	.0912*	23:06 NCR

<u>Detention Off...</u>					
<u>Suspension: Revocation: Denial of Telecommunicator Instru...</u>	12	NCAC	10B	.0919*	23:06 NCR
<u>Period/Suspension: Revocation: or Denial of Telecommunica...</u>	12	NCAC	10B	.0920*	23:06 NCR

LABOR, DEPARTMENT OF

<u>Clearance</u>	13	NCAC	13	.0413*	23:05 NCR
<u>Fire Mechanism Controls</u>	13	NCAC	13	.0420*	23:05 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Site Specific Water Quality Management Plan for the Goose...</u>	15A	NCAC	02B	.0602*	22:21 NCR
<u>Site Specific Water Quality Management Plan for the Goose...</u>	15A	NCAC	02B	.0604*	22:21 NCR
<u>Site Specific Water Quality Management Plan for the Goose...</u>	15A	NCAC	02B	.0606*	22:21 NCR
<u>Site Specific Water Quality Management Plan for the Goose...</u>	15A	NCAC	02B	.0607*	22:21 NCR
<u>Site Specific Water Quality Management Plan for the Goose...</u>	15A	NCAC	02B	.0608*	22:21 NCR
<u>Site Specific Water Quality Management Plan for the Goose...</u>	15A	NCAC	02B	.0609*	22:21 NCR

MARINE FISHERIES COMMISSION

<u>Gill Nets, Seines, Identification, Restrictions</u>	15A	NCAC	03J	.0103	23:05 NCR
<u>Trawl Nets</u>	15A	NCAC	03J	.0104*	23:05 NCR
<u>Pound Net Sets</u>	15A	NCAC	03J	.0107	23:05 NCR
<u>Hook-and-Line</u>	15A	NCAC	03J	.0306*	23:05 NCR
<u>Definitions and Standards for Pound Nets and Pound Net Sets</u>	15A	NCAC	03J	.0501*	23:05 NCR
<u>Pound Net Set Permit Renewal</u>	15A	NCAC	03J	.0503	23:05 NCR
<u>Pound Net Set Permit Transfer</u>	15A	NCAC	03J	.0504*	23:05 NCR
<u>Pound Net Set Permit Conditions</u>	15A	NCAC	03J	.0505*	23:05 NCR
<u>Prohibited Nets, Mesh Sizes and Areas</u>	15A	NCAC	03L	.0103	23:05 NCR
<u>Unlawful to Use or Take</u>	15A	NCAC	03L	.0104	23:05 NCR
<u>Recreational Shrimp Limits</u>	15A	NCAC	03L	.0105	23:05 NCR
<u>American Lobster (Northern Lobster)</u>	15A	NCAC	03L	.0301*	23:05 NCR
<u>Red Drum</u>	15A	NCAC	03M	.0501*	23:05 NCR
<u>Authorized Gear</u>	15A	NCAC	03O	.0302*	23:05 NCR
<u>Procedures and Requirements to Obtain Permits</u>	15A	NCAC	03O	.0501*	23:05 NCR
<u>Permit Conditions, General</u>	15A	NCAC	03O	.0502*	23:05 NCR
<u>Permit Conditions; Specific</u>	15A	NCAC	03O	.0503	23:05 NCR
<u>Descriptive Boundaries for Coastal-Joint-Inland Waters</u>	15A	NCAC	03Q	.0202*	23:05 NCR
<u>Attended Gill Net Areas</u>	15A	NCAC	03R	.0112*	23:05 NCR
<u>Pound Net Set Prohibited Areas</u>	15A	NCAC	03R	.0113*	23:05 NCR

COASTAL RESOURCES COMMISSION

<u>Purpose</u>	15A NCAC 07H .1401*	23:03 NCR
<u>Approval Procedures</u>	15A NCAC 07H .1402*	23:03 NCR
<u>General Conditions</u>	15A NCAC 07H .1404	23:03 NCR
<u>Specific Conditions</u>	15A NCAC 07H .1405*	23:03 NCR
<u>Purpose</u>	15A NCAC 07H .2101	23:03 NCR
<u>Approval Procedures</u>	15A NCAC 07H .2102*	23:03 NCR
<u>General Conditions</u>	15A NCAC 07H .2104	23:03 NCR
<u>Specific Conditions</u>	15A NCAC 07H .2105*	23:03 NCR
<u>Purpose</u>	15A NCAC 07H .2401	23:03 NCR
<u>Approval Procedures</u>	15A NCAC 07H .2402*	23:03 NCR
<u>General Conditions</u>	15A NCAC 07H .2404	23:03 NCR
<u>Specific Conditions</u>	15A NCAC 07H .2405*	23:03 NCR
<u>Declaration of General Policy</u>	15A NCAC 07M .0301	23:03 NCR
<u>Definitions</u>	15A NCAC 07M .0302*	23:03 NCR
<u>Standards for Public Access</u>	15A NCAC 07M .0303*	23:03 NCR
<u>Local Government and State Involvement in Access</u>	15A NCAC 07M .0306*	23:03 NCR
<u>Eligibility, Selection Criteria and Matching Requirements</u>	15A NCAC 07M .0307*	23:03 NCR

CHIROPRACTIC EXAMINERS, BOARD OF

<u>Examination</u>	21 NCAC 10 .0203*	23:08 NCR
--------------------	-------------------	-----------

DENTAL EXAMINERS, BOARD OF

<u>Procedure for Evaluation or Inspection</u>	21 NCAC 16Q .0204	23:02 NCR
<u>Temporary Approval Prior to Site Inspection</u>	21 NCAC 16Q .0303	23:02 NCR
<u>Temporary Approval Prior to Site Inspection</u>	21 NCAC 16Q .0403*	23:02 NCR

FUNERAL SERVICE, BOARD OF

<u>Solicitation</u>	21 NCAC 34A .0124*	23:04 NCR
<u>Complaints: Preliminary Determination</u>	21 NCAC 34A .0126*	23:04 NCR
<u>National Board Certificate</u>	21 NCAC 34B .0211*	23:04 NCR
<u>Expiration of Text Scores</u>	21 NCAC 34B .0213*	23:04 NCR
<u>Practice of Funeral Service or Funeral Directing Not as a...</u>	21 NCAC 34B .0310*	23:04 NCR
<u>Monthly Reports</u>	21 NCAC 34C .0305*	23:04 NCR
<u>Preneed Funeral Establishment License</u>	21 NCAC 34D .0201*	23:04 NCR
<u>Certificate of Performance</u>	21 NCAC 34D .0303*	23:04 NCR

SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

<u>Reporting of Scores</u>	21 NCAC 63 .0302*	23:03 NCR
----------------------------	-------------------	-----------

These rules are subject to the next Legislative Session. (See G.S. 150B-21.3).

MEDICAL CARE COMMISSION

TITLE 02 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 38 .0203 TYPE APPROVAL OF WEIGHING AND MEASURING DEVICES

(a) Each type or model or pattern or design of weight or measure or weighing or measuring device intended for use in trade in this state, generally known as commercial use, shall first be submitted or demonstrated by the manufacturer for the purpose of approval, and be approved by the Director of the Standards Division at Raleigh, North Carolina, or such other place as agreed upon, in accordance with National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices". The expense incurred in obtaining approval shall be borne by the manufacturer in accordance with G.S. 81A-10.

(b) The Director may accept in lieu of the requirement in (a) of this Rule, a Certificate of Conformance issued by the National Conference of Weights and Measures.

History Note: Authority G.S. 81A-2;

Eff. May 1, 1983;

Amended Eff. February 1, 2009; January 1, 1990; May 1, 1986.

02 NCAC 38 .0601 RETAIL MOTOR FUEL DISPENSERS/HALF-PRICING

(a) All retail motor fuel dispensing outlets shall sell motor fuel by the full price per gallon method, except as provided in (b) of this Rule.

(b) Until January 1, 2011, retail motor fuel dispensing outlets which sell 600,000 gallons of motor fuel or less per each 12 month period may sell motor fuel by the half-price per gallon method, (except as provided in 2 NCAC 38 .0603).

(c) All motor fuel dispensers using the half-pricing method shall bear the following statements on each dial face:

- (1) "CAUTION: DUE TO A SHORTAGE OF COMPUTER PARTS THIS DISPENSER INDICATES ONLY 1/2 THE TOTAL SALE PRICE." This statement must be composed of one-fourth inch letters and must be located above or to the side of the sale price indicator;
- (2) "1/2 TOTAL SALE." This statement must be composed of three-fourths inch letters and must be affixed to cover the total sale or total price identification statement of the dial face;
- (3) "GALLONS." No change;
- (4) "CENTS PER 1/2 GALLON INCLUDING TAX." This statement must be composed of three-eighths inch letters and must be affixed to cover the cents or price per gallon statement on the dial face;
- (5) "\$___PER GALLON." This statement must contain three-eighths inch letters and must be located directly beneath the statement

described in (4) of this Paragraph and must have the full price per gallon written in the blank space.

(d) The sale of motor fuel through those dispensers as described in (c) of this Rule shall be priced in even tenths of a cent (example: \$1.002, \$1.004, etc.).

(e) Advertised pricing shall be by the price per gallon.

History Note: Authority G.S. 81A-2;

Eff. May 1, 1983;

Amended Eff. February 1, 2009.

02 NCAC 48A .1702 NOXIOUS WEEDS

(a) Class A Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class A Noxious Weeds:

- (1) All weeds listed in 7 C.F.R. 360.200 which is hereby incorporated by reference including subsequent amendments and editions. A full list of Federal Noxious Weeds may be found at:
http://www.access.gpo.gov/nara/cfr/waisidx_07/7cfr360_07.html;
- (2) Elodea, African -- Lagarosiphon spp. (all species);
- (3) Fern, Water -- Salvinia spp. (all except S. minima);
- (4) Mile-a-Minute -- Polygonum perfoliatum;
- (5) Stonecrop, Swamp -- Crassula helmsii;
- (6) Water-chestnut -- Trapa spp.

(b) Class B Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class B Noxious Weeds:

- (1) Betony, Florida--Stachys floridana Shuttlew.;
- (2) Bushkiller--Cayratia japonica Thunb.;
- (3) Fieldcress, Yellow--Rorippa sylvestris (L.) Bess.;
- (4) Lythrum -- Any Lythrum species not native to North Carolina;
- (5) Puncturevine--Tribulus terrestris L.;
- (6) Thistle, Canada--Cirsium arvense (L.) Scop.;
- (7) Thistle, Musk--Carduus nutans L.;
- (8) Thistle, Plumeless--Carduus acanthoides L.;
- (9) Vitex, Beach--Vitex rotundifolia L.f.;
- (10) Watermilfoil, Eurasian -- Myriophyllum spicatum L.;
- (11) Waterprimrose, Uruguay -- Ludwigia hexapetala (Hook & Arn.) Zardini, Gu & Raven.

(c) Class C Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class C Noxious Weeds: Bittersweet, Oriental – Celastrus orbiculatus Thunb.

History Note: Authority G.S. 106-420;

Eff. December 1, 1991;

Amended Eff. February 1, 2009; April 1, 2003; February 1, 1996; June 1, 1994.

02 NCAC 48A .1703 REGULATED AREAS

(a) Except as permitted in 02 NCAC 48A .1705 and .1706, the following is prohibited:

- (1) The movement of Beach Vitex (*Vitex rotundifolia* L.F.) or any regulated article infested with Beach Vitex from the following counties: Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, Pender;
- (2) The movement of Bushkiller (*Cayratia japonica* Thunb.) or any regulated article infested with Bushkiller from the following counties: Davidson, Forsyth, Franklin, Mecklenburg;
- (3) The movement of Canada Thistle [*Cirsium arvense* (L.) Scop.] or any regulated article infested with Canada Thistle from the following counties: Ashe, Avery, Haywood, Mitchell, Northampton, Yancey;
- (4) The movement of Class A, B, or C noxious weeds or any regulated article infested with Class A, B, or C noxious weeds into North Carolina;
- (5) The movement of a Class A noxious weed or any regulated article infested with any Class A noxious weed is prohibited within the state;
- (6) The movement of Eurasian Watermilfoil (*Myriophyllum spicatum* L.) or any regulated article infested with Eurasian Watermilfoil from the following counties: Halifax, Northampton, Perquimans, Tyrrell, Warren;
- (7) The movement of Florida Betony (*Stachys floridana* Shuttlew.) or any regulated article infested with Florida Betony from the following counties: Bladen, Brunswick, Cumberland, Forsyth, Hoke, New Hanover, Onslow, Wake;
- (8) The movement of Musk Thistle (*Carduus nutans* L.) or any regulated article infested with Musk Thistle from the following counties: Buncombe, Cleveland, Chatham, Gaston, Henderson, Lincoln, Madison, Randolph, Rowan, Rutherford;
- (9) The movement of Plumeless Thistle (*Carduus acanthoides* L.) or any regulated article infested with Plumeless Thistle from the following counties: Haywood, Jackson, Madison, Watauga;
- (10) The movement of Puncturevine (*Tribulus terrestris* L.) or any regulated article infested with Puncturevine from the following counties: Durham, New Hanover;
- (11) The movement of any *Lythrum* species not native to North Carolina or any regulated

article infested with any nonnative *Lythrum* species from the following counties: Forsyth, Watauga;

- (12) The movement of Uruguay Waterprimrose [*Ludwigia hexapetala* (Hook & Arn.) Zardini, Gu & Raven] or any regulated article infested with Uruguay Waterprimrose from the following counties: Bladen, Brunswick, Columbus, Durham, Granville, Hyde, New Hanover, Orange, Rowan, Wake, Warren;
- (13) The movement of Yellow Fieldcress [*Rorippa sylvestris* (L.) Bess.] or any regulated article infested with Yellow Fieldcress from the following county: Orange;
- (14) The movement of Oriental Bittersweet (*Celastrus orbiculatus* Thunb.) or any regulated article infested with Oriental Bittersweet from the following counties: Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Wilkes, Yancey;
- (15) The sale or distribution of any Class A or B noxious weed;
- (16) The sale or distribution of any Class C noxious weed outside a regulated area.

(b) Other regulated areas. The Commissioner may designate as a regulated area any state or portion of a state in which there is reasonable cause to believe that a noxious weed exists, and there is an immediate need to prevent its introduction, spread or dissemination in North Carolina.

History Note: Authority G.S. 106-420; 106-421;

Eff. December 1, 1991;

Amended Eff. February 1, 2009; January 1, 2005; April 1, 2003; June 1, 1994.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 13P .0102 DEFINITIONS

The following definitions apply throughout this Subchapter:

- (1) "Advanced Trauma Life Support" means the course sponsored by the American College of Surgeons.
- (2) "Affiliated EMS Provider" means the firm, corporation, agency, organization, or association identified to a specific county EMS system as a condition for EMS Provider Licensing as required by Rule .0204 (a)(1), of this Subchapter.
- (3) "Affiliated Hospital" means a non-Trauma Center hospital that is owned by the Trauma Center or there exists a contract or other agreement to allow for the acceptance or

- transfer of the Trauma Center's patient population to the non-Trauma Center hospital.
- (4) "Affiliation" means a reciprocal agreement and association that includes active participation, collaboration and involvement in a process or system between two or more parties.
- (5) "Air Medical Ambulance" means an aircraft configured and medically equipped to transport patients by air. The patient care compartment of air medical ambulances shall be staffed by medical crew members approved for the mission by the medical director.
- (6) "Air Medical Program" means a SCTP or EMS System utilizing rotary-wing or fixed-wing aircraft configured and operated to transport patients.
- (7) "Assistant Medical Director" means a physician, EMS-PA, or EMS-NP who assists the medical director with the medical aspects of the management of an EMS System or EMS SCTP.
- (8) "Attending" means a physician who has completed medical or surgical residency and is either eligible to take boards in a specialty area or is boarded in a specialty.
- (9) "Board Certified, Board Certification, Board Eligible, Board Prepared, or Boarded" means approval by the American Board of Medical Specialties, the Advisory Board for Osteopathic Specialties, or the Royal College of Physicians and Surgeons of Canada unless a further sub-specialty such as the American Board of Surgery or Emergency Medicine is specified.
- (10) "Bypass" means the transport of an emergency medical services patient from the scene of an accident or medical emergency past an emergency medical services receiving facility for the purposes of accessing a facility with a higher level of care, or a hospital of its own volition reroutes a patient from the scene of an accident or medical emergency or referring hospital to a facility with a higher level of care.
- (11) "Contingencies" mean conditions placed on a trauma center's designation that, if unmet, can result in the loss or amendment of a hospital's designation.
- (12) "Convalescent Ambulance" means an ambulance used on a scheduled basis solely to transport patients having a known non-emergency medical condition. Convalescent ambulances shall not be used in place of any other category of ambulance defined in this Subchapter.
- (13) "Clinical Anesthesiology Year 3" means an anesthesiology resident having completed two clinical years of general anesthesiology training. A pure laboratory year shall not constitute a clinical year.
- (14) "Deficiency" means the failure to meet essential criteria for a trauma center's designation as specified in Section .0900 of this Subchapter, that can serve as the basis for a focused review or denial of a trauma center designation.
- (15) "Department" means the North Carolina Department of Health and Human Services.
- (16) "Diversion" means the hospital is unable to accept a pediatric or adult patient due to a lack of staffing or resources.
- (17) "E-Code" means a numeric identifier that defines the cause of injury, taken from the ICD.
- (18) "Educational Medical Advisor" means the physician responsible for overseeing the medical aspects of approved EMS educational programs in continuing education, basic, and advanced EMS educational institutions.
- (19) "EMS Care" means all services provided within each EMS System that relate to the dispatch, response, treatment, and disposition of any patient that would require the submission of System Data to the OEMS.
- (20) "EMS Educational Institution" means any agency credentialed by the OEMS to offer EMS educational programs.
- (21) "EMS Nontransporting Vehicle" means a motor vehicle dedicated and equipped to move medical equipment and EMS personnel functioning within the scope of practice of EMT-I or EMT-P to the scene of a request for assistance. EMS nontransporting vehicles shall not be used for the transportation of patients on the streets, highways, waterways, or airways of the state.
- (22) "EMS Peer Review Committee" means a committee as defined in G.S. 131E-155(a)(6b).
- (23) "EMS Performance Improvement Toolkits" mean one or more reports generated from the state EMS data system analyzing the EMS service delivery, personnel performance, and patient care provided by an EMS system and its associated EMS agencies and personnel. Each EMS toolkit focuses on a topic of care such as trauma, cardiac arrest, EMS response times, stroke, STEMI (heart attack), and pediatric care.
- (24) "EMS Provider" means those entities defined in G.S. 131E-155 (13a) that hold a current license issued by the Department pursuant to G.S. 131E-155.1.
- (25) "EMS System" means a coordinated arrangement of local resources under the authority of the county government (including all agencies, personnel, equipment, and facilities) organized to respond to medical

- emergencies and integrated with other health care providers and networks including public health, community health monitoring activities, and special needs populations.
- (26) "EMS System Peer Groups" are defined as:
- (a) Urban EMS System means greater than 200,000 population;
 - (b) Suburban EMS System means from 75,001 to 200,000 population;
 - (c) Rural EMS System means from 25,001 to 75,000 population; and
 - (d) Wilderness EMS System means 25,000 population or less.
- (27) "Essential Criteria" means those items listed in Rules .0901, .0902, and .0903 of this Subchapter that are the minimum requirements for the respective level of trauma center designation (I, II, or III).
- (28) "Focused Review" means an evaluation by the OEMS of a trauma center's corrective actions to remove contingencies that are a result of deficiencies placed upon it following a renewal site visit.
- (29) "Ground Ambulance" means an ambulance used to transport patients with traumatic or medical conditions or patients for whom the need for specialty care or emergency or non-emergency medical care is anticipated either at the patient location or during transport.
- (30) "Hospital" means a licensed facility as defined in G.S. 131E-176.
- (31) "Immediately Available" means the physical presence of the health professional or the hospital resource within the trauma center to evaluate and care for the trauma patient without delay.
- (32) "Inclusive Trauma System" means an organized, multi-disciplinary, evidence-based approach to provide quality care and to improve measurable outcomes for all defined injured patients. EMS, hospitals, other health systems and clinicians shall participate in a structured manner through leadership, advocacy, injury prevention, education, clinical care, performance improvement and research resulting in integrated trauma care.
- (33) "Infectious Disease Control Policy" means a written policy describing how the EMS system will protect and prevent its patients and EMS professionals from exposure and illness associated with contagions and infectious disease.
- (34) "Lead RAC Agency" means the agency (comprised of one or more Level I or II trauma centers) that provides staff support and serves as the coordinating entity for trauma planning in a region.
- (35) "Level I Trauma Center" means a hospital as defined by Item (30) of this Rule that has the capability of providing leadership, research, and total care for every aspect of injury from prevention to rehabilitation.
- (36) "Level II Trauma Center" means a hospital as defined by Item (30) of this Rule that provides trauma care regardless of the severity of the injury but may not be able to provide the same comprehensive care as a Level I trauma center and does not have trauma research as a primary objective.
- (37) "Level III Trauma Center" means a hospital as defined by Item (30) of this Rule that provides prompt assessment, resuscitation, emergency operations, and stabilization, and arranges for hospital transfer as needed to a Level I or II trauma center.
- (38) "Licensed Health Care Facility" means any health care facility or hospital as defined by Item (30) of this Rule licensed by the Department of Health and Human Services, Division of Health Service Regulation.
- (39) "Medical Crew Member" means EMS personnel or other health care professionals who are licensed or registered in North Carolina and are affiliated with a SCTP.
- (40) "Medical Director" means the physician responsible for the medical aspects of the management of an EMS System, or SCTP, or Trauma Center.
- (41) "Medical Oversight" means the responsibility for the management and accountability of the medical care aspects of an EMS System or SCTP. Medical Oversight includes physician direction of the initial education and continuing education of EMS personnel or medical crew members; development and monitoring of both operational and treatment protocols; evaluation of the medical care rendered by EMS personnel or medical crew members; participation in system or program evaluation; and directing, by two-way voice communications, the medical care rendered by the EMS personnel or medical crew members.
- (42) "Mid-level Practitioner" means a nurse practitioner or physician assistant who routinely cares for trauma patients.
- (43) "Model EMS System" means an EMS System that is recognized and designated by the OEMS for meeting and mastering quality and performance indicator criteria as defined by Rule .0202 of this Subchapter.
- (44) "Off-line Medical Control" means medical supervision provided through the EMS System Medical Director or SCTP Medical Director who is responsible for the day to day medical care provided by EMS personnel. This includes EMS personnel education, protocol development, quality management, peer review activities, and EMS administrative

- responsibilities related to assurance of quality medical care.
- (45) "Office of Emergency Medical Services" means a section of the Division of Health Service Regulation of the North Carolina Department of Health and Human Services located at 701 Barbour Drive, Raleigh, North Carolina 27603.
- (46) "On-line Medical Control" means the medical supervision or oversight provided to EMS personnel through direct communication in person, via radio, cellular phone, or other communication device during the time the patient is under the care of an EMS professional. The source of on-line medical control is typically a designated hospital's emergency department physician, EMS nurse practitioner, or EMS physician assistant.
- (47) "Operational Protocols" means the administrative policies and procedures of an EMS System that provide guidance for the day-to-day operation of the system.
- (48) "Participating Hospital" means a hospital that supplements care within a larger trauma system by the initial evaluation and assessment of injured patients for transfer to a designated trauma center if needed.
- (49) "Physician" means a medical or osteopathic doctor licensed by the North Carolina Medical Board to practice medicine in the state of North Carolina.
- (50) "Post Graduate Year Two" means any surgery resident having completed one clinical year of general surgical training. A pure laboratory year shall not constitute a clinical year.
- (51) "Post Graduate Year Four" means any surgery resident having completed three clinical years of general surgical training. A pure laboratory year shall not constitute a clinical year.
- (52) "Promptly Available" means the physical presence of health professionals in a location in the trauma center within a short period of time, that is defined by the trauma system (director) and continuously monitored by the performance improvement program.
- (53) "Regional Advisory Committee (RAC)" means a committee comprised of a lead RAC agency and a group representing trauma care providers and the community, for the purpose of regional trauma planning, establishing, and maintaining a coordinated trauma system.
- (54) "Request for Proposal (RFP)" means a state document that must be completed by each hospital as defined by Item (30) of this Rule seeking initial or renewal trauma center designation.
- (55) "State Medical Asset and Resource Tracking Tool (SMARTT)" means the Internet web-based program used by the OEMS both daily in its operations and during times of disaster to identify, record and monitor EMS, hospital, health care and sheltering resources statewide, including facilities, personnel, vehicles, equipment, pharmaceutical and supply caches.
- (56) "Specialty Care Transport Program" means a program designed and operated for the provision of specialized medical care and transportation of critically ill or injured patients between health care facilities and for patients who are discharged from a licensed health care facility to their residence that require specialized medical care during transport which exceeds the normal capability of the local EMS System.
- (57) "Specialty Care Transport Program Continuing Education Coordinator" means a Level I EMS Instructor within a SCTP who is responsible for the coordination of EMS continuing education programs for EMS personnel within the program.
- (58) "Stroke" means an acute cerebrovascular hemorrhage or occlusion resulting in a neurologic deficit.
- (59) "System Continuing Education Coordinator" means the Level I EMS Instructor designated by the local EMS System who is responsible for the coordination of EMS continuing education programs.
- (60) "System Data" means all information required for daily electronic submission to the OEMS by all EMS Systems using the EMS data set, data dictionary, and file format as specified in "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection," incorporated by reference in accordance with G.S. 150B-21.6, including subsequent amendments and additions. This document is available from the OEMS, 2707 Mail Service Center, Raleigh, North Carolina 27699-2707, at no cost.
- (61) "Transfer Agreement" means a written agreement between two agencies specifying the appropriate transfer of patient populations delineating the conditions and methods of transfer.
- (62) "Trauma Center" means a hospital as defined by Item (30) of this Rule designated by the State of North Carolina and distinguished by its ability to immediately manage, on a 24-hour basis, the severely injured patient or those at risk for severe injury.
- (63) "Trauma Center Criteria" means essential criteria to define Level I, II, or III trauma centers.
- (64) "Trauma Center Designation" means a process of approval in which a hospital as defined by Item (30) of this Rule voluntarily seeks to have

- its trauma care capabilities and performance evaluated by experienced on-site reviewers.
- (65) "Trauma Diversion" means a trauma center of its own volition declines to accept an acutely injured pediatric or adult patient due to a lack of staffing or resources.
- (66) "Trauma Guidelines" mean standards for practice in a variety of situations within the trauma system.
- (67) "Trauma Minimum Data Set" means the basic data required of all hospitals for submission to the trauma statewide database.
- (68) "Trauma Patient" means any patient with an ICD-9-CM discharge diagnosis 800.00-959.9 excluding 905-909 (late effects of injury), 910.0-924 (blisters, contusions, abrasions, and insect bites), and 930-939 (foreign bodies).
- (69) "Trauma Program" means an administrative entity that includes the trauma service and coordinates other trauma related activities. It must also include the trauma medical director, trauma program manager/trauma coordinator, and trauma registrar. This program's reporting structure shall give it the ability to interact with at least equal authority with other departments providing patient care.
- (70) "Trauma Registry" means a disease-specific data collection composed of a file of uniform data elements that describe the injury event, demographics, pre-hospital information, diagnosis, care, outcomes, and costs of treatment for injured patients collected and electronically submitted as defined by the OEMS.
- (71) "Trauma Service" means a clinical service established by the medical staff that has oversight of and responsibility for the care of the trauma patient.
- (72) "Trauma Team" means a group of health care professionals organized to provide coordinated and timely care to the trauma patient.
- (73) "Treatment Protocols" means a document approved by the medical directors of both the local EMS System, Specialty Care Transport Program, or Trauma Center and the OEMS specifying the diagnostic procedures, treatment procedures, medication administration, and patient-care-related policies that shall be completed by EMS personnel or medical crew members based upon the assessment of a patient.
- (74) "Triage" means the assessment and categorization of a patient to determine the level of EMS and healthcare facility based care required.
- (75) "Water Ambulance" means a watercraft specifically configured and medically equipped to transport patients.

History Note: Authority G.S. 131E-155(a)(6b); 131E-162; 143-508(b),(d)(1),(d)(3),(d)(4),(d)(6),(d)(7),(d)(8), (d)(13); 143-518(a)(5);

Temporary Adoption Eff. January 1, 2002;

Eff. April 1, 2003;

Amended Eff. Pending Legislative Review.

10A NCAC 13P .0202 MODEL EMS SYSTEMS

History Note: Authority G.S. 143-508(b); 143-508(d)(1), (d)(3), (d)(5), (d)(8), (d)(9), (d)(10),(d)(13); 143-509(1), (3), (4), (5);

Temporary Adoption Eff. January 1, 2002;

Eff. January 1, 2004;

Repealed Eff. March 1, 2009.

10A NCAC 13P .0205 EMS PROVIDER LICENSE CONDITIONS

(a) Applications for an EMS Provider License must be received by the OEMS at least 30 days prior to the date that the EMS Provider proposes to initiate service. Applications for renewal of an EMS Provider License must be received by the OEMS at least 30 days prior to the expiration date of the current license.

(b) Only one license shall be issued to each EMS Provider. The Department shall issue a license to the EMS Provider following verification of compliance with applicable laws and rules.

(c) EMS Provider Licenses shall not be transferred.

(d) The license shall be posted in a prominent location accessible to public view at the primary business location of the EMS Provider.

(e) EMS Provider Licenses may not be issued by the Department to any firm, corporation, agency, organization or association that does not intend to provide emergency medical services as part of its operation to the citizens of North Carolina.

History Note: Authority G.S. 131E-155.1(c);

Temporary Adoption Eff. January 1, 2002;

Eff. April 1, 2003;

Amended Eff. February 1, 2009; January 1, 2004.

10A NCAC 13P .0510 RENEWAL OF CREDENTIALS FOR LEVEL I AND LEVEL II EMS INSTRUCTORS

(a) Level I and Level II EMS Instructor applicants shall renew credentials by presenting documentation to the OEMS that they:

(1) are credentialed by the OEMS as an EMT, EMT-I, or EMT-P, or EMD;

(2) successfully completed, within one year prior to application, a scope of practice performance evaluation which use performance measures based on the cognitive, psychomotor, and affective educational objectives in Rule .0501(b) of this Subchapter consistent with their level of application and approved by the OEMS:

(A) To renew a credential to teach at the EMT level, this evaluation shall be conducted under the direction of a Level II EMS Instructor credentialed at or above the level of application;

- (B) To renew a credential to teach at the EMT-I or EMT-P level, this evaluation shall be conducted under the direction of the educational medical advisor, or a Level II EMS Instructor credentialed at or above the level of application and designated by the educational medical advisor; and
- (C) To renew a credential to teach at the EMD level, this evaluation shall be conducted under the direction of the educational medical advisor or a Level I EMS Instructor credentialed at the EMD level designated by the educational medical advisor.
- (3) completed 96 hours of EMS instruction at the level of application; and
- (4) completed 40 hours of educational professional development as defined by the educational institution.
- (b) The credential of a Level I or Level II EMS Instructor is valid for four years, unless any of the following occurs:
 - (1) the OEMS imposes an administrative action against the instructor credential; or
 - (2) the instructor fails to maintain a current EMT, EMT-I, EMT-P, or EMD credential at the highest level that the instructor is approved to teach.

History Note: Authority G.S. 131E-159(a)(b); 143-508(d)(3); Eff. February 1, 2004; Amended Eff. February 1, 2009.

10A NCAC 27G .0104 STAFF DEFINITIONS

The following credentials and qualifications apply to staff described in this Subchapter:

- (1) "Associate Professional (AP)" within the mental health, developmental disabilities and substance abuse services (mh/dd/sas) system of care means an individual who is a:
 - (a) graduate of a college or university with a masters degree in a human service field with less than one year of full-time, post-graduate degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional with less than one year of full-time, post-graduate degree accumulated supervised experience in alcoholism and drug abuse counseling. Supervision shall be provided by a qualified professional with the population served until the individual meets one year of experience. The supervisor and the employee shall develop an individualized supervision

- plan upon hiring. The parties shall review the plan annually; or
- (b) graduate of a college or university with a bachelor's degree in a human service field with less than two years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional with less than two years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling. Supervision shall be provided by a qualified professional with the population served until the individual meets two years of experience. The supervisor and the employee shall develop an individualized supervision plan upon hiring. The parties shall review the plan annually; or
- (c) graduate of a college or university with a bachelor's degree in a field other than human services with less than four years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional with less than four years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling. Supervision shall be provided by a qualified professional with the population served until the individual meets four years of experience. The supervisor and the employee shall develop an individualized supervision plan upon hiring. The parties shall review the plan annually; or
- (d) registered nurse who is licensed to practice in the State of North Carolina by the North Carolina Board of Nursing with less than four years of full-time accumulated experience in mh/dd/sa with the population served. Supervision shall be provided by a qualified professional with the population served until the individual meets four years of experience. The supervisor and the employee shall develop an individualized supervision plan upon hiring. The parties shall review the plan annually.
- (2) "Certified clinical supervisor (CCS)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Practice Board.

- (3) "Certified criminal justice addictions professional (CCJP)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Practice Board.
- (4) "Certified substance abuse counselor (CSAC)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Certification Board.
- (5) "Certified substance abuse prevention consultant (CSAPC)" means an individual who is certified as such by the North Carolina Substance Abuse Professional Practice Board.
- (6) "Clinical" means having to do with the active direct treatment/habilitation of a client.
- (7) "Clinical staff member" means a qualified professional or associate professional who provides active direct treatment/habilitation to a client.
- (8) "Clinical/professional supervision" means regularly scheduled assistance by a qualified professional or associate professional to a staff member who is providing direct, therapeutic intervention to a client or clients. The purpose of clinical supervision is to ensure that each client receives treatment or habilitation which is consistent with accepted standards of practice and the needs of the client.
- (9) "Clinical social worker" means a social worker who is licensed as such by the N.C. Social Work Certification and Licensure Board.
- (10) "Director" means the individual who is responsible for the operation of the facility.
- (11) "Licensed clinical addictions specialist (LCAS)" means an individual who is licensed as such by the North Carolina Substance Abuse Professional Practice Board.
- (12) "Licensed clinician" means an individual with full clinical licensure awarded by the State of North Carolina, as a physician, licensed psychologist, licensed psychological associate, licensed clinical social worker, licensed professional counselor, licensed marriage and family therapist, or licensed clinical addictions specialist. "Licensed clinician" also includes an individual with full clinical licensure and certification as a certified clinical nurse specialist in psychiatric mental health advanced practice, or a certified nurse practitioner in psychiatric mental health advanced practice.
- (13) "Licensed professional counselor (LPC)" means a counselor who is licensed as such by the North Carolina Board of Licensed Professional Counselors.
- (14) "Nurse" means a person licensed to practice in the State of North Carolina either as a registered nurse or as a licensed practical nurse.
- (15) "Paraprofessional" within the mh/dd/sas system of care means an individual who, with the exception of staff providing respite services or personal care services, has a GED or high school diploma; or no GED or high school diploma, employed prior to November 1, 2001 to provide a mh/dd/sa service. Supervision shall be provided by a qualified professional or associate professional with the population served. The supervisor and the employee shall develop an individualized supervision plan upon hiring. The parties shall review the plan annually.
- (16) "Psychiatrist" means an individual who is licensed to practice medicine in the State of North Carolina and who has completed a training program in psychiatry accredited by the Accreditation Council for Graduate Medical Education.
- (17) "Psychologist" means an individual who is licensed to practice psychology in the State of North Carolina as either a licensed psychologist or a licensed psychological associate.
- (18) "Qualified client record manager" means an individual who is a graduate of a curriculum accredited by the Council on Medical Education and Registration of the American Health Information Management Association and who is currently registered or accredited by the American Health Information Management Association.
- (19) "Qualified professional" means, within the mh/dd/sas system of care:
 - (a) an individual who holds a license, provisional license, certificate, registration or permit issued by the governing board regulating a human service profession, except a registered nurse who is licensed to practice in the State of North Carolina by the North Carolina Board of Nursing who also has four years of full-time accumulated experience in mh/dd/sa with the population served; or
 - (b) a graduate of a college or university with a Masters degree in a human service field and has one year of full-time, post-graduate degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional who has one year of full-time, post-graduate degree accumulated supervised experience in alcoholism and drug abuse counseling; or
 - (c) a graduate of a college or university with a bachelor's degree in a human service field and has two years of

- full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional who has two years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling; or
- (d) a graduate of a college or university with a bachelor's degree in a field other than human services and has four years of full-time, post-bachelor's degree accumulated mh/dd/sa experience with the population served, or a substance abuse professional who has four years of full-time, post-bachelor's degree accumulated supervised experience in alcoholism and drug abuse counseling.
- (20) "Qualified substance abuse prevention professional (QSAPP)" means, within the mh/dd/sas system of care:
- (a) a graduate of a college or university with a masters degree in a human service field and has one year of full-time, post-graduate degree accumulated supervised experience in substance abuse prevention; or
- (b) a graduate of a college or university with a bachelor's degree in a human service field and has two years of full-time, post-bachelor's degree accumulated supervised experience in substance abuse prevention; or
- (c) a graduate of a college or university with a bachelor's degree in a field other than human services and has four years of full-time, post bachelor's degree accumulated supervised experience in substance abuse prevention; or
- (d) a substance abuse prevention professional who is certified as a Certified Substance Abuse Prevention Consultant (CSAPC) by the North Carolina Substance Abuse Professional Practice Board.

History Note: Authority G.S. 122C-3; 122C-25; 122C-26; 143B-147;

Eff. May 11, 1996;

Temporary Amendment Eff. January 1, 2001;

Temporary Amendment Expired October 13, 2001;

Temporary Amendment Eff. November 1, 2001;

Amended Eff. February 1, 2009; October 1, 2004; April 1, 2003.

10A NCAC 27G .0404 OPERATIONS DURING LICENSED PERIOD

(a) An initial license shall be valid for a period not to exceed 15 months from the date on which the license is issued. Each license shall be renewed annually thereafter and shall expire at the end of the calendar year.

(b) For all facilities providing periodic and day/night services, the license shall be posted in a prominent location accessible to public view within the licensed premises.

(c) For 24-hour facilities, the license shall be available for review upon request.

(d) For residential facilities, the DHSR complaint hotline number shall be posted in a public place in each facility.

(e) A facility shall accept no more clients than the number for which it is licensed.

(f) DHSR shall conduct inspections of facilities without advance notice.

(g) Licenses for facilities that have not served any clients during the previous 12 months shall not be renewed.

(h) DHSR shall conduct inspections of all 24-hour facilities an average of once every 12 months, to occur no later than 15 months as of July 1, 2007.

(i) Written requests shall be submitted to DHSR a minimum of 30 days prior to any of the following changes:

- (1) Construction of a new facility or any renovation of an existing facility;
- (2) Increase or decrease in capacity by program service type;
- (3) Change in program service; or
- (4) Change in location of facility.

(j) Written notification must be submitted to DHSR a minimum of 30 days prior to any of the following changes:

- (1) Change in ownership including any change in partnership; or
- (2) Change in name of facility.

(k) When a licensee plans to close a facility or discontinue a service, written notice at least 30 days in advance shall be provided to DHSR, to all affected clients, and when applicable, to the legally responsible persons of all affected clients. This notice shall address continuity of services to clients in the facility.

(l) Licenses shall expire unless renewed by DHSR for an additional period. Prior to the expiration of a license, the licensee shall submit to DHSR the following information:

- (1) Annual Fee;
- (2) Description of any changes in the facility since the last written notification was submitted;
- (3) Local current fire inspection report;
- (4) Annual sanitation inspection report, with the exception of a day/night or periodic service that does not handle food for which a sanitation inspection report is not required; and
- (5) The names of individuals who are owner, partners or shareholders holding an ownership or controlling interest of 5% or more of the applicant entity.

History Note: Authority G.S. 122C-23; 122C-25; 122C-27;
Eff. May 1, 1996;

Amended Eff. February 1, 2009; July 1, 2004.

TITLE 11 – DEPARTMENT OF INSURANCE

11 NCAC 08 .1103 PURPOSE AND SCOPE

(a) Home inspections performed according to this Section shall provide the client with an understanding of the property conditions, as inspected at the time of the home inspection.

