

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please include the name of each rule in Box 2 on the Submission for Permanent Rule Form.*

*Please format all introductory statements in accordance with 26 NCAC 02C .0404.*

*Please include the new effective date at the bottom of the History Note of each rule.*

*An example of a rule with correct introductory statements and history notes can be found at <https://files.nc.gov/ncoah/documents/Rules/Examples---Permanent-Amendment-For-Publication-In-The-Ncac.pdf>.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1001 is proposed for amendment as follows:

**SECTION .1000 - ~~DUPONT STATE FOREST~~ FORESTS**

**02 NCAC 60B .1001 SCOPE**

(a) This ~~section~~ Section coordinates the use of ~~all the North Carolina's~~ Carolina Forest Service's State ~~Forests and~~ Forests, State Recreational Forests, and Educational State Forests. ~~Forests into one combined set of rules. This is in~~  
~~In~~ keeping with the ~~Division of North Carolina Forest Resources~~ Service's mission to ~~develop, protect and protect,~~  
~~manage the multiple~~ manage, and promote forest resources ~~of North Carolina's forests through professional~~  
~~stewardship, enhancing for the quality of life for our citizens while ensuring the continuity of these vital resources.~~  
~~Educational State Forests and other~~ citizens of North Carolina, each State Forest, State Recreational Forest, and  
Education State Forest shall have a mission statement and shall be managed sustainably. State Forests will each have  
~~a mission statement and will be sustainably managed under a State Forest Management Plan.~~  
(b) ~~All North Carolina Educational State Forests and State Forest rules~~ Rules of this Section are effective within and  
~~upon the properties defined as Educational State Forests and all~~ State Forests, State Recreational Forests, and  
Educational State Forests. Forests under the jurisdiction of the Department.

*History Note: Authority G.S. 106-22; 106-870; 106-877;*  
*Eff. November 1, 2009;*  
*Transferred from 15A NCAC 09C .1228 Eff. May 1, 2012;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*  
*19, 2015.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1002

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Item (12), what is "this"? I'm not sure that I understand the reference to the ADA here.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1002 is proposed for amendment as follows:

## **02 NCAC 60B .1002      DEFINITIONS OF TERMS**

As used in this ~~Rule~~ Section the following terms have the following meanings:

- (1) "Bike Trail" means any road or trail maintained for bicycles.
- (2) "Bridle Trail" means any road or trail maintained for persons riding on horseback.
- (3) ~~"Commissioner" means the Commissioner of the North Carolina Department of Agriculture and Consumer Services.~~
- ~~(3) (4)~~ (4) "Department" means the ~~NC~~ North Carolina Department of ~~Environment~~ Agriculture and Natural Resources. ~~Consumer Services.~~
- ~~(4)~~ (4) "Division" means the ~~NC Division of Forest Resources.~~
- (5) "Educational State Forest" refers to any ~~state forest~~ State Forest property operated by the North Carolina Forest Service ~~Division of Forest Resources~~ for the purpose of educating schoolchildren and the public.
- (6) ~~"Emergency Aircraft" means aircraft operated by an emergency response agency.~~
- ~~(6) (7)~~ (7) "Forest Supervisor" means an employee of the ~~Division of North Carolina Forest Resources Service~~ who is a forest supervisor and provides supervision to other ~~DFR~~ North Carolina Forest Service employees of the forest.
- ~~(7) (8)~~ (8) "Group" means a number of individuals related by a common factor, having structured organization, defined leadership, and activities directed by a charter or written bylaws.
- ~~(8) (9)~~ (9) "Hiking Trail" means any road or trail maintained for pedestrians.
- ~~(9) (10)~~ (10) "Multi-use Trail" means any road or trail maintained for use by the following: horseback riding, bicycle or pedestrian, riding, and hiking or other foot traffic.
- ~~(10) (11)~~ (11) "Hunting" means the lawful hunting of game animals as defined by the ~~N.C.~~ North Carolina Wildlife Resources Commission.
- ~~(11) (12)~~ (12) "Motorized vehicle" means ~~every any~~ vehicle which is self-propelled, or which is pulled by a self-propelled ~~vehicle, vehicle (such such as a camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper, camper).~~ A self-propelled vehicle shall ~~include include, but is not limited to~~ passenger automobiles, mopeds, off-road vehicles (ORV), golf carts, motorcycles, mini-bikes, all-terrain vehicles, Segways, 2 or 3 wheeled personal transporters, battery assisted bicycles (E-Bikes), and go-carts. This does not include accommodations made in accordance with the Americans with Disabilities Act of 1990 and Chapter 168A of the North Carolina General Statutes. ~~motorized wheel chairs or other similar vehicles designed for and used by persons with disabilities. (G.S. 20-4.01)~~
- (13) "Registered Motor Vehicle" is any vehicle that has been legally registered and tagged from a state department of motor vehicles or department of transportation.

