

Burgos, Alexander N

Subject: FW: Jordan Game Land & Bear Management Areas - Objection & Leg. Review Letters

Alexander Burgos

Paralegal

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1940

Alexander.burgos@oah.nc.gov

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Sent: Friday, May 20, 2022 2:48 PM

To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>

Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Jordan Game Land & Bear Management Areas - Objection & Leg. Review Letters

Carrie,

I spoke with Ashley and I think this will be easier than I had originally thought.

First, legislative review of 10D .0240 would not happen at this point because the RRC has not approved the rule. Approval is the required trigger for the rule to go to the legislature for review.

Second, it is entirely up to WRC as to when to file the 10D .0200 rules. You are welcome to file for June and if we hit a bump we can extend to July. Or, if you are confident everything will go very smoothly, you can hold on to them and file for July. Filing for June appears to allow for the greatest flexibility, but it is entirely up to WRC.

Third, for the 10D temp/permanent/none issue, I think this is more-straightforward than either of us initially thought. During your extension period, there is a temporary rule in place that contains the substance of the Jordan Game Land rule. That remains in place at least until July before there would be a problem. Because the legislature is in session, we should reach the end of the 30 legislative days before then. We'll know before then what the legislature is going to do and will be able to work with you to figure this out before it becomes a problem of not having rules for the game lands.

I hope this is helpful. We'll get it straight before you end up with any problems.

Although... We have had approximately twenty letters requesting legislative review of all 10C rules come in since this morning. So there's that...

I hope you have a good weekend. We can start working on sorting all of this on Monday.

Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, May 19, 2022 10:51 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>
Subject: RE: Jordan Game Land & Bear Management Areas - Objection & Leg. Review Letters

Thank you Lawrence. A few questions for you:

- Since the period of review has been extended for the 10D rules, how will legislative review of 10D .0240 work? Do you hold that until the RRC approves the rule or send it to the queue now for the long session?
- We have a number of other 10D .0200 rules that were not filed but will need to be reviewed/approved by the RRC when the ones that got the extension are reviewed/approved. Should I file those for the June meeting and request an extension of period of review if necessary at that point or hold them until the July RRC meeting?
- When 10D .0240 goes to queue to await legislative review in the long session, we won't have a Jordan Game Land rule. Because of the way we split the game lands out from 10D .0103 and deleted them from 10D .0103, there will be void until we get that rule back. Because we have a temporary 10D .0103 in place, a permanent version of 10D .0103 at the GA and another version permanent version of 10D .0103 filed, what are our options for retaining or adopting a rule for Jordan Game Land so we have something in place during the 2022-2023 hunting season?

I know this situation is unique and I'm not sure I've adequately explained the questions in this email. Please let me know if you would like to discuss.

Carrie Ruhlman

NC Wildlife Resources Commission
Office of Conservation Policy & Analysis
Mailing Address: 1701 Mail Service Center
Raleigh, North Carolina 27699-1701
Office: 919-707-0011
Cell: 919-606-2241

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, May 18, 2022 11:43 AM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Jordan Game Land & Bear Management Areas - Objection & Leg. Review Letters

Carrie,

As of today, the Rules Review Commission has recently received more than ten letters objecting to and requesting legislative review of 15A NCAC 10D .0240 – Jordan Game Land. Additionally, as I am sure you are aware, the Commission has received *many* more than ten letters objecting to and requesting legislative review of 15A NCAC 10D .0106 – Bear Management Areas. These rules are therefore subject to legislative disapproval pursuant to N.C. Gen. Stat. § 150B-21.3(b2).

If you have any questions, please let me know.

Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: Objection Letter - Rules Review Commission
Attachments: 15A NCAC 10D .0106 - 5.12.2022.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, May 12, 2022 3:55 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Objection Letter - Rules Review Commission

Lawrence

Attached please find revised rule 15A NCAC 10D .0106. Edits have been incorporated in response to the Rules Review Commission's objection. Please let me know if you need anything else.

Carrie Ruhlman

NC Wildlife Resources Commission
Office of Conservation Policy & Analysis
Mailing Address: 1701 Mail Service Center
Raleigh, North Carolina 27699-1701
Office: 919-707-0011
Cell: 919-606-2241

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Friday, April 29, 2022 11:35 AM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Objection Letter - Rules Review Commission

Ms. Ruhlman,

Please see attached letter of objection regarding 15A NCAC 10D .0106.

If you have any questions, please let me know.

Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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Burgos, Alexander N

Subject: FW: Objection Letter - Rules Review Commission
Attachments: 15A NCAC 10D .0106 - 5.5.2022.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, May 5, 2022 4:33 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Objection Letter - Rules Review Commission

Lawrence,

Attached please find revised rule 15A NCAC 10D .0106. In response to the Rules Review Commission's objection, we have clarified the criteria for permit issuance in paragraphs (a) and (c), and cited our authority for managed hunts in the history note. Please let me know if you have any questions or concerns with the proposed edits. Thank you for your assistance.