(b) Home inspectors shall:

- (1) Provide a written contract, signed by the client, before the home inspection is performed that shall:
 - (A) State that the home inspection is in accordance with the Standards of Practice of the North Carolina Home Inspector Licensure Board;
 - (B) Describe what services shall be provided and their cost; and
 - (C) State, when an inspection is for only one or a limited number of systems or components, that the inspection is limited to only those systems or components;
- (2) Inspect readily visible and readily accessible installed systems and components listed in this Section; and
- (3) Submit a written report to the client that shall:
 - (A) Describe those systems and components required to be described in Rules .1106 through .1115 of this Section;
 - (B) State which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting;
 - (C) State any systems or components so inspected that do not function as intended, allowing for normal wear and tear, or adversely affect the habitability of the dwelling;
 - (D) State whether the condition reported requires repair or subsequent observation, or warrants further investigation by a specialist; and
 - (E) State the name, license number, and signature of the person supervising the inspection and the name, license number, and signature of the person conducting the inspection.

(c) This Section does not limit home inspectors from:

- (1) Reporting observations and conditions or rendering opinions of items in addition to those required in Paragraph (b) of this Rule; or

- (2) Excluding systems and components from the inspection if requested by the client, and so stated in the written contract.

(d) Written reports required by this Rule for pre-purchase home inspections of three or more systems shall include a separate section labeled "Summary" that includes any system or component that:

- (1) does not function as intended or adversely affects the habitability of the dwelling; or
- (2) warrants further investigation by a specialist or requires subsequent observation.

This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function or efficiency of the home. This summary shall contain the following statements: "This summary is not the entire report. The full report may include additional information of interest or concern to the client. It is strongly recommended that the client promptly read the complete report. For information regarding the negotiability of any item in this report under a real estate purchase contract, contact your North Carolina real estate agent or an attorney."

History Note: Authority G.S. 143-151.49; Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996; Temporary Adoption Eff. October 24, 1996; Eff. July 1, 1998; Amended Eff. February 1, 2009; February 1, 2007; April 1, 2005; May 1, 2003; July 1, 2000.

TITLE 12 – DEPARTMENT OF JUSTICE

12 NCAC 07D .0301 EXPERIENCE REQUIREMENTS/SECURITY GUARD AND PATROL LICENSE

(a) In addition to the requirements of 12 NCAC 07D .0200, applicants for a security guard and patrol license shall:

- (1) establish to the Board's satisfaction three years experience as a manager, supervisor, or administrator with a contract security company or a proprietary security organization performing guard and patrol functions; or
- (2) establish to the Board's satisfaction three years experience as a manager, supervisor, or administrator in security with any federal, U.S. Armed Forces, state, county, or municipal law enforcement agency performing guard and patrol functions.

(b) The Board shall give credit toward the experience requirements set forth in (a)(1) and (2) of this Rule as follows:

- (1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Administrator or the Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective

services industry was received while obtaining the associate's degree.

- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Administrator or the Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Administrator or the Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

(c) Persons licensed under Chapter 74D of the General Statutes of North Carolina, may be issued a limited guard and patrol license exclusively for providing armed alarm responders.

History Note: Authority G.S. 74C-5; 74C-8; 74C-13; Eff. June 1, 1984; Amended Eff. February 1, 2009; December 1, 1995; January 4, 1994; January 1, 1990; August 1, 1988.

12 NCAC 07D .0302 EXPERIENCE REQUIREMENTS FOR GUARD DOG SERVICE LICENSE

In addition to the requirements of 12 NCAC 7D .0200, applicants for a guard dog service license shall:

- (1) establish to the Board's satisfaction two years experience as a manager, supervisor, administrator, or dog handler with a contract security company or proprietary security organization performing guard dog functions; or
- (2) establish to the Board's satisfaction two years experience as a manager, supervisor, administrator, or dog handler with any federal, U.S. Armed Forces, state, county, or municipal agency performing guard dog functions.

History Note: Authority G.S. 74C-5; 74C-8; Eff. June 1, 1984; Amended Eff. February 1, 2009; January 4, 1994.

12 NCAC 07D .0401 EXPERIENCE REQUIREMENTS FOR A PRIVATE INVESTIGATOR LICENSE

(a) In addition to the requirements of G.S. 74C-8 and 12 NCAC 07D .0200, applicants for a private investigator license shall:

- (1) establish to the Board's satisfaction three years of experience while conducting investigations as defined in G.S. 74C-3(a)(8) with a contract security company or with a private person, firm, association or corporation; or
- (2) establish to the Board's satisfaction three years of verifiable experience while conducting investigations as defined in G.S. 74C-3(a)(8)

while serving in an investigative capacity as defined in 12 NCAC 07D .0104(9) with any Federal, U.S. Armed Forces, state, county, municipal law enforcement agency or other governmental agency.

(b) The Board shall give credit toward the experience requirements set forth in Paragraph (a) of this Rule as follows:

- (1) An applicant shall receive of 400 hours of experience credit for an associate's degree. The Administrator or the Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the associate's degree.
- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Administrator or the Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Administrator or the Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

History Note: Authority G.S. 74C-5(2); Eff. June 1, 1984; Amended Eff. December 1, 1987; Temporary Amendment Eff. October 1, 1989 For a Period of 180 Days to Expire on March 31, 1990; Amended Eff. February 1, 2009; December 1, 1995; January 4, 1994; February 1, 1990.

12 NCAC 07D .1201 EXPERIENCE REQUIREMENTS FOR COURIER LICENSE

In addition to the requirements of 12 NCAC 07D .0200, applicants for a courier service license shall:

- (1) establish to the Board's satisfaction two years experience as a manager, supervisor, administrator, or courier with a contract security or courier company or proprietary security organization performing courier functions; or
- (2) establish to the Board's satisfaction two years experience as a manager, supervisor, administrator, or courier with any federal, U.S. Armed Forces, state, county, or municipal agency performing courier functions.

History Note: Authority G.S. 74C-3(a)(4); 74C-5; 74C-13; Eff. May 1, 2004; Amended Eff. February 1, 2009.

12 NCAC 10B .0103 DEFINITIONS

In addition to the definitions set forth in G.S. 17E-2, the following definitions apply throughout this Chapter, unless the context requires otherwise:

- (1) "Appointment" as it applies to a deputy sheriff means the date the deputy's oath of office is administered; and as it applies to a detention officer means either the date the detention officer's oath of office was administered, if applicable, or the detention officer's actual date of employment as reported on the Report of Appointment (Form F-4) by the employing agency, whichever is earlier; and as it applies to a telecommunicator, the telecommunicator's actual date of employment as reported on the Report of Appointment (Form F-4T).
- (2) "Convicted" or "Conviction" means for purposes of this Chapter, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (3) "Department Head" means the chief administrator of any criminal justice agency or communications center. Department head includes the sheriff or a designee appointed in writing by the Department head.
- (4) "Director" means the Director of the Sheriffs' Standards Division of the North Carolina Department of Justice.
- (5) "Division" means the Sheriffs' Standards Division.
- (6) "High School Graduation" means successful completion of all requirements for either public or non-public schools, including passing any required competency tests, established by the State Board of Education or other entity having jurisdiction where the student graduated at the time the student finished high school. A certificate or diploma reflecting the person accomplished some but not all graduation requirements is not sufficient. The high school must meet the compulsory attendance requirements in the jurisdiction in which the school is located.
- (7) "Enrolled" means that an individual is currently participating in an on-going presentation of a commission-certified basic training course which has not been concluded on the day probationary certification expires.
- (8) "Essential Job Functions" means those tasks deemed by the agency head to be necessary for the proper performance of a justice officer.

- (9) "Lateral Transfer" means certification of a justice officer when the applicant for certification has previously held general or grandfather certification as a justice officer or a criminal justice officer as defined in G.S. 17C-2(3) excluding state correctional officers, state probation/parole officers, and state youth services officers, provided the applicant has been separated from a sworn law enforcement position for no more than one year, or has had no break in service.
- (10) "Misdemeanor" means those criminal offenses not classified by the North Carolina General Statutes, the United States Code, the common law, or the courts as felonies. Misdemeanor offenses are classified by the Commission as follows:
 - (a) "Class A Misdemeanor" means:
 - (i) an act committed or omitted in violation of any common law, duly enacted ordinance or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (10)(b) of this Rule. Also specifically included herein as a Class A Misdemeanor is the offense of driving while impaired, if the offender was sentenced under punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. All other traffic offenses under Chapter 20 (motor vehicles) are not classified as Class A Misdemeanors.
 - (ii) acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of driving while impaired, if the offender was sentenced under punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. All

- other traffic offenses under Chapter 20 (motor vehicles) are not classified as Class A Misdemeanors.
 - (iii) any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of driving while impaired which is expressly included herein as a class A misdemeanor, if the offender could have been sentenced for a term of not more than six months.
- (b) "Class B Misdemeanor" means:
 - (i) an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the "Class B Misdemeanor Manual" as published by the North Carolina Department of Justice and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule.
 - (ii) acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years. Specifically excluded from the grouping of "Class B misdemeanors" committed or omitted in North Carolina prior to October 1, 1994 are motor vehicle or traffic offenses designated as being misdemeanors under G.S. 20 (motor vehicles), with the following exceptions: "Class B misdemeanors" committed or omitted in North Carolina prior to October 1, 1994 expressly include, either first or subsequent offenses of G.S. 20-138(a) or (b), G.S. 20-166 (duty to stop in the event of an accident), G.S. 20-138.1 (impaired driving) if the defendant was sentenced under punishment level one [G.S. 20-179(g)] or punishment level two [G.S. 20-179(h)] for the offense, and shall also include a violation of G.S. 20-28(b) [driving while license permanently revoked or suspended].
 - (iii) any act committed or omitted in violation of any common law, duly enacted ordinance, or criminal statute of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred

- includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended.
- (11) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
- (12) "Dual Certification" means that a justice officer holds probationary, general, or grandfather certification in two or more of the following positions with the same agency:
- (a) deputy sheriff;
 - (b) detention officer;
 - (c) telecommunicator.
- (13) "Detention Officer" means any person performing responsibilities, either on a full-time, part-time, permanent or temporary basis, which includes the control, care, and supervision of any inmates incarcerated in a county jail or other confinement facility under the direct supervision and management of the sheriff. "Detention Officer" shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219.
- (14) "Deputy Sheriff" means any person who has been duly appointed and sworn by the sheriff and who is authorized to exercise the powers of arrest in accordance with the laws of North Carolina.
- (15) "Telecommunicator" means any person performing responsibilities, either on a full-time, part-time, permanent or temporary basis, for communication functions to include receiving calls or dispatching for emergency and law enforcement services.
- (16) "Commission" as it pertains to criminal offenses means a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (17) "Sworn Law Enforcement Position" means a position with a criminal justice agency of the United States, any state, or a political subdivision of any state which, by law, has general power of arrest and requires each of the following:
- (a) successful completion of the Basic Law Enforcement Training curriculum offered by the respective state or federal entity; and
 - (b) an independent oath of office providing for the execution of the laws of the respective state or federal jurisdiction.
- (18) "General Powers of Arrest" means the authority to enforce the state or federal laws within the officer's territorial and subject matter jurisdiction to include the authority to arrest and cite offenders under the laws of the jurisdiction. These powers must be conferred on the officer by virtue of occupying a sworn law enforcement position. General powers of arrest means those powers, even though limited by subject matter jurisdiction, which may be exercised as a routine responsibility of the office. General powers of arrest does not mean those powers of arrest conferred by virtue of a special appointment or those granted as an incidental, as opposed to a primary, function of the office.
- (19) "In-Service Training Coordinator" means the person designated by the Department Head to administer the agency's in-service training program.
- (20) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when justification of demonstrated need has been provided to the Division.
- (21) "Unprofessional Personal Conduct" means an act that is:
- (a) conduct for which no reasonable person should expect to receive prior warning;
 - (b) job-related conduct which constitutes a violation of State or federal law;
 - (c) conviction or commission of a criminal offense as set out in 12 NCAC 10B .0204;
 - (d) the willful violation of Rules of this Chapter;

- (e) conduct that is detrimental to instruction in the Commission's mandated courses;
- (f) the abuse of client(s), student(s) or person(s) over whom the instructor has charge; or
- (g) falsification of an instructor application or in other employment documentation.

*History Note: Authority G.S. 17E-7:
 Eff. January 1, 1989;
 Amended Eff. January 1, 1994; January 1, 1993;
 Temporary October 1, 1994 for a period of 180 days or until the permanent rule become effective whichever is sooner;
 Amended Eff. January 1, 1996; March 1, 1995;
 Temporary Amendment Eff. March 1, 1998;
 Amended Eff. February 1, 2009; January 1, 2008; January 1, 2006; August 1, 2000; August 1, 1998.*

**12 NCAC 10B .0703 ADMINISTRATION OF
 DETENTION OFFICER CERTIFICATION COURSE**

(a) The executive officer or officers of the institution or agency sponsoring a Detention Officer Certification Course shall have primary responsibility for implementation of the rules in this Section and for administration of the school.

(b) The executive officers shall designate a compensated staff member who may apply to the Commission to be the school director. No more than two school directors shall be designated at each certified institution/agency to deliver a Detention Officer Certification Course. The school director shall have administrative responsibility for planning scheduling, presenting, coordinating, reporting, and generally managing each sponsored detention officer certification course and shall be readily available at all times during course delivery as specified in 12 NCAC 10B .0704(b). The School Director may designate a Qualified Assistant to assist in the administration of the Detention Officer Certification Course, where the School Director has provided justification for the need including overlapping or simultaneous Commission-mandated courses, satellite delivery locations, or responsibility for multiple courses. This person must be selected by the School Director, who will forward identifying and contact information to the Division. Division staff will conduct a course orientation with the designated person. In order to retain the designation as a qualified assistant, the person must attend the Annual School Directors' Conference.

(c) The executive officers of the institution or agency sponsoring the Detention Officer Certification Course shall:

- (1) acquire and allocate sufficient financial resources to provide commission-certified instructors and to meet other necessary program expenses;
- (2) provide adequate secretarial, clerical, and other supportive staff assistance as required by the school director;
- (3) provide or make available suitable facilities, equipment, materials, and supplies for comprehensive and qualitative course delivery,

as required in the "Detention Officer Certification Course Management Guide" and specifically including the following:

- (A) a comfortable, well-lighted and ventilated classroom with a seating capacity sufficient to accommodate all attending trainees;
- (B) audio-visual equipment and other instructional devices and aids necessary and beneficial to the delivery of effective training;
- (C) a library for trainees' use covering the subject matter areas relevant to the training course, maintained in current status and having sufficient copies for convenient trainee access; and
- (D) an area designated for instruction of subject control techniques which enables the safe execution of the basic detention officer subject control techniques topic area, with the following specifications:
 - (i) 30 square feet of floor space per student during the practical exercise portion of this topic area and while testing trainees' proficiency in performing the required maneuvers;
 - (ii) one instructor for every 10 students during the practical exercise portion of this topic area and while testing trainees' proficiency in performing the required maneuvers;
 - (iii) restrooms and drinking water within 100 yards of the training site; and
 - (iv) telephone or radio communication immediately available on site.
- (E) an area designated for use as a jail cell for performing the practical exercises in the topic area entitled "Contraband Searches". If a county jail cell is unavailable, a simulated jail cell is acceptable provided it is built to the same specifications required by the Department of Human Resources with regards to size;
- (F) an area designated for fire emergencies instruction which enables the safe execution of the lesson plan as follows:
 - (i) a well-ventilated, open area which allows for the setting and putting out of a fire;

- (ii) restrooms and drinking water within 100 yards of the training site; and
- (iii) telephone or radio communication immediately available on site.
- (G) an area designated for physical fitness for detention officer trainees to include:
 - (i) an area for running, weight lifting and other exercises performed during the physical fitness topic area which provides a minimum of 20 square feet per trainee during the performance of the exercises required in the physical fitness topic area;
 - (ii) restrooms and drinking water within 100 yards of the training site;
 - (iii) telephone or radio communication immediately available on site;
 - (iv) shower facilities, if physical fitness is performed prior to classroom training;
 - (v) one instructor for every 10 students during the physical assessment portion of this block of instruction; and
 - (vi) sufficient instructors as needed to maintain visual contact with students while performing any physical exercise.
- (H) an area designated for instruction in first aid and CPR techniques which provides a minimum of 20 square feet per trainee during the practical exercise portion and testing for proficiency in administering CPR. There must also be one instructor for every 10 students during the practical exercise portion and proficiency testing in administering CPR.

(d) If an institution or agency does not own a facility as required in this Section, written agreements with other entities must be made to assure use of and timely access to the facilities. A copy of the agreement must accompany the originating institution or agency "Pre-Delivery Report" (Form F7-A) when submitted to the Division.

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;

Amended Eff. February 1, 2009; January 1, 2006; January 1, 2005; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1992.

12 NCAC 10B .0911 SUSPENSION: REVOCATION: DENIAL OF DETENTION OFFICER INSTRUCTOR CERTIFICATION

(a) The Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(b) When any person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules of this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) summarily suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual if the Commission finds that the public health, safety, or welfare requires immediate action; or
- (5) revoking the individual's certification.

(c) The Commission may deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain knowledgeable in the person's areas of expertise by failing to attend and successfully complete any instructor training updates pursuant to 12 NCAC 10B .0903(c);
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans;
- (4) has failed to follow specific guidelines outlined in the "Detention Officer Certification Course Management Guide" which is hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule;
- (5) has demonstrated unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) in the delivery of commission-mandated training;
- (6) has otherwise demonstrated instructional incompetence;
- (7) has knowingly and willfully obtained, or attempted to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation; or

- (8) has had any type of certification issued from the Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause.

*History Note: Authority G.S. 17E-4;
Eff. January 1, 1993;
Amended Eff. February 1, 2009; January 1, 2005; August 1, 1998; January 1, 1996.*

**12 NCAC 10B .0912 PERIOD/SUSPENSION:
REVOCATION: OR DENIAL OF DETENTION OFFICER
INSTRUCTOR CERTIFICATION**

The period of suspension, revocation or denial of the certification of an instructor pursuant to 12 NCAC 10B .0911 shall be:

- (1) no more than one year where the cause of sanction is:
 - (a) failure to deliver training in a manner consistent with the instructor lesson plans; or
 - (b) failure to follow specific guidelines outlined in the "Detention Officer Certification Course Management Guide" which is hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule; or
 - (c) unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) or demonstration of instructional incompetence in the delivery of the Detention Officer Certification Course.
- (2) no more than five years where the sanction is knowingly and willfully obtaining or attempting to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation.
- (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
 - (a) failure to meet and maintain any of the requirements for qualification; or
 - (b) failure to remain knowledgeable in the person's areas of expertise.

*History Note: Authority 17E-4;
Eff. January 1, 1993;
Amended Eff. February 1, 2009; January 1, 1996.*

**12 NCAC 10B .0919 SUSPENSION: REVOCATION:
DENIAL OF TELECOMMUNICATOR INSTRUCTOR
CERTIFICATION**

(a) The Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(b) When any person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules of this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) summarily suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual when the Commission finds that the public health, safety, or welfare requires emergency action; or
- (5) revoking the individual's certification.

(c) The Commission may deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain knowledgeable in the person's areas of expertise by failing to attend and successfully complete any instructor training updates pursuant to 12 NCAC 10B .0913(d);
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans;
- (4) has failed to follow specific guidelines outlined in the "Telecommunicator Certification Course Management Guide" which shall be used and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule;
- (5) has demonstrated unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) in the delivery of commission-mandated training;
- (6) has otherwise demonstrated instructional incompetence;
- (7) has knowingly and willfully obtained, or attempted to falsify data, records, scores, grades, or any other student course materials

- (8) or obtain or maintain instructor certification by deceit, fraud, or misrepresentation; or has had any type of certification issued from this Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause.

History Note: Authority G.S. 17E-4; Eff. April 1, 2001; Amended Eff. February 1, 2009; January 1, 2005.

12 NCAC 10B .0920 PERIOD/SUSPENSION: REVOCATION: OR DENIAL OF TELECOMMUNICATOR INSTRUCTOR CERTIFICATION

The period of suspension, revocation or denial of the certification of an instructor pursuant to 12 NCAC 10B .0919 shall be:

- (1) no more than one year where the cause of sanction is:
 - (a) failure to deliver training in a manner consistent with the instructor lesson plans;
 - (b) failure to follow specific guidelines outlined in the "Telecommunicator Certification Course Management Guide" which shall be used and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule; or
 - (c) unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) or demonstration of instructional incompetence in the delivery of the Telecommunicator Certification Course.
- (2) no more than five years where the sanction is knowingly and willfully obtaining or attempting to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation.
- (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
 - (a) failure to meet and maintain any of the requirements for qualification; or

- (b) failure to remain knowledgeable in the person's areas of expertise.

History Note: Authority G.S. 17E-4; Eff. April 1, 2001; Amended Eff. February 1, 2009.

TITLE 13 – DEPARTMENT OF LABOR

13 NCAC 13 .0413 CLEARANCES

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for boilers and pressure vessels installed prior to January 1, 2009 shall not be less than the following:

- (1) Three feet of clearance shall be provided between the boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or pressure vessel on which clearance is necessary to access operating controls, safety devices, drain and blowoff valves, or inspection openings.

- (2) Cabinet mounted boilers, such as those used primarily for process or cooking, and having a maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances recommended by the manufacturer.

(c) Adequate clearance for boilers and pressure vessels installed after January 1, 2009 shall not be less than the following:

- (1) High-pressure steam boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface shall have a minimum unobstructed clearance of seven feet from the top of the boiler to the ceiling.

- (2) The following types of boilers and pressure vessels shall have a minimum unobstructed clearance of three feet from the top of the boiler to the ceiling:

- (A) Steam-heating boilers and hot-water-heating boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface;
- (B) High-pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface; and

- (C) All boilers with manholes on top of the boiler.
- (3) Package boilers, steam-heating boilers and hot-water-heating boilers without manholes on top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface shall have a minimum unobstructed clearance of two feet from the ceiling.
- (d) When boilers or pressure vessels are installed or replaced, unobstructed clearance shall be provided to allow access for inspection, maintenance and repair. Passageways around all sides of boilers and pressure vessels shall have an unobstructed width of not less than 18 inches, unless otherwise recommended by manufacturer's installation instructions.

History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981; Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995; Amended Eff. February 1, 2009; January 1, 1995.

13 NCAC 13 .0420 FIRING MECHANISM CONTROLS

- (a) Automatically fired boilers and pressure vessels shall be provided with firing mechanism controls.
- (b) Oil, gas-fired, and electrically heated boilers shall be equipped with primary (flame safeguard) safety controls, safety limit switches, and burners or electric elements that are listed and labeled with a testing laboratory recognized by the Occupational Safety and Health Administration as a nationally recognized testing laboratory (NRTL) pursuant to 29 CFR 1910.7.
- (c) Automatically fired boilers installed after January 1, 2007, shall be provided with a remote emergency fuel shut-off switch marked for easy identification. The remote shut-off switch shall be located outside each door of the room in which the boiler is located. Alternatively, the shut-off switch may be located just inside the entrance door(s) where the equipment is located. If there is more than one door to the boiler room, there shall be a switch located at each door designed for primary emergency egress from the boiler room.
- (d) For installations which are gas-fired, the burners used shall conform to the North Carolina Fuel Gas Code in effect at the time of installation.

History Note: Authority G.S. 95-69.11; 95-69.14; Eff. January 1, 1995; Amended Eff. February 1, 2009; July 1, 2006.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

15A NCAC 02B .0602 SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): STORMWATER CONTROL REQUIREMENTS

(a) Any new development activity that disturbs one acre or more of land within the Goose Creek watershed and will result in addition of impervious surface shall control and treat the difference in the stormwater runoff from the predevelopment and post-development conditions for the one-year, 24-hour storm, with structural stormwater controls, with the exception of NC Department of Transportation and NC Turnpike Authority activities that shall be regulated in accordance with provisions of that agency's NPDES Stormwater Permit. Development and redevelopment shall implement stormwater management measures that promote infiltration of flows and groundwater recharge for the purpose of maintaining stream base flow or the delegated local government shall maintain a written explanation when it is not practical to use infiltration methods.

(b) Structural stormwater controls shall meet the following requirements:

- (1) Remove an 85 percent average annual amount of Total Suspended Solids;
- (2) Draw down the treatment volume no faster than 48 hours, but no slower than 120 hours, for detention ponds;
- (3) Discharge the storage volume at a rate equal or less than the pre-development discharge rate for the one-year, 24-hour storm; and
- (4) Meet Design of Stormwater Management Measures set forth in 15A NCAC 02H .1008.

(c) Local governments may submit a written request to the Commission for authority to implement and enforce the state's stormwater protection requirements of G.S. 143-214.7 and S.L. 2006-246 within their jurisdiction. The written request shall be accompanied by information that shows:

- (1) The local government has land use jurisdiction for the riparian buffer demonstrated by delineating the local land use jurisdictional boundary on USGS 1:24,000 topographical map(s) or other finer scale map(s);
- (2) The local government has the administrative organization, staff, legal authority, financial and other resources necessary to implement and enforce the state's stormwater requirements based on its size and projected amount of development;
- (3) The local government has adopted ordinances, resolutions, or regulations necessary to establish and maintain the state's stormwater requirements; and
- (4) The local government has provided a plan to address violations with civil or criminal remedies and actions as well as remedies that shall restore buffer functions on violation sites and provide a deterrent against the occurrence of future violations.

(d) Within 90 days after the Commission has received the request for delegation, the Commission shall notify the local government based on standards as set out in Paragraph (c) of this

Rule whether it has been approved, approved with modifications, or denied.

(e) The Commission, upon determination that a delegated local authority is failing to implement or enforce the requirements in keeping with a delegation, shall notify the delegated local authority in writing of the local program's inadequacies. If the delegated local authority has not corrected the deficiencies within 90 days of receipt of the written notification, then the Commission shall rescind the delegation of authority to the local government and shall implement and enforce the state's stormwater requirements.

(f) Limits of delegated local authority are as follows: The Commission shall have jurisdiction to the exclusion of local governments to implement the state's stormwater protection requirements for the following types of activities:

- (1) Activities undertaken by the State;
- (2) Activities undertaken by the United States;
- (3) Activities undertaken by multiple jurisdictions; and
- (4) Activities undertaken by local units of government.

(g) Recordkeeping requirements are as follows: Delegated local authorities shall maintain on-site records for a minimum of five years. Delegated local authorities must furnish a copy of these records to the Director within 30 days of receipt of a written request for the records. The Division of Water Quality shall inspect local stormwater programs to ensure that the programs are being implemented and enforced in keeping with an approved delegation.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A; 143-214.7, S.L. 2006-246; Eff. February 1, 2009.

15A NCAC 02B .0604 SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): CONTROL TOXICITY INCLUDING AMMONIA
No activity that results in direct or indirect discharge is allowed if it causes toxicity to the Carolina heelsplitter (*Lasmigona decorata*) endangered mussel. For any direct or indirect discharge that may cause ammonia toxicity to the Carolina heelsplitter freshwater mussel, action shall be taken to reduce ammonia (NH₃-N) inputs to achieve 0.5 milligrams per liter or less of total ammonia based on chronic toxicity defined in 15A NCAC 02B .0202. This level of total ammonia is based on ambient water temperature equal to or greater than 25 degrees Celsius.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A; Eff. February 1, 2009.

15A NCAC 02B .0606 SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): VARIANCE FOR ACTIVITIES WITHIN RIPARIAN BUFFERS

Persons who wish to undertake uses designated as prohibited within the protected riparian buffer area may pursue a variance. Persons who wish to undertake forest harvesting beyond the requirements set forth in 15A NCAC 02B .0608 may pursue a variance. The variance request procedure shall be as follows:

- (1) For any variance request, the Division of Water Quality shall make a finding of fact as to whether the following requirements have been met:
 - (a) There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the riparian buffer protection requirements. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:
 - (i) If the applicant complies with the provisions of the buffer requirements, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property is not adequate justification for a variance. Moreover, the Division of Water Quality shall consider whether the variance is the minimum possible deviation from the terms of the buffer requirements that will make reasonable use of the property possible.
 - (ii) The hardship results from application of the buffer requirements to the property rather than from other factors such as deed restrictions or other hardship.
 - (iii) The hardship is due to the physical nature of the applicant's property and is unique to the applicant's property, such as its size, shape, or topography, such that compliance with provision of this Rule would not allow reasonable use of the property.

- (iv) The applicant did not cause the hardship by knowingly or unknowingly violating the buffer requirements.
 - (v) The applicant did not purchase the property after the effective date of this Rule, and then request a variance.
 - (b) The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and preserves its spirit; and
 - (c) In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
- (2) A variance request pertains to any activity that is proposed to impact any portion of the riparian buffer. If the Division of Water Quality has determined that a major variance request meets the requirements in Item (1) of this Rule, then it shall prepare a preliminary finding and submit it to the Environmental Management Commission. Preliminary findings on variance requests shall be reviewed by the Commission within 90 days after receipt by the Director. Requests for appeals of determinations that the requirements of Item (1) of this Rule have not been met shall be made to the Office of Administrative Hearings for determinations made by the Division of Water Quality or the appropriate Board of Adjustments under G.S. 160A-388 or G.S. 153A-345 for determinations made by the delegated local authority. The purpose of the Commission's review is to determine if it agrees that the requirements in Item (1) of this Rule have been met. Requests for appeals of decisions made by the Commission shall be made to the Office of Administrative Hearings. The following actions shall be taken depending on the Commission's decision on the major variance request:
- (a) Upon the Commission's approval, the Division of Water Quality shall issue a final decision granting the variance.
 - (b) Upon the Commission's approval with conditions or stipulations, the Division of Water Quality shall issue a final decision, which includes these conditions or stipulations.
 - (c) Upon the Commission's denial, the Division of Water Quality shall issue a final decision denying the variance.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A; Eff. February 1, 2009.

15A NCAC 02B .0607 SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): BUFFER TYPES AND MANAGING ACTIVITIES WITHIN RIPARIAN BUFFERS

(a) **RIPARIAN BUFFER.** The protected riparian buffer shall consist of an area that is undisturbed except for uses provided for in the table in this Rule. A waterbody shall be considered to be present if the feature is shown as described in the applicability paragraph of 15A NCAC 02B .0233 (3) and 02B .0233(3)(a)(i)-(iii). The location of the riparian buffer shall be as follows:

- (1) For streams, the riparian buffer shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.
- (2) For ponds, lakes and reservoirs located within a natural drainage way, the riparian buffer shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward, measured horizontally on a line perpendicular to the surface water.

(b) **EXEMPTION WHEN USES ARE PRESENT AND ONGOING.** The buffer requirements in this Rule do not apply to portions of the riparian buffer where a use is existing and ongoing. Only the portion of the riparian buffer that contains the footprint of the existing and ongoing use is exempt. The determination of whether a use is existing and ongoing shall be made by the Division of Water Quality. A use is existing and ongoing when it is a completed and maintained activity, an activity with appropriate valid permits, or an activity with documentation for unexpired vested rights, as described below:

- (1) A use that was present within the riparian buffer as of the effective date of this Rule and has continued since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within the buffer area where it did not exist as of the effective date of this Rule and existing diffuse flow is maintained.
- (2) A use that can be documented to the Division of Water Quality that meets at least one of the following criteria:
 - (A) Project requires a 401 Certification/404 Permit, issued prior

- to the effective date of this Rule and are still valid;
- (B) Project requires a state permit, such as a landfill, NPDES wastewater discharge, land application residuals and road construction activities, and has begun construction or is under contract to begin construction and has received all required state permits prior to the effective date of this Rule;
- (C) Project is being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process or Safe Accountable Flexible Efficient Transportation Equity Act; a Legacy for Users (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with Department of Environment and Natural Resources on avoidance and minimization by the effective date of this Rule; or
- (D) Project is not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process or Safe Accountable Flexible Efficient Transportation Equity Act; a Legacy for Users (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the Division of Water Quality prior to the effective date of this Rule.

- (3) At the time an existing use is changed to another use, the buffer requirement of this Rule shall apply. Change of use includes the following:

- (A) To add impervious surface within the riparian buffer;
- (B) An agricultural operation within the riparian buffer is converted to a non-agricultural; or
- (C) a lawn within the riparian buffer ceases to be maintained.

(c) **DIFFUSE FLOW REQUIREMENT.** Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation, as follows:

- (1) Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer; and

- (2) Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

(d) **REQUIREMENTS FOR CATEGORIES OF USES AND MITIGATION.** Uses designated as exempt, potentially allowable, and prohibited location in the chart of uses in this Rule shall have the following requirements:

- (1) **EXEMPT.** Uses designated as exempt are allowed within the riparian buffer. Exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable. In addition, exempt uses shall meet requirements listed in the table of this Rule for the specific use.
- (2) **POTENTIALLY ALLOWABLE.** Uses designated as potentially allowable may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to this Rule. These uses require written authorization from the Division of Water Quality. Some of these uses require mitigation, as indicated in the chart in this Rule.
- (3) **PROHIBITED.** Uses designated as prohibited or not included in this table may not proceed within the riparian buffer unless a variance is granted pursuant to Rule .0606. Site-specific mitigation may be required as one condition of a variance approval.
- (4) **MITIGATION.** Persons who wish to undertake uses designated as allowable with mitigation shall obtain approval for a mitigation proposal pursuant to 15A NCAC 02B .0609.

(e) **DETERMINATION OF "NO PRACTICAL ALTERNATIVES."** Persons who wish to undertake uses designated as potentially allowable shall submit a request for a "no practical alternatives" determination to the Division of Water Quality. The applicant shall certify that the criteria identified in Subparagraph (e)(1) of this Rule are met. The Division shall grant an Authorization Certificate upon a "no practical alternatives" determination. The procedure for making an Authorization Certificate shall be as follows:

- (1) For any request for an Authorization Certificate, the Division shall review the entire project and make a finding of fact as to whether the following requirements have been met in support of a "no practical alternatives" determination:
 - (A) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
 - (B) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize

- disturbance, preserve aquatic life and habitat, and protect water quality.
- (C) Plans for practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- (D) The Division of Water Quality must consider the impacts that may affect conditions required to sustain and recover the federally endangered Carolin heelsplitter (*Lasmigona decorata*).

(2) Requests for an Authorization Certificate shall be either approved or denied within 60 days of receipt of a complete submission based on the criteria in Subparagraph (e)(1) of this Rule by the Division. Failure to issue an approval or denial within 60 days shall constitute that the applicant has demonstrated "no practical alternatives." The Division of Water Quality may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of the riparian buffer protection program. Complete submissions shall include the following:

- (A) The name, address and phone number of the applicant;
- (B) The nature of the activity to be conducted by the applicant;
- (C) The location of the activity, including the jurisdiction;
- (D) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
- (E) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
- (F) Plans for any practices proposed to be used to control the impacts associated with the activity.

(3) Any disputes over determinations regarding Authorization Certificates shall be referred to the Director for a decision. The Director's decision is subject to review as provided in Articles 3 and 4 of G.S. 150B.

(f) **DELEGATION OF AUTHORITY FOR THE PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS.** The Commission shall grant and rescind local government delegation of the Riparian Buffer Protection requirements according to the following procedures:

(1) Local governments within the Goose Creek Watershed may submit a written request to the Commission for authority to implement and enforce the State's riparian buffer protection requirements within their jurisdiction. The written request shall be accompanied by information that shows:

- (A) The local government has land use jurisdiction for the riparian buffer demonstrated by delineating the local land use jurisdictional boundary on USGS 1:24,000 topographical map(s) or other finer scale map(s);
- (B) The local government has the administrative organization, staff, legal authority, financial and other resources necessary to implement and enforce the State's riparian buffer protection requirements based on its size and projected amount of development;
- (C) The local government has adopted ordinances, resolutions, or regulations necessary to establish and maintain the State's riparian buffer protection requirements; and
- (D) The local government has provided a plan to address violations with civil or criminal remedies and actions as well as remedies that shall restore buffer functions on violation sites and provide a deterrent against the occurrence of future violations.

(2) Within 90 days after the Commission has received the request for delegation, the Commission shall approve the request if the local government has complied with all of Subparagraph (f)(1) of this Rule and notify the local government whether it has been approved, approved with modifications, or denied.

(3) The Commission, upon determination that a delegated local authority is failing to implement or enforce the riparian buffer protection requirements in keeping with an approved delegation, shall notify the delegated local authority in writing of the local program's inadequacies. If the delegated local authority has not corrected the deficiencies within 90 days of receipt of the written notification, then the Commission shall rescind the delegation of authority to the local government and shall implement and enforce the State's riparian buffer protection requirements.

(g) **APPOINTMENT OF A RIPARIAN BUFFER PROTECTION ADMINISTRATOR.** Upon receiving delegation, local governments shall appoint a Riparian Buffer Protection Administrator who shall coordinate the

implementation and enforcement of the program. The Administrator shall attend an initial training session by the Division of Water Quality and subsequent annual training sessions. The Administrator shall ensure that local government staffs working directly with the program receive training to understand, implement and enforce the program.

(h) PROCEDURES FOR USES WITHIN RIPARIAN BUFFERS THAT ARE ALLOWABLE AND ALLOWABLE WITH MITIGATION.

- (1) Upon receiving delegation, local authorities shall review proposed uses within the riparian buffer and issue approvals if the uses meet the riparian buffer protection requirements.
- (2) Delegated local authorities shall issue an Authorization Certificate for uses if the proposed use meets the requirements including provisions for mitigation set forth in Rule .0609.
- (3) The Division of Water Quality may challenge a decision made by a delegated local authority for a period of 30 days after the Authorization Certificate is issued. If the Division of Water Quality does not challenge an Authorization Certificate within 30 days of issuance, then the delegated local authority's decision shall stand.

(i) VARIANCES. After receiving delegation, local governments shall review variance requests and make recommendations to the Commission for approval.

(j) LIMITS OF DELEGATED LOCAL AUTHORITY. The Commission has jurisdiction to the exclusion of local governments to implement the requirements of this Rule for the following types of activities:

- (1) Activities undertaken by the State;
- (2) Activities undertaken by the United States;

- (3) Activities undertaken by multiple jurisdictions; and
- (4) Activities undertaken by local units of government.

(k) RECORD-KEEPING REQUIREMENTS. Delegated local authorities shall maintain on-site records for a minimum of five years. Delegated local authorities must furnish a copy of these records to the Director within 30 days of receipt of a written request for the records. The Division of the Water Quality shall inspect local riparian buffer protection programs to ensure that the programs are being implemented and enforced. Each delegated local authority's records shall include the following:

- (1) A copy of variance requests;
- (2) The variance request's finding of fact;
- (3) The result of the variance proceedings;
- (4) A record of complaints and action taken as a result of the complaint;
- (5) Records for stream origin calls and stream ratings; and
- (6) Copies of request for authorization, records approving authorization and Authorization Certificates.

(l) Riparian buffers along surface waters in this watershed shall be maintained. Some uses within riparian buffers are exempt and some uses are potentially allowable. Any exempt or potentially allowed use shall require stormwater control as outlined in Rule .0602 if the one acre threshold is met. The following chart sets out the uses and their designation under this Rule as exempt, potentially allowable requiring DWQ approval or potentially allowable requiring both DWQ approval and mitigation, or prohibited as described above. The United States Environmental Protection Agency Endangered Species Protection Program at www.epa.gov/espp and NC Pesticide Board regulates pesticide application (see rules at 02 NCAC 09L .2201 through .2203).