- (12) (14) "Permit" means any written license issued by or under the authority of the ~~Division of North~~  
Carolina Forest Service or Department permitting the performance of a specified act or acts.
- (13) (15) "Permittee" means any person, corporation, ~~company~~ company, or association in possession of a  
valid permit.
- (14) (16) "Person" means any individual, firm, partnership, corporation, company, association, public or  
private institution, political subdivision, or government agency. ~~(G.S. 113-60.22(4))~~
- (15) (17) "Public building" means a climate-controlled structure primarily for human habitation or use, and  
does not include barns, ~~shelters~~ shelters, or sheds.
- (16) (18) "Public nudity" means a person's intentional failure to cover with ~~an a fully~~ opaque covering the  
person's genitals, pubic area, anal area, or areola on female breasts except for breastfeeding below  
~~a point from the top of the areola~~ while in a public place.
- (19) "State Recreational Forest" is a State Forest designation that refers to any State Forest property  
operated by the North Carolina Forest Service primarily for natural resource preservation, scenic  
enjoyment and recreational purposes, while also managing for the purposes of education,  
demonstration, training, forest research, wildlife habitat, and forest products, including the DuPont  
State Forest.
- (17) (20) "Rock climbing" means traversing a rock face that is steep enough to require the use of hands and  
feet to get up or down.
- (18) "Secretary" ~~means the Secretary of the Department.~~
- (19) (21) "State Forest" means any land owned by the State of North Carolina, under the jurisdiction of the  
~~Division of North Carolina Forest Service, Forest Resources,~~ that is ~~sustainably~~ managed ~~under a~~  
~~State Forest Management Plan approved by the Division Director~~ for the purposes of education,  
demonstration, training, forest research, wildlife habitat, forest products and recreation. ~~recreation~~  
~~as identified in the approved forest management plan.~~
- (20) "State Forest Management Plan" ~~is a plan prepared by a forester of the N.C. Division of Forest~~  
~~Resources and approved by the Division Director. Such plan shall include management practices to~~  
~~ensure forest productivity and environmental protection of the land to be treated under the~~  
~~management plan.~~
- (21) "Swimming area" ~~means any beach or water area designated by the Division as a swimming, wading~~  
~~and bathing area.~~

*History Note: Authority G.S. 106-22; ~~106-900~~; 106-877; 106-887; 143-116.8;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1229 Eff. May 1, 2012;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September  
19, 2015.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1003

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Are the approval standards for the applications set forth elsewhere in rule or statute? I assume that the approval standards will depend on what type of permit is being sought?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1003 is proposed for amendment as follows:

**02 NCAC 60B .1003 PERMITS**

(a) Any violation of ~~the~~ a permit constitutes grounds for its revocation by the Department. In case of a permit revocation the permit holder shall forfeit to the Department all ~~money monies paid~~ for the permit. Furthermore, the ~~department~~ Department shall consider the permit holder, together with ~~his~~ the permit holder's agents and employees who violated such terms, jointly and severally liable to the Department for all damages suffered in excess of money so forfeited. However, neither the forfeiture of such money, nor the recovery of such damages, ~~nor both~~, relieves such ~~person~~ persons from statutory punishment for any violation of a ~~provision of any State Forest, State Recreational Forest, or Educational State Forest rule. Forest, State recreational forest, or Educational State Forest rule.~~

(b) Applications for ~~commercial use~~ permits shall be ~~made through~~ submitted to the ~~State North Carolina Forest Service's Forest, Recreational State Forest, or Educational State Forest~~ office during business ~~hours, hours.~~ Applications which may be found at <http://www.ncesf.org/>, <https://ncforestservice.gov/>, and approved by the Forest Supervisor or his or her designee in advance of the act permitted. The ~~commercial use~~ permit application shall include the company or organization name, address, contact with title, phone number, ~~fax number~~, email address, description of the activity or the event with the location to be permitted, access areas to be used, timeframe of the activity or event, estimated number of participants, liability insurance, and medical plan. Applications shall be approved by the Forest Supervisor or designee in advance of the act permitted.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1230 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1004 is proposed for amendment as follows:

**02 NCAC 60B .1004      ROCK OR CLIFF CLIMBING AND ~~REPELLING~~ RAPPELLING**

A person shall not engage in rock climbing, cliff climbing, or rappelling within the boundaries of a ~~state forest, State recreational forest, or Educational~~ State Forest, State Recreational Forest, or Educational State Forest except at designated areas and only after obtaining a permit.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1231 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018*



02 NCAC 60B .1005 is proposed for amendment as follows:

**02 NCAC 60B .1005 BATHING OR SWIMMING**

(a) A person shall not ~~dive~~ dive, jump, or jump slide from any waterfalls or rocks or overhangs into any body of ~~water.~~ water within any State Forest, State Recreational Forest, or Educational State Forest.