Carrie Ruhlman

NC Wildlife Resources Commission
Office of Conservation Policy & Analysis
Mailing Address: 1701 Mail Service Center
Raleigh, North Carolina 27699-1701
Office: 919-707-0011
Cell: 919-606-2241

Burgos, Alexander N

From: Duke, Lawrence
Sent: Thursday, May 5, 2022 6:07 PM
To: Ruhlman, Carrie A
Cc: Pekrul, Ashley M; Burgos, Alexander N
Subject: RE: Objection Letter - Rules Review Commission

Thank you, Carrie,

I'm looking into whether this will be sufficient to meet the Commission's previous objection and will be in touch.

Lawrence Duke

Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, May 5, 2022 4:33 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Objection Letter - Rules Review Commission

Lawrence,

Attached please find revised rule 15A NCAC 10D .0106. In response to the Rules Review Commission's objection, we have clarified the criteria for permit issuance in paragraphs (a) and (c), and cited our authority for managed hunts in the history note. Please let me know if you have any questions or concerns with the proposed edits. Thank you for your assistance.

Carrie Ruhlman

NC Wildlife Resources Commission

Office of Conservation Policy & Analysis
Mailing Address: 1701 Mail Service Center
Raleigh, North Carolina 27699-1701
Office: 919-707-0011
Cell: 919-606-2241

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Friday, April 29, 2022 11:35 AM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Objection Letter - Rules Review Commission

Ms. Ruhlman,

Please see attached letter of objection regarding 15A NCAC 10D .0106.

If you have any questions, please let me know.

Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Burgos, Alexander N

From: Duke, Lawrence
Sent: Friday, April 29, 2022 11:35 AM
To: Ruhlman, Carrie A
Cc: Pekrul, Ashley M; Burgos, Alexander N
Subject: Objection Letter - Rules Review Commission
Attachments: 04.2022 - WRC Objection Letter.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Ruhlman,

Please see attached letter of objection regarding 15A NCAC 10D .0106.

If you have any questions, please let me know.

Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0101

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*In Paragraph (a), please remove the comma after "amphibian" on line 5. **done***

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0105

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Subparagraph (a)(1), it reads “as referenced by the Federal frameworks calling for state rules designating these special areas”. Where are these frameworks found? Is this necessary to be included? Please either add specificity to where these frameworks are found or remove.

*In Subparagraph (b)(4), lines 16-17, this same language is used and the comment above applies. **We are required to have these regulations per federal requirements, however this does not need to be specified and we can remove.***

*In Subparagraph (d), please remove the comma after “parts”. **done***

*Also in Subparagraph (d), what type of permit is being referenced? Please add specificity to “permit”. **Permits referenced in (c) – added this***

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0119

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Subparagraph (b)(3), please correct the citation. When citing or referring to a specific Rule, please use the full citation. In this instance, it should be "15A NCAC 10H .1301". **done**

In Paragraph (g), instead of stating "Information required by the applicant shall include", please change to "The application shall include:". **done**

In Paragraph (h), please add an oxford comma after "Golden Eagle Protection Act". **done**

In Part (i)(4)(A) through (C), the first letter of each item of this list should not be capitalized, and each should be followed by a semicolon. Part (B) should be followed by a semicolon and "and". **done**

In Paragraph (m), what does "as he or she deems necessary to the efficient administration of the wildlife conservation statutes and rules." mean? Is this necessary? Please add clarity and specificity or remove. This is not necessary and the statute is noted in the history note. Removed.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0123

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (a), please remove "(s)" from "specimen". If one is prohibited, all are prohibited. done

Also, in Paragraph (a), please add a colon after "of" on line 10. done

In Paragraph (c), please remove each "(s)". done

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10E .0104

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*In the History Note, G.S. 75A-14 is listed as Statutory Authority. This statute has been repealed. Does the Commission still have statutory authority for this Rule? Please remove from the History Note and add any other statute granting this authority. **Removed – other citations allow authority.***

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1301

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (a), please correct the citation. When citing or referring to a specific Rule, please use the full citation. In this instance, it should be "15A NCAC 10B .0119".-done

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1302

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*In Subparagraph (e)(3), please correct the citation. When citing or referring to a specific Rule, please use the full citation. In this instance, it should be "15A NCAC 10B .0119". **done***

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1402

DEADLINE FOR RECEIPT: Thursday, April 14, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*In the lists in both Paragraph (a) and (b), unless an item is a proper noun, it should not be capitalized. Please correct both lists. **done***

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 8, 2022

Burgos, Alexander N

From: Duke, Lawrence
Sent: Thursday, April 14, 2022 1:20 PM
To: Pekrul, Ashley M
Cc: Ruhlman, Carrie A; Burgos, Alexander N
Subject: RE: WRC Rule Submission - RRC

Follow Up Flag: Follow up
Flag Status: Completed

Ashley,

I have had an opportunity to review these corrections. Everything seems to be in order.

Thank you for taking the time to make these corrections.

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>
Sent: Tuesday, April 12, 2022 10:39 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: RE: WRC Rule Submission - RRC

Hi Lawrence,

Please see our attached technical corrections and packet.

Thank you,
Ashley

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Friday, April 8, 2022 11:26 AM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Pekrul, Ashley M <ashley.pekrul@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: WRC Rule Submission - RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Wildlife Resources Commission for the April 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, April 21, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

I have attached my requests for changes. Please submit the revised Rules and forms to me via email, no later than 5:00 p.m. on Thursday, April 14, 2022. In the meantime, please let me know if you have any questions or concerns.

Thanks,

Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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