	Exempt	Potentially allowable requiring DWQ approval or Potentially allowable requiring both DWQ approval and mitigation* Note: the asterisk (X*) identifies those uses that require both DWQ approval and mitigation.	Prohibited
Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer		X*	
Archaeological activities	X		
Bridges		X	
Dam maintenance activities	X		
Drainage ditches, roadside ditches and stormwater outfalls through riparian buffers:			
• Existing drainage ditches, roadside ditches, and stormwater outfalls provided that they are managed	X		

APPROVED RULES

<p>to minimize the sediment, nutrients including ammonia and other pollution that convey to waterbodies</p> <ul style="list-style-type: none"> • New drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to minimize the sediment, nutrients including ammonia and other pollution and attenuate flow before the conveyance discharges through the riparian buffer • New drainage ditches, roadside ditches and stormwater outfalls that do not minimize the sediment, nutrients including ammonia and other pollution and attenuate flow before discharging through the riparian buffer • Excavation of the streambed in order to bring it to the same elevation as the invert of a ditch 		X	X
Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the diffuse flow requirements of this Rule is established adjacent to the new channel	X		
<p>Driveway crossings of streams and other surface waters subject to this Rule:</p> <ul style="list-style-type: none"> • Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet in width and are perpendicular³ • Driveway crossings on single family residential lots that disturb greater than 25 linear feet in width and are perpendicular³ • In a subdivision that cumulatively disturbs equal to or less than 150 linear feet in width and are perpendicular • In a subdivision that cumulatively disturbs greater than 150 linear feet in width and are perpendicular 	X	X X X*	
Fences provided that disturbance is minimized and installation does not result in removal of forest vegetation	X		
Forest harvesting – see Rule .0608			
<p>Fertilizer application:</p> <ul style="list-style-type: none"> • One-time fertilizer application at agronomic rates to establish replanted vegetation • Ongoing fertilizer application 	X		X
Greenway/hiking trails		X	
Historic preservation	X		
Landfills as defined by G.S. 130A-290			X
<p>Mining activities:</p> <ul style="list-style-type: none"> • Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the diffuse flow requirements of this Rule are established adjacent to the relocated channels • Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the diffuse flow requirements of this Rule are not established adjacent to the relocated channels • Wastewater or mining dewatering wells with approved NPDES permit 		X X*	X
<p>Non-electric utility lines with impacts other than perpendicular crossings³</p> <ul style="list-style-type: none"> • If activity is within 50 feet of the stream 		X*	

<ul style="list-style-type: none"> • If activity is outside of the inner 50 feet nearest the stream • Wastewater collection system utility lines and lift station lines may impact the riparian zone if both gravity and force main collections systems are made of ductile iron and 50% of the collection system is cleaned annually. • Lift Stations require Supervisory Control and Data Acquisition System (SCADA), telemetry, audio and visual alarms, signage with emergency contact, daily visitation (365 days/year), and documentation must be maintained for 3 years of all of the above and available upon request [note: this requirement also applies to collection system perpendicular crossings, detailed below.] 		<p align="center">X</p> <p align="center">X*</p> <p align="center">X*</p>	
<p>Non-electric utility line perpendicular crossing of streams and other surface waters subject to this Rule that are not collection systems³:</p> <ul style="list-style-type: none"> • Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer <p>Non-electric perpendicular utility line crossings that are collections systems as defined in Rule 15A NCAC 02T .0300 (note: must follow constraints listed under wastewater collection system utility lines and lift stations, above):</p> <ul style="list-style-type: none"> • That use any of the following installation methods to minimize the sediment, nutrient and other pollution through the riparian buffer: underground directional boring methods, bore-and-jack techniques or another appropriate microtunnelling method. • That does not minimize the sediment, nutrient and other pollution through the riparian buffer by the most appropriate exempt method. 	X	<p align="center">X</p> <p align="center">X</p> <p align="center">X*</p> <p align="center">X*</p> <p align="center">X</p>	X
On-site sanitary sewage systems - new ones that use ground absorption			X
<p>Overhead electric utility lines^{1,2,3}:</p> <ul style="list-style-type: none"> • Stream crossings that disturb equal to or less than 150 linear feet of riparian buffer • Stream crossings that disturb greater than 150 linear feet of riparian buffer 	X	X*	
Periodic maintenance of modified natural streams such as canals and a grassed travelway on one side of the surface water when alternative forms of maintenance access are not		X	

APPROVED RULES

Playground equipment: <ul style="list-style-type: none"> Playground equipment on single family lots provided that installation and use does not result in removal of vegetation Playground equipment installed on lands other than single-family lots or that requires removal of vegetation 	X	X	
Ponds in natural drainage ways, excluding dry ponds: <ul style="list-style-type: none"> New ponds provided that a riparian buffer that meets the diffuse flow requirements of this Rule is established adjacent to the pond New ponds where a riparian buffer that meets the diffuse flow requirements of this Rule is NOT established adjacent to the pond 		X	X
Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Rule			X
Railroad crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer Railroad crossings that impact greater than 150 linear feet of riparian buffer 	X	X	X
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Rule		X*	
Road crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> Road crossings that impact equal to or less than 40 linear feet of riparian buffer and is perpendicular Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet and is perpendicular Road crossings that impact greater than 150 linear feet of riparian buffer 	X	X X*	
Scientific studies and stream gauging	X		
Stormwater management ponds excluding dry ponds: <ul style="list-style-type: none"> New stormwater management ponds provided that a riparian buffer that meets the diffuse flow requirements of this Rule is established adjacent to the pond New stormwater management ponds where a riparian buffer that meets the diffuse flow requirements of this Rule is NOT established adjacent to the pond 		X	X
Stream restoration	X		
Streambank stabilization		X	
Temporary roads: <ul style="list-style-type: none"> Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance 	X		

APPROVED RULES

<ul style="list-style-type: none"> Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance Temporary roads used for bridge construction or replacement provided that restoration activities, such as soil stabilization and revegetation, are conducted immediately after construction 		X	
Temporary sediment and erosion control devices: <ul style="list-style-type: none"> To control impacts associated with uses approved by the Division or that have received a variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer In-stream temporary erosion and sediment control measures for work within a stream channel 	X	X	
Underground electric utility lines: <ul style="list-style-type: none"> Impacts other than perpendicular crossings^{3,4} 	X		
Underground electric utility line perpendicular crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> Perpendicular crossings that disturb less than or equal to 40 linear feet of riparian buffer^{3,4} Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer^{3,4} 	X	X	
Vegetation management: <ul style="list-style-type: none"> Emergency fire control measures provided that topography is restored Planting vegetation to enhance the riparian buffer Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life Removal of poison ivy Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30 	X X X X X X		
Water dependent structures as defined in 15A NCAC 02B .0202		X	
Water wells	X		
Wetland restoration	X		

¹ Provided that all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternatives evaluation by the Division of Water Quality.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.

- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Rip rap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.

- In wetlands, mats shall be utilized to minimize soil disturbance.
- ² Provided that poles or towers shall not be installed within 10 feet of a water body unless the Division of Water Quality completes a no practical alternatives evaluation.
- ³ Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.
- ⁴ Provided that all of the following BMPs for underground utility lines are used.
If all of these BMPs are not used, then the underground utility line shall require a no practical alternatives evaluation by the Division of Water Quality.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

*History Note: Authority G.S. 143-214.1; 143-215.8A; 143-214.7;
Eff. February 1, 2009.*

15A NCAC 02B .0608 SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): MANAGE ACTIVITIES WITHIN RIPARIAN BUFFERS: FOREST HARVESTING REQUIREMENTS

(a) The following requirements shall apply for forest harvesting operations and practices in the riparian areas.

- (1) Logging decks and sawmill sites shall not be placed in the riparian buffer.
- (2) Access roads and skid trails are prohibited except for temporary and permanent stream crossings established in accordance with 15A NCAC 01I .0203. Temporary stream crossings shall be permanently stabilized after any site disturbing activity is completed.
- (3) Timber felling shall be directed away from the stream or water body.
- (4) Skidding shall be directed away from the stream or water body and shall be done in a

manner that minimizes soil disturbance and prevents the creation of channels or ruts.

- (5) Individual trees may be treated to maintain or improve their health, form or vigor.
- (6) Harvesting of dead or infected trees or application of pesticides necessary to prevent or control extensive tree pest and disease infestation is allowed, when approved by the Division of Forest Resources for a specific site in accordance with G.S. 113-60.4. A copy of the Division of Forest Resources approval must be provided to the Division of Water Quality in accordance with Session Law 2001-404.
- (7) Removal of individual trees that are in danger of causing damage to structures or human life is allowed.
- (8) Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer is allowed provided that soil disturbance is minimized. Plantings shall consist primarily of native species.
- (9) High intensity prescribed burns shall not be allowed.
- (10) Application of fertilizer is not allowed except as necessary for permanent stabilization. Broadcast application of fertilizer or herbicides to the adjacent forest stand shall be conducted so that the chemicals are not applied directly to or allowed to drift into the riparian buffer.

(b) In the riparian buffer, forest vegetation shall be protected and maintained. Selective harvest as provided for below is allowed on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered professional forester. Copies of either the approval of the deferment for use value under forestry or the forest management plan shall be produced upon request. For such forest lands, selective harvest is allowed in accordance with the following:

- (1) Tracked or wheeled vehicles are not permitted within the first 50 feet the riparian buffer top of bank landward except at stream crossings designed, constructed and maintained in accordance with 15A NCAC 01I .0203.
- (2) Soil disturbing site preparation activities are not allowed.
- (3) Trees shall be removed with the minimum disturbance to the soil and residual vegetation.
- (4) The first 10 feet of the riparian buffer directly adjacent to the stream or waterbody shall be undisturbed.
- (5) In the zone from 10 feet to 50 feet of the riparian buffer, a maximum of 50 percent of the trees greater than five inches diameter breast height (dbh) may be cut and removed. The reentry time for harvest shall be no more

frequent than every 15 years, except on forest plantations as defined in 15A NCAC 02B .0233(e) where the reentry time shall be no more frequent than every five years. In either case, the trees remaining after harvest shall be as evenly spaced as possible.

- (6) In the outer riparian buffer (landward of 50 feet), harvesting and regeneration of the forest stand is allowed provided that sufficient ground cover is maintained to provide for diffusion and infiltration of surface runoff.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A; Eff. February 1, 2009.

15A NCAC 02B .0609 SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): MANAGE ACTIVITIES WITHIN RIPARIAN BUFFERS: MITIGATION REQUIREMENTS FOR BUFFER IMPACTS

(a) **PURPOSE.** The purpose of this Rule is to set forth the mitigation requirements that apply to the Goose Creek Watershed existing riparian buffer protection program, as described in 15A NCAC 02B .0605, .0606, and .0607.

(b) **APPLICABILITY.** This Rule applies to persons who wish to impact a riparian buffer in the Goose Creek Watershed when one of the following applies:

- (1) A person has received an Authorization Certificate pursuant to 15A NCAC 02B .0607 for a proposed use that is designated as potentially allowable requiring both DWQ approval and mitigation.
- (2) A person has received a variance pursuant to 15A NCAC 02B .0606 and is required to perform mitigation as a condition of a variance approval.

(c) **THE AREA OF MITIGATION.** The required area of mitigation shall be determined by either the Division of Water Quality or the delegated local authority according to the following:

- (1) The impacts in square feet to the riparian buffer shall be determined by the Division of Water Quality or the delegated local authority by adding the following:
 - (A) The area of the footprint of the use causing the impact to the riparian buffer.
 - (B) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use.
 - (C) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.
- (2) The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in

Subparagraph (c)(1) of this Rule to each zone of the riparian buffer:

- (A) Impacts to the riparian buffer shall be multiplied by three.
- (B) Impacts to wetlands within the riparian buffer that are subject to mitigation under 15A NCAC 02H .0506 shall comply with the mitigation ratios in 15A NCAC 02H .0506.

(d) **THE LOCATION OF MITIGATION.** The mitigation effort shall be within the Goose Creek Watershed, as close to the location of the impact as feasible.

(e) **ISSUANCE OF THE MITIGATION DETERMINATION.** The Division of Water Quality or the delegated local authority shall issue a mitigation determination that specifies the required area and location of mitigation pursuant to Paragraph (c) of this Rule.

(f) **OPTIONS FOR MEETING THE MITIGATION DETERMINATION.** The mitigation determination made pursuant to Paragraph (e) of this Rule may be met through one of the following options:

- (1) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to Paragraph (g) of this Rule.
- (2) Donation of real property or of an interest in real property pursuant to Paragraph (h) of this Rule.
- (3) Restoration or enhancement of a non-forested riparian buffer. This shall be accomplished by the applicant after submittal and approval of a restoration plan pursuant to Paragraph (i) of this Rule.

(g) **PAYMENT TO THE RIPARIAN BUFFER RESTORATION FUND.** Persons who choose to satisfy their mitigation determination by paying a compensatory mitigation fee to the Riparian Buffer Restoration Fund shall meet the following requirements:

- (1) **SCHEDULE OF FEES:** The amount of payment into the Fund shall be determined by multiplying the acres or square feet of mitigation determination made pursuant to Paragraph (e) of this Rule by ninety-six cents (\$.96) per square foot or forty-one thousand, six hundred and twenty-five dollars (\$41,625) per acre.
- (2) The required fee shall be submitted to the Division of Water Quality, Wetlands Restoration Program, MAIL SERVICE CENTER 1619, RALEIGH, NC 27699-1619 prior to any activity that results in the removal or degradation of the protected riparian buffer for which a "no practical alternatives" determination has been made.
- (3) The payment of a compensatory mitigation fee may be fully or partially satisfied by donation of real property interests pursuant to Paragraph (h) of this Rule.

- (4) The Division of Water Quality shall review the fee outlined in Subparagraph (g)(1) of this Rule every two years and compare it to the actual cost of restoration activities conducted by the Department, including site identification, planning, implementation, monitoring and maintenance costs. Based upon this biennial review, the Division of Water Quality shall recommend revisions to Subparagraph (g)(1) of this Rule when adjustments to this Schedule of Fees are deemed necessary.
- (h) **DONATION OF PROPERTY.** Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:
- (1) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to Paragraph (g) of this Rule. The value of the property interest shall be determined by an appraisal performed in accordance with Part (h)(4)(D) of this Rule. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to Subparagraph (g)(1) of this Rule, the applicant shall pay the remaining balance due.
 - (2) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.
 - (3) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:
 - (A) The property shall be located within an area that is identified as a priority for restoration in the Basinwide Wetlands and Riparian Restoration Plan developed by the Department pursuant to G.S. 143-214.10 or shall be located at a site that is otherwise consistent with the goals outlined in the Basinwide Wetlands and Riparian Restoration Plan;
 - (B) The property shall contain riparian areas for restoration, defined in 15A NCAC 02B .0243, not currently protected by the State's riparian buffer protection program that merit restoration;
 - (C) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the acreage of riparian buffer required to be mitigated under the mitigation responsibility determined pursuant to Paragraph (c) of this Rule;
 - (D) The property shall not require excessive measures for successful restoration, such as removal of structures or infrastructure. Restoration of the property shall be capable of fully offsetting the adverse impacts of the requested use;
 - (E) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;
 - (F) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and land acquisition costs;
 - (G) The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;
 - (H) The property shall not contain any hazardous substance or solid waste;
 - (I) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;
 - (J) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort;
 - (K) The property shall not have any encumbrances or conditions on the transfer of the property interests.
- (4) At the expense of the applicant or donor, the following information shall be submitted to the Division of Water Quality with any proposal for donations or dedications of interest in real property:
- (A) Documentation that the property meets the requirements laid out in Subparagraph (h)(3) of this Rule.
 - (B) US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the

property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements.

- (C) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609.

- (D) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734.

- (E) A title certificate.

(i) **RIPARIAN BUFFER RESTORATION OR ENHANCEMENT.** Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

- (1) The applicant may restore or enhance riparian buffer defined in 15A NCAC 02B .0243 if either of the following applies:
 - (A) The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to Paragraph (c) of this Rule; or
 - (B) The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to Paragraph (c) of this Rule.
- (2) The location of the riparian buffer restoration or enhancement shall comply with the requirements in Paragraph (d) of this Rule.
- (3) The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water and may include the following:
 - (A) Restoration/enhancement of existing riparian areas.

- (B) Restoration/enhancement and respective preservation of streamside areas when the stream is not depicted on USGS map or Soil Survey.

- (C) Preservation of streamside areas when the stream is not depicted on USGS map or Soil Survey.

- (D) Restoration/enhancement and respective preservation of streamside areas along first order ephemeral streams that discharge/outlet into intermittent or perennial streams.

- (E) Preservation of the streamside area along first order ephemeral streams that discharge/outlet intermittent or perennial stream.

- (4) Other individual/innovative mitigation projects may be approved by the Division of Water Quality that meet the purpose of this Rule.

- (5) The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of 15A NCAC 02B .0607. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Division of Water Quality. The Division of Water Quality shall approve plans that meet the requirements of this Rule. The restoration or enhancement plan shall contain the following.

- (A) A map of the proposed restoration or enhancement site.

- (B) A vegetation plan. The vegetation plan shall include a minimum of two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity.

- (C) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer.

- (D) A fertilization plan.

- (E) A schedule for implementation.

- (6) Within one year after the Division of Water Quality has approved the restoration or enhancement plan, the applicant shall present proof to the Division of Water Quality that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of the State's or the delegated local authority's riparian buffer protection program.

- (7) The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions.

- (8) The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The

applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A;
Eff. February 1, 2009.

15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS

(a) It is unlawful to use gill nets:

- (1) With a mesh length less than 2 ½ inches.
- (2) In internal waters from April 15 through December 15, with a mesh length 5 inches or greater and less than 5 ½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on gill net or seine fishing operations:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets, which are not connected together at the top line, are considered as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line are considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in this Paragraph, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The owner shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any flounder or other finfish pound net set with lead and either pound or heart in use, except from August 15 through December 31 in all coastal fishing waters of the Albemarle Sound, including its tributaries to the boundaries between coastal

and joint fishing waters, west of a line beginning at a point 36° 04.5184' N - 75° 47.9095' W on Powell Point; running southerly to a point 35° 57.2681' N - 75° 48.3999' W on Caroon Point, it is unlawful to use gill nets within 500 yards of any pound net set with lead and either pound or heart in use;

- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina line, unless such net is used in accordance with the following conditions:

- (1) No more than two gill nets per vessel may be used at any one time;
- (2) Any net used must be attended by the fisherman from a vessel who shall at no time be more than 100 yards from either net; and
- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 03J .0101(2) and Paragraph (e) of this Rule.

(g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation in the gill net attended areas designated in 15A NCAC 03R .0112(a).

(h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through November 30 in the internal coastal and joint waters of the state designated in 15A NCAC 03R .0112(b).

(i) For gill nets with a mesh length five inches or greater, it is unlawful:

- (1) To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.
- (2) From June through October, for any portion of the net to be within 10 feet of any point on the shoreline while set or deployed, unless the net is attended.

(j) For the purpose of this Rule and 15A NCAC 03R .0112, shoreline is defined as the mean high water line or marsh line, whichever is more seaward.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;

Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998;

Amended Eff. April 1, 2001;

Temporary Amendment Eff. May 1, 2001;

Amended Eff. April 1, 2009; December 1, 2007; September 1, 2005; August 1, 2004; August 1, 2002.

15A NCAC 03J .0104 TRAWL NETS

(a) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28 and 1,000 pounds of finfish from March 1 through November 30.

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except that in the areas listed in Subparagraph (b)(5) of this Rule, trawling is prohibited from December 1 through February 28 from one hour after sunset on Friday to one hour before sunrise on Monday.
- (2) For the taking of oysters;
- (3) In Albemarle Sound, Currituck Sound, and their tributaries, west of a line beginning on the south shore of Long Point at a point 36° 02.4910' N - 75° 44.2140' W; running southerly to the north shore on Roanoke Island to a point 35° 56.3302' N - 75° 43.1409' W; running northwesterly to Caroon Point to a point 35° 57.2255' N - 75° 48.3324' W;
- (4) In the areas described in 15A NCAC 03R .0106, except that the Fisheries Director may, by proclamation, open the area designated in Item (6) of 15A NCAC 03R .0106 to peeler crab trawling;
- (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas:
 - (A) In Pungo River, north of a line beginning on Currituck Point at a point 35° 24.5833' N-76° 32.3166' W; running southwesterly to Wades Point to a point 35° 23.3062' N-76° 34.5135' W;
 - (B) In Pamlico River, west of a line beginning on Wades Point at a point 35° 23.3062' N - 76° 34.5135' W; running southwesterly to Fulford Point to a point 35° 19.8667' N - 76° 35.9333' W;
 - (C) In Bay River, west of a line beginning on Bay Point at a point 35° 11.0858' N - 76° 31.6155' W; running southerly to Maw Point to a point 35° 09.0214' N - 76° 32.2593' W;
 - (D) In Neuse River, west of a line beginning on the Minnesott side of the Neuse River Ferry at a point 34° 57.9116' N - 76° 48.2240' W; running southerly to the Cherry Branch side of the Neuse River Ferry to a point 34° 56.3658' N - 76° 48.7110' W; and
 - (E) In New River, all waters upstream of the N.C. Highway 172 Bridge when opened by proclamation; and

(6) In designated pot areas opened to the use of pots by 15A NCAC 03J .0301(a)(2) and described in 15A NCAC 03R .0107(a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) within an area bound by the shoreline to the depth of six feet.

(c) Minimum mesh sizes for shrimp and crab trawls are presented in 15A NCAC 03L .0103 and .0202.

(d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size.

(e) It is unlawful to use shrimp trawls for recreational purposes unless the trawl is marked by attaching to the codend (tailbag), one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Gear owner's current motor boat registration number; or
- (2) Owner's U.S. vessel documentation name.

(f) It is unlawful to use shrimp trawls for the taking of blue crabs in internal waters, except that it shall be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:

- (1) For individuals using shrimp trawls authorized by a Recreational Commercial Gear License, 50 blue crabs, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board.
- (2) For commercial operations, crabs may be taken incidental to lawful shrimp trawl operations provided that the weight of the crabs shall not exceed:
 - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
 - (B) 300 pounds, whichever is greater.

(g) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance with this Rule.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;

Eff. February 1, 1991;

Amended Eff. August 1, 1998; May 1, 1997; March 1, 1994; February 1, 1992;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. April 1, 2009; September 1, 2005; August 1, 2004; August 1, 2000.

15A NCAC 03J .0107 POUND NET SETS

History Note: Authority G.S. 113-134; 113-182; 113-182.1; 113-221; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. April 1, 1999; March 1, 1996; March 1, 1994; September 1, 1991; January 1, 1991;
Temporary Amendment Eff. September 1, 2000; August 1, 2000;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. February 10, 2003;
Amended Eff. December 1, 2007; September 1, 2005; August 1, 2004;
Repealed Eff. April 1, 2009.

15A NCAC 03J .0306 HOOK-AND-LINE

It is unlawful to use any hook larger than 4/0 from July 1 through September 30 in the internal coastal fishing waters of Pamlico Sound and its tributaries south of the Albemarle Sound Management Area as defined in 15A NCAC 03R .0201 and north of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks while using natural bait from 7:00 p.m. to 7:00 a.m. unless the terminal tackle consists of:

- (1) A circle hook defined as a hook with the point of the hook directed perpendicularly back toward the shank, and with the barb either compressed or removed; and
- (2) A fixed sinker not less than two ounces in weight, secured not more than six inches from the fixed weight to the circle hook.

History Note: Authority G.S. 113-182; 113-182.1; 143B-289.52;
Eff. April 1, 2009.

15A NCAC 03J .0501 DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS

(a) For the purpose of this Section the following terms are hereby defined:

- (1) Pound Net Set Permit. A Division authorization to set and fish a pound net set in a commercial fishing operation in a specified location in a specified fishery.
- (2) Permit period. One year from the date of issuance of a new or renewal pound net set permit.
- (3) Deployed pound net. Setting of any part of a pound net, except for a location identification stake or for a pound net used in the Atlantic Ocean a location identification buoy placed at each end of a proposed new location.
- (4) Operational pound net set. A pound net set as defined in 15A NCAC 03I .0101 and deployed according to rules and permit conditions with net attached to stakes or anchors for the lead and pound, including only a single pound in a multi-pound set, and a non-restricted opening leading into the pound such that the set is able to catch and hold fish.
- (5) Flounder pound net. A pound net set that produces a catch consisting of 50 percent or more flounder by weight of the entire landed catch, excluding blue crabs or a pound net set

with all pounds (holding pen) constructed of four inch stretch mesh or greater.

- (6) Shrimp pound net. A pound net set with all pounds (holding pen) constructed of stretch mesh equal to or greater than one and one-fourth inches and less than or equal to two inches.

(b) It is unlawful for a pound net used in a commercial fishing operation to:

- (1) Be deployed on a site without first obtaining a Pound Net Set Permit from the Fisheries Director.
- (2) Fail to be operational for a minimum of 30 consecutive days during the pound net set permit period unless a season for the fishery for which the pound net set is permitted is ended earlier due to a quota being met.

(c) It is unlawful for a pound net set in a commercial fishing operation in coastal fishing waters to fail to:

- (1) Have the permittee's identification legibly printed on a sign no less than six inches square, securely attached to a stake at the permitted ends of each set at all times. For pound net sets in the Atlantic Ocean using anchors instead of stakes, the set shall be identified with a yellow buoy, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than 11 inches in length. The permittee's identification shall be legibly printed on the buoy. The identification on signs or buoys shall include the Pound Net Set Permit number and the permittee's last name and initials.
- (2) Have yellow light reflective tape or yellow light reflective devices on each pound. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter on any outside corner of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
- (3) Have a marked navigational opening at least 25 feet wide at the end of every third pound. The opening shall be marked with yellow light reflective tape or yellow light reflective devices on each side of the opening. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.

If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 10 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(d) It is unlawful to use a Recreational Commercial Gear License (RCGL) shrimp pound net as defined in 15A NCAC 03O .0302 (a)(8) in coastal fishing waters unless the shrimp pound net is:

- (1) Marked by attaching to the offshore lead, one floating buoy, any shade of hot pink in color, which is of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. The identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (A) Gear owner's current motor boat registration number; or
- (B) Owner's U.S. vessel documentation name.

- (2) Set a minimum of 100 yards from a RCGL shrimp pound net set or 300 yards from an operational permitted shrimp pound net set.

(e) Escape Panels:

- (1) The Fisheries Director may, by proclamation, require escape panels in pound net sets and may impose any or all of the following requirements or restrictions on the use of escape panels:

- (A) Specify size, number, and location.
- (B) Specify mesh length, but not more than six inches.
- (C) Specify time or season.
- (D) Specify areas.

- (2) It is unlawful to use flounder pound net sets without four unobstructed escape panels in each pound. The escape panels shall be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels shall be a minimum mesh size of five and one-half inches, hung on the diamond, and shall be at least six meshes high and eight meshes long.

(f) During 1 December through 1 February the Director shall by proclamation establish time periods and areas where it is unlawful to fail to remove all nets from pound net sets in commercial fishing operations in internal coastal waters.

(g) It is unlawful within 30 days of abandonment of a permitted pound net set to fail to remove all stakes and associated gear from coastal fishing waters. The responsible party for abandoned pound net gear may be charged the costs incurred by the Division when the Division undertakes removal of the abandoned pound net gear.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. April 1, 2009.

15A NCAC 03J .0503 POUND NET SET PERMIT RENEWAL

An application for renewal of an existing Pound Net Set Permit shall be filed not less than 30 days prior to the date of expiration of the existing permit, and shall not be processed unless filed by the permittee. The Fisheries Director shall review the renewal

application under the criteria for issuance of a new Pound Net Set Permit. The Fisheries Director may hold public meetings and may conduct such investigations necessary to determine if the permit should be renewed.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. April 1, 2009.

15A NCAC 03J .0504 POUND NET SET PERMIT TRANSFER

It is unlawful to transfer a Pound Net Set Permit without a completed application for transfer being submitted to the Division not less than 45 days before the date of the transfer. The application shall be made by the proposed new permittee in writing and shall be accompanied by a copy of the current permittee's permit and an application for a Pound Net Set Permit in the new permittee's name. The Fisheries Director may hold a public meeting and conduct such investigations necessary to determine if the permit should be transferred. The transferred permit expires on the same date as the initial permit. Upon death of the permittee, the permit may be transferred to the Administrator/Executor of the estate of the permittee if transferred within six months of the Administrator/Executor's qualification in accordance with Chapter 28A of the North Carolina General Statutes. The Administrator/Executor shall provide a copy of the deceased permittee's death certificate, a copy of letters of administration/letters testamentary and a list of eligible immediate family members as defined in G.S. 113-168 to the Morehead City Office of the Division. Once transferred to the Administrator/Executor, the Administrator/Executor may transfer the permit(s) to eligible immediate family members of the deceased permittee. No transfer is effective until approved and processed by the Division.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. April 1, 2009.

15A NCAC 03J .0505 POUND NET SET PERMIT CONDITIONS

(a) It is unlawful for a permittee:

- (1) To fail to notify the Marine Patrol Communications Center within 72 hours by phone:
 - (A) Of an operational pound net set. Notification shall include the name of permittee, type of net, Pound Net Set Permit number, county where located, a specific location site, and how many pounds are in the set; and
 - (B) Of a change to the type of net being set at the permitted site.
- (2) To make false notifications.
- (3) To fail to render the pound net set inoperable during any closed season for the type of fishery for which the pound net is permitted.

Failure to comply with this Paragraph is grounds for the Fisheries Director to revoke any Pound Net Set Permits held by

the permittee and for denial of any future applications for Pound Net Set Permits.

(b) Pound net sets are subject to inspection at all times.

(c) Daily reporting may be a condition of the permit for a pound net set for fisheries under a quota.

(d) It is unlawful to fail to remove all pound net stakes and associated gear within 30 days after expiration of the permit or notice by the Fisheries Director that an existing Pound Net Set Permit has been revoked or denied.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. April 1, 2009.

15A NCAC 03L .0103 PROHIBITED NETS, MESH SIZES AND AREAS

(a) It is unlawful to take shrimp with nets with mesh lengths less than the following:

- (1) Trawl net - one and one-half inches;
- (2) Fixed nets, channel nets, float nets, butterfly nets, and hand seines - one and one-fourth inches; and
- (3) Cast net - no restriction.

(b) It is unlawful to take shrimp with a net constructed in such a manner as to contain an inner or outer liner of any mesh size. Net material used as chafing gear shall be no less than four inches mesh length except that chafing gear with smaller mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in a manner that forms an additional tailbag.

(c) It is unlawful to take shrimp with trawls which have a combined headrope of greater than 90 feet in internal coastal waters except:

- (1) Pamlico Sound;
- (2) Pamlico River downstream of a line from a point 35° 18.5882'N – 76° 28.9625'W at Pamlico Point; running northerly to a point 35° 22.3741'N – 76° 28.6905'W at Willow Point;
- (3) Neuse River northeast of a line from a point 34° 58.2000'N – 76° 40.5167'W at Winthrop Point on the eastern shore of the entrance to Adam's Creek running northerly to a point 35° 01.0744' N – 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

(d) It is unlawful to use a shrimp trawl in the areas described in 15A NCAC 03R .0114.

(e) It is unlawful to use channel nets except as provided in 15A NCAC 03J .0106.

(f) It is unlawful to use shrimp pots except as provided in 15A NCAC 03J .0301.

(g) It is unlawful to use a shrimp trawl that does not conform with the federal rule requirements for Turtle Excluder Devices (TED) as specified in 50 CFR Part 222.102 Definitions, 50 CFR Part 223.205 (a) and Part 223.206 (d) Gear Requirements for Trawlers, and 50 CFR Part 223.207 Approved TEDs. Copies of these rules are available via the Code of Federal Regulations posted on the Internet at <http://www.gpoaccess.gov/cfr/index.html> and at the Division of

Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. April 1, 2009; July 1, 2006.

15A NCAC 03L .0104 UNLAWFUL TO USE OR TAKE

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. January 1, 1991;

Repealed Eff. April 1, 2009.

15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS

It is unlawful to:

- (1) Possess more than 48 quarts, heads on or 30 quarts, heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational purposes except as provided in 15A NCAC 03O .0303(e) and (f).
- (2) Take or possess shrimp taken from any area closed to the taking of shrimp except 100 shrimp per person per day may be taken while fishing in a closed area with a cast net.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. April 1, 2009.

15A NCAC 03L .0301 AMERICAN LOBSTER (NORTHERN LOBSTER)

(a) It is unlawful to possess American lobster:

- (1) with a carapace less than 3 3/8 inches or greater than 5 1/4 inches;
- (2) which has eggs or from which eggs have been artificially removed by any method;
- (3) meats, detached meats, detached tails or claws or any other part of a lobster that has been separated from the lobster;
- (4) which has an outer shell which has been speared;
- (5) that is a V-notched female lobster. A V-notched female lobster is any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. A V-notched female lobster is also any female lobster which is mutilated in a manner which would hide, obscure or obliterate such a mark; or
- (6) in quantities greater than 100 per day or 500 per trip for trips five days or longer taken by gear or methods other than traps.

(b) American lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) must contain a ghost panel that meets the following specifications:

- (1) the opening to be covered by the ghost panel shall be not less than 3 3/4 inches (9.53 cm) by 3 3/4 inches (9.53 cm);
- (2) the panel must be constructed of, or fastened to the trap with, one of the following untreated materials: wood lath, cotton, hemp, sisal or jute twine not greater than 3/16 inch (0.48 cm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter;
- (3) the door of the trap may serve as the ghost panel, if fastened with a material specified in this Section;
- (4) the ghost panel must be located in the outer parlor(s) of the trap and not the bottom of the trap; and
- (5) contains at least one rectangular escape vent per trap, 2 inches by 5 3/4 inches minimum size, or two circular escape vents per trap, with a minimum inside diameter of 2 5/8 inches.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. April 1, 2009; September 1, 2005; April 1, 2001.

15A NCAC 03M .0501 RED DRUM

- (a) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.
- (b) It is unlawful to take or possess red drum taken by any boat hook, gaff, spear, gig, or similar device.
- (c) It is unlawful to possess red drum less than 18 inches total length or greater than 27 inches total length.
- (d) It is unlawful to possess more than one red drum per person per day taken by hook-and-line or for recreational purposes.
- (e) The annual commercial harvest limit (September 1 through August 31) for red drum is 250,000 pounds. The annual commercial harvest limit is allotted in two periods: September 1 through April 30 at 150,000 pounds, and May 1 through August 31 at 100,000 pounds plus any remainder from the first period allotment. Any annual commercial harvest limit that is exceeded one year will result in the poundage overage being deducted from the subsequent year's commercial harvest limit and the Fisheries Director shall adjust the period allotments accordingly. If the harvest limit is projected to be taken in any period, the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a commercial fishing operation for the remainder of that period.

History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;
Temporary Amendment Eff. May 1, 2000; July 1, 1999; October 22, 1998;
Amended Eff. April 1, 2001;

Temporary Amendment Eff. May 1, 2001;
Amended Eff. April 1, 2009; October 1, 2008; August 1, 2002.

15A NCAC 03O .0302 AUTHORIZED GEAR

(a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid Recreational Commercial Gear License:

- (1) One seine 30 feet or over in length but not greater than 100 feet with a mesh length less than 2 1/2 inches when deployed or retrieved without the use of a vessel or any other mechanical methods. A vessel may be used only to transport the seine;
- (2) One shrimp trawl with a headrope not exceeding 26 feet in length per vessel.
- (3) With or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
- (4) One multiple hook or multiple bait trotline up to 100 feet in length;
- (5) Gill Nets:
 - (A) Not more than 100 yards of gill nets with a mesh length equal to or greater than 2 1/2 inches except as provided in (C) of this Subparagraph. Attendance is required at all times;
 - (B) Not more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches except as provided in (C) of this Subparagraph. Attendance is required when used from one hour after sunrise through one hour before sunset in internal coastal fishing waters east and north of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance is required at all times in internal coastal fishing waters west and south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south of 77° 04.0000' W; and
 - (C) Not more than 100 yards of gill net may be used at any one time, except that when two or more Recreational Commercial Gear License holders are on board, a maximum of 200 yards may be used from a vessel;
 - (D) It is unlawful to possess aboard a vessel more than 100 yards of gill nets with a mesh length less than 5 1/2 inches and more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches identified as recreational commercial fishing equipment when only one

Recreational Commercial Gear
License holder is on board. It is
unlawful to possess aboard a vessel
more than 200 yards of gill nets with
a mesh length less than 5 1/2 inches
and more than 200 yards of gill nets
with a mesh length equal to or greater
than 5 1/2 inches identified as
recreational commercial fishing
equipment when two or more
Recreational Commercial Gear
License holders are on board;

- (6) A hand-operated device generating pulsating electrical current for the taking of catfish in the area described in 15A NCAC 03J .0304;
- (7) Skimmer trawls not exceeding 26 feet in total combined width.
- (8) One pound net used to take shrimp with each lead 10 feet or less in length and with a minimum lead net mesh of 1 1/2 inches, and enclosures constructed of net mesh of 1 1/4 inches or greater and with all dimensions being 36 inches or less. Attendance is required at all times and all gear must be removed from the water when not being fished. Gear is to be marked and set as specified in 15A NCAC 03J .0501.

(b) It is unlawful to use more than the quantity of authorized gear specified in Subparagraphs (a)(1) through (a)(8) of this Rule, regardless of the number of individuals aboard a vessel possessing a valid Recreational Commercial Gear License.

(c) It is unlawful for a person to violate the restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.

(d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.

*History Note: Authority G.S. 113-134; 113-173;
Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1995;
Temporary Amendment Eff. August 1, 1999; July 1, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. April 1, 2009; July 1, 2006; November 1, 2005;
August 1, 2002.*

15A NCAC 03O .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

(a) To obtain any Marine Fisheries permit, the following information is required for proper application from the applicant, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the applicant on the application. If the applicant is not

appearing before a license agent or the designated Division contact, the applicant's signature on the application shall be notarized;

- (2) Current picture identification of applicant, responsible party and, when applicable, person holding a power of attorney; acceptable forms of picture identification are driver's license, current North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card) or passport or if applying by mail, a copy thereof;
- (3) Full names and dates of birth of designees of the applicant who shall be acting under the requested permit where that type permit requires listing of designees;
- (4) Certification that the applicant and his designees do not have four or more marine or estuarine resource convictions during the previous three years;
- (5) For permit applications from business entities, the following documentation is required:

- (A) Business Name;
- (B) Type of Business Entity: Corporation, partnership, or sole proprietorship;
- (C) Name, address and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
- (D) For a corporation, current articles of incorporation and a current list of corporate officers when applying for a permit in a corporate name;
- (E) For a partnership, if the partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit;
- (F) For business entities, other than corporations, copies of current assumed name statements if filed and copies of current business privilege tax certificates, if applicable.

- (6) Additional information as required for specific permits.

(b) A permittee shall hold a valid Standard or Retired Standard Commercial Fishing License in order to hold a:

- (1) Pound Net Permit;
- (2) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean; or
- (3) Atlantic Ocean Striped Bass Commercial Gear Permit.

(c) A permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to hold a:

- (1) Permit to Transplant (Prohibited) Polluted Shellfish;

- (2) Permit to Transplant Oysters from Seed Management Areas;
 - (3) Permit to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises;
 - (4) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or
 - (5) Depuration Permit.
- (d) A permittee shall hold a valid:
- (1) Fish Dealer License in the proper category in order to hold Dealer Permits for Monitoring Fisheries Under a Quota/Allocation for that category; and
 - (2) Standard Commercial Fishing License with a Shellfish Endorsement, Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to harvest clams or oysters for depuration.
- (e) Aquaculture Operations/Collection Permits:
- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
 - (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.
- (f) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) Application for an Atlantic Ocean Striped Bass Commercial Gear Permit must be made prior to November 1 of each year. A person shall declare one of the following gears for an initial Atlantic Ocean Striped Bass Commercial Gear Permit and at intervals of three consecutive license years thereafter:
 - (A) gill net;
 - (B) trawl; or
 - (C) beach seine.

For the purpose of this Rule, a beach seine is defined as a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place.

Gear declarations are binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.
 - (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses or assignments held by the person.
 - (3) The annual, nonrefundable permit fee is ten dollars (\$10.00).
- (g) For Hire Fishing Permit:
- (1) The permittee shall hold a valid certification from the United States Coast Guard (USCG) that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers;
 - (2) The permittee shall provide valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for-hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- (h) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.
- (i) A permit shall be issued only after the application has been deemed complete by the Division of Marine Fisheries and the applicant certifies to abide by the permit general and specific conditions established under 15A NCAC 03J .0501, 03J .0505, 03K .0103, 03K .0104, 03K .0107, 03K .0206, 03K .0303, 03K .0401, 03O .0502, and 03O .0503 as applicable to the requested permit.
- (j) The Fisheries Director, or his agent may evaluate the following in determining whether to issue, modify or renew a permit:
- (1) Potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
 - (2) Applicant's demonstration of a valid justification for the permit and a showing of responsibility as determined by the Fisheries Director;
 - (3) Applicant's history of habitual fisheries violations evidenced by eight or more violations in 10 years.
- (k) The applicant shall be notified in writing of the denial or modification of any permit request and the reasons therefor. The applicant may submit further information, or reasons why the permit should not be denied or modified.
- (l) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the nature of the activity permitted, the duration of the activity, compliance with federal or state fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.
- (m) To renew a permit, the permittee shall file a certification that the information in the original application is still valid, or a statement of all changes in the original application and any additional information required by the Division of Marine Fisheries.
- (n) For initial or renewal permits, processing time for permits may be up to 30 days unless otherwise specified in this Chapter.
- (o) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address.

- (p) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.
- (q) Permit applications shall be available at all Division Offices.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52;
Temporary Adoption Eff. September 1, 2000; May 1, 2000;
Eff. April 1, 2001;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. April 1, 2009; July 1, 2008; December 1, 2007;
September 1, 2005; April 1, 2003; August 1, 2002.