(b) ~~A person shall not wade, bathe, or swim in any body of water in an Educational State Forest, except in designated swimming areas.~~

(c) ~~A person may wade, bathe, or swim at his or her own risk in any body of water in any State Forest, except within 300 feet upstream of the top of a waterfall, and in other designated non-swimming areas.~~ Wading, bathing, and swimming is allowed at a person's own risk in any body of water in and upon any State Forest, State Recreational Forest, or Educational State Forest, except such activities are prohibited within 300 feet upstream of the top of a waterfall or areas designated as non-swimming.

**(d) (c) Public Nudity:**

(1) ~~Public nudity is prohibited in~~ and upon all State Forest, ~~State Recreational Forest,~~ State Recreational Forest, and Educational State Forest lands or waters. This Rule does not apply to the enclosed portions of bathhouses, restrooms, tents, and recreational vehicles.

(2) ~~Children under the age of five are exempt from this restriction.~~

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1232 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018*

02 NCAC 60B .1006 is proposed for amendment as follows:

**02 NCAC 60B .1006        HUNTING**

(a) ~~A person shall not hunt on any Educational State Forest lands without obtaining a permit and must obey all State hunting laws set forth in G.S. 113 and rules in effect.~~ Hunting in and upon all State Forests, State Recreational Forests, and Educational State Forests shall be by permit, license, or stamp only, or a combination thereof, depending on the requirements of the individual State Forest, State Recreational Forest, or Educational State Forest. Interested parties shall contact the State Forest office, State Recreational Forest, or Educational State Forest in question. The contact and additional information for each State Forest, State Recreational Forest, or Educational State Forest office can be found at <https://www.ncforestservice.gov/>.

(b) A person hunting in and upon State Forests, State Recreational Forests, or Educational State Forests under the Game Lands Program ~~may hunt on a State Forest or State recreational forest that is in the Game Land program if the person obtains~~ shall first obtain a Game Land permit from a ~~NC~~ North Carolina Wildlife Resources Commission designated licensing agent and ~~shall obey~~ obeys all State hunting laws set forth in ~~G.S.~~ Chapter 113 of the North Carolina General Statutes and rules in effect for the applicable Game Land, pursuant to 15A NCAC 10D .0102 and ~~.0103, .0103, which are incorporated by reference including subsequent amendments, and may be accessed free of charge at~~ <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2010%20-%20wildlife%20resources%20and%20water%20safety/subchapter%20d/subchapter%20d%20rules.html>.

(c) For State Forests, State Recreational Forests, and Educational State Forests that are not in the Game Lands Program, hunting shall be allowed only if a person first obtains a permit from the Forest Supervisor's office and complies with all State hunting laws and rules in effect, including Chapter 113 of the North Carolina General Statutes and 15A NCAC 10D .0102 and .0103.

*History Note:     Authority G.S. 106-22; 106-870; 106-877; 106-887;  
                         Eff. November 1, 2009;  
                         Transferred from 15A NCAC 09C .1233 Eff. May 1, 2012;  
                         Readopted Eff. April 1, 2018.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1007

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Just to be clear, in order to fish, would a person need a permit? It looks to me that G.S. 106-877(b) requires a permit. I assume from WRC? If that's correct, please use similar language for fishing as you've used for hunting in .1006.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1007 is proposed for amendment as follows:

**02 NCAC 60B .1007 FISHING**

~~(a) Except in areas designated as non-fishing, A~~ a person may fish in any waters in State Forests, State Recreational Forests, or Educational State Forests ~~Forests or State recreational forests if the person obeys all State fishing laws as set forth in G.S. 113.~~

~~(b) A person may fish in any waters of any Educational State Forest if the person first obtains a permit from the Forest Supervisor's office and provided the person~~ obeys all State fishing laws as set forth in ~~G.S. 113. Chapter 113 of the~~ North Carolina General Statutes.

*History Note Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1234 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1008

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (d), what is considered to be a threat or nuisance? Who is to remove the animal? The owner?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1008 is proposed for amendment as follows:

**02 NCAC 60B .1008      ANIMALS AT LARGE**

(a) ~~Except in designated areas, no~~ No person shall have any dog, cat, or other pet upon a State Forest, State Recreational Forest, or Educational State Forest unless the animal is on a physical leash and under the control of the owner or ~~some other person.~~ person possessing the animal.

