

## Burgos, Alexander N

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**From:** Ruhlman, Carrie A  
**Sent:** Thursday, July 23, 2026 4:23 PM  
**To:** rrc.comments  
**Cc:** Everett, Jennifer; Miller, Christopher S; Waters, Christian T; Deaton, Shannon L.  
**Subject:** Comments on 15A NCAC 05B Rules  
**Attachments:** NCMiningActRevisions\_RulesReview\_NCWRCComments\_July232026.pdf

Attached please find the NC Wildlife Resources Commission's comments on NC Mining Commission Rules for the July RRC meeting. Please let me know if you have any questions.

Carrie



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## North Carolina Wildlife Resources Commission

M. Kyle Briggs, Executive Director  
July 23, 2026

Rules Review Commission Members,

The NC Wildlife Resources Commission (NCWRC) respectfully submits the following comments on the NC Division of Energy, Mineral, and Land Resources' (NCDEMLR) Mining Act Rules in 15A NCAC Chapter 05B. The NCWRC believes that the proposed changes detailed below are unnecessary and/or ambiguous.

The NCWRC reviews mine permit applications and provides recommendations to minimize impacts on wildlife and their habitats in accordance with G.S. 74-51(d)(2). The NCWRC uses the standards specified in 15A NCAC 05B .0104, .0105 and .0106 as part of this review. The NCWRC submitted public comments to the NCDEMLR during the open public comment period and requested to meet with NCDEMLR staff to discuss and update current practices for minimizing impacts to wildlife and fisheries of the State. However, to date, the agencies have not met and thus, the NCWRC still has the following concerns:

### **15A NCAC 05B .0104**

Under the G.S. 143-214.23, the state delegates protection riparian buffer protection requirements to local governments. These buffers are mapped and regulated by Hydrologic Unit Codes (HUCs), which are USGS-standardized watershed boundaries. To understand exactly how buffer rules apply to a specific project or property, it is crucial to know the exact 12-digit HUC or project address. It is necessary for permit applicants to know this information as it is already required application information for other state and federal permits. For consistency and site-specific review accuracy, this information needs to be required on the mining permit application.

### **15A NCAC 05B .0105**

The proposed changes to 05B .0105 modify the requirement for a natural buffer along streams to “a vegetated buffer when specified in State or local stream protection requirements.” Changing the buffer description from “natural” to “vegetated” is redundant with statute and adds ambiguity to project expectations. The proposed definition of a “vegetated buffer” in 05A .0202—an unexcavated buffer that may be managed through landscaping or additional plantings—does not differentiate between existing forested buffer and grass and non-native vegetation. The change from “natural” to “vegetative” may mimic G.S. 74-51(f) but does not convey the expectations of having natural, native buffers to minimize unduly adverse effects to wildlife, fisheries and water quality.

### **15A NCAC 05B .0106**

By repealing Rule 05B .0106, the Mining Act Rules no longer contain standards by which permits will be reviewed for impacts to wildlife and fisheries. This rule exists to create expectations for the public and removal of these standards not only creates ambiguity but also removes the ability of the agency with subject matter jurisdiction from specifying specific conditions permit review. This rule is

necessary for implementation, as G.S. 74-51(d)(2) does not provide consideration or standards for review or denial.

The NCWRC believes the proposed changes detailed above to Rules 05B .0104, 05B .0105, and 05B .0106, are either unnecessary, introduce ambiguity, and/or are likely to incite confusion amongst project applicants and the agencies responsible for permit review. The NCWRC requests that the RRC not approve amendments to these rules, as submitted, and instead require the NCDEMLR coordinate with the NCWRC to update and clarify requirements.

Thank you for the opportunity to review and comment on these proposed changes. Please contact me at 919-218-1023 or [shannon.deaton@ncwildlife.gov](mailto:shannon.deaton@ncwildlife.gov) if you have additional questions.

Sincerely,



Shannon L. Deaton, P.E., Chief  
Division of Habitat Conservation