**15A NCAC 03O .0502 PERMIT CONDITIONS;
GENERAL**

The following conditions apply to all permits issued by the Fisheries Director:

- (1) it is unlawful to operate under the permit except in areas, at times, and under conditions specified on the permit;
- (2) it is unlawful to operate under a permit without having the permit or copy thereof in possession of the permittee or his or her designees at all times of operation and the permit or copy thereof shall be ready at hand for inspection, except for Pound Net Permits;
- (3) it is unlawful to operate under a permit without having a current picture identification in possession and ready at hand for inspection;
- (4) it is unlawful to refuse to allow inspection and sampling of a permitted activity by an agent of the Division;
- (5) it is unlawful to fail to provide complete and accurate information requested by the Division in connection with the permitted activity;
- (6) it is unlawful to hold a permit issued by the Fisheries Director when not eligible to hold any license required as a condition for that permit as stated in 15A NCAC 03O .0501;
- (7) it is unlawful to fail to provide reports within the timeframe required by the specific permit conditions;
- (8) it is unlawful to fail to keep such records and accounts as required by the rules in this Chapter for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries;
- (9) it is unlawful to assign or transfer permits issued by the Fisheries Director, except for Pound Net Permits as authorized by 15A NCAC 03J .0504;
- (10) the Fisheries Director, or his agent, may, by conditions of the permit, specify any or all of the following for the permitted purposes:
 - (a) species;
 - (b) quantity or size;
 - (c) time period;
 - (e) location;

- (d) means and methods;
- (f) disposition of resources;
- (g) marking requirements; or
- (h) harvest conditions.

- (11) unless specifically stated as a condition on the permit, all statutes, rules and proclamations shall apply to the permittee and his or her designees; and
- (12) as a condition of accepting the permit from the Fisheries Director, the permittee agrees to abide by all conditions of the permit and agrees that if specific conditions of the permit, as identified on the permit, are violated or if false information was provided in the application for initial issuance, renewal or transfer, the permit may be suspended or revoked by the Fisheries Director.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 113-210; 143B-289.52;
Temporary Adoption Eff. May 1, 2000;
Eff. April 1, 2001;
Amended Eff. April 1, 2009; September 1, 2005.

**15A NCAC 03O .0503 PERMIT CONDITIONS;
SPECIFIC**

(a) Horseshoe Crab Biomedical Use Permit:

- (1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
- (2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit a report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, and a certification that harvested horseshoe crabs are solely used by the biomedical facility and not for other purposes.
- (3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Horseshoe Crab Fisheries Management Plan monitoring and tagging requirements for horseshoe crabs. Copies of this plan are available from the Atlantic States Marine Fisheries Commission, 1444 Eye Street, NW, 6th Floor, Washington, DC 20005, (202) 289-6400, or the Division of Marine Fisheries' Morehead City Office.

(b) Dealers Permits for Monitoring Fisheries under a Quota/Allocation:

- (1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers Permit for Monitoring Fisheries under

a Quota/Allocation permit is issued, it is unlawful for fish dealers issued such permit to fail to:

- (A) Fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact designated on the permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If the dealer is unable to fax or electronic mail the required information, the permittee shall call in the previous day's landings to the dealer contact designated on the permit but shall maintain a log furnished by the Division;
 - (B) Submit the required log to the Division upon request or no later than five days after the close of the season for the fishery permitted;
 - (C) Maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;
 - (D) Contact the dealer contact daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred;
 - (E) Record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) Striped Bass Dealer Permit:
- (A) It is unlawful for a fish dealer to possess, buy, sell or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
 - (i) Atlantic Ocean;
 - (ii) Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; and
 - (iii) The joint and coastal fishing waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.
 - (B) No permittee shall possess, buy, sell or offer for sale striped bass taken from the harvest areas opened by proclamation without having a North Carolina Division of Marine Fisheries issued valid tag for the applicable area affixed through the mouth and gill cover, or, in the case of striped

bass imported from other states, a similar tag that is issued for striped bass in the state of origin. North Carolina Division of Marine Fisheries striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the North Carolina Division of Marine Fisheries Offices. The Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. It is unlawful for the permittee to fail to surrender unused tags to the Division upon request.

- (3) Albemarle Sound Management Area for River Herring Dealer Permit: It is unlawful to possess, buy, sell or offer for sale river herring taken from the following area without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit: Albemarle Sound Management Area for River Herring is defined in 15A NCAC 03J .0209.
- (4) Atlantic Ocean Flounder Dealer Permit:
 - (A) It is unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
 - (B) It is unlawful for a fish dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.
- (5) Black Sea Bass North of Cape Hatteras Dealer Permit. It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.
- (c) Blue Crab Shedding Permit: It is unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.
- (d) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean:

- (1) It is unlawful to trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7000' N latitude) to Rich's Inlet (34° 17.6000' N latitude) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean when allowed by proclamation from April 1 through November 30.
 - (2) It is unlawful to tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in this area when working under this permit. Tow time begins when the doors enter the water and ends when the doors exit the water.
 - (3) It is unlawful to fail to empty the contents of each net at the end of each tow.
 - (4) It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.
 - (5) It is unlawful to fail to report any sea turtle captured. Reports shall be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling shall be handled and resuscitated in accordance with requirements specified in 50 CFR 223.206, copies of which are available via the Internet at www.nmfs.gov and at the Division of Marine Fisheries, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.
- (e) Pound Net Set Permits. Rules setting forth specific conditions for pound net sets are set forth in 15A NCAC 03J .0505.
- (f) Aquaculture Operations/Collection Permits:
- (1) It is unlawful to conduct aquaculture operations utilizing marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
 - (2) It is unlawful:
 - (A) To take marine and estuarine resources from coastal fishing waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director.
 - (B) To sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit.
 - (C) To fail to submit to the Fisheries Director an annual report due on December 1 of each year on the form provided by the Division the amount and disposition of marine and estuarine resources collected under authority of this permit.
 - (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation or Collection Permit issued by the Fisheries Director.
 - (4) Aquaculture Operations/Collection Permits shall be issued or renewed on a calendar year basis.
 - (5) It is unlawful to fail to provide the Division of Marine Fisheries with a listing of all designees who will be acting under an Aquaculture Collection Permit at the time of application.
- (g) Scientific or Educational Collection Permit:
- (1) It is unlawful for individuals or agencies seeking exemptions from license, rule, proclamation or statutory requirements to collect for scientific or educational purposes as approved by the Division of Marine Fisheries any marine and estuarine species without first securing a Scientific or Educational Collection Permit.
 - (2) It is unlawful for persons who have been issued a Scientific or Educational Collection Permit to fail to submit a report on collections to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Collection Permits shall be issued on a calendar year basis.
 - (3) It is unlawful to sell marine and estuarine species taken under a Scientific or Educational Collection Permit:
 - (A) without the required license(s) for such sale;
 - (B) to anyone other than a licensed North Carolina fish dealer; and
 - (C) without authorization stated on the permit for such sale.
 - (4) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees who will be acting under Scientific or Educational Collection Permits at the time of application.
 - (5) The permittee or designees utilizing the permit shall call or fax the Division of Marine Fisheries Communications Center not later than 24 hours prior to use of the permit, specifying activities and location.
- (h) Under Dock Oyster Culture Permit:
- (1) It is unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
 - (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).

- (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j). The examination demonstrates the applicant's knowledge of:
 - (A) the application process;
 - (B) permit criteria;
 - (C) basic oyster biology and culture techniques;
 - (D) shellfish harvest area closures due to pollution;
 - (E) safe handling practices;
 - (F) permit conditions; and
 - (G) permit revocation criteria.
 - (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in coastal fishing waters shall result in permit revocation.
- (i) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
 - (2) It is unlawful to use a single Standard Commercial Fishing License, including assignments, to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year.
- (j) Coastal Recreational Fishing License Exemption Permit:
- (1) It is unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in coastal or joint fishing waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
 - (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:
 - (A) Individuals with physical or mental limitations;
 - (B) Members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card, for military appreciation;
 - (C) Individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal agencies, or instructors affiliated with educational institutions; and
 - (D) Disadvantaged youths.
- (3) The Coastal Recreational Fishing License Exemption Permit is valid for the date(s), time and physical location of the organized fishing event for which the exemption is granted and the time period shall not exceed one year from the date of issuance.
 - (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the following, in addition to the information required in 15A NCAC 03O .0501, is submitted to the Fisheries Director in writing a minimum of 30 days prior to the event:
 - (A) The name, date(s), time and physical location of the event;
 - (B) Documentation that substantiates local, state or federal involvement in the organized fishing event, if applicable;
 - (C) The cost or requirements, if any, for an individual to participate in the event; and
 - (D) An estimate of the number of participants.
- (k) For Hire Fishing Permit:
- (1) It is unlawful to operate a For Hire Vessel unless the vessel operator possesses either the For Hire Blanket Coastal Recreational Fishing License (CRFL) for the vessel as provided in 15A NCAC 03O .0112 or a Division of Marine Fisheries For Hire Fishing Permit for the vessel.
 - (2) It is unlawful for a For Hire vessel operator to operate under the For Hire Fishing Permit without:
 - (A) Holding the USCG certification required in 15A NCAC 03O .0501(g)(1);
 - (B) Having the For Hire Fishing Permit for the vessel or copy thereof in possession and ready at hand for inspection;
 - (C) Having current picture identification in possession and ready at hand for inspection.
 - (3) It is unlawful for the permittee to fail to notify the Division within five days of any changes to information provided on the permit.
 - (4) It is unlawful to fail to display a current For Hire Fishing Permit decal mounted on an exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.
 - (5) The For Hire Fishing Permit is valid for one year from the date of issuance.
- History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52;*

Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000; Eff. April 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002.

15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS

Descriptive boundaries for Coastal-Joint-Inland Waters referenced in 15A NCAC 03Q .0201 are as follows:

- (1) Beaufort County
 - (a) Pamlico -Tar River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 32.2167' N - 77° 02.8701' W; running southwesterly along the east side of the railroad bridge to a point on the south shore 35° 32.0267' N - 77° 03.5179' W.
 - (i) All Manmade tributaries - All manmade tributaries within Pamlico – Tar River in Beaufort County are designated as Joint.
 - (b) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
 - (i) Flax Pond Bay - All waters within this waterbody are designated as Coastal.
 - (ii) Upper Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.8946' N - 76° 32.1231' W; running northeasterly to a point on the east shore 35° 31.9656' N - 76° 32.0114' W.
 - (iii) Lower Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.4188' N - 76° 35.3924' W; running northeast to a point on the east shore 35° 32.4691' N - 76° 35.2748' W.

- (iv) George Best Creek - All waters within this waterbody are designated as Coastal.
- (v) Toms Creek - All waters within this waterbody are designated as Coastal.
- (vi) Pantego Creek – Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 31.9908' N – 76° 36.6105' W; running southerly along the Breakwater to a point 35° 31.6628' N – 76° 36.9840' W; running southwesterly to a point on the south shore 35° 31.5653' N – 76° 37.3832' W.
- (vii) Pungo Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 29.9986' N - 76° 40.3564' W; running southerly to a point on the south shore 35° 29.8887' N - 76° 40.3262' W.
 - (A) Vale Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.0370' N - 76° 38.9044' W; running northeasterly to a point on the east shore 35° 31.0528' N - 76° 38.8536' W.
 - (B) Scotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 30.4264' N - 76° 40.1156' W; running easterly to a point on the east shore 35° 30.4264' N - 76° 39.9430' W.
 - (C) Smith Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore

- 35° 30.2844' N -
76° 40.2941' W;
running southerly
to a point on the
south shore 35°
30.1982' N - 76°
40.2621' W.
- (viii) Woodstock (Little) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.5291' N - 76° 38.1600' W; running easterly to a point on the east shore 35° 30.4852' N - 76° 38.0278' W.
- (ix) Jordan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 27.7256' N - 76° 36.2159' W; running southerly to a point 35° 27.5587' N - 76° 36.2704' W; following the eastern shore to a point 35° 27.4651' N - 76° 36.3294' W; running southerly to a point on the south shore 35° 27.3429' N - 76° 36.4498' W.
- (x) Satterthwaite Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 25.2994' N - 76° 35.4281' W; running southerly to a point on the south shore 35° 25.1284' N - 76° 35.4949' W.
- (xi) Wright Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the west shore 35° 24.8664' N - 76° 35.4240' W; running southeasterly to a point on the east shore 35° 24.7995' N - 76° 35.3086' W.
- (c) North Creek - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.1667' N - 76° 40.1042' W; running easterly to a point on the east shore 35° 25.0971' N - 76° 39.6340' W.
- (d) St. Clair Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7691' N - 76° 42.6406' W;
- running easterly to a point on the east shore 35° 25.7695' N - 76° 42.5967' W.
- (e) Mixon Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7601' N - 76° 46.5971' W; running easterly to a point 35° 25.7304' N - 76° 46.2547' W; following the southern shoreline to a point 35° 25.6878' N - 76° 46.2034' W; running southeasterly to a point 35° 25.6606' N - 76° 46.1892' W; following the southern shoreline to a point 35° 25.6267' N - 76° 46.1494' W; running southeasterly to a point on the east shore 35° 25.6166' N - 76° 46.1361' W.
- (f) Bath Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.1685' N - 76° 49.4087' W; running northeasterly to a point on the east shore 35° 27.2371' N - 76° 49.0969' W.
- (g) Duck Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 27.5395' N - 76° 52.0074' W; running southerly to a point on the east shore 35° 27.4401' N - 76° 51.9827' W.
- (h) Mallard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.6461' N - 76° 53.6398' W; running easterly to a point on the east shore 35° 27.6425' N - 76° 53.5816' W.
- (i) Upper Goose Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 28.5346' N - 76° 56.0229' W; running southeasterly to a point on the east shore 35° 28.4014' N - 76° 55.8714' W.
- (j) Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 29.1023' N - 76° 57.3738' W; running easterly to a point on the east shore 35° 29.1059' N - 76° 57.1188' W.
- (k) Herring Run (Runyan Creek) - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.1615' N - 77° 02.3606' W; running southeasterly to

- a point on the east shore 35° 32.1340' N - 77° 02.3438' W.
- (l) Chocowinity Bay - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 35° 29.4751' N - 77° 01.8507' W; running northeasterly to a point on the east shore 35° 29.8780' N - 77° 01.3169' W.
- (m) Calf Tree Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 29.2268' N - 77° 01.2973' W; running southeasterly to a point on the south shore 35° 29.2115' N - 77° 01.2831' W.
- (n) Hills Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 28.5227' N - 77° 00.2664' W; running easterly to a point on the east shore 35° 28.5193' N - 77° 00.2270' W.
- (o) Blounts Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 26.2010' N - 76° 58.1716' W; running southerly to a point on the south shore 35° 26.1369' N - 76° 58.1671' W.
- (p) Nevil Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 26.1117' N - 76° 54.5233' W; running southeasterly to a point on the east shore 35° 26.0966' N - 76° 54.5045' W.
- (q) Barris Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 24.8423' N - 76° 49.9928' W; running easterly to a point on the east shore 35° 24.8451' N - 76° 49.9745' W.
- (r) Durham Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 23.7824' N - 76° 49.3016' W; running easterly to a point on the east shore 35° 23.7821' N - 76° 48.8703' W.
- (s) Huddles Cut - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 22.5817' N - 76° 44.8727' W; running easterly to a point on the east shore 35° 22.5782' N - 76° 44.8594' W.
- (t) Huddy Gut – All waters within this waterbody are designated as Coastal.
- (u) South Creek – Inland Waters south and Coast Waters north of a line beginning at a point on the west shore 35° 18.9589' N – 76° 47.4298' W; running easterly to a point on the east shore 35° 18.9994' N – 76° 47.3007' W.
- (i) Tooleys Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.7080' N - 76° 44.8937' W; running northeasterly to a point on the east shore 35° 20.7440' N - 76° 44.8324' W.
- (ii) Drinkwater Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.1441' N - 76° 45.8262' W; running easterly to a point on the east shore 35° 20.1333' N - 76° 45.7530' W.
- (iii) Jacobs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 20.1420' N - 76° 45.8395' W; running southwesterly to a point on the south shore 35° 20.0692' N - 76° 45.8912' W.
- (iv) Jacks Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 19.5455' N - 76° 47.0155' W; running southwesterly to a point on the south shore 35° 19.4986' N - 76° 47.0741' W.
- (v) Whitehurst Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.2878' N - 76° 47.4778' W; running southerly to a point on the south shore 35° 19.2295' N - 76° 47.4430' W.
- (vi) Little Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 18.9873' N - 76° 45.9292' W.

- W; running easterly to a point on the east shore 35° 19.0209' N - 76° 45.8258' W.
 - (vii) Short Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 20.1228' N - 76° 44.6031' W; running southwesterly to a point on the south shore 35° 20.0527' N - 76° 44.6667' W.
 - (viii) Long Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.3050' N - 76° 44.3444' W; running northeasterly to a point on the east shore 35° 20.4185' N - 76° 43.8949' W.
 - (ix) Bond Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4231' N - 76° 42.0469' W; running southeasterly to a point on the east shore 35° 20.2539' N - 76° 41.8254' W.
 - (x) Muddy Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.1523' N - 76° 41.2074' W; running northeasterly to a point on the east shore 35° 20.2413' N - 76° 41.0572' W.
 - (v) Davis Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.7032' N - 76° 40.3404' W; running easterly to a point on the east shore 35° 20.7112' N - 76° 40.1637' W.
 - (w) Strawhorn Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4091' N - 76° 39.0998' W; running northeasterly to a point on the east shore 35° 20.4750' N - 76° 38.8874' W.
 - (x) Lower Goose Creek – All waters within this waterbody are designated as Coastal.
 - (i) Lower Spring Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.7932' N - 76° 37.5347' W; running southerly to a point on the south shore 35° 19.4670' N - 76° 37.4134' W.
 - (ii) Peterson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 18.7722' N - 76° 37.5059' W; running northeasterly to a point on the east shore 35° 18.8406' N - 76° 37.4111' W.
 - (iii) Snode Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 18.2787' N - 76° 37.4679' W; running southwesterly to a point on the south shore 35° 18.0821' N - 76° 37.5544' W.
 - (iv) Campbell Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 17.1203' N - 76° 37.9248' W; running southerly to a point on the south shore 35° 16.8807' N - 76° 37.9101' W.
 - (A) Smith Creek – All waters within this waterbody are designated as Inland.
 - (v) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
- (2) Bertie County
- (a) Albemarle Sound - All waters in this waterbody are designated as Coastal.
 - (i) All Manmade Tributaries – All manmade tributaries within this waterbody for Bertie County are designated as Joint.
 - (ii) Roanoke River - Joint Waters south and Coastal Waters north of a line

beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.

(A) Sandy Run (Norfleet Gut) – Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.

(B) Quinine - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 09.6041' N - 77° 15.9091' W; running easterly to a point on the east shore 36° 09.6068' N - 77° 15.8912' W.

(C) Wire Gut - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 00.9580' N - 77° 13.0755' W; running easterly to a point on the east shore 36° 00.9542' N - 77° 13.0320' W.

(D) Apple Tree Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 00.4174' N - 77° 12.3252' W; running southeasterly to a point on the south shore 36° 00.3987' N - 77° 12.3088' W.

(E) Indian Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 59.0794' N - 77° 11.4926' W; running southerly to a point on the south shore 35° 59.0597' N - 77° 11.4967' W.

(F) Coniott Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.6562' N - 77° 04.2860' W; running southwesterly to a point on the south shore 35° 56.6397' N - 77° 04.3066' W.

(G) Conine Creek - All waters in this waterbody are designated as Joint.

(H) Old Mill Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 53.9483' N - 76° 55.3921' W; running southeasterly to a point on the east shore 35° 53.9378' N - 76° 55.3710' W.

(I) Cut Cypress Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 35° 51.9465' N - 76° 53.5762' W; running southeasterly to a point on the south shore 35° 51.9229' N - 76° 53.5556' W.

(J) Broad Creek - Inland Waters west

- and Joint Waters east of a line beginning at a point on the north shore 35° 52.5191' N - 76° 50.4235' W; running southerly to a point on the south shore 35° 52.4262' N - 76° 50.3791' W.
- (K) Thorofare - All waters within this waterbody are designated as Joint.
- (iii) Cashie River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 54.7865' N - 76° 49.0521' W; running southerly to a point on the south shore 35° 54.6691' N - 76° 49.0553' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.4598' N - 76° 43.8093' W; running southerly to a point on the north shore of an island in the mouth of the river 35° 56.2250' N - 76° 43.9265' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the south shore of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to a point on the south shore 35° 56.0650' N - 76° 43.9599' W.
- (A) Cashoke Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.2934' N - 76° 44.1769' W; running southwesterly to a point on the south shore 35° 56.2623' N - 76° 44.1993' W.
- (B) Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.0568' N - 76° 45.2632' W; running easterly to a point on the east shore 35° 55.0543' N - 76° 45.1309' W.
- (C) Grinnel Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 55.3147' N - 76° 44.5010' W; running southerly to a point on the south shore 35° 55.2262' N - 76° 44.5495' W.
- (iv) Middle River - All waters within this waterbody are designated Joint.
- (v) Eastmost River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.5024' N - 76° 42.4877' W; running westerly to a point on the east shore 35° 56.4070' N - 76° 42.7647' W.
- (vi) Mud Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 53.2880' N - 76° 45.4463' W; running southwesterly to a point on the south shore 35° 53.2527' N - 76° 45.4678' W.
- (b) Black Walnut Swamp - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 59.4680' N - 76° 40.9556' W; running southerly to a point on the south shore 35° 59.3946' N - 76° 40.9629' W.
- (c) Salmon Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 36° 00.4648' N - 76° 42.3513' W; running southeasterly to a point on the south shore 36° 00.3373' N - 76° 42.1499' W.
- (d) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a

- point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
- (i) Barkers Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 14.0709' N - 76° 44.2451' W; running southerly to a point on the south shore 36° 14.0492' N - 76° 44.2456' W.
 - (ii) Willow Branch - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 04.7206' N - 76° 43.7667' W; running southeasterly to a point on the south shore 36° 04.7138' N - 76° 43.7580' W.
 - (iii) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (3) Bladen County
- (a) Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
 - (i) Natmore Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2841' N - 78° 16.4405' W; running easterly to a point on the east shore 34° 24.2852' N - 78° 16.4039' W.
- (4) Brunswick County
- (a) Calabash River And Tributaries - All waters within this waterbody in Brunswick County are designated as Coastal.
 - (b) Saucepan Creek - All waters within this waterbody are designated as Coastal.
- (c) Shallotte River - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 33° 58.3412' N - 78° 23.1948' W; running northeasterly to a point on the north shore 33° 58.3518' N - 78° 23.1816' W.
 - (i) Mill Dam Branch - All waters within this waterbody are designated as Coastal.
 - (ii) Squash Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Mill Pond - All waters within this waterbody are designated as Coastal.
 - (iv) Charles Branch - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 58.6276' N - 78° 21.2919' W; running easterly to a point on the east shore 33° 58.6257' N - 78° 21.2841' W.
 - (v) Grisset Swamp - All waters within this waterbody are designated as Coastal.
 - (vi) Little Shallotte River And Tributaries - All waters within this waterbody are designated as Coastal.
- (d) Lockwood Folly River- Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the north shore 34° 00.6550' N - 78° 15.8134' W; running southeasterly along the south side of NC Hwy 211 bridge to a point on the south shore 34° 00.6285' N - 78° 15.7928' W.
- (i) Stanberry Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Pompeys Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Maple Creek - All waters within this waterbody are designated as Coastal.
 - (iv) Rubys Creek - All waters within this waterbody are designated as Coastal.
 - (v) Big Doe Creek - All waters within this waterbody are designated as Coastal.

- | | |
|--|---|
| <p>(vi) Lennons Creek - All waters within this waterbody are designated as Coastal.</p> <p>(vii) Mercers Mill Pond Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 57.7498' N - 78° 12.3532' W; running southeasterly to a point on the east shore 33° 57.7439' N - 78° 12.3440' W.</p> <p>(e) Elizabeth River - All waters within this waterbody are designated as Coastal.</p> <p>(i) Ash Creek - All waters within this waterbody are designated as Coastal.</p> <p>(f) Beaverdam Creek - All waters within this waterbody are designated as Coastal.</p> <p>(g) Dutchman Creek - All waters within this waterbody are designated as Coastal.</p> <p>(i) Calf Gully Creek - All waters within this waterbody are designated as Coastal.</p> <p>(ii) Jumpin Run - All waters within this waterbody are designated as Coastal.</p> <p>(iii) Fiddlers Creek - All waters within this waterbody are designated as Coastal.</p> <p>(h) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.</p> <p>(i) Carolina Power And Light Intake Canal - All waters within this waterbody are designated as Coastal.</p> <p>(ii) Walden Creek - All waters within this waterbody are designated as Coastal.</p> <p>(iii) Orton Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 02.8436' N - 77° 56.7498' W; running southerly to a point on the south shore 34° 02.8221' N - 77° 56.7439' W.</p> <p>(iv) Lilliput Creek - Inland Waters west and Coastal</p> | <p>Waters east of a line beginning at a point on the north shore 34° 04.1924' N - 77° 56.5361' W; running southerly to a point on the south shore 34° 04.1487' N - 77° 56.5447' W.</p> <p>(v) Sandhill Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 06.9584' N - 77° 57.0085' W; running southeasterly to a point on the south shore 34° 06.9371' N - 77° 56.9943' W.</p> <p>(vi) Town Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 07.7492' N - 77° 57.3445' W; running southerly to a point on the south shore 34° 07.7034' N - 77° 57.3431' W.</p> <p>(vii) Mallory Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 09.9868' N - 77° 58.2023' W; running southerly to a point on the south shore 34° 09.9618' N - 77° 58.2133' W.</p> <p>(viii) Brunswick River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 34° 10.7281' N - 77° 57.7793' W; running northeasterly to a point on the north shore 34° 10.9581' N - 77° 57.6452' W.</p> <p>(A) Alligator Creek - For the southernmost entrance into the Brunswick River: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 13.5040' N - 77° 58.6331' W; running northwesterly to a point on the north shore 34° 13.5472'</p> |
|--|---|

- N - 77° 58.6628' W.
For the northernmost entrance into the Brunswick River: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 14.4300' N - 77° 59.2346' W; running northerly to a point on the north shore 34° 14.4618' N - 77° 59.2300' W.
- (B) Jackeys Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the south shore 34° 11.9400' N - 77° 58.5859' W; running northerly to a point on the north shore 34° 11.9565' N - 77° 58.5859' W.
- (C) Sturgeon Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 14.6761' N - 77° 59.4145' W; running southerly to a point on the south shore 34° 14.6404' N - 77° 59.4058' W.
- (ix) Cartwheel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 15.7781' N - 77° 59.3852' W; running southerly to a point on the south shore 34° 15.7564' N - 77° 59.3898' W.
- (x) Indian Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 17.0441' N - 78° 00.3662' W; running southwesterly to a point on the south shore 34° 17.0006' N - 78° 00.3977' W.
- (xi) Hood Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 20.3713' N - 78° 04.7492' W; running southwesterly to a point on the south shore 34° 20.3393' N - 78° 04.7373' W.
- (xii) Northwest Creek - All waters within this waterbody are designated as Inland.
- (5) Camden County
- (a) Albemarle Sound – All waters within this waterbody are designated Coastal.
- (i) All Manmade Tributaries – All waters within this waterbody are designated as Joint.
- (ii) Pasquotank River – Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
- (A) Raymond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.0746' N - 76° 03.3952' W; running easterly to a point on the east shore 36° 14.0711' N - 76° 03.3668' W.
- (B) Portohonk Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 15.0519' N - 76° 05.2793' W;

- running
southeasterly to a
point on the east
shore 36° 15.0391'
N - 76° 05.2532' W.
- (C) Areneuse Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 17.3133' N -
76° 08.1655' W;
running
southeasterly to a
point on the east
shore 36° 17.1328'
N - 76° 07.6269' W.
- (iii) North River - Inland Waters
west and Joint Waters east of
a line beginning at a point on
the north shore 36° 18.7703'
N - 75° 58.7384' W; running
southerly to a point on the
south shore 36° 18.4130' N -
75° 58.7228' W. Joint
Waters north and Coastal
Waters south of a line
beginning at a point on the
west shore 36° 09.8986' N -
75° 54.6771' W; running
easterly to a point on the east
shore 36° 10.0108' N - 75°
52.0431' W.
- (A) Wading Gut -
Inland Waters south
and Joint Waters
north of a line
beginning at a point
on the west shore
36° 10.6054' N -
75° 55.9529' W;
running
southeasterly to a
point on the east
shore 36° 10.5777'
N - 75° 55.8654' W.
- (B) Little Broad Creek -
Inland Waters south
and Joint Waters
north of a line
beginning at a point
on the west shore
36° 11.6530' N -
75° 57.2035' W;
running
southeasterly to a
point on the east
shore 36° 11.5587'
N - 75° 56.9160' W.
- (C) Broad Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
36° 12.2197' N -
75° 57.2685' W;
running southerly
to a point on the
south shore 36°
11.6766' N - 75°
57.2254' W.
- (D) Hunting Creek -
Inland Waters
southwest and Joint
Waters northeast of
a line beginning at
a point on the north
shore 36° 15.0480'
N - 75° 57.5820'
W; running
southeasterly to a
point on the south
shore 36° 14.9308'
N - 75° 57.4635' W.
- (E) Abel Creek - Inland
Waters west and
Joint Waters east of
a line beginning at
a point on the north
shore 36° 15.9530'
N - 75° 58.0348'
W; running
southerly to a point
on the south shore
36° 15.8553' N -
75° 58.0842' W.
- (F) Back Landing
Creek - Inland
Waters northwest
and Joint Waters
southeast of a line
beginning at a point
on the north shore
36° 16.4746' N -
76° 07.6377' W;
running
southwesterly to a
point on the south
shore 36° 16.2030'
N - 76° 57.8897' W.
- (G) Public Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point

- on the north shore
36° 17.2462' N -
75° 58.2774' W;
running southerly
to a point on the
south shore 36°
17.2121' N - 75°
58.2788' W.
- (H) Cow Creek -Inland
Waters west and
Joint Waters east of
a line beginning at
a point on the north
shore 36° 17.8667'
N - 75° 58.3483'
W; running
southerly to a point
on the marsh island
36° 17.7600' N -
75° 58.3300' W;
running southerly
following the
eastern shoreline of
the island to a point
36° 17.7122' N -
75° 58.3273' W;
running
southwesterly to a
point on the south
shore 36° 17.6522'
N - 75° 58.3543' W.
- (I) Great Creek -
Mouth: Inland
Waters west and
Joint Waters east of
a line beginning at
a point on the north
shore 36° 18.1045'
N - 75° 58.4289'
W; running
southerly to a point
on the south shore
36° 17.9882' N -
75° 58.4458' W. On
north shore of Great
Creek within the
fourth tributary:
Inland Waters south
and Joint Waters
north of a line
beginning at a point
on the west shore
36° 18.1729' N -
75° 58.9137' W;
running
southeasterly to a
point on the south
shore 36° 18.1640'
N - 75° 58.9022' W.
- (J) Indiantown Creek –
All waters within
this waterbody are
designated as
Inland.
- (6) Carteret County
- (a) Neuse River - All waters in this
waterbody are designated as Coastal.
- (i) Adams Creek - All waters in
this waterbody are
designated as Coastal.
- (A) Back (Black) Creek
- All waters in this
waterbody are
designated as
Coastal.
- (B) Cedar Creek - All
waters in this
waterbody are
designated as
Coastal.
- (ii) Garbacon Creek - All waters
in this waterbody are
designated as Coastal.
- (iii) South River - Inland Waters
south and Coastal Waters
north of a line beginning at a
point on the west shore 34°
53.5068' N - 76° 31.1233'
W; running northeasterly to
a point on the east shore 34°
53.4494' N - 76° 31.3032'
W.
- (A) Big Creek - All
waters in this
waterbody are
designated as
Coastal.
- (B) Southwest Creek -
All waters in this
waterbody are
designated as
Coastal.
- (C) West Fork - All
waters in this
waterbody are
designated as
Inland.
- (D) East Creek - All
waters in this
waterbody are
designated as
Inland.
- (E) Eastman Creek -
All waters in this
waterbody are
designated as
Coastal.

- (iv) Browns Creek - All waters in this waterbody are designated as Coastal.
 - (b) North River And Tributaries - All waters in this waterbody are designated as Coastal.
 - (i) Panter Cat Creek - All waters in this waterbody are designated as Coastal.
 - (ii) Cypress Creek - All waters in this waterbody are designated as Coastal.
 - (c) Newport River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 45.2478' N - 76° 46.4479' W; running southerly to a point on the south shore 34° 45.1840' N - 76° 46.4488' W.
 - (i) Core Creek - All waters in this waterbody are designated as Coastal.
 - (ii) Harlowe Creek - All waters in this waterbody are designated as Coastal.
 - (iii) Bogue Sound And Tributaries - All waters in this waterbody are designated as Coastal.
 - (d) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
 - (i) Pettiford Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 42.6935' N - 77° 04.0745' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 42.6569' N - 77° 04.0786' W.
 - (ii) Little Hadnotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.0839' N - 77° 06.5931' W; running northerly to an easterly point on the east shore 34° 45.0867' N - 77° 06.5780' W.
 - (iii) Hadnotts Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 45.9908' N - 77° 05.7847' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 45.9738' N - 77° 05.7810' W.
 - (iv) Neds Creek - All waters in this waterbody are designated as Coastal.
 - (v) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (7) Chowan County
- (a) Albemarle Sound - All waters within this waterbody in Chowan County are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
 - (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
 - (iii) Queen Anne Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.3757' N - 76° 36.3629' W; running southerly to a point on the south shore 36° 03.3551' N - 76° 36.3574' W.
 - (iv) Pembroke Creek (Pollock Swamp) - Inland Waters west and Coastal Waters east of a line beginning at a point

- on the west shore 36° 03.2819' N - 76° 37.0138' W; running northeasterly to a point on the east shore 36° 03.4185' N - 76° 36.6783' W.
- (v) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
- (A) Rocky Hock Creek - Inland Waters east and Joint Waters west of a line beginning on the west shore at a point 36° 06.5662' N - 76° 41.3108' W; running southeasterly to a point on the east shore at 36° 06.6406' N - 76° 41.4512' W.
- (B) Dillard (Indian) Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 14.2234' N - 76° 41.5901' W; running southerly to a point on the south shore 36° 14.2023' N - 76° 41.5855' W.
- (C) Stumpy Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 16.6440' N - 76° 40.4251' W; running southerly to a point on the south shore 36° 16.6255' N - 76° 40.4196' W.
- (D) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (8) Columbus County
- (a) Cape Fear River – All waters within this waterbody of Columbus County are designated as Joint.
- (i) Livingston Creek – Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.1518' N – 78° 12.0358' W; running easterly to a point on the east shore 34° 21.1420' N – 78° 12.0018' W.
- (ii) Waymans Creek – Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 34° 22.9861' N – 78° 14.5266' W; running southeasterly to a point on the east shore 34° 22.9838' N – 78° 14.5236' W.
- (9) Craven County
- (a) Neuse River - Inland Waters west and Joint Waters east of a line at Pitch Kettle Creek beginning at a point on the north shore 35° 16.9793' N - 77° 15.5529' W; running south to a point on the south shore 35° 16.9237' N - 77° 15.5461' W. Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the east shore 35° 07.7096' N - 77° 01.6749' W; running southwesterly along the southern side of the Southern Railroad bridge to a point on the west shore 35° 07.1530' N - 77° 02.5570' W.
- (i) Adams Creek - All waters in this waterbody are designated as Coastal.
- (A) Back Creek – All waters in this waterbody are designated as Coastal.

- | | |
|--|--|
| <p>(ii) Courts Creek - Inland Waters east Joint Waters west of a line beginning at a point on the north shore 34° 56.6958' N - 76° 42.7175' W; running southwesterly to a point on the south shore 34° 56.6606' N - 76° 42.7450' W.</p> <p>(iii) Long Branch - Inland Waters south and Coastal Waters north of a line beginning on the west shore 34° 55.6189' N - 76° 43.8180' W; running easterly to a point on the east shore 34° 55.6175' N - 76° 43.7846' W.</p> <p>(iv) Clubfoot Creek - All waters in this waterbody are designated as Coastal.</p> <p style="padding-left: 20px;">(A) Gulden Creek - All waters in this waterbody are designated as Coastal.</p> <p style="padding-left: 20px;">(B) Mitchell Creek - All waters in this waterbody are designated as Coastal.</p> <p style="padding-left: 20px;">(C) Morton Mill Pond - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 51.9245' N - 76° 45.7754' W; running southerly to a point on the south shore 34° 51.7799' N - 76° 45.8184' W.</p> <p>(v) Hancock Creek - Coastal Waters east and Inland Waters west of a line beginning on the north shore at 34° 56.3420' N - 76° 51.2809' W; running southerly to a point on the south shore at 34° 56.2731' N - 76° 51.3034' W.</p> <p>(vi) Slocum Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore at 34° 57.1875' N - 76° 53.7648' W; running</p> | <p style="padding-left: 40px;">southwesterly to a point on the south shore 34° 57.1334' N - 76° 53.8069' W.</p> <p>(vii) Scott Creek - Inland Waters west and Coastal Waters east of a line from a point on the north shore 35° 05.5723' N - 77° 02.0677' W; running southerly to a point on the south shore 35° 05.5316' N - 77° 02.0745' W.</p> <p>(viii) Trent River - Inland Waters west and Joint Waters east of a line at Wilson Creek beginning at a point on the north shore 35° 04.05490' N - 77° 06.0987' W; running southerly to a point on the south shore 35° 04.3837' N - 77° 06.1230' W. Joint Waters west and Coastal Waters east of a line on the western side of the Highway 70 Trent River Bridge beginning at a point on the north shore 35° 06.2136' N - 77° 02.1968' W; running southerly to a point on the south shore 35° 05.9351' N - 77° 02.2645' W.</p> <p style="padding-left: 20px;">(A) Brice Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 04.5114' N - 77° 03.6433' W; running easterly to a point on the east shore 35° 04.5634' N - 77° 03.4469' W.</p> <p>(ix) Jack Smith Creek - Inland Waters southwest and Joint Waters northeast of a line beginning on the west shore 35° 07.5482' N - 77° 03.1613' W; running southeasterly to a point on the east shore 35° 07.5320' N - 77° 03.1338' W.</p> <p>(x) Bachelor Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 09.0099' N - 77° 04.5858' W; running southerly to a point on the</p> |
|--|--|

- south shore 35° 08.9085' N - 77° 04.7172' W.
- (xi) Dollys Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 13.6303' N - 77° 09.9847' W; running southerly to a point on the south shore 35° 13.5937' N - 77° 09.9778' W.
- (xii) Greens Thoroughfare - Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 13.7807' N - 77° 09.9224' W; running southwesterly to a point on the south shore 35° 13.7587' N - 77° 09.9728' W. Westernmost entrance: Inland Waters south and Joint Waters north of a line beginning on the west shore 35° 14.1398' N - 77° 11.5530' W; running easterly to a point on the east shore 35° 14.1481' N - 77° 11.5036' W.
- (xiii) Greens Creek - Inland Waters west and Joint Waters east of a line beginning on the north shore 35° 14.1883' N - 77° 11.8862' W; running southeasterly to a point on the south shore 35° 14.1389' N - 77° 11.7535' W.
- (xiv) Turkey Quarter Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 15.6738' N - 77° 14.6823' W; running southeasterly to a point on the east shore 35° 15.6534' N - 77° 14.6470' W.
- (xv) Pitch Kettle Creek - All waters within this waterbody are designated as Inland.
- (xvi) Taylors Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 14.3719' N - 77° 10.8050' W; running southwesterly to a point on the south shore 35° 14.3300' N - 77° 10.8352' W.
- (xvii) Pine Tree Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 12.6663' N - 77° 07.4285' W; running southwesterly to a point on the south shore 35° 12.7033' N - 77° 07.3594' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 12.8553' N - 77° 07.8300' W; running easterly to a point on the east shore 35° 12.8372' N - 77° 07.7934' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 13.2012' N - 77° 08.7753' W; running southeasterly to a point on the east shore 35° 13.1714' N - 77° 08.7071' W.
- (xviii) Stumpy Creek - Southern entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 11.5752' N - 77° 06.1866' W; running southwesterly to a point on the south shore 35° 11.5550' N - 77° 06.2411' W. Northern entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.9377' N - 77° 06.7263' W; running southeasterly to a point on the south shore 35° 11.9169' N - 77° 06.7044' W.
- (xix) Swift Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.5972' N - 77° 06.0562' W; running easterly to a point on the east shore 35° 11.5816' N - 77° 05.9861' W.
- (xx) Mill Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 08.5041' N - 77° 02.3400' W; running south easterly to a point on

- the south shore 35° 08.4711' N - 77° 02.3176' W.
- (xxi) Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 05.7648' N - 77° 00.5191' W; running south easterly to a point on the south shore at 35° 05.6803' N - 77° 00.4179' W.
- (xxii) Northwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.5096' N - 76° 58.2604' W; running northeasterly to a point on the east shore at 35° 03.5948' N - 76° 58.0297' W.
- (xxiii) Upper Broad Creek – Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly along the Tidelands EMC power lines to a point on the east shore at 35° 04.4705' N - 76° 56.2115' W.
- (10) Currituck County
- (a) Albemarle Sound - All waters within Albemarle Sound in Currituck County are designated as Coastal.
- (i) All Manmade Tributaries - All Manmade Tributaries to Albemarle Sound in Currituck County are designated as Joint.
- (ii) North River – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
- (A) Duck Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 12.4056' N - 75° 54.2967' W; running southeasterly to a point on the east shore 36° 12.1865' N - 75° 54.0298' W.
- (B) Barnett Creek - Inland Waters northeast and Joint Waters southwest of line beginning at a point on the north shore 36° 14.2405' N - 75° 55.0112' W; running southeasterly to a point on the south shore 36° 14.0956' N - 75° 54.9774' W.
- (C) Lutz Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 14.7397' N - 75° 55.4914' W; running southeasterly to a point on the east shore 36° 14.4948' N - 75° 55.1989' W.
- (D) Goose Pond - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 15.5152' N - 75° 57.0936' W; running easterly to a point on the east shore 36° 15.4016' N - 75° 56.7842' W. Also south of a line beginning at a point on the west shore 36° 16.0334' N - 75° 57.1018' W; running easterly to a point on the east shore 36° 16.0301' N - 75° 57.0629' W.