(b) Hunting dogs used in accordance with ~~NC~~ North Carolina Wildlife Commission Game Land Rules pertaining to State Forests pursuant to 15A NCAC 10D .0102 and .0103 shall be exempt from Paragraph (a) of this Rule.

~~(b)~~ (c) No dog, cat, or other pet shall be allowed to enter any public building on State Forests, State Recreational Forest, or Educational State Forest, or designated swimming areas, except ~~assistance~~ service animals for persons with disabilities in accordance with the Americans with Disabilities Act of 1990 and Chapter 168 of the North Carolina General Statutes, as set forth in G.S. 14-163.1.

(d) Any owned animal or pet causing a threat or nuisance within any State Forest, State Recreational Forest, or Educational State Forest shall be removed.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1235 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1009 is proposed for amendment as follows:

**02 NCAC 60B .1009      BOATING**

(a) ~~A person shall not operate a boat, canoe, kayak, or other watercraft in any waters on Educational State Forests without obtaining a permit.~~

~~(b) Except in areas designated as non-boating,~~ Boats, boats, canoes, kayaks, or and other watercraft ~~watercraft, including flotation devices, may shall be operated~~ allowed ~~on the waters of State Forests, State Recreational Forests, and Educational State Forests, Forests or State recreational forests,~~ provided they are operated or propelled by means of oars, paddles, or electric trolling motors.

~~(b) Boats and other watercraft with gas motors attached are prohibited on any waters of State Forests and Educational State Forests, State Recreational Forests, and Educational State Forests, except for use by rescue squads, diving teams, or similar organizations conducting training or emergency operations or by the Department or the North Carolina Wildlife Resources Commission. operations, or forest staff conducting maintenance operations~~

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1236 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1010 is proposed for amendment as follows:

**02 NCAC 60B .1010      CAMPING**

(a) No person shall spend the night or maintain a camp in a State ~~Forest,~~ Forest, State Recreational Forest, State recreational forest, or Educational State Forest, except in designated areas or under permit.

(b) A person camping in a designated area shall not stay more than one 24-hour period without a valid permit.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1237 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*



02 NCAC 60B .1011 is proposed for amendment as follows:

**02 NCAC 60B .1011      SPORTS AND GAMES**

No games or athletic contests shall be allowed in a State ~~Forest, Forest, State Recreational Forest, State recreational forest,~~ or Educational State Forest, except in ~~places as may be designated~~ places or under permit.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1238 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018*

02 NCAC 60B .1012 is proposed for amendment as follows:

**02 NCAC 60B .1012 HORSES**

(a) ~~In a State Forest, State recreational forest, or Educational State Forest, no~~ No person shall use, ride, or drive a horse except to, from, or along a designated bridle path, multi-use trail designated for ~~horses~~ horses, or designated watering point.

(b) Each ~~equestrian user~~ person bringing a horse in or upon any State Forest, State Recreational Forest, or Educational State Forest shall remove from designated parking ~~areas,~~ sidewalks, covered bridges, paved surfaces, and wooden surfaces all ~~residues~~ residues, including manure, (including manure) generated by ~~his or her~~ their horse.

(c) ~~When dismounted, horses shall be tied in such a manner as to prevent damage to trees and other plants. Anytime a horse is constrained in a State Forest, State Recreational Forest, or Educational State Forest, it shall be done in a manner so as to prevent damage to trees or plants nearby.~~

(d) Horses shall ~~not be steered or led across~~ cross rivers and streams using ~~bridges or culverts if available.~~ preexisting crossings along designated trails.

(e) Horses shall not be allowed to wade in lakes.

(f) ~~Equestrian users~~ A person bringing a horse in or upon any State Forest, State Recreational Forest, or Educational State Forest shall possess valid negative Equine Infectious Anemia test, also known as a Coggins ~~papers~~ test for each horse and make them available for inspection upon ~~request.~~ request by North Carolina Forest Service employees or employees of the Department.

(g) No horse-drawn carts, carriages, or other apparatus shall be allowed in or upon State Forests, State Recreational Forests, or Educational State Forests except by permit.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1239 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1013 is proposed for amendment as follows:

**02 NCAC 60B .1013      BICYCLES**

(a) ~~In a State Forest, State recreational forest, or Educational State Forest, no~~ No person shall use or ride a bicycle in or upon State Forest, State Recreational Forest, or Educational State Forest grounds except on a road or trail authorized for public use by motor vehicles or designated as a ~~bicycle~~ bike trail or multi-use trail.

(b) ~~When crossing~~ Persons riding bicycles shall cross rivers or and streams streams, bicycle use shall be confined to bridges or culverts if available using preexisting crossings along designated trails.

