



☒ North Carolina Wildlife Resources Commission ☒

Gordon Myers, Executive Director

March 1, 2019

Mr. Garth K. Dunklin, Chairman
Rules Review Commission
c/o Amanda Reeder, Commission Counsel
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
amanda.reeder@oah.nc.gov
VIA MAIL AND ELECTRONIC MAIL

**Re: Request for Extension of Readoption Deadline for Period of Review of Rules
15A NCAC 10H .1201, .1202, .1203, .1204, .1205, .1206, and .1207**

Dear Chairman Dunklin:

The Wildlife Resources Commission (WRC) is requesting that the Rules Review Commission, pursuant to its authority under NCGS 150B-21.3A(d), grant a 12-month extension of the readoption deadline for the 15A NCAC 10H .1200 Rules, from December 31, 2019 to December 31, 2020.

The WRC has been working diligently over the past three years to meet the deadlines imposed by the periodic review process. At this point, the agency has successfully reviewed and accepted comments on 277 rules and has met all requirements in G.S. 150B-21.3A(c). Because the Commission understands the value and importance of evaluating its codified rules, the interest that the public has in many of the activities it regulates, and the impact of many rules on its constituency, the agency decided in 2017 to readopt all codified rules in Title 15A Chapter 10 of the North Carolina Administrative Code instead of just those classified as “necessary with substantive public interest.” From that point on, the WRC classified all rules as “necessary with substantive public interest” during Step 1 of the review process with full intentions to update and readopt all rules.

The seven rules addressed in this request were part of the 2016 periodic review rule package. These specific rules pertain to controlled fox hunting preserves, areas enclosed with a dog-proof fence on which foxes and coyotes may be hunted with dogs (G.S. 113-273(g)). Hunting on controlled fox hunting preserves is a highly controversial practice permissible by the NC General

Assembly and regulated by the WRC. All rules pertaining to this activity were determined by the agency to be “necessary with substantive public interest.” During the open public comment period required by G.S. 150B-21.3A(c), over 700 comments were received on the content of these rules.

In addition to the periodic review of rules, the WRC also amends, and updates rules related to hunting, fishing and trapping seasons and bag limits on an annual basis. Considering the workload created by this process and the requirements of the periodic review, the above-identified rules were scheduled for readoption by December 31, 2019.

Over the past three years, the WRC has learned from experience and evolved its methods and processes for rulemaking to include an enhanced public input/stakeholder process, especially when readopting or amending controversial rules. As such, for these particular rules, the agency sought a third-party evaluation of laws, regulations, and public perception surrounding controlled fox hunting preserves. While initially anticipated to be a 12-week project from contract award to final report, this project has taken the contractor almost 12 months to complete. Though the WRC believes that this extended process will yield a better and more useful product for rule revision, it also highlighted the need for a robust stakeholder process and public engagement piece that will help the agency create the most useful and comprehensive rules to license and set standards for the operation of these facilities.

The WRC remains dedicated and committed to the periodic review process and the agency is prepared to meet the readoption deadline agreed upon for the 10H .1200 rules if this request is not granted. However, in the interest of good policy and regulatory process and in the spirit of the periodic review laws, the 19 WRC Commissioners unanimously agreed at their February 2019 meeting that extending the readoption deadline by 12 months would help the agency better fulfill the mission of a transparent and inclusive process to create a more balanced and beneficial set of regulations for our constituents.

Based on the above, the WRC respectfully requests an extension of the readoption date for 15A NCAC 10H .1201, .1202, .1203, .1204, .1205, .1206, and .1207 to December 31, 2020. If you have any questions, please do not hesitate to contact the WRC Executive Director, Gordon Myers at gordon.myers@ncwildlife.org or (919)707-0151, or the agency Rulemaking Coordinator, Carrie Ruhlman at carrie.ruhlman@ncwildlife.org or (919) 707-0011.

Sincerely,

A handwritten signature in black ink, reading "John T. Coley, IV". The signature is written in a cursive, flowing style with a long, sweeping underline.

John T. Coley, IV, Chairman
Wildlife Resources Commission