REQUEST FOR TECHNICAL CHANGE

AGENCY: NC WILDLIFE RESOURCES COMMISSION

RULE CITATION: 15A NCAC 10C .0305

DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013

***NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*Dana says that you need to strike-through the old rule name and underline the new one, “Black Bass.”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC WILDLIFE RESOURCES COMMISSION

RULE CITATION: 15A NCAC 10C .0311

DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*It seems to me that while “in aggregate” as used in (b) lines 6 and 7 might be correct, the more usual form of this is “in the aggregate.” What do you think about changing it to “in the aggregate?”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC WILDLIFE RESOURCES COMMISSION

RULE CITATION: 15A NCAC 10C .0313

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*The use of “in aggregate” is found in paragraphs (a), (b) and (c).*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC WILDLIFE RESOURCES COMMISSION

RULE CITATION: 15A NCAC 10C .0314

DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*The use of “in aggregate” is found in paragraphs (a), (b) lines 10 and 12, (c) – (g) and (i) page 1 line 36.*

*In (b) it seems to me that the upstream boundary in line 9 should be the state line as it is in (f) unless there is some authority to specify and enforce fishing limits in that portion of Virginia. If that is the case, then there needs to be a reference to that authority in the history note.*

*Please examine the remainder of this rule to determine whether this request applies to any of the other water bodies regulated by this rule.*

*In (g) line 27 it seems to me that “and no” should be “but no.”*

*In that same sentence in (g) line 28 “may” should be “shall.”*

*In (j) page 2 line 6 it seems to me that “Rules” should be lowercase.*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC WILDLIFE RESOURCES COMMISSION

RULE CITATION: 15A NCAC 10C .0315

DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*The use of “in aggregate” is found in paragraph (c) line 9.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC WILDLIFE RESOURCES COMMISSION

RULE CITATION: 15A NCAC 10F .0201

DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (a) line 5 please change “adopts” to “incorporates” or “incorporates by reference. You also need to specify whether the CFR incorporated by reference includes or does not include subsequent amendments. If you have a URL (or some other link?) to the CFR it would be nice to include that as well.*

*In (b) line 12 please make “Flotation Devices” lowercase as it is in the general statutes.*

*This may be a matter of personal preference but it seems to me that instead of subdividing (b)(1) into (A) – (C), in line 14 I would change “one PFD of the following types is on board” to “one Type I, II or III PFD is on board.”*

*I believe that the proper format for line 27 is to indent it to the level of (C), but check with Dana, Julie or Tammara first.*

*Please verify that (b)(4) is not meant to include a Type IV PFD as well as Type V.*

*In (b)(6)(B) I believe the sentence beginning on line 7 with “[m]anually” should actually become (C) of that sub-paragraph. In addition you need to make some changes to the sentence structure of the second sentence. On page 2 lines 9 and 10 please move “with exception of a coxswain, if one is provided” to after “occupants” in line 9. Also when you do make that change delete the comma after “coxswain,”. In that same sub-paragraph lines 11 and 12 I believe it would be better and more correct to move “such as racing shells, rowing sculls, racing canoes and racing kayaks” to after “[m]annually propelled vessels” in line 7. When you are through it should read something like:*

 *Manually propelled vessels such as racing shells, rowing sculls, racing canoes and racing kayaks that are recognized by national and international racing associations for use in competitive racing, that are not designed to carry any equipment not solely for competitive racing, and in which all occupants with [the] exception of a coxswain if one is provided row, scull or paddle, are exempted from the requirements for carriage of any type PFD required under this Paragraph.*

*On further reflection you might even make a further change that might be even better:*

 *Exempted from the requirements under [or ‘of’] this Paragraph for carriage of any type PFD are manually propelled vessels such as racing shells, rowing sculls, racing canoes and racing kayaks that are recognized by national and international racing associations for use in competitive racing, that are not designed to carry any equipment not solely for competitive racing, and in which all occupants with [the] exception of a coxswain if one is provided row, scull or paddle,.*

*In (d) line 32 change “[e]very engine installed in a vessel ... flame control, except outboard motors” to [e]very engine except outboard motors, using gasoline as a fuel and installed in a vessel must be equipped ... flame control.”*

*In (d) line 33 and (e) page 3 line 1 change “meets” to “must [or ‘shall’] meet.” If that is not the meaning then the rule is unclear.*

*In (f)(2) page 3 line 5 change the period after “signal” to a semicolon and add the word “and” with no further punctuation.*

*In (f)(1) and (2) it seems to me that one of the vessels should equal 12 meters.*

*That also would apply to (g)(1) and (2).*

*In (g) page 3 line 8 it seems to me that the comma after “sunrise,” should be deleted.*

*In (g) line 8 it seems to me that “by these Rules” should be changed to “by [or ‘in’] this Paragraph” unless there are other rules that set requirements concerning lights.*

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Joseph J. DeLuca, Jr.

Commission Counsel