(c) Motorized bicycles or battery assisted bicycles, also known as E-Bikes, are allowed only on motor vehicle roads open to public vehicular traffic and not allowed on bike trails, bridle trails, hiking trails, or multiuse trails.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1240 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1014 is proposed for amendment as follows:

**02 NCAC 60B .1014 SKATES, BLADES AND BOARDS**

No person shall use or ride roller skates, in-line skates, roller blades, ~~skate boards,~~ skateboards, or any similar device ~~on in or upon~~ any State Forest, State Recreational Forest, ~~State recreational forest,~~ or Educational State Forest. ~~Forest road or trail.~~

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1241 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1015 is proposed for amendment as follows:

**02 NCAC 60B .1015      EXPLOSIVES**

No person shall carry or possess any explosives or explosive substances including fireworks in or upon State Forests,  
State Recreational Forests, or Educational State Forests. ~~Forests, State recreational forests, or Educational State~~  
~~Forests. This does not apply to employees of the department Department when they engage in construction or~~  
~~maintenance activities.~~

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;*  
*Eff. November 1, 2009;*  
*Transferred from 15A NCAC .1242 Eff. May 1, 2012;*  
*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1017 is proposed for amendment as follows:

**02 NCAC 60B .1017 FIRES AND GRILLS**

(a) No person shall build or start a fire in any area of a State ~~Forest, Forest, State Recreational Forest, State recreational forest,~~ or Educational State Forest, unless that area is designated for such purpose.

(b) Tree planters and logging crews may build warming fires if they obtain a permit and confine the fire to an area designated for such purpose.

(c) ~~Fires ignited for forest management purposes under the provisions of a prescribed~~ Prescribed burning plan as defined in G.S. 106-966, ~~conducted by the North Carolina Forest Service or approved by the North Carolina Forest Supervisor or his or her designee, are~~ Service pursuant to G.S. 106-966 is exempt from this Rule.

(d) Except in designated areas, cooking fires, grills, ovens, stoves, burners, or other devices that ignite natural gas or other petroleum products are prohibited. Likewise, the burning of wood, charcoal or paper is also prohibited except in designated areas.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1244 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1018 is proposed for amendment as follows:

**02 NCAC 60B .1018        DISORDERLY CONDUCT**

(a) No person visiting ~~on~~ a State ~~Forest, State Recreational Forest, Forest, State recreational forest,~~ or Educational State Forest shall disobey a lawful order of a ~~Division employee, Forest Ranger,~~ law enforcement officer, or any other Department official or endanger him or herself or endanger or disrupt others, as defined in G.S. 14-~~288.4, 14-288.4~~ and G.S. 14-132.

(b) No person shall use, walk, or run on or along a road or trail that is designated closed for maintenance, tree removal or any other purpose, ~~or nor shall they~~ enter an area that is designated "No Entry," "Do Not Enter," or "Authorized Personnel Only," except for ~~Division North Carolina Forest Service employees or employees,~~ contractors working under the direction of a ~~Division the North Carolina Forest Service, employee, volunteers~~ volunteers under the direction of the North Carolina Forest Service, or and individuals or groups under permit, permit, and at such places ~~and for such periods as may be designated in order to protect public safety, peace, or natural resources.~~

*History Note:     Authority G.S. 106-22; 106-870; 106-877; 106-887;  
                         Eff. November 1, 2009;  
                         Transferred from 15A NCAC 09C .1245 Eff. May 1, 2012;  
                         Readopted Eff. April 1, 2018.*

02 NCAC 60B .1019 is proposed for amendment as follows:

**02 NCAC 60B .1019        INTOXICATING BEVERAGES AND DRUGS**

(a) No person shall possess, consume, use, or be under the influence of intoxicants, any malt beverage, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101, while in or upon a State Forest, State Recreational Forest, or Educational State Forest.

(b) No person shall possess, consume, use, or be under the influence of any non-prescribed controlled substance as defined in G.S. 90-87, including marijuana, or non-prescribed narcotic drugs as defined in G.S. 90-87, while on in or upon a State Forest, State Recreational Forest, Forest, Recreational State Forest, or Educational State Forest. The public display or use of alcoholic beverages, marijuana or non-prescribed narcotic drugs is prohibited.

