

STEVE TROXLER
COMMISSIONER



CHRISTINA
WAGGETT
Federal Liaison

State of North Carolina
Department of Agriculture and Consumer Services
Raleigh

December 29, 2016

Ms. Abigail Hammond
Commission Counsel
Rules Review Commission
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Dear Abigail:

This letter is in regards to the readoption of rules identified as "Necessary with Substantive Public Interest" in 02 NCAC 59 and 60 pursuant to G.S. 150B-21.3A(c)(2)(g). We would like to formally request an extension of the readoption date for the above mentioned rules. These rules are currently in the process of readoption, but due to several circumstances, they will not be adopted by the Soil and Water Conservation Commission (02 NCAC 59) or the North Carolina Board of Agriculture (02 NCAC 60) by the March 31st deadline as initially agreed upon.

The Rules in 02 NCAC 59 were published in the NC Register on July 1, 2016 with a public comment period that ran through August 30, 2016. The Soil and Water Conservation Commission received six different comments with many pages of suggestions. The Commission has reviewed the comments and have determined that the majority have merit and need to be incorporated into the Rules. The Commission is currently working with their partners to re-write portions of the Rules to satisfy the comments. This process will more than likely result in the need for republication and therefore, the Commission will miss the deadline for final adoption by March 31st, 2017.

In addition, North Carolina Forest Service staff have reviewed the Rules for readoption in 02 NCAC 60. However, the wildfires in Western NC put a heavy burden on all North Carolina Forest Service Staff for a large portion of time in October and November. Therefore, we were unable to have a completed review by our November 16th Board of Agriculture meeting in order to begin the rulemaking process. Further, after review of the Rules, we found instances where the General Statute references another agency and not the Department of Agriculture and Consumer Services. We will need more time to start the rulemaking process and approach the General Assembly about the statutory changes.

We respectfully ask for an extension for the rules in 02 NCAC 59 with a new date of August 31, 2017, allowing us time to republish and adopt at a regularly scheduled Commission meeting. We also respectfully ask for an extension through the end of the year for the rules in 02 NCAC 60. This would allow proper time for legislative changes to be made to the statutory authority. Therefore, the new date would be December 31, 2017.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Christina L. Waggett". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Christina L. Waggett
Federal Liaison/
Rulemaking Coordinator