- (E) Deep Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 17.1576' N - 75° 56.7594' W; running southerly to a point on the south shore 36° 16.9846' N - 75° 56.6802' W.
- (F) Narrow Ridges Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 18.3249' N - 75° 57.8910' W; running southerly to a point on the south shore 36° 18.1388' N - 75° 57.9029' W.
- (G) Bump Landing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 19.3757' N - 75° 57.9057' W; running southerly to a point on the south shore 36° 19.2496' N - 75° 57.9107' W.
- (H) Taylor Bay - All waters within Taylor Bay are designated Joint.
- (I) Intracoastal Waterway From Taylor Bay To Coinjock Bay - All waters within the IWW are designated Joint.
- (J) Indiantown Creek - All waters within this waterbody are designated Inland.
- (b) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of Currituck Sound 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Coinjock Bay - All waters within this waterbody are designated as Joint.
 - (iii) Nelson (Nells) Creek - Northern entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.5806' N - 75° 52.1168' W; running northeasterly to a point on the east shore 36° 16.6410' N - 75° 51.9580' W. Southern entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9816' N - 75° 51.7245' W; running southerly to a point on the south shore 36° 15.8640' N - 75° 51.6897' W.
 - (iv) Hog Quarter Creek - Northernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.7400' N - 75° 48.6254' W; running southerly to a point on the south shore 36° 07.7210' N - 75° 48.6135' W. Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.4118' N - 75° 48.4986' W; running southerly to a point on the south shore 36° 07.3532' N - 75° 48.5110' W.
 - (v) Parkers Creek - Inland Waters northwest and Joint Waters southeast of a line beginning on the west shore 36° 22.1079' N - 75° 55.5459' W; running northeasterly to a point on the east shore 36° 22.1607' N - 75° 55.4512' W. Inland Waters south and Joint

- Waters north of a line beginning at a point on the west shore 36° 22.3928' N - 75° 55.6970' W; running northeasterly to a point on the east shore 36° 22.4011' N - 75° 55.6782' W.
- (vi) North Landing River - All waters in this waterbody are designated as Joint.
- (A) Northwest River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore of 36° 30.8374' N - 76° 04.8770' W; running southerly to a point on the south shore 36° 30.7061' N - 76° 04.8916' W.
- (I) Gibbs Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 32.2322' N - 76° 01.8923' W; running southerly to a point on the south shore 36° 32.1997' N - 76° 01.8937' W.
- (II) Tull Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 30.0991' N - 76° 04.8587' W; running southeasterly to a point on the south shore 36° 29.9599' N - 76° 04.7126' W.
- (B) West Landing - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 30.9867' N - 76° 02.5868' W; running easterly to a point on the east shore 36° 31.0045' N - 76° 02.3780' W.
- (11) Dare County
- (a) Alligator River - Coastal Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running along the south side of the US 64 bridge to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
- (i) Whipping Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 41.3930' N - 76° 00.2481' W; running southerly to a point on the south shore 35° 41.3717' N - 76° 00.2554' W.
- (ii) Swan Creek and Lake - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 40.2674' N - 76° 00.7360' W; running southerly to a point on the south shore 35° 40.2420' N - 76° 00.7548' W.
- (iii) Milltail Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 50.5192' N - 75° 58.6134' W; running southerly to a point on the south shore 35° 50.4956' N - 75° 58.6158' W.
- (iv) Laurel Bay Lake (Creek) - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 52.4036' N - 75° 58.8560' W; running southerly to a point on the south shore 35° 52.3960' N - 75° 58.8528' W.
- (v) East Lake - Coastal Waters west and Inland Waters east of a line beginning at a point on the north shore 35°

- 56.1676' N - 75° 55.2603' W; running southerly to a point on the south shore 35° 55.4727' N - 75° 55.5043' W. Joint Waters north and Inland Waters south of a line beginning at a point on the west shore 35° 58.6402' N - 75° 52.1855' W; running easterly to a point on the east shore 35° 58.5887' N - 75° 51.7080' W.
- (b) Albemarle Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries in Dare County for this waterbody are designated as Joint.
- (ii) Kitty Hawk Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 03.1967' N - 75° 44.3087' W; running easterly to a point on the east shore 36° 03.1871' N - 75° 44.2716' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.1338' N - 75° 44.2423' W; running southerly to a point on the south shore 36° 03.0919' N - 75° 44.2533' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.9960' N - 75° 44.2840' W; running southerly to a point on the south shore 36° 02.9592' N - 75° 44.2291' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.4964' N - 75° 44.2089' W; running southerly to a point on the south shore 36° 01.3270' N - 75° 43.6422' W.
- (iii) Peter Mashoes Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 57.2344' N - 75° 48.3087' W; running southerly to a point on the south shore 35° 56.7805' N - 75° 48.3563' W.
- (iv) Tom Mann Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 58.5296' N - 75° 52.8982' W; running easterly to a point on the east shore 35° 58.5175' N - 75° 53.6851' W.
- (v) Collington Harbor - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 01.0828' N - 75° 43.6070' W; running southerly to a point on the south shore 36° 01.0510' N - 75° 43.6015' W.
- (c) Croatan Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (ii) Spencer Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.4205' N - 75° 45.0645' W; running southerly to a point on the south shore 35° 51.3876' N - 75° 45.0640' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.5597' N - 75° 45.0141' W; running southerly to a point on the south shore 35° 51.4624' N - 75° 45.0498' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.6783' N - 75° 44.9125' W; running southerly to a point on the south shore 35° 51.5693' N - 75° 45.0109' W.
- (iii) Calahan Creek (Callaghan Creek) - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.1312' N - 75° 45.1327' W; running southwesterly to a point on

- the south shore 35° 51.0953' N - 75° 45.1629' W.
- (d) Roanoke Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) Buzzard Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 59.6662' N - 75° 41.8400' W; running easterly to a point on the east shore 35° 59.4376' N - 75° 40.5770' W.
- (e) Pamlico Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) Stumpy Point Bay - All waters in this waterbody are designated as Coastal.
- (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (ii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W
- (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (B) Pains Bay - All waters in this waterbody are designated as Coastal.
- (I) Pains Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 36.4464' N - 75° 49.0420' W; running easterly to a point on the east shore 35° 36.4439' N - 75° 49.0324' W.
- (C) Deep Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 37.8971' N - 75° 51.3125' W; running easterly to a point on the east shore 35° 37.8840' N - 75° 51.2928' W.
- (f) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
- (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
- (ii) Martin Point Creek (Jean Guite Creek) - Inland Waters south Joint Waters north of a line beginning at a point on the west shore 36° 07.6716' N - 75° 44.9656' W; running easterly to a point on the east shore 36° 07.7568' N - 75° 44.6823' W.
- (12) Gates County
- (a) Chowan River - All waters within this waterbody for Gates County are designated as Joint.
- (i) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (ii) Bennetts Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.3499' N - 76° 42.0286' W; running northeasterly to a point on the east shore 36° 18.4057' N - 76° 41.6986' W.
- (iii) Beef Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36°

- 20.3235' N - 76° 44.6401' W; running easterly to a point on the east shore 36° 20.3070' N - 76° 44.5797' W.
- (iv) Sarem Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 21.7259' N - 76° 46.4085' W; running southerly to a point on the south shore 36° 21.6748' N - 76° 46.4392' W
- (v) Shingle (Island) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the north shore of the westernmost entrance into Chowan River 36° 21.8449' N - 76° 48.0940' W; running southeasterly to a point on the south shore 36° 21.7831' N - 76° 48.0427' W. At the easternmost entrance to the creek: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 21.8469' N - 76° 47.2668' W; running northeasterly to a point on the east shore 36° 21.9062' N - 76° 47.1862' W.
- (vi) Barnes Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the western shore 36° 21.8820' N - 76° 48.6419' W; running easterly to a point on the east shore 36° 21.8978' N - 76° 48.5902' W.
- (vii) Spikes Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 22.6515' N - 76° 50.8882' W; running northeasterly to a point on the east shore 36° 22.6684' N - 76° 50.8493' W.
- (viii) Buckhorn Creek (Run Off Swamp) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 22.9682' N - 76° 51.9172' W; running easterly to a point on the east shore 36° 22.9614' N - 76° 51.8870' W.
- (ix) Mud Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 23.5134' N - 76° 53.9131' W; running easterly to a point on the east shore 36° 23.5132' N - 76° 53.8815' W.
- (x) Somerton Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.7177' N - 76° 54.8327' W; running easterly to a point on the east shore 36° 31.7143' N - 76° 54.7810' W.
- (13) Halifax County
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
- (i) Kehukee Swamp - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.1942' N - 77° 18.9596' W; running southwesterly to a point on the south shore 36° 05.1670' N - 77° 18.9761' W.
- (ii) Clarks Canal - Inland Waters north and Joint Waters south of a line of a line beginning at a point on the west shore 36° 04.6165' N - 77° 19.5817' W; running easterly to a point on the east shore 36° 04.6215' N - 77° 19.5643' W.
- (14) Hertford County
- (a) Chowan River - All waters within this waterbody for Hertford County are designated as Joint.
- (i) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east

- shore 36° 14.0899' N - 76° 43.8533' W.
- (ii) Swain Mill (Taylor Pond) Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.5808' N - 76° 43.4729' W; running southerly to a point on the south shore 36° 18.5616' N - 76° 43.4706' W.
- (iii) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 19.5838' N - 76° 44.5971' W; running southerly to a point on the south shore 36° 19.5375' N - 76° 44.5925' W.
- (iv) Wiccacon River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 20.5439' N - 76° 45.4550' W; running southeasterly to a point on the south shore 36° 20.4684' N - 76° 45.3392' W.
- (v) Hodges Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 21.2459' N - 76° 46.3421' W; running southerly to a point on the south shore 36° 21.1823' N - 76° 46.3243' W.
- (vi) Catherine Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.9579' N - 76° 53.1994' W; running southeasterly to a point on the east shore 36° 22.9456' N - 76° 53.1742' W.
- (vii) Harris (Hares) Mill Creek - All waters within this waterbody are designated as Inland.
- (viii) Meherrin River - All waters within this waterbody are designated as Joint.
- (A) Potecasi Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 26.1234' N - 76° 57.5262' W; running southeasterly to a point on the east shore 36° 26.1005' N - 76° 57.4960' W.
- (B) Liverman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 26.7244' N - 76° 58.2797' W; running easterly to a point on the east shore 36° 26.7086' N - 76° 58.2499' W.
- (C) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
- (D) Banks Creek - All waters in this waterbody are designated as Inland.
- (ix) Buckhorn Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.9519' N - 76° 55.2580' W; running easterly to a point on the east shore 36° 31.9628' N - 76° 55.2429' W.
- (15) Hyde County
- (a) Pamlico Sound - All waters within this waterbody in Hyde County are designated as Coastal.
- (i) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and

Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.

- (A) Rutman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 33.1874' N - 76° 27.4090' W; running easterly to a point 35° 33.1759' N - 76° 27.2525' W; running northeasterly to a point on the east shore 35° 33.2455' N - 76° 26.9119' W.
- (B) Wilkerson Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 33.1251' N - 76° 27.2328' W; running northerly to a point 35° 33.1553' N - 76° 27.2447' W; running easterly to a point on the east shore 35° 33.3286' N - 76° 26.2019' W.
- (C) Atlantic Intracoastal Waterway From Wilkerson Creek To Alligator River At Winn Bay – All waters within this part of the IWW are designated as Joint.
- (D) Horse Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 32.1965' N - 76° 28.0462' W; running southerly to a point on the south shore 35°

- 32.1480' N - 76° 28.0705' W.
- (E) Tarklin Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 31.1553' N - 76° 28.1478' W; running southeasterly to a point on the south shore 35° 31.0974' N - 76° 28.0984' W.
- (F) Scranton Creek – Inland Waters east and Joint Waters west of line beginning at a point on the north shore 35° 30.0080' N - 76° 26.7759' W; running southerly to a point on the south shore 35° 29.9574' N - 76° 26.7750' W.
- (G) Smith Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.2812' N - 76° 29.7546' W; running southeasterly to a point on the east shore 35° 30.1904' N - 76° 29.4657' W.
- (H) Fishing Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the west shore 35° 30.2400' N - 76° 35.0143' W; running southeasterly to a point on the east shore 35° 30.0645' N - 76° 34.8211' W.
- (I) Slades Creek - All waters within this waterbody are designated as Coastal.

- | | | | |
|-------|--|-----|---|
| (J) | Fortescue Creek - All waters within this waterbody are designated as Coastal. | | shore 35° 23.1738' N - 76° 14.9794' W. |
| (ii) | Rose Bay - All waters within this waterbody are designated as Coastal. | (B) | Juniper Bay Creek Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 23.8618' N - 76° 13.1044' W; running easterly to a point on the east shore 35° 23.8677' N - 76° 13.0888' W. |
| | (A) Rose Bay Creek - All waters within this waterbody are designated as Coastal. | | |
| | (B) Rose Bay Canal - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 28.5607' N - 76° 19.6545' W; running southerly to a point on the south shore 35° 28.5509' N - 76° 19.6572' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.8491' W - 76° 24.2198' W; running easterly to a point on the east shore 35° 27.8404' N - 76° 24.2065' W. | (v) | Lake Mattamuskeet - All waters in this waterbody are designated as Inland. |
| | | (A) | Outfall Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 26.6017' N - 76° 10.1715' W; running easterly to a point on the east shore 35° 26.6093' N - 76° 10.1513' W. Joint Waters north and Coastal waters south of a line beginning at a point on the west shore 35° 21.4945' N - 76° 06.5336' W; running |
| (iii) | Swan Quarter Bay - All waters within this waterbody are designated as Coastal. | | northeasterly to a point on the east shore 35° 21.5480' N - 76° 06.4819' W. |
| | (A) Oyster Creek - All waters within this waterbody are designated as Coastal. | (B) | Lake Landing Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 28.7878' N - 76° 04.5867' W; running easterly to a point on the east shore 35° 28.7910' N - 76° 04.5726' W. Joint Waters north and Coastal waters south of a line beginning at a point |
| (iv) | Juniper Bay - All waters within this waterbody are designated as Coastal. | | |
| | (A) Juniper Bay Creek - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 23.2472' N - 76° 14.8754' W; running southwesterly to a point on the south | | |

- | | | | |
|-----|---|-------|---|
| | on the west 35°
25.9529' N - 76°
03.6785' W;
running easterly to
a point on the east
shore 35° 25.9568'
N - 76° 03.6566' W.
Joint Waters north
and Coastal Waters
south of a line
beginning at a point
on the west shore
35° 25.9666' N -
76° 03.5856' W;
running easterly to
a point on the east
shore 35° 25.9819'
N - 76° 03.5600' W. | | waterbody are
designated as
Inland. |
| (C) | Waupopin Canal -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
35° 31.8413' N -
76° 01.7779' W;
running southerly
to a point on the
south shore 35°
31.8283' N - 76°
01.7637' W. Joint
Waters west and
Coastal Waters east
of a line beginning
at a point on the
west shore 35°
31.5557' N - 75°
58.8725' W;
running easterly to
a point on the east
shore 35° 31.5648'
N - 75° 58.8555' W. | (vi) | Middletown Creek - All
waters within this waterbody
are designated as Coastal. |
| | | (vii) | Long Shoal River - Inland
Waters north and Coastal
Waters south of a line
beginning at a point on the
west shore 35° 38.7661' N -
75° 53.4429' W; running
easterly to a point on the east
shore 35° 38.7641' N - 75°
53.4159' W. |
| | | (A) | All Manmade
Tributaries - All
manmade
tributaries of this
waterbody are
designated as Joint. |
| | | (B) | Broad Creek - All
waters within this
waterbody are
designated as
Coastal. |
| | | (C) | Flag Creek - Inland
Waters west and
Coastal Waters east
of a line beginning
at a point on the
west shore 35°
37.3782' N - 75°
53.0699' W;
running easterly to
a point on the east
shore 35° 37.3894'
N - 75° 53.0593' W. |
| (D) | Rattlesnake Canal -
Joint Waters north
and Coastal Waters
south of a line
beginning at a point
on the west shore
35° 26.6965' N -
76° 00.8079' W;
running easterly to
a point on the east
shore 35° 26.7116'
N - 76° 00.7749' W. | (D) | Cumberland Creek
- Inland Waters
west and Coastal
Waters east of a
line beginning at a
point on the north
shore 35° 38.3026'
N - 75° 53.3010'
W; running
southerly to a point
on the south shore
35° 38.2692' N -
75° 53.3038' W. |
| (E) | All Other Manmade
Tributaries To Lake
Mattamuskeet - All
manmade
tributaries of this | (b) | Alligator River - Inland Waters west
and Joint Waters east of a line
beginning at a point on the north
shore at Cherry Ridge Landing 35°
42.2172' N - 76° 08.4686' W; running
southerly to a point on the south
shore 35° 42.1327' N - 76° 08.5002'
W. |

- Swan Creek and Lake - All waters within this waterbody are designated as Inland.
- (16) Jones County
- (a) White Oak River – Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
- (i) Grants Creek - All waters within this waterbody are designated as Inland.
- (ii) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N -77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (17) Martin County
- (a) Roanoke River – All waters within this waterbody in Martin County are designated as Joint.
- (i) Prices Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 57.3701' N - 77° 11.9815' W; running southerly to a point on the south shore 35° 57.3552' N - 77° 11.9796' W.
- (ii) Rainbow Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.9334' N - 77° 11.3246' W; running easterly to a point on the east shore 35° 55.9275' N - 77° 11.3136' W.
- (iii) Conoho Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 52.5439' N - 77° 02.6673' W; running easterly to a point on the east shore 35° 52.5407' N - 77° 02.6280' W.
- (iv) Sweetwater Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the west shore 35° 51.6464' N - 77° 00.5090' W; running southeasterly to a point on the east shore 35° 51.6252' N - 77° 00.4879' W.
- (A) Peter Swamp – All waters within this waterbody are designated as Inland.
- (v) Devils Gut - All waters in this waterbody are designated as Joint.
- (A) Upper Deadwater Creek - All waters in this waterbody are designated Joint.
- (B) Lower Deadwater Creek - All waters in this waterbody are designated Joint.
- (C) Gardner Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 50.1599' N - 76° 56.0211' W; running easterly to a point on the east shore 35° 50.1633' N - 76° 55.9899' W.
- (vi) Roses Creek - Inland Waters southeast and Joint Waters northwest of a line beginning at a point on the north shore 35° 50.1683' N - 76° 50.9664' W; running southwesterly to a point on the south shore 35° 50.1363' N - 76° 56.9907' W.
- (vii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (18) New Hanover County
- (a) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W;

running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.

- (i) Lords Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 05.1562' N - 77° 55.3816' W; running southerly to a point on the south shore 34° 05.1303' N - 77° 55.4008' W.
- (ii) Todds Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 07.4791' N - 77° 55.5175' W; running southeasterly to a point on the south shore 34° 07.4578' N - 77° 55.5116' W.
- (iii) Barnards Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 09.4347' N - 77° 56.5969' W; running southerly to a point on the south shore 34° 09.3887' N - 77° 56.5791' W.
- (iv) Greenfield Lake Outlet - Greenfield Lake Outlet Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 12.7210' N - 77° 57.2058' W; running southerly to a point on the south shore 34° 12.7075' N - 77° 57.2085' W.
- (v) Tommer Creek - For the southernmost entrance into the Cape Fear: Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the west shore 34° 15.6397' N - 77° 58.9608' W; running northeasterly to a point on the east shore 34° 15.6589' N - 77° 58.9338' W. For the northernmost entrance into the Cape Fear: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 16.6630' N - 77° 59.4699' W; running

northeasterly to a point on the east shore 34° 16.6767' N - 77° 59.4506' W.

- (vi) Catfish Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.7546' N - 77° 59.3751' W; running southeasterly to a point on the south shore 34° 16.7118' N - 77° 59.3870' W.
- (vii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
 - (A) Smiths Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.0366' N - 77° 56.8405' W; running southeasterly to a point on the south shore 34° 15.9919' N - 77° 56.7961' W.
 - (B) Ness Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 17.1741' N - 77° 57.2460' W; running southeasterly to a point on the south shore 34° 17.1494' N - 77° 57.2044' W.
 - (C) Dock Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 18.1274' N - 77° 57.3847' W; running southwesterly to a

- (D) point on the south shore 34° 18.1173' N - 77° 57.3678' W. Fishing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 19.1613' N - 77° 57.2460' W; running southwesterly to a point on the south shore 34° 19.1331' N - 77° 57.2245' W.
- (E) Prince George Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.8481' N - 77° 57.0066' W; running northeasterly to a point on the east shore 34° 21.8778' N - 77° 57.9755' W.
- (F) Sturgeon Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 22.6796' N - 77° 51.6018' W; running northeasterly to a point on the east shore 34° 22.6931' N - 77° 51.5776' W.
- (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W ; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (19) Northampton County
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
- (i) Sandy Run (Norfleet Gut) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
- (b) Meherrin River - All waters of Meherrin River up to the Virginia state line within Northampton County are designated as Joint.
- (i) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36 ° 28.3307' N - 77° 05.6369' W.
- (20) Onslow County
- (a) Beasleys Creek (Barlow Creek) - All waters within this waterbody are designated as Coastal.
- (b) Kings Creek - All waters within this waterbody are designated as Coastal.
- (c) Turkey Creek - All waters within this waterbody are designated as Coastal.
- (d) Mill Creek - All waters within this waterbody are designated as Coastal.
- (e) New River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.1654' N - 77° 26.1222' W; running easterly along the southern side of the US Hwy 17 bridge to a point on the east shore 34° 45.2007' N - 77° 25.9790' W.
- (i) Wheeler Creek - All waters within this waterbody are designated as Coastal.
- (ii) Everett Creek - All waters within this waterbody are designated as Coastal.
- (iii) Stones Creek - All waters within this waterbody are designated as Coastal.
- (iv) Muddy Creek - All waters within this waterbody are designated as Coastal.

- | | |
|---|---|
| <p>(v) Mill Creek - All waters within this waterbody are designated as Coastal.</p> <p>(vi) Lewis Creek - All waters within this waterbody are designated as Coastal.</p> <p>(vii) Southwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 40.8723' N - 77° 26.2399' W; running northeasterly to a point on the east shore 34° 40.9112' N - 77° 26.1758' W.</p> <p>(viii) Brinson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 44.0945' N - 77° 26.4335' W; running southerly to a point on the south shore 34° 44.0654' N - 77° 26.4239' W.</p> <p>(ix) Northeast Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 34° 44.0778' N - 77° 21.2640' W; running southeasterly along the southern side of the railroad bridge to a point on the east shore 34° 44.0446' N - 77° 21.2126' W.</p> <p>(x) Wallace Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 40.9604' N - 77° 21.5698' W; running southwesterly along the western side of the first bridge upstream from the mouth, to a point on the south shore 34° 40.8576' N - 77° 21.4787' W.</p> <p>(xi) Codels Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.8845' N - 77° 20.4533' W; running southerly to a point on the south shore 34° 38.8691' N - 77° 20.4515' W.</p> <p>(xii) French Creek - Inland Waters east and Coastal Waters west of a line</p> | <p>beginning at a point on the north shore 34° 38.4059' N - 77° 20.2619' W; running southerly to a point on the south shore 34° 38.2566' N - 77° 20.3233' W.</p> <p>(xiii) Duck Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 38.0179' N - 77° 20.5169' W; running southwesterly to a point on the south shore 34° 37.9172' N - 77° 20.6520' W.</p> <p>(f) Freeman (Browns) Creek - All waters within this waterbody are designated as Coastal.</p> <p>(g) Bear Creek - All waters within this waterbody are designated as Coastal.</p> <p>(h) Queens Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 42.1815' N - 77° 11.5690' W; running easterly to a point on the east shore 34° 42.2273' N - 77° 11.4193' W.</p> <p>(i) Parrotts Swamp - All waters within this waterbody are designated as Coastal.</p> <p>(i) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.</p> <p>(i) Stevens Creek - All waters within this waterbody are designated as Coastal.</p> <p>(ii) Holland Mill (Mill Pond) Creek - All waters within this waterbody are designated as Coastal.</p> <p>(iii) Webbs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 34° 45.7559' N - 77° 10.1321' W; running southwesterly to a point on the south shore 34° 45.7404' N - 77° 10.1486' W.</p> <p>(iv) Freemans Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 46.9791' N - 77° 10.3935' W; running</p> |
|---|---|

- | | | | |
|------|---|-------|--|
| | southerly to a point on the south shore 34° 46.9663' N - 77° 10.3999' W. | | waterbody are designated as Coastal. |
| (v) | Calebs Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 48.1354' N - 77° 11.4688' W; running southeasterly to a point on the south shore 34° 48.1192' N - 77° 11.4546' W. | (G) | Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W. |
| (vi) | Grants Creek - All waters within this waterbody are designated as Inland. | | |
| (21) | Pamlico County | (ii) | Oyster Creek - All waters within this waterbody are designated as Coastal. |
| (a) | Pamlico River - All waters within this waterbody are designated as Coastal. | (iii) | Clark Creek - All waters within this waterbody are designated as Coastal. |
| (i) | Lower Goose Creek - All waters within this waterbody are designated as Coastal. | (A) | Middle Prong - All waters within this waterbody are designated as Coastal. |
| (A) | Dixons Creek - All waters within this waterbody are designated as Coastal. | (B) | James Creek - All waters within this waterbody are designated as Coastal. |
| (B) | Patons Creek - All waters within this waterbody are designated as Coastal. | (b) | Pamlico Sound - All waters within this waterbody are designated as Coastal. |
| (C) | Wilson Creek - All waters within this waterbody are designated as Coastal. | (i) | Porpoise Creek - All waters within this waterbody are designated as Coastal. |
| (D) | Eastham Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 17.8205' N - 76° 35.1828' W; running southerly to a point on the south shore 35° 17.6797' N - 76° 35.1840' W. | (ii) | Drum Creek - All waters within this waterbody are designated as Coastal. |
| (E) | Upper Spring Creek - All waters within this waterbody are designated as Coastal. | (iii) | Bay River - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 08.4601' N - 76° 45.9173' W; running southeasterly to a point on the south shore 35° 08.4436' N - 76° 45.8885' W. |
| (F) | Intracoastal Waterway from Upper Spring Creek To Gale Creek - All waters within this | (A) | Gale Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 13.3142' N - 76° 36.7089' W; running southwesterly to a |

- point on the south shore 35° 13.2964' N - 76° 36.7222' W.
- (B) Chadwick Creek - All waters within this waterbody are designated as Coastal.
- (C) Bear Creek - All waters within this waterbody are designated as Coastal.
- (D) Vandemere Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 12.0330' N - 76° 40.7460' W; running northeasterly to a point on the east shore 35° 12.0433' N - 76° 40.7235' W.
- (I) Long Creek - All waters within this waterbody are designated as Coastal.
- (E) Smith Creek - All waters within this waterbody are designated as Coastal.
- (F) Chapel Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 10.0076' N - 76° 42.4909 ' W; running easterly to a point on the east shore 35° 10.0096' N - 76° 42.4722' W.
- (G) Raccoon Creek - All waters within this waterbody are designated as Coastal.
- (H) Trent Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 06.2738' N - 76° 43.1071' W; running southeasterly to a point on the east shore 35° 06.2603' N - 76° 43.0741' W.
- (I) Thomas Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 07.2024 ' N - 76° 43.0929' W; running southerly to a point on the south shore 35° 07.1610' N - 76° 43.0947' W.
- (iv) Masons Creek - All waters within this waterbody are designated as Coastal.
- (v) Moore Creek - All waters within this waterbody are designated as Coastal.
- (vi) Rices Creek - All waters within this waterbody are designated as Coastal.
- (vii) Ball Creek - All waters within this waterbody are designated as Coastal.
- (viii) Cabin Creek - All waters within this waterbody are designated as Coastal.
- (ix) Riggs Creek - All waters within this waterbody are designated as Coastal.
- (x) Spring Creek - All waters within this waterbody are designated as Coastal.
- (xi) Long Creek - All waters within this waterbody are designated as Coastal.
- (c) Neuse River - All waters within this waterbody are designated as Coastal.
- (i) Swan Creek - All waters within this waterbody are designated as Coastal.
- (ii) Lower Broad Creek - All waters within this waterbody are designated as Coastal.
- (A) Greens Creek - All waters within this waterbody are designated as Coastal.

- | | |
|--|--|
| <p>(B) Pittman Creek - All waters within this waterbody are designated as Coastal.</p> <p>(C) Burton Creek - All waters within this waterbody are designated as Coastal.</p> <p>(D) Brown Creek - All waters within this waterbody are designated as Coastal.</p> <p>(I) Spice Creek - All waters within this waterbody are designated as Coastal.</p> <p>(E) Gideon Creek - All waters within this waterbody are designated as Coastal.</p> <p>(F) Tar Creek - All waters within this waterbody are designated as Coastal.</p> <p>(G) Parris Creek - All waters within this waterbody are designated as Coastal.</p> <p>(iii) Orchard Creek - All waters within this waterbody are designated as Coastal.</p> <p>(iv) Pierce Creek - All waters within this waterbody are designated as Coastal.</p> <p>(v) Whitaker Creek - All waters within this waterbody are designated as Coastal.</p> <p>(vi) Smith Creek - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore at the Oriental Bridge 35° 01.5149' N - 76° 41.9549' W; running southwesterly to a point on the south shore 35° 01.3391' N - 76° 42.1774' W.</p> <p>(vii) Greens Creek - All waters within this waterbody are designated as Joint.</p> | <p>(A) Kershaw Creek - All waters within this waterbody are designated as Joint.</p> <p>(viii) Dawson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 00.3371' N - 76° 45.6513' W; running southerly to a point on the south shore 35° 00.1492' N - 76° 45.6202' W.</p> <p>(A) Tarkiln Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.4124' N - 76° 45.5392' W; running easterly to a point on the east shore 35° 00.4289' N - 76° 45.4472' W.</p> <p>(ix) Gatlin Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.4165' N - 76° 47.4645' W; running easterly to a point on the east shore 34° 58.4154' N - 76° 47.4371' W.</p> <p>(x) Little Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.5175' N - 76° 49.5822' W; running southeasterly to a point on the east shore 34° 58.5086' N - 76° 49.5680' W.</p> <p>(xi) Mill Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 59.6024' N - 76° 51.1276' W; running easterly to a point on the east shore 34° 59.5955' N - 76° 51.0864' W.</p> <p>(xii) Beard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.3293' N - 76° 52.1855' W; running easterly to a point on the east shore 35°</p> |
|--|--|

- 00.3055' N - 76° 51.9012' W.
- (xiii) Lower Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 01.5781' N - 76° 54.1580' W; running easterly to a point on the east shore 35° 01.5566' N - 76° 54.0248' W.
- (xiv) Goose Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.4414' N - 76° 55.1170' W; running easterly to a point on the east shore 35° 03.3567' N - 76° 54.9728' W.
- (xv) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly to a point on the east shore 35° 04.4705' N - 76° 56.2115' W.
- (22) Pasquotank County
- (a) Albemarle Sound - All waters within this waterbody in Pasquotank County are designated Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Pasquotank County are designated as Joint.
- (ii) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
- (A) Symonds Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 10.2898' N - 76° 14.1801' W; running southeasterly to a point on the south shore 36° 10.2042' N - 76° 14.0368' W.
- (iii) Big Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 09.3267' N - 76° 08.2562' W; running southerly to a point on the south shore 36° 08.9730' N - 76° 08.3175' W. Joint waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 07.9621' N - 76° 07.1818' W; running easterly to a point on the east shore 36° 08.2706' N - 76° 06.2525' W.
- (iv) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
- (A) Little Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 11.5209' N - 76° 04.6517' W; running southerly to a point on the south shore 36° 10.9973' N - 76° 04.5149' W.
- (B) New Begun Creek - Inland Waters west

- and Joint Waters east of a line beginning at a point on the north shore 36° 13.3298' N - 76° 08.2878' W; running southerly to a point on the south shore 36° 13.0286' N - 76° 08.1820' W.
- (I) Paling Creek – All waters in this waterbody are designated as Inland.
- (II) James Creek – All waters in this waterbody are designated as Inland.
- (C) Charles Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 17.8090' N - 76° 13.0732' W; running easterly to a point on the east shore 36° 17.8024' N - 76° 13.0407' W.
- (23) Pender County
- (a) Cape Fear River – All waters within this waterbody for Pender County are designated as Joint.
- (i) Thorofare – For the easternmost entrance into the Black River: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 34° 22.0493' N - 78° 04.4435' W; running northeasterly to a point on the east shore 34° 22.0783' N - 78° 04.4123' W. For the westernmost entrance into the Cape Fear River: Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 21.9197' N - 78° 07.0527' W; running southeasterly to a point on the south shore 34° 21.8618' N - 78° 06.9992' W.
- (ii) Black River - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
- (iii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
- (A) Cowpen Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 22.1417' N - 77° 59.3357' W; running southerly to a point on the south shore 34° 22.1298' N - 77° 59.3426' W.
- (B) Long Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the west shore 34° 22.7149' N - 77° 58.2797' W; running northeasterly to a point on the east shore 34° 22.7428' N - 77° 58.2348' W.
- (C) Turkey Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 22.8465' N - 77° 57.4827' W; running southerly to a point on the south shore 34° 22.7895' N - 77° 57.4452' W.

- (D) Old Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 22.5249' N - 77° 52.1493' W; running northeasterly to a point on the east shore 34° 22.5327' N - 77° 52.1278' W.
- (E) Honey Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 22.8627' N - 77° 51.0887' W; running easterly to a point on the east shore 34° 22.8609' N - 77° 51.0507' W.
- (F) Harrisons Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 24.1859' N - 77° 48.6570' W; running southwesterly to a point on the south shore 34° 24.1387' N - 77° 48.6982' W.
- (G) Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 23.2509' N - 77° 47.3377' W; running northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (b) Topsail Sound And Tributaries - All waters within this these waterbodies are designated as Coastal.
- (c) Beasleys (Barlow) Creek - All waters within this waterbody are designated as Coastal.
- (24) Perquimans County
 - (a) Albemarle Sound – All waters within this waterbody in Perquimans County are designated as Coastal.
 - (i) All Manmade Tributaries – All waters within this water body are designated as Joint.
 - (ii) Yeopim River – Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
 - (A) Yeopim Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore of 36° 04.7206' N - 76° 24.8396' W; running easterly to a point on the east shore 36° 04.7426' N - 76° 24.2536' W
 - (iii) Perquimans River - Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W. Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 11.6569' N - 76° 28.0055' W; running southeasterly to a point on the east shore 36° 11.6123' N - 76° 27.9382' W.
 - (A) Walter's Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north

- shore 36° 11.1305'
N - 76° 27.9185'
W; running
southeasterly to a
point on the south
shore 36° 11.0224'
N - 76° 27.6626' W.
- (B) Mill Pond Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 11.9757' N -
76° 27.5752' W;
running easterly to
a point on the east
shore 36° 11.9766'
N - 76° 27.2511' W.
- (C) Suttons Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 10.0394' N -
76° 23.7945' W;
running
southeasterly to a
point on the east
shore 36° 09.9325'
N - 76° 23.5263' W.
- (D) Jackson (Cove)
Creek - Inland
Waters northeast
and Joint Waters
southwest of a line
beginning at a point
on the north shore
36° 08.4642' N -
76° 20.3324' W;
running
southeasterly to a
point on the east
shore 36° 08.4159'
N - 76° 20.2890' W.
- (E) Muddy Creek -
Inland Waters
northwest and Joint
Waters southwest
of a line beginning
at a point on the
north shore 36°
07.0381' N - 76°
17.1350' W;
running
southeasterly to a
point on the east
- shore 36° 07.0218'
N - 76° 17.1226' W.
- (iv) Little River - Inland Waters
northwest and Joint Waters
southeast of a line beginning
at a point on the west shore
36° 12.2950' N - 76°
17.1405' W; running
northeasterly to a point on
the east shore 36° 12.5237'
N - 76° 16.9418' W. Joint
Waters west and Coastal
Waters east of a line
beginning at a point on the
north shore 36° 07.5322' N -
76° 10.6901' W; running
southwesterly to a point on
the south shore 36° 06.4199'
N - 76° 11.6047' W.
- (A) Deep Creek -
Inland Waters
southwest and Joint
Waters northeast of
a line beginning at
a point on the north
shore 36° 11.0945'
N - 76° 16.6717'
W; running
southeasterly to a
point on the south
shore 36° 10.7510'
N - 76° 16.2258' W.
- (B) Davis Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
36° 12.2950' N -
76° 17.1405' W;
running southerly
to a point on the
south shore 36°
12.2222' N - 76°
17.1153' W.
- (25) Tyrrell County
- (a) Albemarle Sound – All waters within
this waterbody in Tyrrell County are
designated as Coastal.
- (i) All Manmade Tributaries –
All manmade tributaries
within this waterbody are
designated as Joint.
- (ii) Banton (Maybell) Creek –
Inland Waters south and
Coastal Waters north of a
line beginning at a point on
the west shore 35° 56.0552'
N - 76° 22.0664' W; running

- northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (iii) Scuppernong River – Coastal Waters northwest and Joint Waters southeast of a line beginning at a point on the northeast shore 35° 56.7196' N - 76° 18.8964' W; running southwesterly to a point on the southwest shore at 35° 56.3351' N - 76° 19.6609' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0158' N - 76° 15.4605' W; running easterly to a point on the east shore 35° 54.0406' N - 76° 15.3007' W.
- (A) First Creek (Rider's Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0495' N - 76° 15.2842' W; running northeasterly to a point on the east shore 35° 54.0641' N - 76° 15.2554' W.
- (B) Furlough Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 55.6391' N - 76° 18.9797' W; running southwesterly to a point on the south shore 35° 55.6322' N - 76° 18.9907' W.
- (iv) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W. Coastal Waters north and Joint Waters south of a line running along the north side of the Highway 64 Bridge beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running easterly to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
- (A) Little Alligator River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.7640' N - 76° 01.0299' W; running southerly to a point on the south shore 35° 55.9362' N - 76° 01.2492' W.
- (B) Second Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 51.7616' N - 76° 03.5105' W; running southerly to a point on the south shore 35° 51.1317' N - 76° 03.8003' W.
- (C) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 50.2658' N - 76° 03.9115' W; running southerly to a point on the south shore 35° 50.2123' N - 76° 03.9120' W.
- (D) The Frying Pan - Joint Waters by connection with Alligator River.
- (E) Gum Neck Landing Ditch - Inland Waters northeast and Joint Waters southwest of a line beginning at a point

- on the west shore
35° 41.6054' N -
76° 06.8215' W;
running
southeasterly to a
point on the east
shore 35° 41.5841'
N - 76° 06.7991' W.
- (26) Washington County
- (a) Albemarle Sound - All waters within this waterbody in Washington County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Albemarle Sound within Washington County are designated as Joint.
- (ii) Mackeys (Kendrick) Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 56.3806' N - 76° 36.4356' W; running southwesterly to a point on the south shore 35° 56.3122' N - 76° 36.4613' W.
- (iii) Pleasant Grove Creek (Cherry Swamp) - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4791' N - 76° 34.1624' W; running easterly to a point on the east shore 35° 56.5042' N - 76° 34.0319' W.
- (iv) Chapel Swamp Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4150' N - 76° 33.3494' W; running easterly to a point on the east shore 35° 56.4122' N - 76° 33.3091' W.
- (v) Bull Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.9954' N - 76° 23.0291' W; running southerly to a point on the south shore 35° 56.9602' N - 76° 23.0282' W.
- (vi) Deep Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.1291' N - 76° 23.1179' W; running southerly to a point on the south shore 35° 56.0744' N 76° 23.1230' W.
- (vii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (b) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
- (i) Conaby Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.3779' N - 76° 42.4401' W; running easterly to a point on the east shore 35° 55.3752' N - 76° 42.3408' W.
- (ii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (c) Scuppernong River - All waters in this waterbody in Washington County are designated as Inland.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52; Eff. February 1, 1991; Amended Eff. April 1, 2009; August 1, 2004; July 1, 1993; September 1, 1991.