*History Note:        Authority G.S. 106-22; 106-870; 106-877;  
                              Eff. November 1, 2009;  
                              Transferred from 15A NCAC 09C .1246 Eff. May 1, 2012;  
                              Readopted Eff. April 1, 2018.*



02 NCAC 60B .1020 is proposed for amendment as follows:

**02 NCAC 60B .1020      DAMAGE TO BUILDINGS, STRUCTURES AND SIGNS**

No person shall injure, deface, disturb, destroy, or disfigure any State ~~Forest, State Recreational Forest, Forest, State recreational forest,~~ or Educational State Forest building, structure, sign, fence, vehicle, machine, ~~or any equipment,~~ road, parking lot, or any improvements. ~~equipment.~~

*History Note:      Authority G.S 106-22; 106-870; 106-877; 106-887;*  
*Eff. November 1, 2009;*  
*Transferred from 15A NCAC 09C .1247 Eff. May 1, 2012;*  
*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1021 is proposed for amendment as follows:

**02 NCAC 60B .1021      COMMERCIAL ENTERPRISES**

(a) No person shall ~~shall, while in or on a State Forest, or Educational State Forest,~~ sell or offer for sale, hire or lease, any object or merchandise, property, privilege, service or any other thing, or engage in any business ~~except under permit. Sales from which proceeds are used in support of the forest or sales conducted or contracted by the Department are exempt from this Rule.~~ in or upon a State Forest, State Recreational Forest, or Educational State Forest except under permit.

(b) Sales by the Department or sales that are contracted by the Department or by an entity that is under agreement with the Department are exempt from this Rule.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1248 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1022

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is considered "annoying, disturbing, or frightening to a reasonable person"?  
Is there a reason that you changed the language from a specific decibel and distance?  
As written, this appears to be unclear.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1022 is proposed for amendment as follows:

**02 NCAC 60B .1022 NOISE REGULATIONS**

The production or emission of ~~noises~~ noises, speech, music, or other sound, that is annoying, disturbing, or frightening to a reasonable person ~~over the level of 85 decibels, at a distance of 10 feet, on~~ in or upon a State Forest, State Recreational Forest, or Educational State Forest ~~Forest, State recreational forest, by a person or Educational State Forest~~ animal under the control of a person is prohibited.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. December 1, 2009;  
Transferred from 15A NCAC 09C .1249 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1024 is proposed for amendment as follows:

**02 NCAC 60B .1024 ALMS AND CONTRIBUTIONS**

A person shall not solicit contributions for any purpose ~~within~~ in or upon a State ~~Forest, Forest, State Recreational Forest, or Educational State Forest, State recreational forest, or Educational State Forest,~~ unless permitted by the ~~Division~~ Department and such contributions are used to benefit the ~~State Forest, State recreational forest, or Educational State Forest.~~ Forest, State Recreational Forest, or Educational State Forest.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1251 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1025 is proposed for amendment as follows:

**02 NCAC 60B .1025 AVIATION**

(a) Except as provided in Paragraphs (b) and (c) of this Rule, a person shall not voluntarily bring, land, or cause to descend or alight, ascend, or take off within or upon any State Forest, ~~State recreational forest, State Recreational Forest,~~ or Educational State Forest ~~or area~~ any airplane, flying machine, balloon, parachute, glider, hang glider, unmanned aerial vehicle ("UAV"), drones, or other apparatus for aviation. "Voluntarily" for this Rule means anything other than a forced landing.

(b) ~~In forest areas where~~ Where aviation activities are part of the planned forest activities or military, law enforcement, or rescue training, a permit for aviation use shall be required.

(c) ~~Emergency aircraft such as air ambulances~~ North Carolina Forest Service and ~~aerial search helicopters, and~~ Division emergency aircraft are exempt from this Rule.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1252 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1026 is proposed for amendment as follows:

**02 NCAC 60B .1026      EXPULSION**

For violation of any ~~rule in this Section, the Division~~ Rule in this Subchapter, Department law enforcement officers, other sworn law enforcement, or Forest Rangers shall withdraw the right of ~~a person or persons~~ the violator to remain on a ~~State Forest, State recreational forest, or Educational State Forest.~~ Forest, State Recreational Forest, or Educational State Forest, and shall verbally direct the violator to leave the premises. If the violator does not or is not able to comply, then the violator shall be escorted off the premises.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887; 106-898; 106-900;  
Eff. December 1, 2009;  
Transferred from 15A NCAC 09C .1253 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1027 is proposed for amendment as follows:

**02 NCAC 60B .1027      MOTORIZED VEHICLES**

(a) ~~A person shall not drive a motorized vehicle in a State Forest, State recreational forest, or Educational~~ Motorized vehicles shall not be operated in or upon a State Forest, State Recreational Forest, or Educational State Forest within or upon a safety zone, hiking trail, bike trail, bridle trail, multi-use trail, fire trail, service road, or any part of the forest not designated for such purposes, except by permit.

