



**North Carolina Department of Natural and Cultural Resources
Office of the Secretary**

Governor Roy Cooper

Secretary Susi H. Hamilton

February 20, 2018

VIA ELECTRONIC MAIL ONLY

Garth K. Dunklin, Chair
North Carolina Rules Review Commission
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6700
oah.rules@oah.nc.gov

Re: Request for Waiver of Filing Deadline for the Periodic Review and Expiration of Existing Rules Reports for 07 NCAC 13A, 13B, 13C, 13D, 13F, 13G, and 13I


Dear Mr. Dunklin:

Pursuant to 26 NCAC 05 .0204, the Department of Natural and Cultural Resources (DNCR) requests an extension of the filing deadline established by 26 NCAC 05 .0203(c) for submitting the above-referenced Periodic Review and Expiration of Existing Rules Reports. The reports were filed today, three business days after the February 15, 2018 deadline. DNCR requests they can be reviewed by the Commission as scheduled at the Commission's March meeting.

DNCR's previous rule-making coordinator departed DNCR in October 2017. Another DNCR attorney who was intended to become the Department's rule-making coordinator subsequently accepted another position and left DNCR in late November 2017. I designated DNCR General Counsel Phillip H. Feagan as interim rule-making coordinator on December 18, 2017, prior to the December 20, 2017 filing deadline for an unrelated rule. Our timing was unfortunate; it appears that reminders from Commission staff regarding the February 15, 2018 deadline were sent to the email addresses of our previous DNCR employees on November 15 and December 15, 2017, before Mr. Feagan's designation. Counsel to the Commission notified Mr. Feagan of the missed deadline yesterday afternoon, and I approved the final determinations today.

DNCR regrets the missed deadline in this matter, and respectfully asks that the Commission consider the changes of composition to the Department's staff that resulted in the delay as you evaluate our request for a waiver.

Sincerely,


Susie H. Hamilton, Secretary
Department of Natural and Cultural Resources

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