15A NCAC 03R .0112 ATTENDED GILL NET AREAS

(a) The attended gill net areas referenced in 15A NCAC 03J .0103 (g) are delineated in the following areas:

- (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point;
- (2) Within 200 yards of any shoreline in Pamlico River and its tributaries east of the line

beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;

- (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point;
- (4) Within 200 yards of any shoreline in Pungo River and its tributaries west of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
- (6) Trent River and its tributaries; and
- (7) Within 200 yards of any shoreline in Neuse River and its tributaries east of the Highway 17 highrise bridge and south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southerly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the attendance boundary.

(b) The attended gill net areas referenced in 15A NCAC 03J .0103 (h) are delineated in the following coastal and joint waters of the state south of a line beginning on Roanoke Marshes Point at a point 35° 48.3693' N - 75° 43.7232' W; running southeasterly to a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay to the South Carolina State line:

- (1) All primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no trawl areas described in 15A NCAC 03R .0106 (2), (4), (5), and (6);
- (2) In the area along the Outer Banks, beginning at a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay; running northwesterly to a

point 35° 45.1833' N - 75° 34.1000' W west of Pea Island; running southerly to a point 35° 40.0000' N - 75° 32.8666' W west of Beach Slough; running southeasterly and passing near Beacon "2" in Chicamicomico Channel to a point 35° 35.0000' N - 75° 29.8833' W west of the Rodanthe Pier; running southwesterly to a point 35° 28.4500' N - 75° 31.3500' W on Gull Island; running southerly to a point 35° 22.3000' N - 75° 33.2000' W near Beacon "2" in Avon Channel ; running southwesterly to a point 35° 19.0333' N - 75° 36.3166' W near Beacon "2" in Cape Channel; running southwesterly to a point 35° 15.5000' N - 75° 43.4000' W near Beacon "36" in Rollinson Channel; running southeasterly to a point 35° 14.9386' N - 75° 42.9968' W near Beacon "35" in Rollinson Channel; running southwesterly to a point 35° 14.0377' N - 75° 45.9644' W near a "Danger" Beacon northwest of Austin Reef; running southwesterly to a point 35° 11.4833' N - 75° 51.0833' W on Legged Lump; running southeasterly to a point 35° 10.9666' N - 75° 49.7166' W south of Legged Lump; running southwesterly to a point 35° 09.3000' N - 75° 54.8166' W near the west end of Clarks Reef; running westerly to a point 35° 08.4333' N - 76° 02.5000' W near Nine Foot Shoal Channel; running southerly to a point 35° 06.4000' N - 76° 04.3333' W near North Rock; running southwesterly to a point 35° 01.5833' N - 76° 11.4500' W near Beacon "HL"; running southerly to a point 35° 00.2666' N - 76° 12.2000' W; running southerly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets following the Colregs Demarcation line to the point of beginning;

- (3) In Core and Back sounds, beginning at a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northwesterly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running southerly to a point 34° 58.8000' N - 76° 12.5166' W; running southeasterly to a point 34° 58.1833' N - 76° 12.3000' W; running southwesterly to a point 34° 56.4833' N - 76° 13.2833' W; running westerly to a point 34° 56.5500' N - 76° 13.6166' W; running southwesterly to a point 34° 53.5500' N - 76° 16.4166' W; running northwesterly to a point 34° 53.9166' N - 76° 17.1166' W; running southerly to a point 34° 53.4166' N - 76° 17.3500' W;

- running southwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W; running southwesterly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwesterly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwesterly to a point 34° 39.6601' N - 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
- (4) Within 200 yards of any shoreline in the area upstream of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River; and
- (5) Within 50 yards of any shoreline east of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River, except from October 1 through November 30, south and east of Highway 12 in Carteret County and south of a line from a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line.
- southeasterly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon "2"; running southeasterly to a point 34° 57.3120' N - 76° 13.7113' W near Beacon "13"; running northeasterly to a point 34° 58.5157' N - 76° 13.2389' W near Beacon "11"; running northwesterly to the point of beginning;
- (2) The area described by a line beginning in Cedar Island Bay at a point 34° 58.2318' N - 76° 16.0913' W near Marker "3"; running southwesterly to a point 34° 57.4914' N - 76° 16.5861' W on Cedar Island Point; running southeasterly to a point 34° 56.3436' N - 76° 15.6069' W near Beacon "18"; running northerly to a point 34° 58.0773' N - 76° 15.6134' W near Beacon "2"; running northwesterly to the point of beginning; and
- (3) The area described by a line beginning on the north shore of Lewis Creek at a point 34° 56.9654' N - 76° 16.7395' W; running easterly to a point 34° 56.3436' N - 76° 15.6069' W near Beacon "18"; running southwesterly to a point 34° 54.9904' N - 76° 16.5888' W near Beacon "19"; running southwesterly following the six foot contour to a point 34° 53.7599' N - 76° 18.1613' W; running southwesterly to a point 34° 50.6266' N - 76° 22.0449' W near Beacon "27"; running westerly to a point 34° 50.5496' N - 76° 22.9284' W near Beacon "28"; running southwesterly to a point 34° 49.1889' N - 76° 24.2010' W near Beacon "29"; running westerly to a point 34° 48.9514' N - 76° 24.8780' W near Beacon "31"; running southwesterly to a point 34° 45.0942' N - 76° 27.9533' W near Beacon "35"; running southwesterly to a point 34° 43.4896' N - 76° 28.9411' W near Beacon "37A"; running westerly to a point 34° 43.7782' N - 76° 30.0187' W on Bells Point; running northerly along the shoreline of Bells Island to a point 34° 44.2190' N - 76° 30.1336' W; running northerly to a point 34° 44.2568' N - 76° 30.1419' W; running northerly along the shoreline to a point 34° 44.6759' N - 76° 30.1712' W; running northeasterly to a point 34° 45.2824' N - 76° 29.1636' W on Davis Island; running northeasterly to a point 34° 45.8196' N - 76° 28.7530' W on the north side of Spit Bay; running northeasterly along the shoreline to a point 34° 48.7982' N - 76° 26.9741' W on the south shore of Oyster Creek; running northeasterly to a point 34° 48.9701' N - 76° 26.6299' W on the north shore of Oyster Creek; running northeasterly along the shoreline to a point 34° 50.4311' N - 76° 24.9934' W on the south shore of Fulcher Creek; running northeasterly to point 34° 50.4911' N - 76° 24.9540' W on the north

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;

Eff. August 1, 2004;

Amended Eff. April 1, 2009.

15A NCAC 03R .0113 POUND NET SET PROHIBITED AREAS

The pound net set prohibited areas referenced in 15A NCAC 03R .0502 are delineated in the following coastal water areas of Core Sound:

- (1) The area described by a line beginning at a point 34° 58.9130' N - 76° 15.0878' W on the shoreline north of Great Ditch; running southwesterly to a point 34° 58.6399' N - 76° 15.3694' W on the south shore of Great Ditch; following the shoreline to a point 34° 58.4957' N - 76° 15.8093' W on Hog Island Point; running southwesterly to a point 34° 58.2318' N - 76° 16.0913' W near Marker "3"; running

shore of Fulcher Creek; running northeasterly along the shoreline to a point 34° 50.9934' N - 76° 24.7727' W on the south shore of Willis Creek; running northeasterly to a point 34° 51.1866' N - 76° 24.5416' W on the south shore of Nelson Bay; running easterly to a point 34° 51.4437' N - 76° 23.6151' W on Drum Point; running easterly along the shoreline to a point 34° 51.4462' N - 76° 22.9669' W at Mill Point; running northeasterly to a point 34° 52.4143' N - 76° 20.8557' W on Steep Point; running northeasterly along the shoreline to a point 34° 54.3782' N - 76° 18.8575' W on Hall Point; running northeasterly to a point 34° 55.4257' N - 76° 17.8541' W on Lookout Point; running northeasterly along the shoreline to a point 34° 55.7679' N - 76° 17.7021' W on the south shore of Rumley Bay; running northeasterly to a point 34° 56.2513' N - 76° 17.1858' W on the north shore of Rumley Bay; running northeasterly along the shoreline to the point of beginning.

History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.52;
Eff. August 1, 2004;
Amended Eff. April 1, 2009.

15A NCAC 07H .1401 PURPOSE

A permit under this section shall allow the construction of groins in the estuarine and public trust waters AECs according to the authority provided in Subchapter 07J .1100 and according to the rules in this Section. This general permit shall not apply to the oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than the adjacent Ocean Erodible Area.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124(c);
Eff. March 1, 1984;
Temporary Amendment Eff. December 1, 2002;
Amended Eff. February 1, 2009; August 1, 2004; April 1, 2003.

15A NCAC 07H .1402 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian

- (2) property owners indicating that they have no objections to the proposed work; or confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to the Division of Coastal Management within 10 days of receipt of the notice. The notice shall also indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the rules established by the General Permit process, the applicant shall be notified that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the proposed groin alignment can be marked. Written authorization to proceed with the proposed development shall be issued during this visit. Construction shall be completed within 120 days of the issuance of the permit or the authorization shall expire and it shall be necessary to re-examine the alignment to determine if the general authorization may be reissued.

(d) Any modification or addition to the authorized project shall require prior approval from the Division of Coastal Management.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;
Eff. March 1, 1984;
Amended Eff. February 1, 2009; October 1, 2007; August 1, 2004; May 1, 1990; January 1, 1990.

15A NCAC 07H .1404 GENERAL CONDITIONS

(a) Structures authorized by a general permit in this Section shall be timber, sheetpile, or riprap groins conforming to the standards in this Rule.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

(c) The placement of groins authorized in this Rule shall not interfere with the established or traditional rights of navigation of the waters by the public.

(d) This permit shall not be applicable to proposed construction where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air quality; coastal

wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.

(e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.

(f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local land use plans current at the time of authorization.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;

Eff. March 1, 1984;

Amended Eff. May 1, 1990;

RRC Objection due to ambiguity Eff. May 16, 1994;

Amended Eff. August 1, 1998; July 1, 1994;

Temporary Amendment Eff. December 1, 2002;

Amended Eff. February 1, 2009; August 1, 2004.

15A NCAC 07H .1405 SPECIFIC CONDITIONS

(a) Groins shall be perpendicular to the shoreline and shall not extend more than 25 feet waterward of the normal high water or normal water level.

(b) Riprap groins shall not exceed a base width of 10 feet.

(c) Groins shall be set back at least 15 feet from the riparian access dividing line as measured from the closest point of the structure. This setback may be waived by written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the groin commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any development of the groin.

(d) The height of sheetpile groins shall not exceed one foot above normal high water or the normal water level and the height of riprap groins shall not exceed two feet above normal high water or the normal water level.

(e) Material used for groin construction shall be free from loose dirt or any other pollutant. Groin material must be of sufficient size to prevent its movement from the site by wave action or currents.

(f) Structure spacing shall be two times the groin length as measured from the centerline of the structure. Spacing may be less than two times the groin length around channels, docking facilities, boat lifts, or boat ramps and when positioned to prevent sedimentation or accretion in a particular area.

(g) "L" and "T" sections shall not be allowed at the end of groins.

(h) Groins shall be constructed of granite, marl, concrete without exposed rebar, timber, vinyl sheet pile, steel sheet pile or other suitable equivalent materials approved by the Division of Coastal Management.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;

Eff. March 1, 1984;

Temporary Amendment Eff. December 1, 2002;

Amended Eff. February 1, 2009; August 1, 2004.

15A NCAC 07H .2101 PURPOSE

A general permit pursuant to this Section shall allow the construction of offshore parallel sheetpile sills, constructed from timber, vinyl, or steel sheetpiles for shoreline protection in conjunction with existing or created coastal wetlands. This permit shall only be applicable in public trust areas and estuarine waters according to authority provided in 15A NCAC 07J .1100 and according to the procedures and conditions outlined in this subchapter. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in adjoining Ocean Erodible Area.

History Note: Authority G.S. 113A-107; 113A-118.1;

Eff. June 1, 1994;

Amended Eff. February 1, 2009; April 1, 2003; August 1, 2000.

15A NCAC 07H .2102 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the rules established by the General Permit Process, DCM shall notify the applicant that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the proposed sill alignment may be marked. Written authorization to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction of the sill shall be completed within 120 days of the issuance of the permit or the general authorization shall expire and it shall be necessary to re-examine the alignment to determine if the general authorization may be reissued.

History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. June 1, 1994;
Amended Eff. February 1, 2009; October 1, 2007; September 1, 2006; August 1, 2000.

15A NCAC 07H .2104 GENERAL CONDITIONS

- (a) This permit authorizes only the construction of sills conforming to the standards herein.
- (b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.
- (c) The placement of sills authorized in this Rule shall not interfere with the established or traditional rights of navigation of the water by the public.
- (d) This permit shall not be applicable to proposed construction where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local land use plans current at the time of authorization.

History Note: Authority G.S. 113A-107; 113A-118.1;
RRC Objection due to ambiguity Eff. May 19, 1994;
Eff. July 1, 1994;
Amended Eff. February 1, 2009; August 1, 1998.

15A NCAC 07H .2105 SPECIFIC CONDITIONS

- (a) The sill shall be positioned no more than 20 feet waterward of the normal high water or normal water level or 20 feet waterward of the waterward edge of existing wetlands at any point along its alignment. For narrow waterbodies (canals, creeks, etc.) the sill alignment shall not be positioned offshore more than one sixth (1/6) the width of the waterbody.
- (b) Sills authorized under this General Permit shall be allowed only in waters that average less than three feet in depth along the proposed alignment as measured from the normal high water or normal water level.
- (c) Where the Division of Coastal Management staff determine that insufficient wetland habitat exists along the permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate wetland species landward of the sill structure as directed by the Division of Coastal Management staff.
- (d) Construction authorized by this general permit shall be limited to a maximum length of 500 feet.
- (e) The sill shall be constructed with an equal gap between each sheathing board totaling at least one inch of open area every linear foot of sill. The sill shall have at least one five-foot opening at every 100 feet. The sill sections shall be staggered

and overlap as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 10 feet.

- (f) The height of the sill shall not exceed six inches above normal high water or the normal water level.
- (g) Offshore sill sections shall be set back 15 feet from the riparian access dividing line. The line of division of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The set back may be waived by written agreement of the adjacent riparian owner(s) or when the two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the sill begins, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any construction of the sill.
- (h) Sills shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above mean high water.
- (i) No backfill of the sill or any other fill of wetlands, estuarine waters, public trust areas, or highground is authorized by this general permit.
- (j) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.
- (k) The sill shall be constructed of vinyl or steel sheet pile, formed concrete, timber, or other suitable equivalent materials approved by the Division of Coastal Management.
- (l) Perpendicular sections, return walls, or sections that would enclose estuarine waters or public trust areas shall not be allowed under this permit.
- (m) The permittee will maintain the sill in good condition and in conformance with the terms and conditions of this permit or the remaining sill structure shall be removed within 90 days of notification from the Division of Coastal Management.

History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. June 1, 1994;
Amended Eff. February 1, 2009; August 1, 2000.

15A NCAC 07H .2401 PURPOSE

The general permit for placement of riprap revetments for wetland protection in estuarine and public trust waters shall allow the placement of riprap revetments immediately adjacent to and waterward of the wetland toe. This permit shall only be applicable in public trust areas and estuarine waters according to authority provided in 15A NCAC 07J .1100 and according to the rules in this Section. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those portions of shoreline that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. August 1, 2000;
Amended Eff. February 1, 2009; April 1, 2003.

15A NCAC 07H .2402 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by the General Permit process. If not, the applicant shall be notified that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the structure location can be marked. Written authorization to proceed with the proposed development shall be issued during this visit. Construction of the structure shall be completed within 120 days of the issuance of the permit or the general authorization expires and it shall be necessary to re-examine the alignment to determine if the general authorization may be reissued.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. August 1, 2000; Amended Eff. February 1, 2009; October 1, 2007.

15A NCAC 07H .2404 GENERAL CONDITIONS

(a) This permit authorizes only the construction of wetland protection structures conforming to the standards herein.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

(c) The placement of riprap revetments authorized in this Rule shall not interfere with the established or traditional rights of navigation of the waters by the public.

(d) This permit shall not be applicable to proposed construction where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are

unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.

(e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.

(f) Development carried out under this permit shall be consistent with all local requirements, AEC Guidelines, and local land use plans current at the time of authorization.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. August 1, 2000; Amended Eff. February 1, 2009.

15A NCAC 07H .2405 SPECIFIC CONDITIONS

(a) This general permit shall only be applicable along shorelines possessing wetlands, which exhibit an identifiable escarpment.

(b) The structure shall be constructed of granite, marl, riprap, concrete without exposed rebar, or other suitable equivalent materials approved by the Division of Coastal Management.

(c) The height of the erosion escarpment shall not exceed three feet.

(d) The riprap shall be placed immediately waterward of the erosion escarpment.

(e) The riprap revetment shall be positioned so as not to exceed a maximum of six feet waterward of the erosion escarpment at any point along its alignment with a slope no flatter than three feet horizontal per one foot vertical and no steeper than one and one half feet horizontal per one foot vertical.

(f) The riprap shall be positioned so as not to exceed a maximum of six inches above the elevation of the adjacent wetland substrate or escarpment.

(g) Where the Division of Coastal Management determines that insufficient wetland vegetation exists along the permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate wetland vegetation landward of the riprap revetment as directed by the Division of Coastal Management.

(h) Construction authorized by this general permit will be limited to a maximum length of 500 feet.

(i) No backfill or any other fill of wetlands, submerged aquatic vegetation, estuarine waters, public trust areas, or highground areas is authorized by this general permit.

(j) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

(k) Riprap material used for revetment construction shall be free from loose dirt or any pollutant and be of a size sufficient to prevent its movement from the site by wave action or currents.

(l) If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary, temporary construction mats shall be utilized for the area(s) to be crossed. The temporary mats shall be removed immediately upon completion of construction of the riprap structure.

(m) The permittee shall maintain the structure in good condition and in conformance with the terms and conditions of this permit or the remaining riprap revetment shall be removed within 90 days of notification from the Division of Coastal Management.

History Note: Authority G.S. 113A-107; 113A-118.1;

Eff. August 1, 2000;
Amended Eff. February 1, 2009.

15A NCAC 07M .0301 DECLARATION OF GENERAL POLICY

(a) The public has traditionally and customarily had access to enjoy and freely use the ocean beaches and estuarine and public trust waters of the coastal region for recreational purposes and the State has a responsibility to provide continuous access to these resources. It is the policy of the State to foster, improve, enhance and ensure optimum access to the public beaches and waters of the 20 county coastal region. Access shall be consistent with rights of private property owners and the concurrent need to protect important coastal natural resources such as sand dunes and coastal marsh vegetation.

(b) The State has created an access program for the purpose of acquiring, improving and maintaining waterfront recreational property at frequent intervals throughout the coastal region for public access to these important public trust resources.

(c) In addition, some properties, due to their location, are subject to severe erosion so that development is not possible or feasible. In these cases, a valid public purpose may be served by the donation or acquisition of these properties for public access.

(d) The primary purpose of the public access program is to provide funds to acquire or develop land for public access, including parking as authorized by G.S. 113A-134.3(c). Boating and fishing facilities are eligible for funding under the Public Beach and Coastal Waterfront Access Program provided that pedestrian access is also incorporated in the design of the facility.

History Note: Authority G.S. 113A-124; 113A-134.1; 113A-134.3;

Eff. March 1, 1979;

Amended Eff. February 1, 2009; January 1, 1998; March 1, 1988; March 1, 1985; July 1, 1982.

15A NCAC 07M .0302 DEFINITIONS

As used in this Section: the Public Beach and Coastal Waterfront Access program is to provide public access to the public trust beaches and waters in the 20 coastal counties.

- (1) "Ocean Beach Access" includes the acquisition and improvement of properties adjacent or proximate to the Atlantic Ocean for parking and public passage to the oceanfront.
- (2) "Coastal Waterfront Access" includes the acquisition and improvement of properties located in the 20 county area under the Coastal Area Management Act (CAMA) jurisdiction that are adjacent or proximate to coastal waterways to which the public has rights of access or public trust rights.
- (3) "Inlet Beach Access" includes the acquisition and improvement of properties located within Inlet Hazard Areas as defined in 15A NCAC 07H .0304(3).
- (4) "Public Trust Waters" is defined in 15A NCAC 07H .0207(a).

(5) "Beach" is defined as an area adjacent to the ocean extending landward from the mean low water line to a point where either the growth of vegetation occurs or a distinct change in slope or elevation alters the configuration of the landform, whichever is farther landward, or riparian owners have specifically and legally restricted access above the mean high water line. This definition is intended to describe those shorefront areas customarily freely used by the public.

(6) "Local Access Sites" include those public access points which offer minimal or no facilities. Generally, these accessways provide only a dune crossover or pier, if needed, litter receptacles and public access signs. Vehicle parking is generally not available at these access sites. However, bicycle racks may be provided.

(7) "Neighborhood Access Sites" includes those public access areas offering parking, usually for 5 to 25 vehicles, a dune crossover or pier, litter receptacles and public access signs. Restroom facilities may be installed.

(8) "Regional Access Sites" are of such size and offer such facilities that they serve the public from throughout an island or community including day visitors. These sites normally provide parking for 25 to 80 vehicles, restrooms, a dune crossover, pier, foot showers, litter receptacles and public access signs.

(9) "Multi-regional Access Sites" are generally larger than regional accessways but smaller than state parks. Such facilities may be undertaken and constructed with the involvement and support of state and local government agencies. Multi-regional accessways provide parking for a minimum of 80 vehicles, restrooms with indoor showers and changing rooms, and concession stands.

(10) "Urban Waterfront Access Projects" improve public access to deteriorating or under utilized urban waterfronts. Such projects include the establishment or rehabilitation of boardwalk areas, shoreline stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or removal of pilings for the purpose of public safety and increased access and use of the urban waterfront.

(11) "Improvements" are facilities that are added to promote public access at a designated access site. The most common improvements include dune crossovers, piers, boardwalks, litter receptacles, parking areas, restrooms, gazebos, boat ramps, canoe/kayak launches, bicycle racks and foot showers.

(12) "Maintenance" is the upkeep and repair of public access sites and their facilities in such a

manner that public health and safety is ensured. Where the local government uses or has used access funds administered by the North Carolina Coastal Management Program (NCCMP), the local government shall provide operation and maintenance of the facility for the useful life of that facility. The useful life of a facility shall be defined in the individual grant contract.

- (13) "Handicapped Accessible" is defined as meeting the standards of the State Building Code for handicapped accessibility.

History Note: Authority G.S. 113A-124; 113A-134.3; Eff. March 1, 1979; Amended Eff. February 1, 2009; January 1, 1998; March 1, 1988; March 1, 1985; July 1, 1982.

15A NCAC 07M .0303 STANDARDS FOR PUBLIC ACCESS

(a) Public beach nourishment projects undertaken with public funds shall include provisions for public access and parking within the boundaries of the project to achieve maximum public use and benefit of these areas.

(b) Public access projects funded under this through the Public Beach and Coastal Waterfront Access Program shall be consistent with public access policies contained in the local government's land use plan as required in 15A NCAC 07B .0702(d)(3)(A) and its local waterfront access plan, or a local recreation plan that addresses public access.

(c) Local governments with public access sites funded by the Division of Coastal Management pursuant to G.S. 113-134.3 may charge user fees as long as those fees are used exclusively for operation and maintenance, or provision of new public access. Local governments shall include biannual accounting reports for fees generated by Public Beach and Coastal Waterfront Access Program funded access sites. Biannual accounting reports shall be submitted to the Director of the Division of Coastal Management by June 30 of the year in which it is due. Accounting reports may be included in Biannual LUP Implementation Status Reports under 15A NCAC 07L .0511.

(d) Land acquired with Public Beach and Coastal Waterfront Access grant funds shall be dedicated in perpetuity for public access and benefit of the general public. The dedication shall be recorded in the property records by the grantee. Any lease or easement agreement shall extend at least 25 years. If land acquired or improved with access grant funds is sold or otherwise disposed of, the local government shall reimburse the State at a percentage equal to the proportion of access grant funds provided for the original purchase at current market value at the time of sale.

History Note: Authority G.S. 113A-124; 113A-134.1; 113A-134.3; 153A-227(a); 160A-314(a); 16 U.S.C. Sec. 1453; Eff. March 1, 1979; Amended Eff. March 1, 1988; March 1, 1985; July 1, 1982; RRC Objection due to lack of necessity and unclear language Eff. October 17, 1991;

Amended Eff. February 1, 2009; August 1, 2007; January 1, 1998; March 1, 1992.

15A NCAC 07M .0306 LOCAL GOVERNMENT AND STATE INVOLVEMENT IN ACCESS

(a) Coastal Waterfront access in the 20-county coastal area is a concern of local, state, regional and national importance. Local governments have lead responsibility for the selection of public access sites within their jurisdiction. Access shall be based on identified needs as stated in land use plans pursuant to 15A NCAC 07B .0702(d)(3)(A) and local waterfront access plans. The Division of Coastal Management may take the lead in acquiring and improving access sites as such opportunities arise.

(b) A local policy in a land use plan sets the community objectives for access. A local government may, through its land use plan:

- (1) identify access needs and develop local policy to pursue access funding;
- (2) develop a local access plan; and
- (3) solicit access sites through corporate assistance.

(c) An access plan shall identify needs and opportunities, determine access and facility requirements, establish standards, and develop specific project design plans or guidelines by appropriate site. An access plan shall consider both financial resource availability (such as grants, impact fees or hotel/motel tax revenues) and construction timing. It shall establish priorities and devise a system for annual evaluation of the plan.

(d) Local governments may also include provisions in local ordinances that require access for waterfront developments or require payment in lieu of access for non-water dependent subdivisions.

(e) Dedicated street ends may be acceptable for accessways.

(f) The Division of Coastal Management has primary responsibility for administering the Public Beach and Coastal Waterfront Access Program. Subject to the availability of funds, the Division of Coastal Management shall annually solicit pre-application proposals from local governments and shall select competitive projects for full application submittal. Projects from these final applications shall be selected for funding based on criteria in Rule .0307 of this Section.

(g) The Division of Coastal Management may use available funds on a non-competitive basis to plan for and provide public access through acquisition of improvements. Prior to expending funds, the Division of Coastal Management shall hold a public meeting or hearing to discuss its proposal. Members of the public shall be invited to comment to the Coastal Resources Commission for a minimum of 60 days prior to the expenditure of non-competitive money by the Division of Coastal Management.

(h) The Division of Coastal Management shall ensure all projects funded through the Public Beach and Coastal Waterfront Access Program are making progress throughout project implementation and ensure that completed projects are operated and maintained for access purposes.

History Note: Authority G.S. 113A-124; 113A-134.3; Eff. January 1, 1998; Amended Eff. February 1, 2009; August 1, 2007.

15A NCAC 07M .0307 ELIGIBILITY, SELECTION CRITERIA AND MATCHING REQUIREMENTS

(a) Any local government in the 20 coastal county region having ocean beaches or estuarine or public trust waters within its jurisdiction may apply for access funds for the development of beach or coastal waterfront access facilities with associated improvements. Boat ramps, canoe/kayak launch areas may also be developed provided that the access facilities incorporate pedestrian access to coastal waters.

(b) Eligible projects include:

- (1) Land acquisition, including acquisition of unbuildable lots;
- (2) Local Access Sites;
- (3) Neighborhood Access Sites or improvements;
- (4) Regional Access Sites or improvements;
- (5) Multi-regional Access Sites or improvements;
- (6) Urban waterfront development access projects;
- (7) Reconstruction or relocation of existing, damaged facilities;
- (8) Reconstruction or replacement of aging facilities; and
- (9) Offsite parking areas servicing access sites within the local government's jurisdiction.

(c) The following criteria shall be used to select projects that may receive financial assistance:

- (1) Applicant demonstrates a need for the project due to a high demand for public access and limited availability;
- (2) Project is identified in the local land use plan or local access plan;
- (3) Applicant has not received previous assistance from this grant program or the applicant has received assistance and demonstrated its ability to complete previous projects successfully with funds from this grant program;
- (4) Applicant's commitment of matching funds exceeds the required local share of the total project cost provided in Paragraphs (d) and (e) of this Rule;
- (5) Project proposal includes multiple funding sources;
- (6) The project location includes donated land deemed unbuildable due to regulations or physical limitations;

(d) The North Carolina Department of Commerce's Tier designations, as outlined by the Lee Act (G.S. 105-129.3) shall be used to determine the economic status of counties. Land acquisition, including acquisition of unbuildable lots, shall include a local government contribution of at least 15 percent of the acquisition cost, except for Tier 1 and Tier 2 counties as designated by the N.C. Department of Commerce, and their respective municipalities which shall have a contribution of at least 10 percent. At least one-half of the local contribution shall be cash match, the remainder may be in-kind match.

(e) Local government contributions for access site improvements shall be at least 25 percent of the project costs, except for Tier 1 and Tier 2 designated counties and their respective municipalities which shall have a local government

contribution of at least 10 percent of the project costs. At least one half of the local contribution shall be cash match; the remainder may be in-kind match.

(f) Federal and other State funds may be used as the local government cash contribution, provided such funds are not already being used as matching funds for other state programs.

(g) Multi-phase projects and previous contingency projects shall be considered on their own merits within the pool of applications being reviewed in any year.

History Note: Authority G.S. 113A-124; 113A-134.3; Eff. January 1, 1998; Amended Eff. February 1, 2009; September 1, 2007; August 1, 2000.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 10 – BOARD OF CHIROPRACTIC EXAMINERS

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

(a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143, or in the case of reciprocity applicants, G.S. 90-143.1, and who have submitted a timely and complete written application pursuant to Rule 21 NCAC 10 .0202 shall be allowed to take the North Carolina examination.

(b) Dates of Examination. The North Carolina examination shall be given four times each year, on the fourth Saturday in January, April, July and October. Eligible applicants shall be notified of the exact date, time and location of the examination as soon as possible after their written applications have been approved by the Board.

(c) National Boards. Except as provided in Paragraph (e) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this state or who is not a reciprocity applicant shall first achieve a score of 375 or higher on each of the following examinations given by the National Board of Examiners: Part I, Part II, Part III (WCCE) and the elective examination (termed "Physiotherapy" by the National Board). In addition, the applicant shall achieve a score of 475 or higher on Part IV of the National Board examination.

(d) Report of Scores. The applicant shall arrange for his test results from any National Board examination to be reported to the North Carolina Board in a timely manner. Failure to comply with this provision shall be a basis for delaying the issuance of a license.

(e) Waiver of National Boards. The Board recognizes that many established practitioners completed their professional education prior to the introduction of one or more National Board examinations. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who submits National Board examination results in conformity with the following schedule shall not be disqualified from licensure in North Carolina:

- (1) If the applicant graduated from chiropractic college before July 1, 1966, he shall not be

required to submit a score from any National Board examination;

- (2) If the applicant graduated from chiropractic college between July 1, 1966 and June 30, 1986, he shall be required to submit scores of 375 or higher on National Board Part I, Part II, and the elective examination termed "Physiotherapy"; but he shall not be required to submit a score on Part III (WCCE) or Part IV;
- (3) If the applicant graduated from chiropractic college between July 1, 1986 and June 30, 1997, he shall be required to submit scores of 375 or higher on National Board Part I, Part II, the elective examination termed "Physiotherapy" and Part III (WCCE); but he shall not be required to submit a score on Part IV.

In order to receive a license, an applicant who qualifies for a waiver of any National Board score must take and pass the SPEC examination and the North Carolina examination and satisfy all other requirements for licensure.

(f) SPEC Examination. In order to take the North Carolina Examination, a reciprocity applicant, a waiver applicant pursuant to Paragraph (d) of this Rule, or an applicant previously licensed in this State whose license has been cancelled pursuant to G.S. 90-155 for more than 180 days must first take and pass the Special Purpose Examination for Chiropractic ("SPEC").

(g) Nature of Examination. The North Carolina examination is a written test of an applicant's knowledge of chiropractic jurisprudence. No part of the examination is open-book, and no reference material of any kind shall be allowed in the examination area. The passing grade is 75.

(h) Review of Examination Results. An applicant who has been denied licensure because he failed the North Carolina examination may request a review of his answers provided his request is made in writing and received by the Secretary not later than 20 days after issuance of the examination results. Unless the applicant specifically requests to review his answers in person, the review shall be limited to a re-tabulation of the applicant's score to make certain no clerical errors were made in grading. If the applicant requests to review his answers in person, he shall be permitted to do so at the office of the Board in the presence of a representative of the Board and for a period of not more than 30 minutes. The applicant shall not be permitted to discuss his examination with any member of the Board, grader, or test administrator.

(i) Date of Licensure. An applicant who meets all the requirements for licensure shall be issued a license within 30 days after taking the North Carolina examination.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-144; 90-145; 90-146;

Eff. February 1, 1976;

Readopted Eff. January 27, 1978;

Amended Eff. January 1, 1983; October 17, 1980;

Legislative Objection Lodged Eff. January 31, 1983;

Curative Amendment Eff. February 18, 1983;

Temporary Amendment Eff. May 1, 1998;

Amended Eff. February 1, 2009; July 1, 2004; August 1, 2000; August 1, 1995; December 1, 1988.

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

21 NCAC 16Q .0204 PROCEDURE FOR EVALUATION OR INSPECTION

(a) When an evaluation or on-site inspection is required, the Board will designate two or more qualified persons, each of which has administered general anesthesia for at least three years preceding the inspection, exclusive of his training in general anesthesia. When an on-site inspection involves only a facility and equipment check and not an evaluation of the dentist, the inspection may be accomplished by one or more evaluators.

(b) Any dentist-member of the Board may observe or consult in any evaluation.

(c) The inspection team shall determine compliance with the requirements of the Rules in this Subchapter, as applicable, by assigning a grade of "pass" or "fail".

(d) Each evaluator shall report his recommendation to the Board, setting forth the details supporting his conclusion. The Board is not bound by these recommendations. The Board shall determine whether the applicant has passed the evaluation/inspection and shall notify the applicant in writing of its decision.

(e) At least a 15-day notice shall be given prior to an evaluation or inspection. The entire evaluation fee of three hundred seventy five dollars (\$375.00) shall be due 10 days after the date of receipt of such notice. An inspection fee of two hundred seventy five dollars (\$275.00) shall be due 10 days after the dentist receives notice of the inspection of each additional location at which the dentist administers general anesthesia.

History Note: Authority G.S. 90-28; 90-30.1; 90-39;

Eff. February 1, 1990;

Amended Eff. February 1, 2009; December 4, 2002; January 1, 1994.

21 NCAC 16Q .0303 TEMPORARY APPROVAL PRIOR TO SITE INSPECTION

(a) If a dentist meets the requirements of Paragraphs (a) – (e) of Rule .0301 of this Subchapter, he/she shall be granted temporary approval to administer moderate conscious sedation, or moderate pediatric conscious sedation until a permit can be issued. If a dentist meets the requirements of Paragraph (j) of Rule .0301 of this Subchapter, he/she shall be granted temporary approval to administer moderate conscious sedation limited to oral routes and nitrous oxide inhalation. Temporary approval may be granted based solely on credentials until all processing and investigation has been completed. Temporary approval may not exceed three months. An on-site evaluation of the facilities, equipment, procedures, and personnel shall be required prior to issuance of a permanent permit. The evaluation shall be conducted in accordance with Rules .0204 - .0205 of this Subchapter, except that evaluations of dentists applying for moderate conscious sedation permits may be conducted by

dentists who have been issued moderate conscious sedation permits by the Board and who have been approved by the Board, as set out in these Rules. A two hundred seventy five dollar (\$275.00) inspection fee shall be collected for each site inspected pursuant to this Rule.

(b) An inspection may be made upon renewal of the permit or for cause.

(c) Temporary approval shall not be granted to a provisional licensee or applicants who are the subject of a pending Board disciplinary investigation or whose licenses have been revoked, suspended or are subject to an order of stayed suspension or probation.

History Note: Authority G.S. 90-28; 90-30.1;

Eff. February 1, 1990;

Amended Eff. August 1, 2002; January 1, 1994;

Temporary Amendment Eff. December 11, 2002;

Amended Eff. February 1, 2009; July 3, 2008; August 1, 2004.

21 NCAC 16Q .0403 TEMPORARY APPROVAL PRIOR TO SITE INSPECTION

(a) A dentist whose facility has not been inspected but who has otherwise met the requirements of Rule .0401 of this Section may seek temporary approval to administer minimal conscious sedation until a permit can be issued. Temporary approval may be granted based solely on credentials until all processing and investigation has been completed. Temporary approval may not exceed three months.

(b) Temporary approval shall not be granted to a provisional licensee or to an applicant who is the subject of a disciplinary investigation or whose license has been revoked or suspended or is the subject of a probation or stayed suspension order.

(c) A two hundred seventy five dollar (\$275.00) fee shall be collected for each site inspected pursuant to Rule .0401 of this Section.

History Note: Authority G.S. 90-28; 90-30.1.

Temporary Adoption Eff. December 11, 2002;

Eff. August 1, 2004;

Amended Eff. February 1, 2009; July 3, 2008.

CHAPTER 34 – BOARD OF FUNERAL SERVICE

21 NCAC 34A .0124 SOLICITATION

(a) Definitions. As used in this Rule:

- (1) "Licensee" shall mean a person licensed by the Board as a funeral service, funeral director, or embalmer.
- (2) "Real-time communication" shall mean any in-person, live telephone, or real-time electronic contact.
- (3) "Solicit" shall mean engaging in the act of solicitation.
- (4) "Solicitation," shall mean any uninvited, intentional contact with an individual for the purpose of procuring the right to provide funeral services or merchandise, either

immediately or at a future date when financial gain is a significant motive.

(b) All licensees of the Board must comply with the following in order to avoid committing solicitation as prohibited by G.S. 90-210.25(e)(1)d:

- (1) A licensee of the Board shall not solicit professional employment from a prospective customer by real-time communication when a significant motive for the licensee's doing so is the licensee's pecuniary gain, unless the person contacted:

- (A) is a licensee; or
- (B) has a family, close personal, or prior professional relationship with the licensee.

- (2) A licensee shall not solicit professional employment from a prospective customer by real-time communication or by written, recorded or electronic communication that is not a real-time communication even when allowed by Parts (b)(1)(A) or (b)(1)(B) of this Rule if:

- (A) the prospective customer has made known to the licensee a desire not to be solicited by the licensee; or
- (B) the solicitation involves coercion, duress, harassment, compulsion, intimidation, or threats.

- (3) Every written, recorded or electronic communication that is not a real-time communication from a licensee soliciting professional employment from a prospective customer known to be in need of funeral services for an imminent or recent death shall include the words "This is an advertisement for funeral services" on the outside envelope, if a written communication sent by mail, and at the beginning of the body of a written or electronic communication in print as large or larger than the licensee's or licensee's business name, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in Parts (b)(1)(A) or (b)(1)(B) of this Rule.

(c) A licensee shall violate this Rule whenever any agent, employee, or assistant of the licensee violates Subparagraphs (b)(1), (b)(2), or (b)(3) of this Rule with the knowledge, direction, or consent of the licensee.

History Note: Authority G.S. 90-210.23(a); 90-210.25(e)(1)d;

Eff. April 1, 1987;

Recodified from 21 NCAC 34 .0126 Eff. February 7, 1991;

Amended Eff. February 1, 2009; July 1, 2004.

21 NCAC 34A .0126 COMPLAINTS; PRELIMINARY DETERMINATIONS

(a) A person who believes that any person, firm or corporation is in violation of any provision of G.S. 90, Article 13A, 13D, 13E, or 13F or Title 21, Chapter 34, of the North Carolina Administrative Code, may file a written complaint with the Board's staff. If the accused is subject to the jurisdiction of the Board, the complaint shall be handled pursuant to this Rule.