(b) ~~Motor bikes, mini bikes, all terrain vehicles, and any other unlicensed motor vehicle are prohibited within the forest except by permit.~~ Emergency responders and construction or service vendors are exempt from Paragraph (a) of this Rule.

(c) ~~A person shall not park a motorized vehicle in a manner that blocks forest roads or gates. Unless otherwise posted, the speed limit on graveled forest roads is 20 miles per hour, hour on graveled forest roads and on dirt roads is 10 miles per hour.~~ hour on dirt forest roads.

(e) ~~Vehicles exempt from this Rule are: Department vehicles, authorized vendors, vehicles used in conjunction with forest and emergency operations, and vehicles of employees and resident family members.~~

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887; 143-116.8;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1254 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1028

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please change (c) to say "no person shall use a metal detector... without a permit."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1028 is proposed for amendment as follows:

**02 NCAC 60B .1028      FLOWERS, PLANTS, MINERALS, ETC.**

(a) A person shall not remove, destroy, cut down, scar, mutilate, take, gather, or injure any tree, flower, artifact, fern, shrub, rock, fungi, or other plant or mineral in or upon any ~~State Forest, State recreational forest, or Educational State Forest~~ Forest, State Recreational Forest, or Educational State Forest. ~~area. Silvicultural activities performed in accordance with an approved State Forest Management Plan are exempt from this Rule.~~

(b) A person shall not collect plants, animals, minerals, fungi, or other artifacts from any State Forest, State Recreational Forest, ~~State recreational forest~~, or Educational State Forest ~~area~~ without first having obtained a permit from the Forest Supervisor or designee.

(c) The use of metal detectors on a State Forest, State Recreational Forest, or Educational State Forest is prohibited without a permit.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1255 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1029 is proposed for amendment as follows:

**02 NCAC 60B .1029 TRASH AND DEBRIS**

(a) A person shall not deposit paper or plastic products, bottles, cans, or any other refuse, or debris in or upon a ~~State Forest, State recreational forest, or Educational State Forest,~~ Forest, State Recreational Forest, or Educational State Forest except in receptacles designated for the materials. Where trash receptacles are not provided, persons shall ~~pack~~ take their trash out of the forest.

(b) No one shall dispose of household or business trash or garbage in any State Forest, State Recreational Forest, or Educational State Forest.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;*

*Eff. November 1, 2009;*

*Transferred from 15A NCAC 09C .1256 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1030

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is (a) referring to the amount of the fee? Please add "The required: at the beginning of (a).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021

02 NCAC 60B .1030 is proposed for amendment as follows:

### **02 NCAC 60B .1030 FEES AND CHARGES**

(a) ~~The following fee schedule shall apply at DuPont State Recreational Forest and the Community Building at Jordan Lake Educational State Forest:~~

~~(1) CAMPING.~~

~~(A) Primitive, unimproved campsite with portable toilets and fresh water available, \$9.00 per campsite, daily.~~

~~(B) Primitive group tent camping, unimproved campsite with portable toilets, \$1.00 per person, daily, with \$9.00 minimum.~~

~~(C) Improved group camping with water, restrooms and shower facilities available, \$40.00 per day, and maximum capacity of 35 people.~~

~~(2) PICNIC SHELTER RENTALS.~~

~~(A) Are by reservations only.~~

~~(B) Rate: 1-2 tables, \$25.00; 3-4 tables, \$40.00; 5-8 tables, \$60.00.~~

~~(3) CLASSROOM OR COMMUNITY BUILDING (DuPont State Recreational Forest and Jordan Lake Educational State Forest).~~

~~(A) Fee may be waived for government agencies and natural resource related non-profit groups.~~

~~(B) Rates: One half day, \$75.00; Full day, \$150.00.~~

~~(4) EQUESTRIAN FACILITIES.~~

~~(A) Barn or paddocks (fee may be waived for volunteer work groups), \$10.00 per horse, daily.~~

~~(B) Use is limited to non-profit groups and area summer camps.~~

~~(5) PERMITS FOR SPECIAL EVENTS. Permits for use of the forest for events involving large groups or special privileges and requiring staff assistance: Rate: \$1.00 per person plus the cost of staff time and equipment use involved in monitoring the permit.~~

~~(6) PERMITS FOR THE REMOVAL OF FIREWOOD, VEGETATIVE MATERIAL, ROCKS, ETC. Fees for these items are based on the value of the material as determined by local market conditions. Admission fees or related activity fees at State Forests, State Recreational Forests, and Educational State Forests, including permits, facility use, special events, or the removal of firewood or vegetative material, may be obtained online at <https://www.ncforestservice.gov/> or by contacting the office of each State Forest. The contact information for each State Forest, State Recreational Forest, and Educational State Forest may be found online at <https://www.ncforestservice.gov/>.~~

(b) ~~Payment of the appropriate fee~~ required fees shall be a prerequisite for the use of the public service facility or convenience provided.