(b) A complaint shall be handled initially by the Board's Executive Director, or staff designated by him or her. If a complaint on its face appears to be outside the jurisdiction of the Board, the Executive Director or his or her staff designees may forward the complaint to the Board's disciplinary committee without following the procedures of Paragraphs (c) through (e) of this Rule and may forward the matter to any federal or state agency with the appropriate jurisdiction.

(c) The Executive Director or his or her staff designees shall notify the accused of the complaint in writing. Such notice shall be served by hand or by certified mail, return receipt requested; shall state the allegations as contained in the complaint, or may enclose a copy of the complaint; and shall contain a request that the accused submit a response in writing within 10 days from the date the notice of the complaint is received by the accused.

(d) If the accused responds to the allegations, the Executive Director or his or her staff designees shall forward a summary of the response, or the response itself, to the person who filed the complaint and give him or her 15 days to respond. Following a receipt of a rebuttal by the complainant or after 15 days without having received a rebuttal and any additional investigation deemed necessary by the Executive Director or his or her staff designees, the matter shall then be referred to the disciplinary committee.

(e) If the accused does not respond to the allegations, the Executive Director or his or her staff designees shall investigate the allegations and refer the complaint and any other available evidence to the Board's disciplinary committee for review.

(f) In accordance with Paragraphs (d) through (e) of this Rule, the disciplinary committee shall review the complaint file. The disciplinary committee may request additional investigation of a file or make a preliminary determination to recommend that the Board take one of the following actions:

- (1) that the complaint be dismissed because of insufficient grounds to believe one or more licensees has violated any law or regulation of the Board or other grounds requiring dismissal;
- (2) that a letter of caution be issued;
- (3) that the case be compromised pursuant to G.S. 90-210.25(e)(1), 90-210.123(g), or 90-210.69(c);
- (4) that the case be set for a contested case hearing because sufficient grounds exist to believe one or more licensees may have violated a law or regulation of the Board justifying disciplinary action; or
- (5) Any other action the Board may take that is authorized by law.

(g) The Board may accept or reject, in whole or in part, the recommendations of the disciplinary committee.

History Note: Authority G.S. 90-210.23(a),(d); 90-210.25(e); 90-210.69(a),(c); 90-210.80; 90-210.123(g); 90-210.134(a); Eff. October 1, 1993;
Amended Eff. February 1, 2009; July 1, 2004; August 1, 1998; November 1, 1994.

21 NCAC 34B .0211 NATIONAL BOARD CERTIFICATE

The Board shall accept a "National Board Certificate," certifying the successful completion of the National Board Examination of the International Conference of Funeral Service Examining Boards Inc., as the equivalent of that portion of the Board's examination which deals with basic health sciences, funeral service sciences, and funeral service administration. National Board Certificates shall be accepted for five years from the date of issue for licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. February 1, 2009; November 1, 2004; September 1, 1979.

21 NCAC 34B .0213 EXPIRATION OF TEST SCORES

Passing scores earned on any examination administered by the Board to obtain any license in North Carolina shall be valid for five years from the date of examination. Any passing score earned on any examination administered by the International Conference of Funeral Service Examining Boards, Inc., ("ICFSEB") that has not been used to receive a National Board Certificate, as defined in 21 NCAC 34B .0211, shall be valid for five years from the date of examination for licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3);
Eff. February 1, 2009.

21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT

(a) A funeral director or funeral service licensee registered to practice under G.S. 90-210.25(a2) shall not use its business office required by G.S. 90-210.25(a2)(2)a. to conduct the practice of funeral service or funeral directing. A funeral director or funeral service licensee shall not hold out to the public that its business office is a funeral establishment and shall not use a business name that misleads the public to believe that its business office is a funeral establishment or operates or maintains a facility that is a funeral establishment.

(b) An applicant to practice under the provisions of G.S. 90-210.25(a2) shall submit a form provided by the Board with an application fee. The applicant shall furnish the name, address, telephone number, and county of location for the applicant and any business organization operating under the laws of North Carolina, the license number of the applicant, the location where the applicant shall shelter remains, the location where the

applicant uses as an embalming facility, the name and license numbers of any other embalmers retained by a funeral director to embalm, and any other information the Board deems necessary as required by law. The applicant shall complete a verification before a notary public.

History Note: Authority G.S. 90-210.20(h); 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i); Eff. February 1, 2009.

21 NCAC 34C .0305 MONTHLY REPORTS

No later than the tenth day of each month, every crematory licensee shall remit to the Board the per-cremation fees under 21 NCAC 34A .0201(b) for the cremations which the licensee performed during the immediately preceding calendar month. The fees shall be accompanied by a statement signed by an authorized representative of the crematory indicating the name of the crematory, each decedent's name, date of each cremation, the person or other entity for whom each cremation was performed, the number of cremations contained in the report and the total amount of fees remitted with the report.

History Note: Authority G.S. 90-210.132; 90-210.134(a); Eff. July 1, 1991; Amended Eff. February 1, 2009; July 1, 2004.

21 NCAC 34D .0201 PRENEED FUNERAL ESTABLISHMENT LICENSE

(a) A funeral establishment wishing to apply for a preneed funeral establishment license shall complete a form provided by the Board. The applicant shall submit, in addition to the information required by G.S. 90-210.67, the following information:

- (1) its funeral establishment permit number issued pursuant to G.S. 90-210.25(d);
- (2) type of business entity;
- (3) whether it is authorized to transact business in North Carolina;
- (4) whether it is solvent;
- (5) whether there exist unsatisfied civil judgments against the applicant and copies of any;
- (6) whether the applicant or any of its principals has been denied a license to engage in an occupation or had a license suspended, revoked or placed on probation;
- (7) whether any principal has been convicted of a crime involving fraud or moral turpitude;
- (8) for all applicants required to maintain a surety bond, evidence that the bond is in effect at the time of application; and
- (9) any other information deemed necessary by the Board and required by law.

(b) The Board may require an applicant to submit additional proof to satisfy the requirements of G.S. 90-210.67.

(c) The applicant shall submit, with its application, the names, preneed sales license numbers and telephone numbers of all preneed sales licensees who will sell preneed funeral contracts as employees or agents of the applicant. Any additions to or deletions from the list of names shall be reported to the Board,

within 10 days of the change, as an amended application on an application form.

(d) The same Board form shall be used for the original application, annual renewal application and amended application. All applications shall be verified as correct before a notary public by the owner, a corporate officer, partner, or member of the limited liability company owning the preneed establishment.

(e) Preneed funeral establishment licenses shall not be transferable. Upon a transfer of ownership of a funeral establishment, the provisions of 21 NCAC 34B .0605 apply, and a new application for a preneed funeral establishment license shall be made to the Board within 30 days of the transfer. The application fee shall accompany the application, as in the case of initial applications.

(f) The license certificate shall be conspicuously displayed in the funeral establishment at the address to which it is issued.

History Note: Authority G.S. 90-210.67(a),(b); 90-210.69(a); Eff. May 1, 1993; Amended Eff. February 1, 2009.

21 NCAC 34D .0303 CERTIFICATE OF PERFORMANCE

(a) The certificate of performance as required by G.S. 90-210.64(a) shall be a form provided by the Board and shall require the following information: the names, addresses and preneed funeral establishment license numbers of the performing funeral establishment and the contracting funeral establishment; the name of the deceased beneficiary of the preneed funeral contract; the date of death and the county where the death certificate was or will be filed; the invoice amount; certification that the contract was or was not performed in whole or in part; the name and address of the financial institution where the preneed trust funds are deposited and the trust account or certificate number; the name and address of the insurance company that issued the prearrangement insurance policy and the policy number; and the amount and the date of the payment by the financial institution or insurance company and to whom paid.

(b) The form shall be completed by each funeral establishment performing any services or providing any merchandise pursuant to the preneed funeral contract, or, if none are performed or provided, by the contracting funeral establishment. The form shall be presented to the financial institution or insurance company for payment. Within 10 days following its receipt of payment, any funeral establishment that is required to complete the form shall file a copy with the Board.

History Note: Authority G.S. 90-210.64(a); 90-210.68; 90-210.69(a); Eff. May 1, 1993; Amended Eff. February 1, 2009; November 1, 2004; August 1, 1998; November 1, 1994.

**CHAPTER 63 – SOCIAL WORK CERTIFICATION AND
LICENSURE BOARD**

21 NCAC 63 .0302 REPORTING OF SCORES

Each applicant for certification or licensure shall be informed in writing whether he/she has passed the examination. If an applicant fails the examination, he/she may have his/her test hand-scored provided that a written request is received by the Board within five days of the date of the examination, and in accordance with the examining body selected by the Board.

*History Note: Authority G.S. 90B-6; 90B-8;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. February 1, 2009; July 1, 2000.*

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on Thursday, March 19, 2009 9:00 a.m. at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3100. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jim R. Funderburke - 1st Vice Chair
David Twiddy - 2nd Vice Chair
Keith O. Gregory
Jerry R. Crisp
Jeffrey P. Gray

Appointed by House

Jennie J. Hayman - Chairman
John B. Lewis
Clarence E. Horton, Jr.
Daniel F. McLawhorn
Curtis Venable

COMMISSION COUNSEL

Joe Deluca (919)431-3081
Bobby Bryan (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

March 19, 2008 April 16, 2009
May 21, 2009 June 18, 2009

AGENDA

RULES REVIEW COMMISSION Thursday, March 19, 2009, 9:00 A.M.

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-Up Matters:
 - A. Medical Care Commission – 10A NCAC 13P .0905 (Bryan)
 - B. Commission for Mental Health – 10A NCAC 27G .0504 (DeLuca)
 - C. Private Protective Services Board – 12 NCAC 07D .0402, .0501 (Bryan)
 - D. Environmental Management Commission – 15A NCAC 02D .1205, .1212 (DeLuca)
 - E. Board of Cosmetic Art Examiners – 21 NCAC 14H .0105 (DeLuca)
- IV. Review of Log of Permanent Rule filings for rules filed between January 21, 2009 and February 20, 2009 (attached)
- V. Review of Temporary Rules
- VI. Commission Business
 - Next meeting: April 16, 2009

Commission Review

*Log of Permanent Rule Filings
January 21, 2009 through February 20, 2009*

ADMINISTRATION, DEPARTMENT OF

The rules in Subchapter 43A concern state surplus property including general provisions (.0100); state surplus property (.0200); and disposal of surplus property (.0300).

<u>Definitions</u>	01	NCAC 43A .0102
Amend/*		
<u>Sensitive and Confidential Data</u>	01	NCAC 43A .0201
Adopt/*		
<u>Compressed Gases, Flammable, Nuclear, Chemical, Biologica...</u>	01	NCAC 43A .0202
Adopt/*		
<u>Order of Priority in Disposition</u>	01	NCAC 43A .0304
Amend/*		

PESTICIDE BOARD

The rules in Chapter 9 are from the food and drug protection division.

The rules in Subchapter 9L are from the pesticide section and include organizational rules (.0100); registration (.0300); samples and submissions (.0400); pesticide licenses (.0500); pesticide and pesticide container disposal (.0600); declaration of pests and restrictions on their control (.0700); bulk distribution of pesticides (.0800); aerial application of pesticides (.1000); private pesticide applicator certification (.1100); arsenic trioxide (.1200); availability of restricted use pesticides (.1300); ground application of pesticides (.1400); worker protection standards for agricultural pesticides (.1800); pesticide storage (.1900); chemigation (.2000); and hearing rules of the north carolina pesticide board (.2100).

<u>Proprietorship</u>	02	NCAC 09L .0801
Repeal/*		
<u>Notification Prior to Delivery</u>	02	NCAC 09L .0802
Repeal/*		
<u>Storage Tank Specifications</u>	02	NCAC 09L .0803
Repeal/*		
<u>Labeling Requirements</u>	02	NCAC 09L .0804
Repeal/*		
<u>Record Requirements</u>	02	NCAC 09L .0805
Repeal/*		
<u>Location Requirements</u>	02	NCAC 09L .0806
Repeal/*		
<u>Safety Requirements</u>	02	NCAC 09L .0807
Repeal/*		
<u>Notification of Storage Tank Requirements</u>	02	NCAC 09L .0808
Repeal/*		
<u>Compliance Requirements</u>	02	NCAC 09L .0809
Repeal/*		
<u>Adoption by Reference</u>	02	NCAC 09L .0810
Adopt/*		
<u>General Requirements</u>	02	NCAC 09L .1002
Amend/*		
<u>Record Keeping Requirements</u>	02	NCAC 09L .1402
Amend/*		
<u>Specific Information About Applications</u>	02	NCAC 09L .1807
Adopt/*		

<u>Definitions</u>	02	NCAC 09L .1901
Amend/*		
<u>Bulk Storage Requirements</u>	02	NCAC 09L .1914
Adopt/*		

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9A cover the Commission organization and procedure (.0100) and enforcement of the rules (.0200).

<u>Rule-Making and Administrative Hearing Procedures</u>	12	NCAC 09A .0107
Amend/*		
<u>Suspension: Denial: or Revocation of Certification</u>	12	NCAC 09A .0204
Amend/*		

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Minimum Standards for Law Enforcement Officers</u>	12	NCAC 09B .0111
Amend/*		
<u>Responsibilities of the School Director</u>	12	NCAC 09B .0202
Amend/*		
<u>Basic Law Enforcement Training</u>	12	NCAC 09B .0205
Amend/*		
<u>Certification of Instructors</u>	12	NCAC 09B .0301
Amend/*		
<u>Specialized Instructor Certification</u>	12	NCAC 09B .0304
Amend/*		
<u>Terms and Conditions of School Director Certification</u>	12	NCAC 09B .0502
Amend/*		

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

<u>Lateral Transfer of Law Enforcement Officers</u>	12	NCAC 09C .0306
Amend/*		
<u>Agency Reporting of Drug Screening Results</u>	12	NCAC 09C .0310
Amend/*		

This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs). The rules in Subchapter 9E relate to the law enforcement officers' in-service training program.

<u>Required Annual In-Service Training Topics</u>	12	NCAC 09E .0102
Amend/*		
<u>Minimum Training Specifications: Annual In-Service Training</u>	12	NCAC 09E .0105
Amend/*		

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers-intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

<u>Definitions</u>	12	NCAC 09G .0102
Amend/*		
<u>Physical and Mental Standards</u>	12	NCAC 09G .0205
Amend/*		
<u>Moral Character</u>	12	NCAC 09G .0206
Amend/*		
<u>Suspension: Revocation: or Denial of Certification</u>	12	NCAC 09G .0504
Amend/*		

The rules in Subchapter 9H concern the firearms qualification certification program for qualified retired law enforcement officers.

<u>Purpose</u>	12	NCAC 09H .0101
Adopt/*		
<u>Minimum Training Specifications</u>	12	NCAC 09H .0102
Adopt/*		
<u>Instructors</u>	12	NCAC 09H .0103
Adopt/*		
<u>Sanctions</u>	12	NCAC 09H .0104
Adopt/*		
<u>Filing and Fees</u>	12	NCAC 09H .0105
Adopt/*		

LABOR, DEPARTMENT OF

The rules in Chapter 7 are from the Commissioner of Labor and cover the Occupational and Safety Health Act (OSHA).

The rules in Subchapter 7F cover specific OSHA standards for various industries: general (.0100); construction (.0200); agriculture (.0300); shops fabricating structural steel and steel plate (.0400); maritime (.0500); communication towers (.0600); blasting and use of explosives (.0700); and cranes and derricks standards (.0900).

<u>Scope</u>	13	NCAC 07F .0901
Adopt/*		
<u>Incorporation by Reference</u>	13	NCAC 07F .0902
Adopt/*		
<u>Definitions</u>	13	NCAC 07F .0903
Adopt/*		
<u>Operator Qualification and Certification</u>	13	NCAC 07F .0904
Adopt/*		
<u>Signal Person Qualification</u>	13	NCAC 07F .0905
Adopt/*		
<u>Maintenance and Repair Employee Qualification</u>	13	NCAC 07F .0906
Adopt/*		
<u>Training</u>	13	NCAC 07F .0907
Adopt/*		
<u>Fall Protection</u>	13	NCAC 07F .0908

Adopt/*	
<u>Design, Construction and Testing</u>	13 NCAC 07F .0909
Adopt/*	
<u>Equipment With a Rated Hoisting/Lifting Capacity of 2,000 ...</u>	13 NCAC 07F .0910
Adopt/*	
<u>Equipment Modifications</u>	13 NCAC 07F .0911
Adopt/*	
<u>Assembly and Disassembly of Equipment</u>	13 NCAC 07F .0912
Adopt/*	
<u>Power Line Safety</u>	13 NCAC 07F .0913
Adopt/*	
<u>Wire Rope</u>	13 NCAC 07F .0914
Adopt/*	
<u>Inspections</u>	13 NCAC 07F .0915
Adopt/*	
<u>Operation of Equipment</u>	13 NCAC 07F .0916
Adopt/*	
<u>Operational Aids</u>	13 NCAC 07F .0917
Adopt/*	
<u>Safety Devices</u>	13 NCAC 07F .0918
Adopt/*	
<u>Signals</u>	13 NCAC 07F .0919
Adopt/*	
<u>Hoisting Personnel</u>	13 NCAC 07F .0920
Adopt/*	
<u>Tower Cranes</u>	13 NCAC 07F .0921
Adopt/*	
<u>Derricks</u>	13 NCAC 07F .0922
Adopt/*	
<u>Floating Cranes/Derricks and Land Cranes/Derricks on Barges</u>	13 NCAC 07F .0923
Adopt/*	
<u>Overhead and Gantry Cranes</u>	13 NCAC 07F .0924
Adopt/*	
<u>Dedicated Pile Drivers</u>	13 NCAC 07F .0925
Adopt/*	
<u>Sideboom Cranes</u>	13 NCAC 07F .0926
Adopt/*	
<u>Operator Certification - Written Examination - Technical ...</u>	13 NCAC 07F .0927
Adopt/*	

WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Safety Equipment</u>	15A NCAC 10F .0201
Amend/*	
<u>Brunswick County</u>	15A NCAC 10F .0305
Amend/*	
<u>Burke County</u>	15A NCAC 10F .0323
Amend/*	

<u>Mecklenburg and Gaston Counties</u> Amend/*	15A NCAC 10F .0333
<u>Town of Emerald Isle</u> Amend/*	15A NCAC 10F .0376

SECRETARY OF STATE, DEPARTMENT OF THE

The rules in Chapter 6 are from the Securities Division and cover general provisions (.1100), exemptions (.1200), registration of securities (.1300), registration of dealers and salesmen (.1400), miscellaneous provisions (.1500), registration of qualified businesses (.1600), registration of investment advisors and investment advisor representatives (.1700), miscellaneous provisions relating to investment advisers (.1800), and registration of athlete agents (.1900).

<u>Administration</u> Repeal/*	18 NCAC 06 .1103
-----------------------------------	------------------

The rules in Subchapter 6b concern general provisions.

<u>Scope</u> Adopt/*	18 NCAC 06B .0101
<u>Administration</u> Adopt/*	18 NCAC 06B .0102

The rules in Subchapter 6c concern investigations, enforcement and hearings.

<u>Letter of Inquiry</u> Adopt/*	18 NCAC 06C .0101
<u>Investigative Subpoenas</u> Adopt/*	18 NCAC 06C .0102
<u>Administrative Hearings</u> Adopt/*	18 NCAC 06C .0103
<u>Settlement</u> Adopt/*	18 NCAC 06C .0104
<u>Article 3A Contested Case Procedures</u> Adopt/*	18 NCAC 06C .0105
<u>Temporary Orders</u> Adopt/*	18 NCAC 06C .0106
<u>Conduct of Hearing</u> Adopt/*	18 NCAC 06C .0107
<u>Final Order</u> Adopt/*	18 NCAC 06C .0108

TRANSPORTATION, DEPARTMENT OF

The rules in Chapter 2 are from the Division of Highways.

The rules in Subchapter 2D concern highway operations including standards for design and construction (.0100); landscape (.0200); field operations-maintenance and equipment (.0400); ferry operations (.0500); oversize-overweight permits (.0600); highway design branch (.0700); prequalification advertising and bidding regulations (.0800); regulations for informal construction and repair contracts (.0900); adopt-a-highway program (.1000); and disadvantaged business enterprise, minority business enterprise and women business enterprise programs for highway and bridge construction contracts (.1100).

<u>Permits-Authority, Application and Enforcement</u> Amend/*	19A NCAC 02D .0601
<u>Permits-Weight, Dimensions and Limitations</u>	19A NCAC 02D .0607

Amend/*

Denial: Revocation: Refusal to Renew: Appeal: Invalidation

19A NCAC 02D .0633

Amend/*

Oversize-Overweight Load Escort Vehicle Operator Certific...

19A NCAC 02D .0644

Amend/*

GENERAL CONTRACTORS, LICENSING BOARD FOR

The rules of the Licensing Board for General Contractors include the board's organization (.0100); licensing requirements (.0200); application procedures (.0300); examinations (.0400); licenses (.0500); disciplinary procedures (.0700); contested cases (.0800); and home-owners recovery fund (.0900).

Classification

21 NCAC 12 .0202

Amend/*

MEDICAL BOARD

The rules in Subchapter 32k are from the north carolina physicians health program including general information (.0100); and guidelines for program elements (.0200).

Definitions

21 NCAC 32K .0101

Amend/*

Authority

21 NCAC 32K .0102

Repeal/*

Peer Review Agreements

21 NCAC 32K .0103

Repeal/*

Due Process

21 NCAC 32K .0104

Repeal/*

Receipt and Use of Information of Potential Impairment

21 NCAC 32K .0201

Amend/*

Assessment and Referral

21 NCAC 32K .0202

Amend/*

Monitoring Treatment Sources

21 NCAC 32K .0203

Amend/*

Monitoring Rehabilitation and Performance

21 NCAC 32K .0204

Amend/*

Monitoring Post-Treatment Support

21 NCAC 32K .0205

Amend/*

Reports of Individual Cases to the Board

21 NCAC 32K .0206

Amend/*

Periodic Reporting of Statistical Information

21 NCAC 32K .0207

Amend/*

Confidentiality

21 NCAC 32K .0208

Adopt/*

The rules in Subchapter 32q concern the impaired physician assistant program including general information (.0100); and guideline for program elements (.0200).

Definitions

21 NCAC 32Q .0101

Repeal/*

Authority

21 NCAC 32Q .0102

Repeal/*

Peer Review Agreements

21 NCAC 32Q .0103

Repeal/*

<u>Due Process</u>	21	NCAC 32Q .0104
Repeal/*		
<u>Receipt and Use of Information of Suspected Impairment</u>	21	NCAC 32Q .0201
Repeal/*		
<u>Intervention and Referral</u>	21	NCAC 32Q .0202
Repeal/*		
<u>Monitoring Treatment</u>	21	NCAC 32Q .0203
Repeal/*		
<u>Monitoring Rehabilitation and Performance</u>	21	NCAC 32Q .0204
Repeal/*		
<u>Monitoring Post-Treatment Support</u>	21	NCAC 32Q .0205
Repeal/*		
<u>Reports of Individual Cases to the Board</u>	21	NCAC 32Q .0206
Repeal/*		
<u>Periodic Reporting of Statistical Information</u>	21	NCAC 32Q .0207
Repeal/*		

NURSING, BOARD OF

The rules in Chapter 36 are from the Board of Nursing and include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

<u>Prerequisites for Incorporation</u>	21	NCAC 36 .0503
Amend/*		

COMMUNITY COLLEGES, BOARD OF

The rules in Subchapter 2D cover the fiscal affairs of community colleges including salaries (.0100), student fees (.0200) and budgeting, accounting and fiscal management (.0300).

<u>Expenditures of State Funds: Accreditation Expenses and Dues</u>	23	NCAC 02D .0304
Amend/*		

STATE PERSONNEL COMMISSION

The rules in Subchapter 1H concern recruitment and selection including general provisions (.0600); general provision for priority consideration (.0700); promotional priority (.0800); reduction-in-force-priority reemployment (.0900); exempt priority consideration (.1000); and veteran's preference (.1100).

<u>Applicant Information and Application</u>	25	NCAC 01H .0632
Amend/*		

The rules in Subchapter 1I concern service to local government including local government employment policies (.1700); general provisions (.1800); recruitment and selection (.1900); appointment and separation (.2000); compensation (.2100); hours of work and overtime compensation (.2200); disciplinary action suspension dismissal and appeals (.2300); and basic requirements for a substantially equivalent personnel system (.2400).

<u>Types of Appointments and Duration</u>	25	NCAC 01I .2002
Amend/*		

ADMINISTRATIVE HEARINGS, OFFICE OF

The rules in Chapter 1 are general provisions for the Office of Administrative Hearings including petition for rule-making and declaratory rulings.

Cost to Public
Amend/*

26 NCAC 01 .0103

The rules in Chapter 2 are from the rules division and cover publication of The North Carolina Administrative Code (NCAC) and the North Carolina Register (NCR).

The rules in Subchapter 2C are the submission procedures for rules and other documents to be published in the North Carolina Register and the North Carolina Administrative Code including general provisions (.0100); codification of rules (.0200); the Register (.0300); the Administrative Code (.0400); temporary rules (.0500); emergency rules (.0600); and publication on the OAH website (.0700).

Agency Final Copy
Amend/*

26 NCAC 02C .0114

The rules in Chapter 3 are from the Hearings Division and cover procedure (.0100), mediated settlement conferences (.0200), and expedited hearing procedures for complex contested cases (.0300).

Rights and Responsibilities of Parties
Amend/*

26 NCAC 03 .0120

Official Record
Amend/*

26 NCAC 03 .0123

CONTESTED CASE DECISIONS

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000. Also, the Contested Case Decisions are available on the Internet at <http://www.ncoah.com/hearings>.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Beecher R. Gray	Randall May
Selina Brooks	A. B. Elkins II
Melissa Owens Lassiter	Joe Webster
Don Overby	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOL BEVERAGE CONTROL COMMISSION</u>				
Partnership T/A C Js Lounge v. ABC Commission	07 ABC 0201	Overby	03/11/08	
Michael Daniel Clair v. T/A Par 3 Bistro v. ABC Commission	07 ABC 1289	Lassiter	10/07/08	
ABC Commission v. Rainbow Enterprises, Inc T/A Club N Motion	07 ABC 1532	Gray	06/20/08	23:05 NCR 489
Benita, Inc., T/A Pantana Bob's v. ABC Commission	07 ABC 1584	Overby	04/21/08	23:01 NCR 141
Original Grad, Inc/ T/A Graduate Food and Pub	07 ABC 1648	Joseph	02/25/08	
N.C. Alcoholic Beverage Control Commission v. Feest Inc. T/A Spankys Sports Bar and Grill	07 ABC 2135	Gray	09/12/08	
Don Mariachi Ventures, T/A EL Mariachi Gordo	07 ABC 2155	Webster	11/05/08	
N.C. Alcoholic Beverage Control Commission v. Jenny S. Chanthalacksa T/A JB Food Mart	08 ABC 0097	May	09/03/08	
N.C. Alcoholic Beverage Control Commission v. Jenny S. Chanthalacksa T/A JB Food Mart	08 ABC 0351	May	09/03/08	
AM Enterprises of Fayetteville, Inc., T/A Izzy's Sports Bar v. ABC Commission	08 ABC 0371	Lassiter	06/13/08	
Bhaves Corporation, T/A K&B Foomart v. ABC Commission	08 ABC 0508	Overby	05/19/08	
Downtown Event Center, Inc. T/A Downtown Event Center v. ABC Commission	08 ABC 0937	May	09/16/08	
<u>CRIME VICTIMS COMPENSATION</u>				
Patricia Ginyard v. Crime Victim Compensation Commission	06 CPS 1720	Gray	05/27/08	
Carrie R. McDougal v. Victims Compensation Services Division	07 CPS 1970	Elkins	05/23/08	
Hillary Holt v. Crime Victims Compensation Commission	07 CPS 2292	Brooks	09/18/08	
Taureka S Johnson v. NC Crime Victims Compensation Commission	08 CPS 0402	Morrison	08/08/08	
Rich's Towing and Service Inc. v. NC Department of Crime Control And Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 0698	May	08/13/08	
Steel Supply and Erection Co., Department of Crime Control and Public Safety, Division of State Highway Patrol and Department of Revenue	08 CPS 0777	Overby	05/29/08	
ATS Specialized, Inc, v. Dept. of Crime Control and Public Safety, Div. Of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 0864	May	09/11/08	
Willie Trucking, Inc d/b/a Allstate Transport Co v. Dept. of Crime Control & Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 0897	May	09/11/08	
Randy S. Griffin v. NC Crime Victims Compensation Commission	08 CPS 0995	May	09/11/08	
Kenneth Lee Moore v. Dept. of Crime Control and Public Safety	08 CPS 1093	Webster	10/27/08	
Interstate Crushing Inc. v. NC Dept. of Crime Control and Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 1086	Overby	09/29/08	

CONTESTED CASE DECISIONS

Sterett Equipment Company LLC v. N.C. Dept. of Crime Control And Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 1206	Overby	09/29/08
Bertrand E. Dupuis d/b/a New England Heavy Hauling v. N.C. Department of Crime Control and Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 1207	Overby	09/29/08
Bulldog Erectors, Inc v. N.C. Department of Crime Control and Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 1208	Overby	09/29/08
Continental Machinery Movers Inc. v. N.C. Department of Crime Control and Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	08 CPS 1209	Overby	09/29/08
Michael Alan Moore v. Crime Victims Compensation Commission	08 CPS 1478	Lassiter	09/08/08
TNT of York County, Inc., Tony McMillan v. State Highway Patrol Motor Carrier Enforcement	08 CPS 1508	Joseph	12/11/08
SOOF Trucking, Ray Charles Solomon v. Secretary of Crime Control And Public Safety	08 CPS 1526	Overby	09/09/08
Dickinson Hauling and Grading., Inc, Tony E. Dickinson, 3134016-9 v. Dept. of Crime Control and Public Safety, Division of State Highway Patrol	08 CPS 1800	Brooks	12/15/08
Dickinson Hauling and Grading., Inc, Tony E. Dickinson, 3134016-9 v. Dept. of Crime Control and Public Safety, Division of State Highway Patrol	08 CPS 1801	Brooks	12/15/08
Dickinson Hauling and Grading., Inc, Tony E. Dickinson, 3134016-9 v. Dept. of Crime Control and Public Safety, Division of State Highway Patrol	08 CPS 1802	Brooks	12/15/08
Kayonna Goodwin Pollard c/o Chad Lopez Pollard v. Crime Control & Victim Compensation Services	08 CPS 1850	Gray	10/24/08
John D. Lane v. Diversified Drilling Corp v. Office of Admin Svc, Sec. of Crime Control and Public Safety	08 CPS 2049	Joseph	11/06/08
Richard Pratt v. Dept. of Crime Control and Public Safety	08 CPS 2417	Lassiter	01/15/08
Robert D. Reinhold v. Dept. of Transportation, Division of Motor Vehicles	08 CPS 2501	Gray	12/10/08

A list of Child Support Decisions may be obtained by accessing the OAH Website: <http://www.ncoah.com/hearings/decisions/>

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Gloria McNair Jean's Jewels v. Div. of Child Development, DHHS	06 DHR 0633	Lassiter	07/11/08
Gloria McNair Jean's Jewels v. Div. of Child Development, DHHS	06 DHR 1350	Lassiter	07/11/08
Character Builders, Inc., Clavon Leonard v. DMA, Developmental Disabilities and Substance Abuse Services	07 DHR 0124	Elkins	08/07/08
Character Builders, Inc., Clavon Leonard v. DMA, Developmental Disabilities and Substance Abuse Services	07 DHR 0125	Elkins	08/07/08
Arthur Burch and Margaret and Burch v. Department of Health and Human Services	07 DHR 0242	Brooks	04/30/08
The "M" Company LLC, v. DHHS, DMA, Program Integrity	07 DHR 0429	Webster	05/29/08
Brenda F. Ervin v. DHHS, DFS, Health Care Personnel Registry	07 DHR 0493	Gray	12/08/08
Judy E. Pettus v. Office of Chief Medical Examiner, Thomas B. Clark, III, Md, Pathologist	07 DHR 0535	Webster	05/05/08
Clorie Bivens Owen on Behalf of Williams Baxter Bivens – Estate of Leroy A. Bivens v. DHHS	07 DHR 0701	Elkins	12/08/08
Alterra Clare Bridge of Asheville v. DHHS, DFS, Adult Care Licensure Section	07 DHR 0914	Gray	06/06/08
Shirley Brooks Dial v. Health Care Personnel Registry	07 DHR 0931	Webster	02/27/08
Midtown Food Mart #2, Kerab Giebrehiwot, Mehreteab Wooldeghebibel and Fesseha Zeru	07 DHR 1044	Webster	04/25/08
Midtown Food Mart III, Chenet Haileslassi and Fesseha Zeru v. DHHS	07 DHR 1045	Webster	04/28/08
Kelly Schofield MD, Clinical Director, Youth Quest, Inc. v. DHHS, DFS Mental Health Licensure and Certification	07 DHR 1064	Joseph	10/17/08
Carolyn E. Reed v. DHHS, Division of Social Services Program Integrity AFDC/Work First	07 DHR 1214	Webster	07/21/08
Mrs. Elizabeth Futrell v. Value Options	07 DHR 1331	Lassiter	06/09/08
Cornell Jones v. DHHS, Division of Health Services Regulation	07 DHR 1399	Joseph	04/22/08
Dianetta Foye v. Division of Child Development, DHHS, Services	07 DHR 1440	Joseph	05/07/08
Rufus Patrick Devers v. DHHS, Division of Health Service Regulation Health Care Personnel Registry	07 DHR 1442	Joseph	05/29/08
Ray Dukes, Bright Future Learning Center v. DHHS, Division of Public Health, Child and Adult Care Food Program	07 DHR 1473	Joseph	04/08/08
William Manning c/o Thyllis Smith, A Touch From the Heart Staff v. NC Department of Health and Human Services, Division of	07 DHR 1060	Webster	10/14/08

CONTESTED CASE DECISIONS

Medical Assistance				
Hospice of the Piedmont, Inc., v. DHHS, Division of Health Service Regulation, Licensure and Certification Section and DHHS, Division of Health Service Regulation, CON Section	07 DHR 1617	Elkins	05/21/08	
Janice Addison v. Value Options	07 DHR 1618	Webster	05/16/08	
Donna Hicks Crocker v. DHHS/DMA	07 DHR 1629	Joseph	08/01/08	
Rebecca Dehart v. DHHS, Division of Health Service Regulation Health Care Personnel Registry Section	07 DHR 1650	Elkins	05/21/08	
Ellen Brown v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	07 DHR 1651	Elkins	05/21/08	
Life Solutions of Lumberton, NC, LLC d/b/a Timberwood and Bridgecrest	07 DHR 1758	Joseph	12/04/08	
Life Solutions of Lumberton, NC, LLC d/b/a Timberwood and Bridgecrest	07 DHR 1759	Joseph	12/04/08	
Joann Lennon v. Value Options Medicaid	07 DHR 1770	Webster	05/16/08	
Angeline Currie v. DHHS	07 DHR 1986	Elkins	06/04/08	
Tameala Jones v. OAH	07 DHR 1993	Webster	05/16/08	
Dianetta Foye v. Division of Child Development, DHHS, Services	07 DHR 2020	Joseph	05/07/08	
Lashauna Reid v. CCMHC (PFCS-Service Provider)	07 DHR 2039	Elkins	08/05/08	
Presbyterian Diagnostic Center at Cabarrus LLC v. N.C. Department of Health and Human Services, Division of Health Service Regulation and Southern Piedmont Imaging, LLC	07 DHR 2043	Lassiter	08/18/08	23:16 NCR 1600
Southern Piedmont Imaging, LLC v. N.C. Department of Health and Human Services, Division of Health Service Regulation and Presbyterian Diagnostic Center at Cabarrus, LLC	07 DHR 2045	Lassiter	08/18/08	23:16 NCR 1600
Family & Youth Services, Inc. Angela Ford, President v. DHHS, Division of Medical Assistance Provider Services	07 DHR 2057	Webster	05/16/08	
Yolanda Jones v. DHHS, Adult Licensure Section	07 DHR 2081	Webster	05/16/08	
Tianna Troy Legal guardian Mother Traci Lookadoo v. Value Option	07 DHR 2087	Elkins	05/23/08	
Gary Carlton, Sr., v. DHHS	07 DHR 2099	Brooks	07/10/08	
Alexis Ford/Linda M McLaughlin v. DHHS	07 DHR 2111	Elkins	06/04/08	
Roger Houston v. DHHS, Div. of Health Service Regulation	07 DHR 2176	Gray	07/08/08	
Dorothy L. Davis v. OAH	07 DHR 2179	May	07/02/08	
McLeod Addictive Disease Center, Inc v. Div. of Health Service Regulation	07 DHR 2202	Brooks	12/11/08	
Kevin McMillian/Linda M McLaughlin v. DHHS	07 DHR 2239	Elkins	06/04/08	
Maurisha Bethae/Linda McLaughlin v. DHHS	07 DHR 2240	Elkins	06/04/08	
Manu Gaur v. DHHS	07 DHR 2275	Lassiter	10/01/08	23:16 NCR 1654
Gladys Cherry v. NC Department of Health and Human Services	07 DHR 2288	Webster	10/10/08	
Anna Fields v. Value Options	07 DHR 2326	Joseph	06/02/08	
Larry Hopper v. DHHS	07 DHR 2356	May	06/20/08	
Shelby Davis v. DHHS	08 DHR 0014	Lassiter	05/09/08	
Hellon P. Johnson v. DHHS	08 DHR 0020	May	07/03/08	
Lenora King v. DHHS	08 DHR 0034	Joseph	05/01/08	
Forest Mewborn v. Health Care Personnel Registry	08 DHR 0043	Elkins	05/23/08	
Wilma Jackson v. Value Options	08 DHR 0082	Joseph	06/02/08	
Carmelita Wiggins v. Value Options	08 DHR 0198	Webster	05/16/08	
Blue Ridge Healthcare Surgery Center, Morganton LLC and Grace Hospital, Inc. v. DHHS, DHSR, CON Section v. Dr. Mushtaq Bukhari, Dr. Edwin Holler, Dr. Suneel Mohammed, Carolina Digestive Care, PLLC, and Gastroenterology Specialists	08 DHR 0204	Brooks	09/18/08	
Murphy's Outreach Community Developmental Services, Inc, d/b/a Outreach Home Health	08 DHR 0220	Joseph	07/22/08	
Lisa Helms v. DHHS	08 DHR 0255	Overby	06/17/08	
Pearlene Johnson Ivory v. DMA, Third Party Recovery (Medicaid)	08 DHR 0286	Brooks	07/07/08	
Darryl A. Edwards v. DHHS	08 DHR 0320	Gray	11/05/08	
Mamaie Aytch v. DHHS	08 DHR 0325	Elkins	05/23/08	
Brenda McGilvary v. DHHS, Division of Social Services	08 DHR 0384	Webster	08/05/08	
Fannie M. Wilson v. OAH	08 DHR 0393	Webster	06/17/08	
Angela D Seabrooks/The Jabez House LLC v. DHHS/Division of Mental Health, Developmental and Substance Abuse Services, The Guilford	08 DHR 0403	Joseph	06/09/08	
Angela D. Seabrooks/The Jabez House LLC v. NC Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services and The Guilford Center Center	08 DHR 0403	Joseph	09/03/08	
William McCray Pretty v. DHHS, Division of Facility Services	08 DHR 0411	Webster	06/12/08	
Focus Health Services, Inc. via Annette Johnson, Owner Operator v. North Carolina Department of Health and Human Services and Albemarle Mental Health Center for Developmental Disabilities and Substance Abuse Services	08 DHR 0442	Gray	06/12/08	
Judith E. Torres v. DHHS, DHSR	08 DHR 0488	Morrison	10/07/08	
Earline Ross (Quentin Galloway) v. DHHS (Medicaid)	08 DHR 0549	May	06/09/08	
Frances Milligan v. DHHS	08 DHR 0566	May	06/19/08	

CONTESTED CASE DECISIONS

Betty Williams v. DHHS	08 DHR 0570	Joseph	06/02/08	
Brandon McMahon v. DHHS	08 DHR 0572	Webster	11/14/08	
Susan Nelson v. Medicaid	08 DHR 0573	May	06/09/08	
Brent Morris Per Dedrea Moors (Mother) v. Priscilla Valet, DMA	08 DHR 0585	May	06/09/08	
Brenda M. Finney v. Medicaid	08 DHR 0586	Joseph	06/09/08	
Allred & Allred Day Care Center, Inc. v. N.C. Department of Health and Human Services, Division of Public Health, Child And Adult Care Food Program	08 DHR 0617	May	06/04/08	
Lakeva Robinson v. DMA/Value Options	08 DHR 0625	May	05/28/08	
Ronald Lee Young v. N.C. Department of Health and Human Services	08 DHR 0631	Joseph	07/21/08	
Steven Chestnut v. DHHS, Health Care Personnel Registry	08 DHR 0652	May	11/19/08	
Tina Miller v. OAH, DHHS	08 DHR 0661	Lassiter	06/10/08	
Doris Harris v. Division of Child Development	08 DHR 0710	May	07/02/08	
Michelle D. Mills v. DHHS, Division of Health Service Regulation	08 DHR 0712	Joseph	06/09/08	
Trena Ellis v. DHHS	08 DHR 0730	Lassiter	07/03/08	
Faith Davis v. Pride in North Carolina Value Options	08 DHR 0746	Overby	05/28/08	
Evonne Neal v. Medicaid	08 DHR 0748	May	06/20/08	
Maria Dejesus Ruiz La Vaca Ramona v. N.C. Department of Health and Human Services	08 DHR 0760	Overby	07/24/08	
Ray C. Price v. DHHS, Office of the Controller	08 DHR 0767	Brooks	07/07/08	
Miland Hanna, Lamia Hanna and Charlotte Fast Mart, v. DHHS Div. of Public Health	08 DHR 0778	Brooks	08/28/08	
Cheryl I Rice v. DHHS	08 DHR 0793	Overby	07/10/08	
Destiny A Taylor v. Division of Child Development	08 DHR 0794	Gray	07/21/08	
Shawanda Rayner v. Cherry Hospital	08 DHR 0797	Webster	10/10/08	
Mary Ada Mills, Mary M. Mills MSA FCH v. Adult Care Licensure	08 DHR 0808	May	08/26/08	
Total Renal Care of North Carolina, LLC d/b/a TRC-Lelan v. DHHS Div. of Health Service Center Regulation, CON Section and Bio-Medical Applications of NC, Inc. d/b/a Fresenius Medical Care Of Brunswick County	08 DHR 0818	Webster	12/23/08	23:16 NCR 1670
Lula Bowden v. OAH	08 DHR 0852	May	06/20/08	
Donovan Harris v. Value Options	08 DHR 0894	May	06/19/08	
Gabrielle Lloyd v. DHHS, Division of Health Service Regulation	08 DHR 0905	May	09/22/08	
Janice Chavis v. DHHS	08 DHR 0923	Lassiter	05/19/08	
Frankie Nicole Carter v. DHHS, Division of Health Service Regulation	08 DHR 0929	Brooks	06/19/08	
Christine Maria Plyer v. Medicaid Reimbursement	08 DHR 0949	Mann	06/18/08	
Margaret Mubanga v. NC Department of Health and Human Services	08 DHR 0961	Gray	08/25/08	
Evangeline Ingram v. Value Options	08 DHR 0997	Gray	06/10/08	
Marcia Veronica Harris v. Department of Health and Human Services, Division of Health Service Regulation	08 DHR 0169	Lassiter	08/11/08	
Maureen Jordan parent of Destinne Jordan v. Value Options	08 DHR 1005	Gray	06/19/08	
Triangle Alternative Inc. Dorothy George v. Office of Administrative Hearings	08 DHR 1012	May	07/21/08	
Terrie P Hill dba Positive Care MHL 041-595 2203 Wanda Drive v. N.C. Department of Health and Human Services, Division of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1015	Lassiter	09/12/08	
Terrie P Hill dba Positive Care II MHL 041-633 3406 Fern Place v. NC Department of Health and Human Services, Division of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1016	Lassiter	09/12/08	
Terrie P Hill dba Positive Care II MHL 041-765 3406 Fern Place v. NC Department of Health and Human Services, Division of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1017	Lassiter	09/12/08	
Mario Jackson v. DHHS	08 DHR 1024	Overby	06/19/08	
Adam L Powell v. NC Department of Health and Human Services	08 DHR 1030	Lassiter	09/05/08	
Edwin F Clavijo, El Exito v. NC Department of Health and Human Services, Division of Public Health, Nutrition Services Branch	08 DHR 1034	Lassiter	09/15/08	
Linda F. Ellison v. NC Department of Health and Human Services and or EDS	08 DHR 1035	Joseph	07/09/08	
Doris Smith v. Health Care Personnel Registry	08 DHR 1238	Brooks	08/08/08	
Latrish T. Perry v. Department of Health and Human Services	08 DHR 1023	Webster	08/29/08	
Martha Washington Harper v. DSS	08 DHR 1041	Brooks	06/23/08	
Martha McDonald v. DHHS, Div. of Health Service Regulation, Health Care Personnel Registry	08 DHR 1052	May	12/04/08	
Mary K. Tulay v. DHHS	08 DHR 1055	Joseph	07/09/08	
Gwendolyn F. Gulley v. NC Department of Health and Human Services, Division of Health Service Regulation, Adult Care Licensure Section	08 DHR 1062	Overby	09/09/08	
Rhonda Jones v. Value Options	08 DHR 1064	Webster	07/18/08	
One Love Developmental Services v. Division of Health Service Regulation, Department of Health and Human Services	08 DHR 1068	Lassiter	07/25/08	

CONTESTED CASE DECISIONS

Jona Turner v. Office of Administrative Hearings	08 DHR 1092	Webster	07/18/08
Tonia Chatman Davis v. N.C. Department of Health and Human Services	08 DHR 1141	Lassiter	07/28/08
Mary M. Branch v. North Carolina Dept of Health and Human Services, Value Options	08 DHR 1174	Elkins	08/11/08
Haywood Miller, Bobby Jean Graves Miller v. DHHS, Mental Health Licensure Certification Section	08 DHR 1181	Overby	07/01/08
Donna Armstrong v. DHHS	08 DHR 1185	Brooks	12/02/08
Jan Williams v. Value Options, DHHS	08 DHR 1231	Overby	07/09/08
Heather Peete v. OAH	08 DHR 1281	Lassiter	07/02/08
Ann Moody v. DHHS	08 DHR 1299	Webster	07/18/08
Khahada Kirby v. Value Options	08 DHR 1310	Webster	07/18/08
Amir Abusamak v. N.C. Department of Health and Human Services	08 DHR 1325	Gray	07/16/08
Big Z Supermarket, Abdul Hamdan v. Cory Menees, NC Dept. of Health and Human Services	08 DHR 1343	Overby	08/27/08
Alesia Alwahishi dba Brotherhood Market	08 DHR 1356	Gray	07/22/08
Nigel Brown v. Value Options	08 DHR 1358	Gray	08/29/08
Beverly Darlene Christian v. DHHS Hearing Office	08 DHR 1422	Elkins	11/24/08
Forever Young Group Care LLC T/A FY Inc v. DHHS, Div. of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1455	Lassiter	01/16/09
Supported Living Youth Service, Kirk Hillian v. Div. of Health Service Regulation	08 DHR 1456	Joseph	10/22/08
Michael Grondahl v. DHHS	08 DHR 1491	Gray	08/01/08
Tyechia Jones v. Value Options/DHHS	08 DHR 1492	Mann	09/18/08
Kelly A Schofield MD – Clinical Director Youth Quest Inc. v. N.C. Department of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1505	Lassiter	09/08/08
Holly Martin Ph.D, Div. of Medical Assistance of DHHS	08 DHR 1534	Webster	01/06/09
Edward Kenneth Smith v. NC Department of Health and Human Services, Division of Health Service Regulation	08 DHR 1537	Lassiter	09/16/08
Brian C. Hargrove v. DHHS	08 DHR 1556	Webster	01/07/09
Elsie Mae Joiner v. Health Care Registry DHHS	08 DHR 1560	Lassiter	09/11/08
Margaret Brack for Elgin Brack v. Value Options Emery Milliken DHHS	08 DHR 1576	Lassiter	08/27/08
Evans Momanyi Mose v. DHHS, Division of Health Service Regulation	08 DHR 1591	Webster	10/01/08
Draughton's Supermarket, Betty Draughton v. Cumberland County Health Dept. WIC Office	08 DHR 1592	Gray	08/25/08
Brittany Brown v. Value Options	08 DHR 1599	Webster	10/10/08
Evangeline Ingram v. Value Options	08 DHR 1618	Joseph	12/05/08
Tyvonnie Sheri Glenn v. Value Options	08 DHR 1628	May	09/19/08
Robert Anthony Glenn, Sr., v. EDS, SMA, DHHS, Medicaid	08 DHR 1630	Brooks	10/20/08
Levi Rutty/Linda McLaughlin v. DHHS	08 DHR 1651	Elkins	01/14/09
Longview Childrens Day School v. Div. of Child Development	08 DHR 1676	Webster	01/06/09
Judy Grissett v. OAH, DHHS	08 DHR 1678	Webster	11/19/08
Tyrese Rogers/Linda McLaughlin v. DHHS	08 DHR 1685	Elkins	01/14/09
Shavon Maynor/Linda McLaughlin v. DHHS	08 DHR 1688	Elkins	01/14/09
William Scott Davis, Jr v. DHHS, Child Protective Services	08 DHR 1691	Webster	12/15/08
Donna Locklear v. Value Options	08 DHR 1695	Webster	11/19/08
Amanda Hennes v. N.C. Department of Health and Human Services	08 DHR 1696	Gray	09/22/08
Alexis Faulk v. DMA/Value Options	08 DHR 1701	Elkins	11/14/08
Bobbie L Cribb v. Office of Administrative Hearings	08 DHR 1714	Gray	09/08/08
Irene McLendon/Mikala McLendon v. Value Options	08 DHR 1722	Webster	10/01/08
Keyanna Byrd v. DHHS	08 DHR 1751	Webster	10/01/08
Janelle Gatewood v. Value Options	08 DHR 1763	Webster	10/10/08
Mr. and Mrs. Gregory and Martha Glenn v. HHS	08 DHR 1787	Brooks	10/27/08
Roxanne Haughton v. Value Options/DMA	08 DHR 1799	Elkins	10/14/08
Rainbow Academy, Dorothy Johnson v. Div. of Child Development DHHS	08 DHR 1838	Brooks	11/03/08
Joshua Dmae Thompson (Consumer) Sebrena Yvett Thompson (Mother) v. Department of Mental Health	08 DHR 1844	Webster	10/01/08
Christie Moriea Turner v. CMC Carolines Medical Center Mental Health	08 DHR 1848	Gray	10/27/08
Sativa Shalunda Brown v. DHHS, Div. of Health Service Regulation	08 DHR 1869	Gray	12/31/08
JE Cameron DDS & Associates v. DHHS, DMA	08 DHR 1885	Gray	10/27/08
Wendy McMillian v. DHHS	08 DHR 1887	Elkins	11/05/08
Penny A. Golden v. Medicaid	08 DHR 1890	May	11/05/08
Keystone Charlotte, LLC d/b/a The Keys of Carolina (Administrative Penalty) v. DHHS, Div. of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1913	Joseph	11/17/08
Keystone Charlotte, LLC d/b/a The Keys of Carolina (Suspended Admissions) v. DHHS, Div. of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 1914	Joseph	11/17/08
Karen D. Barwick DDS PA v. EDS/DHHS	08 DHR 1923	Joseph	10/27/08
County of Guilford v. DHHS	08 DHR 1965	May	01/15/09

CONTESTED CASE DECISIONS

Dyquay Morris v. Value Options	08 DHR 1967	Mann	10/24/08
Chanda Stokely v. DHHS	08 DHR 2002	Brooks	12/09/08
Wanda Hager v. Value Options	08 DHR 2008	Joseph	10/27/08
Austin Cummings v. Value Options	08 DHR 2011	Joseph	01/08/09
Keith Floyd, Rosa Agyemang v. DHHS, Div. of Health Service Regulation	08 DHR 2032	Brooks	11/06/08
Mental Health Licensure and Certification Section, Merita Hall			
Kimberly Marie Condroski v. DHHS, Div. of Health Service Regulation	08 DHR 2045	Brooks	11/06/08
Carrie E. Crosson and Leroy J. Crosson v. Vance County Dept. of Social Services	08 DHR 2048	Joseph	10/28/08
Elizabeth Elaine Croker v. DHHS, Div. of Health Service Regulation	08 DHR 2050	Webster	12/23/09
Stephanie Craven v. Health Care Registry	08 DHR 2051	Joseph	11/25/08
Dejuan Martell Willis v. DHHS, Div. of Health Service Regulation	08 DHR 2074	Joseph	01/06/09
David Haqq v. DHHS	08 DHR 2076	Gray	11/07/08
Shane Howell v. Value Options	08 DHR 2077	Joseph	11/05/08
Towanna Yvette Patterson v. DHHS, Div. of Health Service Regulation	08 DHR 2104	Brooks	12/17/08
Forever Young Group Care LLC T/A FY Inc v. DHHS, Div. of Health Service Regulation, Mental Health Licensure and Certification Section	08 DHR 2159	Lassiter	01/16/09
Shirley Hawls v. DHHS	08 DHR 2225	Joseph	01/08/09
Bennett Short v. Medicaid	08 DHR 2226	Mann	12/18/08
Naomi J. Silver v. DHHS	08 DHR 2257	Gray	01/22/09
David McBrayer v. Value Options	08 DHR 2303	Brooks	12/01/08
Family Network Services, Inc., Ron Blake, Altrice Gales	08 DHR 2311	Joseph	12/01/08
Sabrina Brower v. Value Options/DHHS	08 DHR 2373	Mann	01/13/09
Emmanuel House, Erthel J. Anderson v. DHHS, Div. of Medical Asst.	08 DHR 2382	Gray	12/10/08
William P. Miller, Chapter 11 Trustee for Debtor Faiger M. Blackwell (Dogwood Forest) v. DHHS, Div. of Health Service Regulation	08 DHR 2388	Gray	11/06/08
Adult Care Licensure Section			
Alexandria Adelaide, dba Pine Forrest Home v. DHHS, DFS – Adult Care Licensure Section	08 DHR 2408	Webster	12/11/08
James Pardue President and CEO Ralph Scott Lifeservice, Inc v. DHHS	08 DHR 2567	Gray	12/11/08

DEPARTMENT OF CORRECTION

Robert Allen Sartori v. DOC	08 DOC 2651	Gray	12/16/08
Robert Allen Sartori v. DOC	08 DOC 2977	Gray	01/14/09

DEPARTMENT OF JUSTICE

Jamu Kimyakki Sanders v. N.C. Criminal Justice Education And Training Standards Commission	06 DOJ 1741	May	08/29/08
Dallas Ray Joyner v. Criminal Justice Education and Training Standards Commission	07 DOJ 0719	Overby	04/15/08
Richard Junior Hopper v. Private Protective Services Board	07 DOJ 1071	Webster	02/21/08
Sheldon Avery McCoy v. Criminal Justice Education and Training Standards Commission	07 DOJ 1162	Mann	04/07/08
David Steven Norris v. Private Protective Services Board	07 DOJ 1256	Elkins	04/16/08
Scott McLean Harrison v. North Carolina Criminal Justice Education And Training Standards Commission	07 DOJ 1330	Webster	06/24/08
Brian Campbell v. Department of Justice, Company Police Program	07 DOJ 1344	Webster	02/25/08
John Mark Goodin v. Alarm Systems Licensing Board	07 DOJ 1405	Lassiter	04/04/08
James Lee Rodenberg v. Depart. of Justice, Company Police Program	07 DOJ 1434	Webster	02/25/08
Michael L. Scriven v. Private Protective Services Board	07 DOJ 1483	Elkins	03/25/08
Lamuel Tommy Anderson v. North Carolina Department of Justice Campus Police Program	07 DOJ 1500	Joseph	06/03/08
Roger Wayne Mungo, Jr., Sheriffs' Education and Training Standards Commission	07 DOJ 1510	Overby	05/19/08
Steven L. Haire v. North Carolina Department of Justice, Campus Police Program	07 DOJ 1558	Joseph	05/22/08
Timothy Daniel McFalls v. N.C. Criminal Justice Education and Training Standards Commission	07 DOJ 1712	May	09/03/08
Iris Nina Bumpass v. Criminal Justice Education and Training Standards Commission	07 DOJ 2071	Webster	05/16/08
Michael Gerald Copeland v. Private Protective Services Board	07 DOJ 2286	Gray	07/17/08
Leigh Ann Branch v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0177	Gray	06/23/08
Jimmy Dean Poston v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0179	Webster	08/28/08
Katheryn Renee Johnson v. North Carolina Sheriffs' Education And Training Standards Commission	08 DOJ 0180	Brooks	06/18/08
Gerald Boyce Bond, Jr. v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0181	Gray	07/14/08
Lamar Krider v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0183	Gray	06/20/08

CONTESTED CASE DECISIONS

John Edward Isaacks, Jr. v. North Carolina Sheriffs' Education And Training Standards Commission	08 DOJ 0184	May	06/18/08
Anthony Ray Haynie v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0207	Brooks	08/06/08
Joseph Shane Johnston v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0209	Lassiter	10/07/08
Patrick Edsel Cashwell v. Criminal Justice Education and Training Standards Commission	08 DOJ 0498	Webster	10/01/08
Anthony Ray Haynie v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 0532	Brooks	08/06/08
Jonathan R. Elam v. Private Protective Services Board	08 DOJ 0568	Webster	05/08/08
Wilford Odell Hamlin v. Private Protective Services Board	08 DOJ 0713	Joseph	05/01/08
Stephen Joseph Ciliberti v. N.C. Private Protective Services Board	08 DOJ 0858	Gray	07/15/08
Lawrence William Sitgraves v. Sheriffs' Education and Training Standards Commission	08 DOJ 1036	May	09/16/08
Deborah Moore Anderson v. North Carolina Sheriffs' Education And Training Standards Commission	08 DOJ 1038	Brooks	05/28/08
Faneal Godbold v. Criminal Justice Education and Training Standards Commission	08 DOJ 1077	Gray	12/12/08
Dustin Elvin Campbell v. Criminal Justice Education and Training Standards Commission	08 DOJ 1078	Lassiter	07/14/08
Cynthia Kay Saintsing v. Criminal Justice Education and Training Standards Commission	08 DOJ 1079	Lassiter	07/14/08
Timothy C. Darrh v. DHHS/Value Options	07 DOJ 1239	Overby	07/07/08
David Alan Moore v. North Carolina Private Protective Services Board	08 DOJ 1264	Morrison	07/21/08
Gregory Alan Hooks v. NC Alarm Systems Licensing Board	08 DOJ 1265	Morrison	07/10/08
Kimberly Blue Cameron v. Sheriffs' Education and Training Standards	08 DOJ 1269	Overby	10/13/08
Jesse Adam Salmon v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 1270	Overby	09/15/08
Tina Ann Ward v. N.C. Sheriffs' Education and Training Standards Commission	08 DOJ 1273	Gray	08/29/08
P.J. Shelton v. NC Sheriffs' Education and Training Standards Commission	08 DOJ 1274	Brooks	10/10/08
Danny Dwight Jordan v. Private Protective Services Board	08 DOJ 1594	Overby	10/14/08
Reshella Moore v. Sheriffs' Education and Training Standards Comm.	08 DOJ 1846	Joseph	09/25/08
Jamaal Ahkiem Gittens v. Private Protective Services Board	08 DOJ 1867	May	10/08/08
Ryan Ginn v. Criminal Justice Education and Training Standards Commission	08 DOJ 1927	Gray	11/12/08
Matthew William MacDonald v. Criminal Justice Education and Training Standards Commission	08 DOJ 2033	Brooks	12/01/08
Ronald Lewis Leak v. Private Protective Services Board	08 DOJ 2080	Overby	10/14/08
Penny Thomas Schronce v. Sheriffs' Education and Training Standards Commission	08 DOJ 2109	Brooks	12/01/08
Dwight Wendell Parker v. Criminal Justice Education and Training Standards Commission	08 DOJ 2110	Gray	10/27/08
Aaron McDowell v. Company Police Program	08 DOJ 2176	Brooks	01/05/09
Richard Bryant Honeycutt v. Criminal Justice Education and Training Standards Commission	08 DOJ 2209	May	12/31/08
James Percy Stancil III v. Sheriffs' Education and Training Standards Commission	08 DOJ 2489	Joseph	12/31/08

DEPARTMENT OF LABOR

Sandra Leroux, Leroux Entertainment Corporation d/b/a Spectacular Events! V. DOL	08 DOL 0754	May	07/08/08
--	-------------	-----	----------

DEPARTMENT OF TRANSPORTATION

Kevin Douglas v. Dept. of Justice Criminal Justice Standards, DMV License and Theft, Holly Springs Police Department	07 DOT 2221	Webster	05/12/08
Terry J. Kyte, Pres. Kyte Construction v. DMV	08 DOT 1517	Elkins	12/03/08
Benjamin Cartwright Simmons III, Citation #3131650-8 v. DMV	08 DOT 1774	Lassiter	11/03/08

DEPARTMENT OF STATE TREASURER

Robert A. Gabriel Sr. v. DST	05 DST 0586	Gray	12/31/08	23:16 NCR 1695
Trevor Allan Hampton v. N.C. State Retirement Systems	07 DST 1493	Overby	09/08/08	
Patricia V. Leonard v. State Treasurer/Retirement Systems Division	07 DST 1928	Lassiter	03/12/08	
William S. Greene v. DST, Retirement Systems Division	08 DST 0235	Gray	07/16/08	23:05 NCR 524
Jerry Alan Reese v. DST, State and Local Finance Division and the Local Government Commission	08 DST 0256	Morrison	07/25/08	
Charles C. Williams, Sr., v. Dept. of Treasurer	08 DST 0736	Elkins	10/27/08	

EDUCATION, STATE BOARD OF

Stephen Miller Gibson v. DPI	07 EDC 0121	May	09/17/08
Bradford Dale Gulley v. Depart. of Education Attorney Generals Office	07 EDC 1486	Webster	05/16/08
Lucretia Burrus v. State Board of Education	07 EDC 2210	Webster	05/16/08
Gregory Bates v. DPI, Licensure Section	07 EDC 2238	Gray	04/30/08
Heather S. Brame v. State Board of Education	07 EDC 2287	Joseph	05/07/08
Nancy L. Ashburn v. NC Department of Public Instruction	07 EDC 2357	Brooks	08/19/08
Sandra Chesser v. State Board of Education	08 EDC 0022	May	04/30/08
Terry L. Moore v. N.C. Department of Public Instruction	08 EDC 0386	Morrison	07/22/08
Len Stevenson Smith v. North Carolina Department of Public Instruction	08 EDC 0215	May	08/26/08
Hubert Thomas Byrum v. Office of State Superintendent	08 EDC 0619	Gray	06/04/08
Gary Alan Cooper v. N.C. State Board of Education	08 EDC 0920	Gray	08/01/08
Beulah Sowell Bolton v. DPI	08 EDC 1004	Overby	10/28/08
Selena Blad v. NC Board of Education	08 EDC 1316	Brooks	09/17/08
Ceretha Sherrill v. State Superintendent's Ethics Committee	08 EDC 2073	Brooks	11/05/08
Elizabeth Ann Flow v. DPI	08 EDC 2241	Brooks	12/11/08

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES

Freedman Farms v. DENR, Div. of Water Quality	05 EHR 0905	Overby	10/23/08	
Anderson Sand & Grave; LLC, Gerald L. Anderson LLC, and Gerald Anderson	05 EHR 1787	Gray	10/29/08	23:16 NCR 1701
Henry S. Cowell, III and Carolyn Dressler v. DENR, Div. of Coastal Management	06 EHR 1185	Brooks	05/30/08	23:05 NCR 501
Robin R. Moore v. DENR, Division of Waste Management	06 EHR 1479	Lassiter	03/24/08	
Ray Sael v. DENR, Div. of Water Quality	06 EHR 1671	Gray	01/22/09	
Mr. Robert W. Elmore v. Division of Environmental Health, Onside Water Protection Section	06 EHR 2232	Webster	01/07/09	
Laurel Valley Watch and Clean Water for North Carolina, Inc., v. Div. of Water Quality, DENR and Scenic Wolf Development, LLC	06 EHR 2393	Gray	12/08/08	
NC Coastal Federation v. DENR, Division of Coastal Management and Wind over Waves, LLC	07 EHR 0345	Lassiter	04/07/08	
John B. Chastain, Jr., W.B. Chastain v. N.C. Department of Environment and Natural Resources	07 EHR 0722	Brooks	06/26/08	
Terry Hill DAQ 2007-015 v. DENR, Division of Air Quality	07 EHR 0937	Morrison	04/08/08	
Frank Home Construction, Inc. v. Division of Water Quality	07 EHR 1061	Webster	05/12/08	
Durham Land Associates LLC v. County of Durham, Engineering Department	07 EHR 1140	Overby	08/20/08	
Durham Land Associates LLC v. County of Durham, Engineering Department	07 EHR 1141	Overby	08/20/08	
Dennis L. Jude v. NC Department of Environment and Natural Resources	07 HER 1238	Webster	08/20/08	
Martha and Charles Morton v. N.C. Department of Environment And Natural Resources	07 EHR 1297	Overby	06/02/08	
Kenneth & Mary Anne Sutton v. DENR, Division of Coastal Management	07 EHR 1316	Overby	05/09/08	
William Lewell Huff v. N.C. Department of Environment and Natural Resources	07 EHR 1579	Overby	06/02/08	
Stridemark, LLC v. North Carolina Department of Environment and Natural Resources, Division of Air Quality	07 EHR 1564	Webster	07/17/08	
Gleason James v. Appalachian District Health Department	07 EHR 2073	Brooks	09/05/08	
Senia I. Parker v. Environmental Management Commission	07 EHR 2082	Webster	10/24/08	
Frank Myers Investments, LLC v. DENR	07 EHR 2377	May	05/28/08	
W Russell Overman Martin County Water & Sewer District v. DENR Public Water Supply Section	08 EHR 0345	Gray	06/10/08	
Christopher E. Taylor, Jane Taylor v. DENR, Land Quality Section	08 EHR 0512	Brooks	12/09/08	
Ray Poole's Park, Jean Poole v. DENR, Public Water Supply Section	08 EHR 0563	Joseph	05/16/08	
Allen Johnson v. DENR, Div. of Air Quality and Teresa Tart v. DENR Div. of Air Quality	08 EHR 0567	Webster	10/28/08	
Allen Johnson v. DENR, Div. of Air Quality and Teresa Tart v. DENR Div. of Air Quality	08 EHR 0587	Webster	10/28/08	
Joe S. Edge Sr. v. N.C. Department of Environment and Natural Resources	08 HER 0757	Gray	09/17/08	
Donald Lindsay v. Cherokee County Health Dept.	08 EHR 0764	Brooks	07/10/08	
Joel M. Walker v. Division of Water Quality Well Contractors Certification Commission	08 EHR 0985	Joseph	06/11/08	
George Bess, Sr., v. DENR, Div. of Air Quality	08 EHR 1000	Overby	10/28/08	
Eddie Verdis Hood v. N.C. Department of Environment and Natural	08 EHR 1073	Overby	07/30/08	

CONTESTED CASE DECISIONS

Resources

John S. Stirewalt, Architect, Agent for B. Parker Overton, Landowner v. DENR, Div of Coastal Management	08 EHR 1090	Webster	11/24/08
Research Triangle Institute v. Division of Waste Management, Hazardous Waste Section, DENR	08 EHR 1100	Overby	07/11/08
Tracie Locklear, Ammie Brewer-James, Native Designs Hair & Tanning Salon v. DENR, Health Radiation Protection	08 EHR 1143	Gray	7/17/08
Donna C Garrett v. Cherokee County Health Dept., Environmental Health Division	08 EHR 1246	Brooks	09/09/08
Michael J. Campbell v. Rowan County Health Department	08 EHR 1572	Books	10/10/08
Roray Kent Mishak, Town of China Grove v. NCDENR, Public Water Supply Section	08 EHR 1573	Brooks	09/08/08
Bethel Jr. High School NC 144418, Heather Teague v. DENR Public Water Supply Section	08 EHR 1810	Brooks	10/10/08
The Village of Walnut Creek PWS ID#NC0496155 v. DENR Public Water Supply Section	08 EHR 1892	Gray	11/18/08
The Village of Walnut Creek PWS ID#NC0496155 v. DENR, Public Water Supply Section	08 EHR 1930	Gray	11/07/08
Tabernacle Week Day School Cynthia M. Doyle v. DENR, Public Water Supply Section	08 EHR 1984	Mann	10/20/08
Michael Chapman FV Productions v. Stanly County Environmental Health Dennis R. Joyner, Health Director Division of Environment Health Terry Pierce, Director	08 EHR 1986	Lassiter	11/03/08
Carl J. Peters and Color Works v. City of Raleigh	08 EHR 2005	Joseph	10/28/08
Michael J. Carnes v. DENR, Div. of Air Quality	08 EHR 2042	Brooks	01/06/09
Pro Dev 8, LLC v. City of Raleigh, Stormwater Management Division	08 EHR 3308	Joseph	01/08/09

EMPLOYMENT SECURITY COMMISSION

Ronald Caleb White v. Employment Security Commission UI Division	08 ESC 2568	Joseph	12/12/08
--	-------------	--------	----------

DEPARTMENT OF INSURANCE

Sandra Vanderbeek v. Teachers' and State Employees' Comprehensive Major Medical Plan	07 INS 1130	Overby	03/12/08
Benjamin Brodey, Inger Brodey, Clara Brodey	07 INS 1139	Elkins	10/24/08
Nettie C Minshew v. North Carolina State Health Plan	07 INS 1319	Gray	09/08/08
Alesha D Carter v. State Health Plan	07 INS 1858	Lassiter	05/19/08
Maria Patricia Rivera v. Teachers' and State Employees' Comprehensive Major Medical Plan	08 INS 0035	Joseph	09/16/08
Esther A. Scott v. State Health Plan	08 INS 0819	Gray	10/31/08
Judith Kay Klink v. State Health Plan Teachers' Comprehensive Health Plan	08 INS 0846	Overby	10/20/08
Michelle Patton v. Blue Cross Blue Shield State Health Plan	08 INS 1039	Joseph	12/04/08
David Danmyer for Nancy Danmyer v. Teachers' and State Employees' Comprehensive Major Medical Plan	08 INS 1575	May	10/15/08

23:16 NCR 1711

MISCELLANEOUS

Kevin Edral Douglas v. Wake County District Attorney, DMV	07 MIS 1976	Webster	05/12/08
Jeannie L Day v. City of Asheville Control, Brenda Sears Officer White	08 MIS 0895	Brooks	08/18/08
Promise Land Ministries Inc., Joel K. Wilson v. Mitchell County Tax Assessor and Board of Equalization	08 MIS 1447	May	09/17/08
Catherine Seay v. Judge Debra Sasser, Wake County District Court Civil Division	08 MIS 2295	Elkins	11/24/08

OFFICE OF STATE PERSONNEL

Marsha A Early v. Durham County Department of Social Services	01 OSP 0279	Lassiter	04/02/08
Cheryl Best v. Columbus County Department of Social Services	06 OSP 2206	Lassiter	09/10/08
Scott Burgess v. N.C. Department of Crime Control and Public Safety, N.C. Highway Patrol	07 OSP 0052	Gray	07/16/08
Ralph Mitchell Foard v. Highway Patrol	07 OSP 0135	Webster	11/06/08
Divina P. Shields v. North Carolina State University	07 OSP 0317	Lassiter	07/11/08
Milton R. Perry v. DOT	07 OSP 0362	Lassiter	12/16/08
Jacqueline B. Maynard v. UNC	07 OSP 0575	Webster	04/08/08
Warren R. Follum v. NCSU	07 OSP 0577	Webster	03/21/08
Sharon P. House v. UNC	07 OSP 0630	Webster	04/08/08
Marcus Guy v. A&T University	07 OSP 0760	Webster	09/16/08
Michael Phillips v. A&T State University	07 OSP 0833	Overby	11/12/08
Pam Moses v. Macon County Health Department	07 OSP 0945	Overby	06/30/08
Cassandra F. Barner v. Halifax County Department of Social Serv.	07 OSP 1186	Joseph	05/16/08
Michael Shelton Woody v. DENR, Division of Forest Resources	07 OSP 1255	Brooks	05/13/08

23:05 NCR 528

CONTESTED CASE DECISIONS

Kellee M. Buck v. Dare County Department of Social Services	07 OSP 1385	Overby	05/27/08	
Dennis E. Hrynkow v. Dept. of Insurance	07 OSP 1400	Joseph	04/03/08	
Stacey M. Gasque v. N.C. Department of Corrections	07 OSP 1479	Overby	06/09/08	
Betty J. LaBombard v. Hoke County Department of Social Services	07 OSP 1860	Joseph	10/01/08	
James Dobaly v. North Carolina Department of Health and Human Services	07 OSP 1873	Lassiter	07/02/08	
Adley K. Prager v. Dept. of Crime Control and Public Safety and Butner Public Safety	07 OSP 2011	Webster	05/29/08	
Charlene J. Shaw v. Peter Bucholz, Hoke Correctional Institution	07 OSP 2012	Joseph	04/07/08	
Jacqueline Burkes v. DOC, Hoke 4320, Mr. Peter Bucholz	07 OSP 2047	Joseph	04/07/08	
Charles Jones v. Bryan Beatty, Secretary of Crime Control & Public Safety and The Dept. of Crime Control & Public Safety (NC Highway Patrol)	07 OSP 2222	Morrison	06/05/08	23:01 NCR 147
Norman K. Goering v. Crime Control and Public Safety, Highway Patrol	07 OSP 2256	Joseph	07/29/08	23:05 NCR 547
Brenda S. Williamson v. DHHS	08 OSP 0058	Gray	10/15/08	
Kimberly James v. UNC-Charlotte	08 OSP 0146	Webster	05/08/08	
Nancy Hester v. Guilford County AOC Pretrial Services	08 OSP 0224	Overby	06/19/08	
Elizabeth Frazier v. Western Carolina University	08 OSP 0246	Brooks	12/09/08	23:16 NCR 1722
Ray Stanford Williams Jr. v. NC Department of Cultural Resources	08 OSP 0529	Morrison	08/19/08	
Jacqueline Yvette Lowry v. Durham County, Department of Social Services	08 OSP 0552	May	10/08/08	
Laura L. Holliman v. Caledonia Correctional Inst.	08 OSP 0591	Gray	07/08/08	
Ashley K. Severson v. Greene County	08 OSP 0611	Joseph	07/29/08	
Sharon V Blackmon v. Office of Administrative Hearings	08 OSP 0624	Gray	09/19/08	
Richard D. Lincoln v. DOT	08 OSP 0801	Gray	05/27/08	
Robert M. Hewitt v. Morrison Correctional Institute	08 OSP 0971	Gray	06/26/08	
Kenyatta Burrus v. Craven County Clerk of Superior Court	08 OSP 1089	Overby	06/12/08	
Dexter J. Hill v. Department of Agriculture and Consumer Services	08 OSP 1167	Overby	07/08/08	
Rita McKeithan v. Stanly County Department of Social Services	08 OSP 1240	May	08/26/08	
Dianna Humphrey v. Caswell Center	08 OSP 1327	Lassiter	07/02/08	
Charles Godwin v. NC Department of Crime Control and Public Safety	08 OSP 1463	Lassiter	07/28/08	
Reid DuBose III v. Dept. of Commerce	08 OSP 1476	Lassiter	10/31/08	
Vincent Morton v. Cherry Hospital	08 OSP 1497	Webster	09/16/08	
Kyla Solomon v. Office of Citizen Services	08 OSP 1547	Lassiter	07/22/08	
Larry Campbell v. OSP	08 OSP 1558	Webster	01/06/09	
Richard Manson v. NC A&T State University	08 OSP 1561	Brooks	09/25/08	
Kenneth L. Cassidy v. DOT, DMV	08 OSP 1584	Morrison	10/31/08	
Richard T Ward v. NC DOT Ferry Division	08 OSP 1617	Lassiter	08/27/08	
Patrice A Bernard v. NC A&T	08 OSP 1724	Gray	09/18/08	
Karen E. Browder v. Forsyth County Department of Social Services	08 OSP 1771	Gray	11/17/08	
Robert Sanchez-Langston or Joe Raymond				
JoAnn C. Walker v. DOA	08 OSP 1976	Brooks	12/23/08	
Lakeshia A. Jones v. DOC	08 OSP 2229	Webster	01/07/09	
Prudentia Ngwainmbi v. Elizabeth Sate University	08 OSP 2240	Joseph	12/08/08	
Darryl R. McCathan v. DOC	08 OSP 2274	Gray	01/03/09	
Josephine Hood v. Dorothea Dix Hospital Food and Nutrition	08 OSP 2276	Webster	12/23/08	
Garland Morman v. Dorothea Dix Hospital Food and Nutrition	08 OSP 2277	Webster	01/06/09	
Jackie L. Eley v. DHHS, Hearing Office	08 OSP 2286	Gray	01/06/09	
Charles V. Nichols v. DOC	08 OSP 2314	Brooks	01/08/09	
James C. Bailey, Jr v. Cherry Hospital, DHHS	08 OSP 2432	Gray	01/16/09	
Tony Chambers v. Dept. of Juvenile Justice and Delinquency Prevention	08 OSP 2692	Brooks	01/05/09	

RESPIRATORY CARE BOARD

Angelique Thompson v. Respiratory Care Board	07 RCB 1176	Gray	03/13/08	23:01 NCR 153
--	-------------	------	----------	---------------

DEPARTMENT OF REVENUE

Parker Bark Company Inc. v. Department of Revenue	08 REV 1228	Overby	06/17/08	
Deandra A. Scott v. Department of Revenue	08 REV 1180	Overby	07/01/08	
Goretty Williams v. Department of Revenue	08 REV 1227	Overby	07/08/08	
Anthony Chad Bynum v. Department of Revenue	08 REV 1268	Overby	07/09/08	
Gyandendra Bam v. Dept. of Revenue	08 REV 2564	Joseph	01/08/09	

OFFICE OF SECRETARY OF STATE

Richard C Garrard Jr. v. NC Department of Secretary of State	07 SOS 2080	Brooks	09/12/08	
Bennett Jeffrey Packer v. North Carolina Department of The Secretary of State	07 SOS 2241	May	06/09/08	
Hope Taylor (formerly Taylor-Guevara) v. North Carolina Department of The Secretary of State	07 SOS 2280	Joseph	05/21/08	
Lisa F. Jarvis v. SOS, Notary Division	08 SOS 0074	Webster	11/06/08	

CONTESTED CASE DECISIONS

Robert C Garrard Jr. v. NC Department of Secretary of State	08 SOS 0523	Brooks	09/12/08
Wendy Branch Miller v. SOS	08 SOS 1018	Lassiter	07/14/08
Helen R. Carpenter v. SOS	08 SOS 1326	May	10/08/08
Vickie M. Jackson v. SOS	08 SOS 1784	Gray	10/27/08

UNC HOSPITALS

Deborah A. Fearrington v. UNC Hospitals, Patient Account Services	07 UNC 2248	Webster	11/05/08
Charity Smith v. UNC Hospitals	08 UNC 0533	Gray	07/28/08
Jimmy L. Holder v. UNC Hospitals	08 UNC 0589	May	07/29/08
Bobby and Robin Wilson v. UNC Hospitals	08 UNC 0595	May	09/11/08
Christine Gwyn v. UNC Hospitals	08 UNC 0734	May	09/11/08
Barbara C. King v. UNC Hospitals	08 UNC 0805	May	07/29/08
Eva Kali Green v. UNC Hospitals	08 UNC 0841	May	09/22/08
Kaprina Wells v. UNC Hospitals	08 UNC 0860	Gray	07/28/08
Rolie Adrienne Webb "Andi" v. UNC Hospitals	08 UNC 0881	Gray	06/11/08
Marcus M. McCullers v. UNC Hospitals	08 UNC 0928	Gray	07/30/08
Satarah K. Latiker v. UNC Hospitals	08 UNC 0952	May	08/21/08
Mary C. Gessell v. UNC Hospitals	08 UNC 0981	Joseph	09/18/08
Richard and Amy Whitt v. UNC Hospitals	08 UNC 1048	May	08/15/08
John G Sell v. UNC Hospitals	08 UNC 1334	Joseph	08/26/08

WELL CONTRACTORS CERTIFICATION COMMISSION

Charles P. Pool v. Well Contractors Certification Commission	08 WCC 0514	Gray	07/15/08
--	-------------	------	----------

WILDLIFE RESOURCES COMMISSION

Lisa Roddy v. Wildlife Resources Commission	08 WRC 0970	Brooks	06/24/08
Rickey Dale Logan	08 WRC 1229	Lassiter	07/28/08