(c) ~~Unless otherwise provided in this Rule, the~~ The number of persons camping at a particular site may be limited by the forest supervisor or designee depending upon the size of the group and the size and nature of the campsite.

(d) Reservations ~~must~~ shall be canceled 30 days prior to the event in order to receive a refund. ~~Permit~~ Activity fees are non-refundable.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887; 150B-1(d)(26)  
Eff. June 14, 2010;  
Transferred from 15A NCAC 09C .1257 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

02 NCAC 60B .1031 is proposed for amendment as follows:

**02 NCAC 60B .1031      HOURS OF OPERATION**

(a) Hours of operation ~~may vary for individual forests. Hours of operation~~ for each State Forest, State Recreational Forest, and State recreational forest, or Educational State Forest shall be posted at the forest entrance, the forest office, and on the ~~Division's North Carolina Forest Service's web site.~~ website at <https://www.ncforestservice.gov/>. Hours are subject to change depending on seasonal, emergency, and natural resource protection by the Forest Supervisor or designee.

(b) No person except ~~forest~~ Department employees and authorized persons shall be allowed ~~within~~ in or upon State Forests, State Recreational Forest, or Educational State Forest ~~the forest~~ between closing and opening hours except in designated areas or under permit.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;  
Eff. November 1, 2009;  
Transferred from 15A NCAC 09C .1258 Eff. May 1, 2012;  
Readopted Eff. April 1, 2018.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 60B .1032

**DEADLINE FOR RECEIPT: Friday, August 13, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 5, by "may", you mean "shall"?*

*Should GS 106-877 and 106-901 also be included as authority?*

*Just to confirm, this Rule is not conferring arrest powers onto forest rangers, it is only allowing for citations under GS 106-901 in accordance with GS 106-899(b)? Alternatively, is this Rule intended to those rangers also given full powers under GS 106-900?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 30, 2021



02 NCAC 60B .1032 is proposed for amendment as follows:

**02 NCAC 60B .1032      ENFORCEMENT**

Departmental ~~forest~~ law enforcement officers, ~~Forest Rangers, and other~~ sworn law enforcement, and Forest Rangers ~~enforcement~~ may enforce the rules of this Section.

*History Note:      Authority G.S. 106-22; ~~106-900;~~ 106-887; 106-897; 106-899; 106-900;*

*Eff. November 1, 2009*

*Transferred from 15A NCAC 09C .1259 Eff. May 1, 2012;*

*Readopted Eff. April 1, 2018.*

02 NCAC 60B .1033 is proposed for permanent rule adoption as follows:

**02 NCAC 60B .1033      PARKING**

(a) There shall be no parking in State Forest, State Recreational Forest, or Educational State Forest areas designated as “No Parking” and “Authorized Vehicles Only.” Additionally:

(1) vehicles shall be parked in areas designated for that vehicle type; and

(2) visitors shall not park a vehicle, trailer, or other object in a manner that blocks, or restricts access, ingress, or egress to a parking area, road, gate, or access point.

(b) Vehicles, trailers, or other objects blocking or restricting emergency or Department personnel or visitors’ access, ingress, or egress to any parking area, road, gate, or access point shall be removed at the owners’ expense and without notice.

(c) Vehicles parked in areas not designated for that vehicle type or in areas designated as “No Parking” or “Authorized Vehicles Only” shall be removed at the owners’ expense and without notice.

*History Note:      Authority G.S. 106-22; 106-870; 106-877; 106-887;*

02 NCAC 60B .1034 is proposed for permanent rule adoption as follows:

**02 NCAC 60B .1034 ABANDONED PROPERTY**

Any property left unattended for a period of 24 hours or more on a State Forest, State Recreational Forest, or Educational State Forest shall be considered abandoned property and shall be subject to removal at the owner's expense, or in the case ownership cannot be established, disposed of by the Department without notice.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;*

1 02 NCAC 60B .1035 is proposed for permanent rule adoption as follows:

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3 **02 NCAC 60B .1035 MINORS**

4 Parents, guardians, and custodians, of minor children shall ensure the minor comply with all North Carolina Forest  
5 Service rules.

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7 *History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;*

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02 NCAC 60B .1036 is proposed for adoption as follows:

**02 NCAC 60B .1036      FIREARMS**

All applicable federal, State, and local laws regarding firearms shall apply in or upon State Forests, State Recreational Forests, and Educational State Forests.

*History Note:      Authority G.S. 106-22; 106-870; 106-877;*